

PROVISIONAL RECORD



**INTERNATIONAL LABOUR
CONFERENCE**

**EIGHTY-SECOND SESSION
GENEVA, 1995**

RECORD OF PROCEEDINGS

**INTERNATIONAL LABOUR OFFICE
GENEVA**

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PREFACE

The 82nd Session of the General Conference of the International Labour Organization was held in Geneva from 6 to 22 June 1995.

The agenda of the Conference was as follows:

Standing items

- I. Reports of the Chairman of the Governing Body and of the Director-General.
- II. Programme and budget 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 mines (*second discussion*).
- V. Home work (*first discussion*).
- VI. Extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector (*single discussion*).

The contents of the present volume constitute the *Record of Proceedings* of the 82nd Session of the Conference in its final form. They are presented in the following order:

- a detailed table of contents;
- the *Provisional Record*, Nos. 1-27;
- a list of corrigenda to the *Provisional Record* communicated in conformity with article 23, paragraph 3, of the Standing Orders;
- the authentic texts of instruments adopted by the Conference;
- the resolutions adopted by the Conference;
- the revised list of delegations (including all corrections received within the time-limits specified in the Standing Orders);
- an index of speakers in plenary sitting.

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*Delegations and speakers**Delegations:*

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Observers	0
Representatives of the United Nations, Specialized Agencies and other official international organizations	0
Representatives of non-governmental international organizations	0
Liberation movement	0
Officers of the Conference, the Committees and the groups	0
Chairman of the Governing Body of the International Labour Office	0
Secretariat-General of the Conference	0
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Provisional Record

Eighty-second Session, Geneva, 1995

Note for the delegates

The Secretary-General of the Conference presents his compliments to the delegates and submits for their information the following note concerning the work of the Conference, dealing with:

- A. Material arrangements.
- B. Procedure.
- C. Subjects to be discussed by the Conference.
- D. Entertainment during the Conference.

A. Material arrangements

Place of meeting

The necessary information concerning the place of meeting, including the location of rooms, offices and services, is contained in the *Guide for Delegates*, which will be supplied by the Distribution Service (in the entrance hall) to members of delegations.

In the interests of the smooth running of the Conference, delegates are requested to read the *Guide* carefully and keep it for reference.

The main entrance to the Conference premises at the Palais des Nations is situated on the floor below the Assembly Hall, and members of delegations will enter by the door on the right-hand side of the Assembly block (Door No. 13).

Duration of meeting

The Conference will open on Tuesday, 6 June 1995, at 11 a.m., and is expected to continue until 23 June.

Registration of delegations – Quorum

On entering the Conference premises, delegates who have not already sent their registration forms should, if necessary, obtain such forms at the Information Desk and hand them in without delay to the Information Desk duly completed and signed.

The quorum is determined by the Credentials Committee on the basis of the number of delegates registered. It is therefore important that accredited delegates attending the Conference should register personally without delay, in order that the quorum may, from the beginning of the session, accurately reflect the composition of the Conference.

The information asked for on the registration form will also be required by the Secretariat of the Conference for the purpose of arranging for the distribution of documents, letters, invitations, etc., during the session and for the delivery of documents that have to be forwarded to members of delegations after the Conference is over. All members of dele-

gations, in whatever capacity they are attending the Conference, and observers are therefore asked to give the required information on the registration form supplied to them.

Identification cards (coded badges)

The identification cards issued to members of delegations upon their registration will be coded badges to be used for the purposes of voting, which will be conducted electronically (see section entitled “Electronic voting system”).

In this connection, delegations may wish to note that members duly authorized to vote on behalf of titular delegates, either for the entire duration of the session or for a specific vote, must use their own badges for this purpose.

Participants are requested to note that strict security measures will be enforced at the entrances to the Conference premises and the Assembly Hall. The ushers on duty will ask them to produce their identification cards. Members of delegations and observers not already in possession of their identification cards should apply for them without delay to the Information Desk.

Seating arrangements for plenary sittings

Delegations of member States represented at the Conference will be accommodated as usual on the floor of the Assembly Hall and seated in the French alphabetical order of countries. Owing to the fact that the number of seats available on the floor of the Hall is barely sufficient to accommodate the delegations of member States, observers of non-member States and representatives of intergovernmental and non-governmental organizations may of necessity have to be accommodated in the fifth-floor galleries of the Assembly Hall.

List of members of delegations

A trilingual provisional list of members of delegations is distributed in time for the opening of the session. This list gives, in French alphabetical order of countries, the names and designations of the delegates and advisers as indicated in the official credentials and the names of representatives of the United Nations, specialized agencies and other official international organizations and the names of representatives or registered observers of non-governmental international organizations. A revised provisional list and a final list of members of delegations will be issued subsequently.

Programme of meetings and Daily Bulletin

Delegates may obtain information concerning the programme of the following morning's meetings by dialling the following telephone numbers each evening after 10 p.m.

English:	917 69 82
French:	917 69 83
Spanish:	917 68 44

The complete programme for each day will be published in the *Daily Bulletin*, which will be available at the Distribution Service from 8 a.m.

The programme of meetings will also be posted up on special notice-boards in the entrance hall of the Palais des Nations and on Floor R.3 (near the delegates' bar) of the ILO building.

No room, whether in the Palais des Nations or in the ILO building, may be used for meetings without prior authorization of the Chief of the Secretariat Services (office A-575, telephone 7-6832 and office A-577, telephone 7-6834).

Provisional Record

A *Provisional Record*, giving reports of all the speeches or interpretations at plenary sittings of the Conference, the texts of committee reports and other official documents of the Conference, is published in English, French and Spanish.

Delegates who wish to have corrections made to the report of their speeches as printed should communicate these to the International Labour Office (Conference Record Service) in writing not later than ten days after the close of the Conference. Such corrections will be published as an addendum to the record of the Conference.

For the sake of economy, the press-run of the *Provisional Record* is limited. Participants in the Conference should therefore keep their copies and refrain from asking for additional copies. As decided by the Conference in 1977, the issues reproducing debates in plenary sitting will appear after an interval which may be of up to two working days during the first part of the Conference. Thereafter, the *Provisional Record* of the plenary sittings of a given day will be distributed one and a half days later, during the afternoon of the following day.

Electronic voting system

Votes during plenary sittings of the Conference will be taken by means of the electronic voting system.

The electronic voting system may be used for the three types of voting procedures provided for in the Standing Orders of the Conference: by show of hands, by a record vote and by secret ballot. The "voting stations" made available to delegates or persons empowered to vote on their behalf are equipped with a screen and a keyboard. The coded badge issued to them upon registration makes it possible to operate the voting station. When inserted into the voting station, it identifies the person voting and indicates the language used by this person.

When a vote is to be held, the subject to be voted on as well as the method of voting (show of hands, record vote or secret ballot) are displayed on the screen of the voting station. Instructions regarding

the next steps to be taken will also appear on the screen.

Vote by show of hands: It should be noted first of all that this type of vote will, strictly speaking, no longer be "by show of hands", but will differ from a record vote in that no record will be published as to how each delegate voted. Once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Record vote: Once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

Secret ballot: Once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes: each voting station will be equipped with a plastic cover in order to ensure the secrecy of the vote and there will be no record of how the delegates have voted.

In all three cases it is important that delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case and that these persons use their own badges. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by the delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. A standard form for this purpose will, as in previous years, be at the disposal of delegates at the Information Desk which is situated in the entrance hall of the Assembly Building. Delegates may also obtain these forms at the Secretariat of the Credentials Committee or at the office of the Clerk of the Conference. **These specific authorizations, which were formerly handed in to the Clerk's office, must henceforth be submitted to the Credentials Committee Secretariat preferably the day before the vote and, in any event, at least one hour before voting begins.**

The names of titular and deputy Government members of Conference *committees* should be communicated to the Clerk's office in order to allow those members to express their vote in committees.

An information session to familiarize delegates with the functioning of the electronic voting system will be organized at the beginning of the Conference. The time, date and place of this session will be announced in the *Daily Bulletin*.

B. Procedure

The procedure of the Conference is governed by the Constitution of the Organization and by the Standing Orders, which are reproduced in the

publication entitled *Constitution of the International Labour Organization and Standing Orders of the International Labour Conference* (obtainable from the Distribution Service). The following brief outline of the procedure may be helpful to members of delegations.

Group meetings

The Government, Employers' and Workers' groups will meet separately on the eve of the official opening of the Conference, to elect their own officers. They will make proposals for the nomination of the three Vice-Presidents of the Conference, as well as for the nomination of the members of the Selection Committee, the Credentials Committee and of the various committees which will be constituted by the Conference. Only accredited delegates and their advisers may be so nominated. Information concerning the manner in which these nominations should be made is given to each group during its meeting.

Opening

On the first day the Conference meets in plenary sitting. The session is opened by the Chairman of the Governing Body of the International Labour Office. The Conference will then elect its President and nominate its three Vice-Presidents. In accordance with paragraph 3 of article 25 of the Standing Orders, at its first plenary sitting the Conference will also establish various committees and appoint their members on the basis of proposals made by the groups. The general debate in plenary sitting will begin at 3 p.m. on the same day and the Selection Committee will meet at 6 p.m.

Plenary sittings

The times of the plenary sittings are shown in the *Daily Bulletin* and on the notice-boards.

The attention of delegates is called to the resolution concerning freedom of speech of non-governmental delegates to ILO meetings, which was adopted by the International Labour Conference at its 54th Session (June 1970). In this resolution the Conference affirms the importance it attaches to the application of article 40 of the Constitution in such manner that the right of Employers' and Workers' delegates to the Conference to express themselves freely on questions within the competence of the ILO is completely safeguarded.

Committee meetings

The committees will begin their work on Wednesday, 7 June, in the morning preceded by group meetings on Tuesday, 6 June, in the afternoon.

The time and place at which the various committees will meet will be announced in the *Daily Bulletin* and on the notice-boards.

The procedure of committees is governed by Section H of the Standing Orders of the Conference, the text of which is contained in the publication entitled *Constitution of the International Labour Organization and Standing Orders of the International Labour Conference*.

In committees dealing with the items on the agenda, equal representation is given to the three

groups in the Conference – Government, Employers and Workers. This is achieved by a weighting system.

At its first sitting each committee elects a Chairman. It also elects two Vice-Chairmen, chosen one from each of the other groups. The Reporter and Drafting Committee are also appointed, either at the beginning or at a later stage of the committee's work. Separate meetings of the Government, Employers' and Workers' members of the committee may be held. As far as possible these meetings are announced in the *Daily Bulletin* and on the notice-boards but, to ensure that they are informed, members of committees should keep in touch with the Officers of their group.

Members of delegations wishing to speak at committee meetings should send their names up to the Chairman or secretariat of the committee (especially at the early meetings; it is desirable to send up names instead of merely "catching the eye" of the Chairman). Speakers are called on in the order in which their names are received. All speeches made in English, French or Spanish will be interpreted into the other two languages; interpretation *inter alia* from and into Arabic, Chinese, German and Russian is also given as required.

The work of committee secretariats is facilitated if members always sit in the same places.

Amendments to proposals before a committee must be handed in to the secretariat of the committee in writing.

In the interest of smooth and speedy working, members of committees are requested to make their speeches as brief as possible.

Members of committees who are not already in possession of the reports under discussion by their committee can obtain copies from the Distribution Service. Other documents (e.g. amendments) are supplied by the committee secretariat.

Space permitting, the public is admitted to committee meetings, unless a committee decides or the Standing Orders provide otherwise.

Committee reports

The report of each committee is prepared by the Reporter and submitted in draft in the first instance to the officers of the committee and then to the committee itself. With the approval of the report the committee's work comes to an end. The report is then published in the *Provisional Record* and is considered by the Conference in plenary sitting; the time is announced in the *Daily Bulletin* and on the notice-boards. Amendments to the committee's proposals for consideration by the Conference must be given in writing to the Clerk of the Conference. In the case of a proposed Convention or Recommendation, after the committee's proposals and any amendments thereto have been discussed and voted on by the Conference in plenary sitting, the text is referred to the Drafting Committee of the Conference to be put into final form. The text prepared by the Drafting Committee is then published in the *Provisional Record* and the final record vote is taken in plenary sitting at a time which is announced in the *Daily Bulletin* and on the notice-boards.

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Members of delegations who are in any doubt or difficulty should not hesitate to apply to the officers of their group or to the secretariat of the committee.

C. Subjects to be discussed by the Conference

Agenda

Standing items

- I. Report of the Chairman of the Governing Body and report of the Director-General.
- II. Programme and budget 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 mines (*second discussion*).
- V. Home work (*first discussion*).
- VI. Extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector (*single discussion*).

With regard to the second item on the agenda, the Conference will be called upon to examine Report II: *Draft programme and budget for 1996-97 and other financial questions*, as well as any further related matters that may be brought to its attention by the Governing Body.

Discussion of the report of the Chairman of the Governing Body and of the report of the Director-General

In accordance with article 12 of its Standing Orders, the Conference will discuss a report on the work of the Governing Body of the International Labour Office which will be presented by its Chairman. A report by the Director-General of the Office is also submitted to the Conference: this report is entitled *Promoting employment*.

The discussion of the report of the Chairman of the Governing Body and of the Director-General's report will begin in the afternoon of Tuesday, 6 June. In order to ensure the smooth working of the Conference it is most desirable that a number of speakers should be prepared to speak early in the discussion.

Delegates who wish to take part in the discussion are requested to give their names to the office of the Clerk of the Conference (room A-571, telephone 7-6828) as early as possible and in any event before the closing day for the list of speakers which will be fixed by the Selection Committee at its first sitting. They are requested to hand in eight copies of their speeches for the use of the interpreters and the Conference Record Service. A ninth copy is requested from delegates who wish their speeches to be made available to the press and radio.

Time-limit for speeches

Article 14, paragraph 6, of the Conference Standing Orders sets at *ten minutes* the time-limit of speeches in the discussion of the reports of the Governing Body and of the Director-General.

Ministers attending the Conference and delegates who wish to take part in that discussion will certainly wish to bear this provision in mind so as to avoid the risk of being asked by the President to resume their seats before they have concluded.

Other business

Standing Orders. The Conference will have before it proposals for the amendment of its Standing Orders submitted by the Governing Body of the International Labour Office. The text of the proposals appears in the *Provisional Record*, No. 1.

D. Entertainment during the Conference

Before deciding on a date and making arrangements for receptions, delegates should contact the Protocol Service (room A-525, telephone 7-6862), which will be pleased to help with any necessary information and advice.



Standing Orders questions

Note concerning Standing Orders questions placed by the Governing Body of the International Labour Office before the Conference at its 82nd Session

I. AMENDMENTS TO THE STANDING ORDERS OF THE INTERNATIONAL LABOUR CONFERENCE

1. The Governing Body has referred to the Conference two sets of proposed amendments to the Standing Orders of the International Labour Conference, the first dealing with the use of electronic voting at the Conference and the second with the composition of the Governing Body pending entry into force of the 1986 Amendment to the Constitution of the ILO.

A. Electronic voting at the International Labour Conference

2. Electronic voting has been used, on an ad hoc basis, in the plenary of the International Labour Conference since its 80th Session. At its 262nd Session (March-April 1995), the Governing Body reviewed an assessment by the Office of the electronic voting system from the angles of its practical viability, financial impact, potentials for extension and the possible codification of its use in the Standing Orders of the Conference (GB.262/LILS/1). The Office had noted that using the system for votes in plenary offered the triple advantage of speed, reliability and immediate results. It had also pointed out that the system formed part of the global Conference management system, which had achieved savings.

3. Amending the Standing Orders of the Conference to reflect the use of electronic voting would mean that the Selection Committee would no longer have to approve its use on an ad hoc basis every year. For the convenience of delegates, however, a more detailed description of the system would continue to be appended to the First Report of the Selection Committee.

4. There was general consensus in the Governing Body on amending the Standing Orders to take account of the use of electronic means in addition to the normal methods of voting (GB.262/9/1). It was understood that the system should at present be used only for votes in plenary, and would be available for any of the electoral colleges which so wished (at present the government electoral college) for the election of the members of the Governing Body and the vote to determine the order of priority for the consideration of resolutions by the Resolutions Com-

mittee. It was noted that only votes in plenary were to occur at the 82nd Session of the Conference. No decision was needed at this time on the possible extension of the system to technical committees. The Governing Body thus recommended that the Conference adopt the following amendment to add two new paragraphs to article 19 ("Methods of voting") of its Standing Orders:

"15. Unless the Officers otherwise decide in special circumstances, the Conference shall vote by electronic means.

16. When the Conference votes by electronic means, paragraphs 7 and 12 above¹ shall not apply. In the case of a vote by show of hands, the individual votes cast by the delegates shall be accessible during the sitting at which the vote is taken, but only the final result of the vote shall be announced and recorded. In the case of a record vote, the individual votes cast by the delegates shall be recorded and published and the final result of the vote shall be announced and recorded. In the case of a vote by secret ballot, the individual votes cast by the delegates shall in no case be recorded or accessible and only the final result of the vote shall be announced and recorded."

B. Interim proposals concerning the composition of the Governing Body pending the entry into force of the Instrument for the Amendment of the Constitution of the ILO, 1986

5. Following a suggestion made at the 259th Session of the Governing Body (March 1994) by the Employers' group spokesperson, the Governing Body examined at its 261st Session (November 1994) possible proposals to increase of its membership pending the entry into force of the amendment of the ILO Constitution adopted in 1986 (see GB.261/5/18). As an interim measure, the Governing Body decided to recommend a change in the Standing Orders of the Conference that would add ten deputy seats to the government group, so that the total number of members in that group (56) would be the same as provided for under the amendment. The distribution among the various regions of the 56 regular and deputy seats to be available to the government electoral college would be made in such a way that the total number of regular and deputy seats available to each region would correspond to what is foreseen in the

¹ These paragraphs read as follows:

"7. Record votes shall be taken by calling upon each delegation voting in turn in the French alphabetical order of the names of the Members of the International Labour Organization. A further and final call shall immediately be made, in the same alphabetical order, of delegates who did not respond to the first call.

12. Votes by secret ballot shall be counted by the Secretariat under the direction of three returning officers nominated respectively by the Government, Employers' and Workers' groups."

constitutional amendment. The number of deputy members would be increased by five for the employers' group and five for the workers' group.

6. Proposals to make these increases have been examined by two Governing Body Committees: the Committee on Legal Issues and International Labour Standards at the 261st Session in November 1994 (see GB.261/LILS/1/2 and GB.261/5/18) and the Programme, Financial and Administrative Committee at the 262nd Session in March 1995 (GB.262/PFA/9). After examining a preliminary estimate of the additional travel and subsistence expenses for additional deputy members, the Committee on Legal Issues and International Labour Standards of the Governing Body noted that the costs were outweighed by the need to properly reflect new political and economic realities in the structure of the Organization.

7. On the recommendation of its Programme, Financial and Administrative Committee, the Governing Body has included expenditures (US\$225,000) for an increased number of deputy members in the proposed programme and budget it has presented to the current session of the Conference (GB.262/9, para. 20.2). Accordingly, the Governing Body submits for adoption by the Conference the following proposed amendments to two of the three figures appearing in Article 49, paragraph 4, and Article 50, paragraph 2, of the Standing Orders of the International Labour Conference:²

Article 49, paragraph 4: The Government electoral college shall also select [18] 28 other Members of the Organization, the governments of which shall be entitled to appoint deputy Government members of the Governing Body.

Article 50, paragraph 2: The Employers' and Workers' electoral colleges shall each elect by name 14 persons as regular members of the Governing Body and [14] 19 persons as deputy members of the Governing Body.

8. In approving this amendment, the Conference should take note that the ballot papers for the Government electoral college will have to be drawn up and dealt with by it in such manner as to guarantee an overall distribution of regular and deputy seats among the regions corresponding to that envisaged in the Instrument for the Amendment of the Constitution of the ILO, 1986.

II. DEROGATION FROM THE STANDING ORDERS FOR THE NEXT MARITIME SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

9. Maritime Sessions of the Conference are governed by the Standing Orders of the International Labour Conference, subject to the reservations that are reproduced at the end of the Standing Orders in the form of a *Note for Maritime Sessions of the International Labour Conference*. In deciding to hold a Maritime Session of the Conference in January 1996 (see GB.262/3), the Governing Body determined that several adjustments were needed in the plan of work and organization of that Session (see GB.262/15/4).

The financial implications of holding a Maritime Session were based on the assumption that these adjustments would be made (see GB.262/PFA/6). The Governing Body has therefore proposed these measures: (i) to forgo reports from the Chairman of the Governing Body and from the Director-General, (ii) to reassign to the officers of the Maritime Session of the Conference duties that the Selection Committee would normally perform and (iii) to change the deadline ordinarily applicable to the deposit of resolutions and credentials.³ Since some of these steps involve preparations for the Conference, they need to be provided for in advance of the Maritime Session.

10. The Governing Body has accordingly recommended submission of the following resolution to the Conference for adoption at its 82nd Session:

Draft resolution concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session

The General Conference of the International Labour Organization,

Noting the proposal to hold a special maritime session of the Conference from 9 to 23 January 1996,

Noting also that a number of adjustments need to be made to the plan of work and to the organization of proceedings at that session so as to enable it, despite the short amount of time still available and the limited duration of the maritime session, to complete its work in an efficient manner;

Decides that the following modifications of the Standing Orders of the Conference, as supplemented by the *Note for Maritime Sessions of the International Labour Conference*, shall apply to its 83rd (Maritime) Session, without prejudice to any measures which that session may have to take in accordance with article 76 of its Standing Orders:

- at the 83rd (Maritime) Session of the Conference, the Selection Committee foreseen in article 4 and in article 25, paragraph 4, of the Standing Orders shall not be constituted: the duties normally assigned to the Selection Committee in accordance with those and other relevant provisions of the Standing Orders and with usual practice shall be assigned to the Officers of the Conference, on the understanding that it shall be for the Conference itself, at the opening of its 83rd (Maritime) Session: (i) to confer on its Officers the powers necessary to enable them to take decisions on its behalf concerning the composition of committees as well as any other uncontroversial decision relating to the organization of its proceedings or the functioning of the session; (ii) to specify the conditions governing this delegation of authority (majority necessary for decisions and publication of decisions in an appropriate manner);
- article 12 of the Standing Orders (reports of the Chairman of the Governing Body and of the Director-General) shall not apply to the 83rd (Maritime) Session of the Conference;
- the deadline for the deposit of resolutions specified in article 17, paragraph 1, of the Standing Orders shall be modified to provide that only draft resolutions deposited with the Director-General of the International Labour Office by a delegate to the Conference by midnight, 11 December 1995, at the latest may be moved to the 83rd (Maritime) Session of the Conference;
- article 26, paragraph 1, of the Standing Orders shall be so modified as to require that the credentials of del-

² Figures proposed for deletion appear in square brackets; proposed insertions are in italics.

³ The proposed new deadline is 11 December 1995, which falls on a Monday.

egates to the 83rd (Maritime) Session of the Conference and their advisers be deposited with the International Labour Office by midnight, 11 December 1995, at the latest."

III. FIFTH EUROPEAN REGIONAL CONFERENCE: PROCEDURES

11. At its 252nd Session (February-March 1992) the Governing Body approved a number of reforms in the procedure of regional conferences, based on the conclusions drawn from the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference regarding the timetable and procedures. On the proposal of the Governing Body, the Conference, at its 79th (1992) and 80th (1993) Sessions, accordingly adopted resolutions providing for an interim procedural reform concerning respectively the Thirteenth Conference of American States Members of the ILO and the Eighth African Regional Conference. At its 261st Session (November 1994, GB.261/14/17), the Governing Body decided to recommend that the Conference adopt at its 82nd Session the following draft resolution, which is identical to those adopted for the two most recent Regional Conferences, in order to authorize the Fifth European Regional Conference to follow the same simplified procedure:

"The General Conference of the International Labour Organization,

Recalling that, in the light of the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference, the Thirteenth Conference of American States Members of the ILO and the Eighth African Regional Conference to reduce the length and cost of regional conferences, the Governing Body has decided that it is necessary to continue the experimental procedure for the Fifth European Regional Conference and that, pending revision of the Rules concerning the Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organization, authority should be given to the said Conference to derogate from them, as required, to implement these changes on an experimental basis before deciding on a revision of the above-mentioned Rules;

Hereby authorizes the Fifth European Regional Conference, by way of derogation from the applicable Rules -

- (a) to consider the business carried out at preliminary group meetings preceding the formal opening of the Conference as having been carried out in official group meetings;
- (b) to dispense with the appointment of a Selection Committee and entrust its functions (except in respect of resolutions for which a Resolutions Committee may be appointed under article 13, paragraph 3, of the Rules) to the Officers of the Conference;
- (c) to limit the composition of the Resolutions Committee to not more than five members from each group;
- (d) to authorize, in case of need, any drafting subcommittee or other subsidiary body set up by a committee of the Conference to report direct to the plenary of the Conference instead of through the Committee;
- (e) to suspend the requirement that reports concerning technical items on the agenda be dispatched by the Office so as to reach governments at least three months before the opening of the Conference if any such report is included in a single volume with the other reports of the Director-General, which would thus be required to reach governments two months beforehand;
- (f) to reduce the time-limit on addresses to the Conference from 15 to ten minutes."

12. The Standing Orders Committee may accordingly wish to recommend to the Conference that it:

- (a) adopt new paragraphs 15 and 16 to be added to Article 19 of the Standing Orders of the International Labour Conference, as indicated in paragraph 4 above;
- (b) adopt the new figures indicated in paragraph 7 above for insertion in paragraph 4 of Article 49 and paragraph 2 of Article 50 of the Standing Orders of the International Labour Conference with and take note of the need for the government electoral college to make appropriate arrangements with respect to the ballot as indicated in paragraph 8 above;
- (c) adopt the resolution set forth in paragraph 10, relating to a derogation from the Standing Orders applicable to the next Maritime Session of the International Labour Conference; and
- (d) adopt the resolution set forth in paragraph 11 concerning procedures for the Fifth European Regional Conference.



Provisional Record

Eighty-second Session, Geneva, 1995

Report of the Chairman of the Governing Body to the Conference for the year 1994-95

The present report on the work of the Governing Body is submitted to the Conference in accordance with article 14 of the Standing Orders of the Governing Body. It covers the period since the last (June 1994) Session of the Conference, i.e. the Governing Body's 260th (June 1994), 261st (November 1994) and 262nd (March-April 1995) Sessions. This report is somewhat less detailed than in the past, as it focuses only on the highlights of the Governing Body's year, and does not cover matters that are otherwise before the Conference. The notes at the end of the report provide references to more detailed information on the matters discussed. Those wishing more extensive and detailed information on the work of the Governing Body as a whole are invited to consult the Records of Decisions of the Governing Body's sessions, the minutes of its proceedings, or the documents submitted to its committees and to the Governing Body itself.

WORLD SUMMIT FOR SOCIAL DEVELOPMENT

Quite clearly the most significant event of the previous year in the United Nations system and for the international community as a whole as regards social affairs was the World Summit for Social Development, held in Copenhagen in March.¹ The ILO was closely involved in preparations for the Summit: it submitted papers to the Preparatory Committee meeting, including a paper entitled *Towards full employment*, which had been reviewed at the International Labour Conference last year by the Informal Tripartite Meeting at the Ministerial Level on Employment. The Governing Body adopted two statements concerning the World Summit for Social Development, as well as a list of points for inclusion in the draft Declaration and Programme of Action, which were also submitted to the Preparatory Committee, together with the resolution concerning the World Summit for Social Development adopted by the International Labour Conference last year.

A tripartite ILO delegation, headed by the Director-General, attended the Summit, which had before it a draft Declaration and a draft Programme of Action which had been elaborated by the Preparatory Committee. These drafts contained texts in parentheses on contentious issues which it had not been possible to resolve during the Preparatory Committee's meeting in January, and which were referred to the Summit for further negotiation.

The Director-General addressed the Summit during the initial general exchange of views on 9 March,

when the theme was "Productive employment and the reduction of unemployment". The Summit's main committee examined and resolved the outstanding issues in the draft texts, and finally the Summit held a meeting of heads of state and of government prior to the adoption of the final texts.

At its 262nd Session, in March, the Governing Body welcomed the recognition given by the Summit to the special role to be played by the ILO, "because of its mandate, its tripartite structure and its expertise", in contributing to the implementation of the Programme of Action in the fields of employment and social development. It requested the Director-General to ensure that the ILO's research, operational and standard-setting activities are closely geared to contributing to the implementation of the Declaration and Programme of Action in the fields of competence of the ILO, in cooperation, where appropriate, with other international organizations; it also requested him to inform the Secretary-General of the ILO's wish that it be fully associated in any monitoring and reporting arrangements on the effect given to the Declaration and Programme of Action in its fields of competence, and to submit to the Governing Body at its 264th Session, in November 1995, detailed proposals concerning the action to be taken by the ILO in giving effect to the Declaration and Programme of Action adopted by the World Summit for Social Development, taking into account any decisions that will have been taken by ECOSOC or any other competent organs of the UN system concerning follow-up on the Summit.

The conclusions of the Summit provided major guidance for the Governing Body's consideration of the Director-General's Programme and Budget proposals for 1996-97.

WORKING PARTY ON THE SOCIAL DIMENSIONS OF THE LIBERALIZATION OF INTERNATIONAL TRADE²

The adoption of the Final Act embodying the results of the Uruguay round of multilateral trade negotiations in Marrakesh prompted many speakers in the general discussion at the Conference last year to raise the issue of the social dimensions of the liberalization of international trade, its implications for the work of the ILO and its potential for economic development. Responsive to those concerns, at its session immediately following last year's Conference the Governing Body decided, at the suggestion of the Director-General, to set up a Working Party on the Social Dimensions of the Liberalization of International Trade, with a mandate to discuss all relevant

aspects of the issue. In order to ensure a full and free discussion of the issues involved, participation in the Working Party was made open to all members of the Governing Body. At both its sessions in the past year the Working Party held extensive discussions on papers prepared by the Office on the subject, which examined various aspects of this broad issue and provided useful background material.

At its 262nd Session, the Working Party considered a set of conclusions, and the Governing Body noted that, at its 264th Session (November 1995), the Committee on Legal Issues and International Labour Standards would resume its discussion concerning the promotion of basic human rights Conventions, and that the Director-General would submit a paper to the Governing Body on the strengthening of the ILO's standards supervisory system. It endorsed the Working Party's recommendation that a paper concerning child labour should be submitted to the Committee on Employment and Social Policy. The Governing Body further agreed that the Working Party would meet again at the Governing Body's 264th Session (November 1995) and continue its discussion.

INTERNATIONAL LABOUR CONFERENCE

Date, place and agenda of a maritime session of the Conference

On the basis of the report of the Tripartite Meeting on Maritime Labour Standards,³ the Governing Body has decided that a maritime session of the Conference shall be held in Geneva from 9 to 23 January 1996, with the following agenda:

1. Revision of the Labour Inspection (Sea) Recommendation, 1926 (No. 28);
2. Revision of the Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109), and Recommendation, 1958 (No. 109);
3. Revision of the Placing of Seamen Convention, 1920 (No. 9);
4. Partial revision of the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147).

In view of the limited duration of the maritime session (15 calendar days), in order to enable it to complete its work in an efficient manner the Governing Body has proposed to the Conference at its present session a set of modifications to the Standing Orders of the Conference to apply to its 83rd (Maritime) Session, which are referred in the first instance to the Standing Orders Committee.⁴

Date, place and agenda of the 1997 session of the Conference

The Governing Body decided that, in addition to the standing items which the Conference would have before it, the following technical items should be placed on the agenda of the 1997 Session of the Conference:

- (a) revision of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96);
- (b) general conditions to stimulate job creation in small and medium-sized enterprises;
- (c) contract labour.

Special sitting

The Governing Body has decided to hold a special sitting of the Conference at its present session to consider the Director-General's Report on the situation of workers of the occupied Arab territories, along the same lines as the special sittings organized at previous sessions of the Conference.⁵ In taking this decision, however, in view of the expected continuing improvement in the situation of the workers of the occupied territories, it was understood that this would be the last occasion on which such a special sitting would be held.

Electronic voting

In view of experience with the new electronic voting system that has been in operation at the Conference since 1993, the Governing Body has recommended to the Conference at its present session an amendment to the Conference Standing Orders to establish rules for the conduct of votes and the publication of the results of different types of votes. These amendments are referred in the first instance to the Conference Standing Orders Committee.

Renovation of the Assembly Hall at the Palais des Nations

The United Nations intends to embark shortly on a programme for the renovation of this Assembly Hall, which will inevitably have consequences for the Conference in the future.⁶ This will cause some inconvenience: in particular, for security reasons it will no longer be possible to accommodate all the national delegations in the body of the Assembly Hall, and some will inevitably have to sit in the galleries on a rotating basis, for which purpose lifts will be installed. Nevertheless, after a thorough examination of the question and of alternative solutions, the Governing Body decided that the Conference should continue to meet here in the Palais des Nations, despite the space and safety constraints that will apply as from next year.

INTERIM PROPOSALS CONCERNING THE COMPOSITION OF THE GOVERNING BODY PENDING THE ENTRY INTO FORCE OF THE INSTRUMENT FOR THE AMENDMENT OF THE CONSTITUTION OF THE ILO, 1986

In view of the possibility that the Instrument for the Amendment of the Constitution of the ILO will not have come into force by the time the next elections to the Governing Body are held at the Conference in June 1996, the Governing Body has submitted to the Conference at its present session proposals for amendments to the Standing Orders of the Conference to allow for an increase in the composition of the Governing Body.⁷

INTERNATIONAL LABOUR STANDARDS

Follow-up on the discussions concerning international labour standards at the 81st Session (1994) of the International Labour Conference

In response to the resolution concerning the 75th anniversary of the ILO and its future orientation, adopted by the Conference last year, and the Confer-

ence discussion of the Director-General's report to that session of the Conference,⁸ in November the Governing Body examined a paper⁹ prepared by the Office covering the issues and questions raised in discussions at the Conference with a view to adapting the ILO's working practices and methods in the area of standard setting. The paper discussed, inter alia, the role of standard setting, prospects for new standards, the revision of existing ones, adoption procedures, problems of ratification, evaluation of their effectiveness, possibilities for consolidation, and ways of enhancing the supervisory system.

After reviewing that paper, the Governing Body requested, and examined at its 262nd Session, two papers on standard-setting policy, dealing respectively with the revision of international labour standards¹⁰ and the promotion of basic human rights Conventions.¹¹

An extensive and detailed discussion followed in the Governing Body's Committee on Legal Issues and International Labour Standards, which culminated in the Committee's establishing a Working Party, which will meet for the first time in November 1995 with a mandate to examine the questions raised in the Office paper on the revision of standards. The Committee was unable to complete its work on the paper concerning the promotion of basic human rights Conventions, to which it will now return in November, when the Director-General will also submit a paper to the Governing Body itself on the strengthening of the ILO's standards supervisory system.

Freedom of association

The Governing Body was deeply saddened this year by the death of Professor Roberto Ago, who had chaired its Committee on Freedom of Association without interruption since 1961. To replace him as independent Chairman of the Committee on Freedom of Association, the Governing Body has appointed Professor Max Rood, Professor of Labour Law at the University of Leyden in the Netherlands, who is known to many Conference delegates as an active member and former Chairman of the Conference Committee on the Application of Standards. The Committee on Freedom of Association itself continued to register a high number of complaints dealing with complex industrial relations and human rights issues, and its workload has remained heavy.¹²

Constitutional procedures

During the past year the Governing Body has received a large number of representations submitted by industrial associations under article 24 of the ILO Constitution. In November it declared receivable and established committees to deal with seven such representations, concerning Congo, Costa Rica, France, Nicaragua, Paraguay, Peru and Uruguay; it referred to its Committee on Freedom of Association a representation concerning Turkey. The Governing Body also took a number of decisions regarding a representation alleging the non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29), which had been referred to a tripartite committee of its members. The Governing Body urged the Government of Myanmar to amend its labour legislation, to repeal the power to impose com-

pulsory labour and to punish those resorting to coercion in the recruitment of labour.¹³

The Governing Body also decided that no further action was necessary on the complaint submitted under article 26 of the ILO Constitution by the Employers' delegate of Sweden at the 78th Session (1991) of the Conference, concerning the observance by Sweden of Conventions Nos. 87, 98 and 147.¹⁴

EMPLOYMENT AND SOCIAL POLICY

The Governing Body's Committee on Employment and Social Policy held discussions in November 1994 on the ILO's role in relation to structural adjustment, further developing its approach to this issue and reviewing recent developments regarding collaboration with the Bretton Woods institutions.¹⁵ At that session it also examined the changing role of women in the economy, its implications for further ILO action, taking into account considerations of efficiency, growth, equity and social justice.¹⁶

The International Conference on Population and Development, held in Cairo in September last year, was also the subject of a report submitted to the Committee on Employment and Social Policy in November.¹⁷ The ILO provided technical input and substantive contributions to the preparatory work of the Conference. The Committee examined the implications for the ILO of the Programme of Action adopted by the Conference, which calls for the application of human rights standards to all aspects of population programmes.

In November the Governing Body also considered the conclusions and recommendations concerning employment, investment and enterprise development policies adopted by the tripartite ILO seminar on the socio-economic implications of the devaluation of the CFA franc for French-speaking African countries, held in Dakar in October 1994 in response to the resolution adopted by the Eighth African Regional Conference.¹⁸ The Governing Body invited the Director-General to bear them in mind in current and future activities and to draw them to the attention of the countries concerned.

In March the Committee's discussions were centred on a second paper concerning industrial relations and employment,¹⁹ which covered the dimension of human resource management and the role of labour market institutions, examining the issues particularly in terms of their impact on the quantity and quality of employment.²⁰

In March the Governing Body also briefly discussed the ILO publication entitled *World Employment 1995*, an abridged version of which is before the Conference as the Report of the Director-General under the title *Promoting employment*.

TECHNICAL COOPERATION

Through its Committee on Technical Cooperation, in November the Governing Body conducted its annual review of ILO technical cooperation during the previous year.²¹ This annual report prepared by the Office examines the salient features of the programme and trends in different regions, reviews the activities themselves and offers an assessment of the outlook for the future.

At that session the ILO's strategy for technical cooperation was also examined by the Governing Body's Committee on Technical Cooperation.²² Taking into account the conclusions concerning the role of the ILO in technical cooperation adopted by the Conference in 1993, the Committee surveyed the changing environment of technical cooperation, especially the changing perceptions and expectations of ILO constituents and donors' changing view of the development agenda. The ILO's strategy on technical cooperation is based on the three guiding principles that technical cooperation should be demand-driven, should aim to promote the ILO's values, and should respond positively to donors' calls for the specialized agencies to become "centres of excellence". The Committee considered ways of improving the ILO's delivery system and pursuing a dynamic resource mobilization strategy. The modality of follow-up on the strategy paper and the review of ILO technical cooperation in general were also discussed.

The Committee also conducted a review of specific ILO technical cooperation projects concerned with the working poor,²³ reviewed developments concerning technical cooperation in the United Nations system,²⁴ and examined progress in the implementation of the active partnership policy and the work of the multidisciplinary teams.²⁵

SECTORAL ACTIVITIES

The Governing Body undertook an evaluation of the Sectoral Activities Programme, based on the findings of a working party of its Committee on Sectoral and Technical Meetings and Related Issues.²⁶ In particular, the Governing Body adopted a new classification of sectors that better reflected economic realities and which were intended as the core of the programme of sectoral activities.²⁷ It took a decision on the structure and functioning of sectoral meetings,²⁸ and requested proposals for a new set of Standing Orders for sectoral meetings to be submitted to its Committee on Legal Issues and International Labour Standards in November.

The Governing Body also took decisions on a number of topics for sectoral meetings to be included in the Programme and Budget proposals for 1996-97.²⁹

REGIONAL CONFERENCES

The Fifth European Regional Conference, to be held in Warsaw in September, will mark the end of the experimental cycle of ILO regional conferences held under the revised arrangements. In November the Governing Body will review the operation of the new arrangements before making a final decision on the revision of the functioning of regional conferences. For this reason, the Governing Body chose only the technical item for inclusion in the agenda of the Twelfth Asian Regional Conference: *Challenges for Asian labour markets and labour administrations for ensuring employment and social protection in the context of structural change*, on the broad understanding that the Conference would focus on the identification of suitable elements and strategies for active labour market policies that promote employment opportunities while ensuring ap-

propriate levels of labour protection and security.³⁰ The other items on its agenda will be decided once the new arrangements have been finalized.

APPOINTMENTS

The Governing Body has during the past year taken note of the appointment of Ms. Katherine Ann Hagen (United States) as Deputy Director-General, and of Mr. Hans Hammar (Sweden) and Mr. Elias Mabere (United Republic of Tanzania) as Assistant Directors-General.

Notes

¹ *Report on the World Summit for Social Development*, GB.262/4. See also papers submitted to the Working Party on the World Summit for Social Development at the Governing Body's 261st Session, and the Working Party's report to the Governing Body at that session (GB.261/10/21).

² *The social dimensions of the liberalization of international trade*, GB.261/WP/1/1; *Record of Proceedings of the Working Party on the Social Dimensions of the Liberalization of International Trade at the Governing Body's 261st Session*, GB.261/WP/SDL/RP; *Preliminary outline for an analysis of the broad patterns of the social aspects of trade liberalization in a global perspective*, GB.262/WP/SDL/Inf.1; *Status of ratification of basic ILO Conventions*, GB.262/WP/SDL/Inf.3; *Overview of the work of other international organizations and bodies concerning the social aspects of the liberalization of international trade*, GB.262/WP/SDL/Inf.4; *Summary presented by the Chairperson*, GB.262/WP/SDL/1/2; *Record of Proceedings of the Working Party on the Social Dimensions of the Liberalization of International Trade at the Governing Body's 262nd Session*, GB.262/WP/SDL/RP (in preparation).

³ *Report of the Tripartite Meeting on Maritime Labour Standards* (Geneva, 28 November-9 December 1994); date, place and agenda of a maritime session of the Conference, GB.262/3.

⁴ See *Standing Orders questions, Provisional Record No. 1*, distributed at the present session of the Conference.

⁵ It being understood that, as a result of the 1993 amendments to the Standing Orders of the Conference, the condition mentioned in paragraph 1(a) of Appendix II to document GB.262/6, according to which no resolution relating to the same subject should be submitted at the same session of the Conference, would, as far as Article 17.1.(1) was concerned, be without object in 1995 since the 82nd Session of the Conference was "a session of the Conference preceding the beginning of a biennial financial period", at which no resolution may be moved under the said provision.

⁶ *Renovation of the Assembly Hall at the Palais des Nations: implications for the International Labour Conference*, GB.261/PFA/6/13; GB.261/4/33, paras. 60-74; GB.262/PFA/7; and GB.262/8/1, paras. 48-60.

⁷ These amendments, which are referred in the first instance to the Standing Orders Committee, provide for 20 additional deputy members: 10 additional deputy Government members, 5 additional Employer, and 5 additional Worker deputy members. The ballot papers for the Government group in 1996 will be drawn up and dealt with by the latter in such a manner as to guarantee an overall distribution of regular and deputy seats among the regions corresponding to that envisaged in the Instrument for the Amendment of the Constitution of the ILO, 1986. See *Standing Orders questions, Provisional Record No. 1*, distributed at the present session of the Conference.

⁸ *Defending values, promoting change: Social justice in a global economy*, International Labour Conference, 81st Session, 1994, Report of the Director-General (Part I).

⁹ *Report and follow-up on the discussions concerning international labour standards at the 81st (1994) Session of the International Labour Conference*, GB.261/LILS/3/1.

¹⁰ *Standard-setting policy: The revision of international labour standards and other related issues*, GB.262/LILS/3.

¹¹ *Standard-setting policy: The promotion of basic human rights Conventions*, GB.262/LILS/4.

¹² *Reports of the Committee on Freedom of Association*: 295th report (GB.261/3/5); 296th Report (Cases Nos. 1594 and 1647 -

Côte d'Ivoire; GB.261/3/6); 297th report (GB.262/7/1); 298th report (Case No. 1612 – Venezuela; GB.262/7/2).

¹³ *Report of the Committee set up to examine the representation alleging the non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29)*, GB.261/13/7.

¹⁴ GB.262/15/2.

¹⁵ *The ILO's role in structural adjustment, including collaboration with the Bretton Woods institutions*, GB.261/ESP/1/1.

¹⁶ *The changing role of women in the economy: employment and social issues*, GB.261/ESP/2/2.

¹⁷ *Report on the International Conference on Population and Development*, GB.261/ESP/3/3.

¹⁸ *Tripartite ILO seminar on the socio-economic implications of the devaluation of the CFA franc for French-speaking African countries*, GB.261/ESP/4/4.

¹⁹ *Industrial relations and employment*, GB.262/ESP/1; the first paper on this subject was submitted to the Committee in March 1994 (GB.259/ESP/2/2).

²⁰ At the 262nd Session the Committee on Employment and Social Policy also examined and approved for distribution the reports of the Tripartite Meeting of Experts on the Management of Drug and Alcohol Problems in the Workplace (Geneva, 23-31 January 1995 – GB.262/ESP/2(Rev.)), and of the Tripartite Meeting of Experts on Social Security and Social Protection: Equality of Treatment between Men and Women (Geneva, 21-25 November 1994 – GB.262/ESP/3).

²¹ *ILO technical cooperation in 1993-94*, GB.261/TC/1/1.

²² *ILO strategy for technical cooperation*, GB.261/TC/2/5.

²³ *Review of projects concerned with the working poor*, GB.261/TC/3/4.

²⁴ *Further developments on operational activities in the United Nations system, including principal measures taken by the ILO concerning General Assembly resolution 47/199*, GB.261/TC/4/6.

²⁵ *Progress made in the implementation of the active partnership policy, with special emphasis on the multidisciplinary teams*, GB.261/TC/5/3.

²⁶ *Evaluation of the Sectoral Activities Programme*, GB.262/STM/1.

²⁷ These were: agriculture, plantations and other rural sectors; basic metal production; chemical industries; commerce; construction; education; financial services; other professional

services; food, drink, tobacco; forestry, wood, pulp and paper; health services; hotels, tourism, catering; maritime, ports, fisheries, inland waterways; mechanical and electrical engineering; media, culture, graphical; mining (coal, other mining); oil and gas production, oil refining; postal and other communication services; public service; textiles, clothing, leather, footwear; transport (including civil aviation, railways, road transport); transport equipment manufacture; utilities (water, gas, electricity).

²⁸ GB.262/STM/1, paras. 13-23.

²⁹ These were: *Education*: Improving equality of opportunity for women in education: An ILO plan of action (bipartite with participation of private employers); *Mining*: Social and labour issues in small-scale mines; *Oil and gas production – Oil refining*: Meeting of experts on safety and health management systems in offshore petroleum operations; *Financial services – Professional services*: Breaking through the glass ceiling: Women in management; *Food – Drink – Tobacco*: Safety and health of meat, poultry and fish processing workers; *Public service*: Public sector reform in the context of structural adjustment and transition; *Utilities*: Privatization of public utilities: managing transition; *Media – Culture – Graphical*: Multimedia convergence (as a seminar-type meeting); *Postal and other communication services*: The human resources dimension of structural and regulatory changes and globalization in postal and telecommunication services; *Forestry – Wood – Pulp and paper*: Safety and health in forest work; *Basic metal production*: The iron and steel workforce of the twenty-first century: What it will be like and how it will work; *Mechanical and electrical engineering*: The impact of flexible labour market arrangements based on legislation or collective agreements in the machinery, electrical and electronics industries; *Maritime sector – Ports – Fisheries – Inland waterways*: Safety and health in the fishing industry. The Governing Body also decided that the following meetings should also be included in the programme of sectoral meetings for 1996-97: a tripartite meeting on the globalization of the footwear, textiles and clothing industries; a tripartite meeting on the effects of new technologies on employment and working conditions in the hotel, catering and tourism sector, and a tripartite meeting on improving the conditions of employment and work of agricultural wage workers in the context of economic restructuring.

³⁰ *Proposals for the agenda of the Twelfth Asian Regional Conference*, GB.262/ASMGB/1; *Report of the Advisory Meeting of Governing Body members from Asia*, GB.262/13.

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Provisional Record

Eighty-second Session, Geneva, 1995

Second item on the agenda: Programme and budget proposals and other financial questions

**Further information and proposals submitted
by the Governing Body of the International
Labour Office to the 82nd Session of the Conference**

1. Information concerning the status of collection of member States' contributions is contained in the Appendix to this paper and is provided by the Governing Body in accordance with normal practice.

APPENDIX

STATEMENTS SHOWING THE STATUS OF COLLECTION OF ANNUAL CONTRIBUTIONS AS AT 31 MAY 1995

(in Swiss francs)

I. ASSESSED CONTRIBUTIONS FOR 1995

State (French alphabetical order)	Assessed Contributions for 1995		Amount received or credited to 31 May 1995	Balance due as at 31 May 1995
	%	Amount		
A. States which have paid or been credited with their 1995 contributions in full				
South Africa.....	0.40	1 352 879	1 352 879	—
Albania.....	0.01	33 822	33 822	—
Australia*.....	1.49	5 039 474	5 039 474	—
Austria.....	0.74	2 502 826	2 502 826	—
Bahamas.....	0.02	67 644	67 644	—
Barbados.....	0.01	33 822	33 822	—
Belgium.....	1.04	3 517 485	3 517 485	—
Belize.....	0.01	33 822	33 822	—
Canada*.....	3.07	10 383 346	10 383 346	—
Cyprus.....	0.02	67 644	67 644	—
Denmark.....	0.64	2 164 606	2 164 606	—
Egypt.....	0.07	236 754	236 754	—
Ethiopia.....	0.01	33 822	33 822	—
Fiji.....	0.01	33 822	33 822	—
Finland.....	0.56	1 894 031	1 894 031	—
France.....	5.92	20 022 608	20 022 608	—
Hungary.....	0.18	608 796	608 796	—
India.....	0.35	1 183 769	1 183 769	—
Indonesia*.....	0.16	541 152	541 152	—
Ireland.....	0.18	608 796	608 796	—
Italy.....	4.23	14 306 694	14 306 694	—
Jamaica.....	0.01	33 822	33 822	—
Kuwait.....	0.24	811 727	811 727	—
Luxembourg.....	0.06	202 932	202 932	—
Malta*.....	0.01	33 822	33 822	—
Mauritius*.....	0.01	33 822	33 822	—
Mongolia.....	0.01	33 822	33 822	—
Myanmar*.....	0.01	33 822	33 822	—
Namibia.....	0.01	33 822	33 822	—
Norway.....	0.54	1 826 387	1 826 387	—
New Zealand.....	0.24	811 727	811 727	—
Oman.....	0.03	101 466	101 466	—
Netherlands.....	1.48	5 005 652	5 005 652	—
Poland.....	0.46	1 555 811	1 555 811	—
Portugal.....	0.20	676 440	676 440	—
Romania.....	0.17	574 974	574 974	—
St. Lucia.....	0.01	33 822	33 822	—
San Marino.....	0.01	33 822	33 822	—
Singapore.....	0.12	405 864	405 864	—
Sri Lanka.....	0.01	33 822	33 822	—
Sweden.....	1.09	3 686 595	3 686 595	—
Switzerland.....	1.14	3 855 705	3 855 705	—
Thailand*.....	0.11	372 042	372 042	—
Total — States which have paid or been credited with their 1995 contributions in full.....	25.09	84 859 334	84 859 334	—

* States which paid before 1 January 1995.

I. ASSESSED CONTRIBUTIONS FOR 1995

State (French alphabetical order)	Assessed Contributions for 1995		Amount received or credited to 31 May 1995	Balance due as at 31 May 1995
	%	Amount		

B. States which have paid or been credited with part of their 1995 contributions

Algeria.....	0.16	541 152	11 418	529 734
Germany.....	8.81	29 797 159	15 124 876	14 672 283
Saudi Arabia.....	0.95	3 213 088	77 816	3 135 272
Bangladesh.....	0.01	33 822	449	33 373
Bolivia.....	0.01	33 822	647	33 175
Botswana.....	0.01	33 822	472	33 350
Brazil.....	1.57	5 310 050	57 145	5 252 905
Bulgaria.....	0.13	439 686	136	439 550
Burundi.....	0.01	33 822	669	33 153
Cambodia (1).....	0.01	33 822	21 678	12 144
China.....	0.76	2 570 470	45 186	2 525 284
Colombia.....	0.13	439 686	5 548	434 138
Congo.....	0.01	33 822	105	33 717
Korea, Republic of.....	0.68	2 299 894	26 019	2 273 875
Dominica.....	0.01	33 822	105	33 717
Spain.....	1.95	6 595 285	146 229	6 449 056
Ghana.....	0.01	33 822	546	33 276
Greece.....	0.34	1 149 947	3 430	1 146 517
Iceland.....	0.03	101 466	2 155	99 311
Japan.....	12.28	41 533 384	601 280	40 932 104
Jordan.....	0.01	33 822	724	33 098
Lesotho.....	0.01	33 822	760	33 062
Malaysia.....	0.12	405 864	8 682	397 182
Malawi.....	0.01	33 822	24	33 798
Mali.....	0.01	33 822	267	33 555
Morocco.....	0.03	101 466	1 449	100 017
Mexico.....	0.87	2 942 512	39 059	2 903 453
Mozambique.....	0.01	33 822	28 794	5 028
Nepal.....	0.01	33 822	696	33 126
Nicaragua.....	0.01	33 822	772	33 050
Niger.....	0.01	33 822	14 806	19 016
Uganda.....	0.01	33 822	599	33 223
Pakistan.....	0.06	202 932	21 775	181 157
Panama.....	0.02	67 644	28 480	39 164
Papua New Guinea.....	0.01	33 822	10 492	23 330
Paraguay.....	0.02	67 644	15 297	52 347
Philippines.....	0.07	236 754	3 877	232 877
Qatar.....	0.05	169 110	2 649	166 461
United Kingdom.....	4.95	16 741 877	370 669	16 371 208
Slovakia.....	0.13	439 686	10 460	429 226
Slovenia.....	0.09	304 398	4 826	299 572
Sudan.....	0.01	33 822	694	33 128
Swaziland.....	0.01	33 822	602	33 220
Syrian Arab Republic.....	0.04	135 288	3 122	132 166
Tanzania, United Republic of.....	0.01	33 822	796	33 026
Chad.....	0.01	33 822	1	33 821
Czech Republic.....	0.41	1 386 701	939	1 385 762
Trinidad and Tobago.....	0.05	169 110	110 770	58 340
Tunisia.....	0.03	101 466	28 332	73 134
Turkey.....	0.26	879 371	20 711	858 660
Viet Nam.....	0.01	33 822	281	33 541
Zambia.....	0.01	33 822	11	33 811
Total – States which have paid or been credited with part of their 1995 contributions.....	35.23	119 154 818	16 857 325	102 297 493

(1) See Notes.

I. ASSESSED CONTRIBUTIONS FOR 1995

State (French alphabetical order)	Assessed Contributions for 1995	Amount	Amount received or credited to 31 May 1995	Balance due as at 31 May 1995
	%			
C. States which have made no payment towards their 1995 contributions				
Afghanistan.....	0.01	33 822	-	33 822
Angola.....	0.01	33 822	-	33 822
Antigua and Barbuda.....	0.01	33 822	-	33 822
Argentina.....	0.56	1 894 031	-	1 894 031
Armenia.....	0.13	439 686	-	439 686
Azerbaijan.....	0.22	744 083	-	744 083
Bahrain.....	0.03	101 466	-	101 466
Belarus.....	0.47	1 589 633	-	1 589 633
Benin.....	0.01	33 822	-	33 822
Bosnia and Herzegovina.....	0.04	135 288	-	135 288
Burkina Faso.....	0.01	33 822	-	33 822
Cameroon.....	0.01	33 822	-	33 822
Cape Verde.....	0.01	33 822	-	33 822
Central African Republic.....	0.01	33 822	-	33 822
Chile.....	0.08	270 576	-	270 576
Comoros.....	0.01	33 822	-	33 822
Costa Rica.....	0.01	33 822	-	33 822
Côte d'Ivoire.....	0.02	67 644	-	67 644
Croatia.....	0.13	439 686	-	439 686
Cuba.....	0.09	304 398	-	304 398
Djibouti.....	0.01	33 822	-	33 822
Dominican Republic.....	0.02	67 644	-	67 644
El Salvador.....	0.01	33 822	-	33 822
United Arab Emirates.....	0.21	710 261	-	710 261
Ecuador.....	0.03	101 466	-	101 466
Eritrea.....	0.01	33 822	-	33 822
Estonia.....	0.07	236 754	-	236 754
United States.....	25.00	84 554 937	-	84 554 937
The former Yug. Rep. of Macedonia.....	0.02	67 644	-	67 644
Gabon.....	0.02	67 644	-	67 644
Georgia.....	0.21	710 261	-	710 261
Grenada.....	0.01	33 822	-	33 822
Guatemala.....	0.02	67 644	-	67 644
Guinea.....	0.01	33 822	-	33 822
Equatorial Guinea.....	0.01	33 822	-	33 822
Guinea - Bissau.....	0.01	33 822	-	33 822
Guyana.....	0.01	33 822	-	33 822
Haiti.....	0.01	33 822	-	33 822
Honduras.....	0.01	33 822	-	33 822
Solomon Islands.....	0.01	33 822	-	33 822
Iran, Islamic Republic of.....	0.76	2 570 470	-	2 570 470
Iraq.....	0.13	439 686	-	439 686
Israel.....	0.23	777 905	-	777 905
Kazakhstan.....	0.34	1 149 947	-	1 149 947
Kenya.....	0.01	33 822	-	33 822
Kyrgyzstan.....	0.06	202 932	-	202 932
Lao People's Democratic Republic.....	0.01	33 822	-	33 822
Latvia.....	0.13	439 686	-	439 686
Lebanon.....	0.01	33 822	-	33 822
Liberia.....	0.01	33 822	-	33 822
Libyan Arab Jamahiriya.....	0.24	811 727	-	811 727
Lithuania.....	0.15	507 330	-	507 330
Madagascar.....	0.01	33 822	-	33 822
Mauritania.....	0.01	33 822	-	33 822
Moldova, Republic of.....	0.15	507 330	-	507 330

I. ASSESSED CONTRIBUTIONS FOR 1995

State (French alphabetical order)	Assessed Contributions for 1995		Amount received or credited to 31 May 1995	Balance due as at 31 May 1995
	%	Amount		
C. States which have made no payment towards their 1995 contributions (cont.)				
Nigeria.....	0.20	676 440	—	676 440
Uzbekistan.....	0.25	845 549	—	845 549
Peru.....	0.06	202 932	—	202 932
Russian Federation.....	6.62	22 390 146	—	22 390 146
Rwanda.....	0.01	33 822	—	33 822
Sao Tome and Principe.....	0.01	33 822	—	33 822
Senegal.....	0.01	33 822	—	33 822
Seychelles.....	0.01	33 822	—	33 822
Sierra Leone.....	0.01	33 822	—	33 822
Somalia.....	0.01	33 822	—	33 822
Suriname.....	0.01	33 822	—	33 822
Tajikistan.....	0.05	169 110	—	169 110
Togo.....	0.01	33 822	—	33 822
Turkmenistan.....	0.06	202 932	—	202 932
Ukraine.....	1.84	6 223 243	—	6 223 243
Uruguay.....	0.04	135 288	—	135 288
Venezuela.....	0.48	1 623 455	—	1 623 455
Yemen.....	0.01	33 822	—	33 822
Yugoslavia.....	0.14	473 508	—	473 508
Zaire.....	0.01	33 822	—	33 822
Zimbabwe.....	0.01	33 822	—	33 822
Total — States which have made no payment towards their 1995 contributions.....	39.68	134 205 598	—	134 205 598
Total — Assessed contributions for 1995.....	100.00	338 219 750	101 716 659	236 503 091

II. ARREARS OF CONTRIBUTIONS AND AMOUNTS DUE BY STATES IN RESPECT OF PRIOR PERIODS OF MEMBERSHIP IN THE THE ILO

State (French alphabetical order)	Arrears due as at 1 January 1995	Amount received or credited to 31 May 1995	Balance due as at 31 May 1995	Years partly or fully out- standing
<i>A. States which have arrears of contributions due which are less than the total of their assessed contributions for 1993 and 1994</i>				
Albania.....	6 965	6 965	—	—
Argentina.....	1 758 945	—	1 758 945	1994
Belarus.....	2 533 455	—	2 533 455	1993-94
Benin.....	33 822	33 822	—	—
Bolivia.....	21 610	—	21 610	1994
Bosnia and Herzegovina.....	208 679	—	208 679	1993-94
Botswana.....	9 042	—	9 042	1994
Brazil.....	5 140 310	625 000	4 515 310	1994
Bulgaria.....	139 452	139 450	2	1994
Burkina Faso.....	41 621	—	41 621	1993-94
Cameroon.....	53 140	—	53 140	1993-94
Cape Verde.....	124 866	60 269	64 597	1993-94
Central African Republic.....	36 140	—	36 140	1993-94
Chile.....	222 630	—	222 630	1994
Colombia.....	53 015	—	53 015	1994
Congo.....	53 323	—	53 323	1993-94
Korea, Republic of.....	999 997	—	999 997	1994
Costa Rica.....	123 069	106 941	16 128	1994
Côte d'Ivoire.....	125 484	—	125 484	1992-94
Croatia.....	615 333	—	615 333	1993-94
Cuba.....	834 259	270 906	563 353	1992-94
Dominica.....	61 854	—	61 854	1993-94
El Salvador.....	3 250	—	3 250	1994
United Arab Emirates.....	686 706	686 706	—	—
Ecuador.....	218 202	38 016	180 186	1993-94
Eritrea.....	51 739	51 739	—	—
Estonia.....	560 347	179 650	380 697	1993-94
United States.....	23 446 652	—	23 446 652	1994
Gabon.....	109 296	104 741	4 555	1994
Georgia.....	1 059 385	—	1 059 385	1993-94
Ghana.....	33 822	—	33 822	1994
Greece.....	85 130	—	85 130	1994
Grenada.....	33 822	—	33 822	1994
Guatemala.....	34 165	—	34 165	1994
Guinea.....	97 991	97 991	—	—
Guyana.....	8 803	—	8 803	1994
Honduras.....	1 728	—	1 728	1994
Solomon Islands.....	64 702	—	64 702	1993-94
Iran, Islamic Republic of.....	7 049 658	2 103 426	4 946 232	1993-94
Israel.....	887 002	255 000	632 002	1994
Kazakhstan.....	1 831 970	—	1 831 970	1993-94
Form. Yug. Rep. of Macedonia.....	105 201	—	105 201	1993-94
Lao People's Democratic Republic.....	33 822	—	33 822	1994
Lesotho.....	33 661	—	33 661	1994
Lithuania.....	1 288 460	461 292	827 168	1993-94
Malawi.....	33 780	—	33 780	1994
Mauritania.....	34 023	—	34 023	1993-94
Nepal.....	33 816	—	33 816	1994
Nicaragua.....	4 026	—	4 026	1994
Niger.....	33 640	33 640	—	—
Nigeria.....	932 706	—	932 706	1993-94
Oman.....	93 126	93 126	—	—
Uganda.....	30 899	—	30 899	1994
Pakistan.....	164 661	164 661	—	—
Peru.....	25 612	—	25 612	1994
Romania.....	1 078 431	359 477	718 954	1988-89
Russian Federation.....	39 436 202	5 764 000	33 672 202	1993-94
Seychelles.....	94 115	31 436	62 679	1993-94
Slovakia.....	284 390	284 390	—	—
Suriname.....	60 835	—	60 835	1993-94
Swaziland.....	33 822	33 220	602	1994
Tajikistan.....	184 615	—	184 615	1993-94
Trinidad and Tobago.....	191 837	191 837	—	—

II. ARREARS OF CONTRIBUTIONS AND AMOUNTS DUE BY STATES IN RESPECT OF PRIOR PERIODS OF MEMBERSHIP IN THE THE ILO

State (French alphabetical order)	Arrears due as at 1 January 1995	Amount received or credited to 31 May 1995	Balance due as at 31 May 1995	Years partly or fully out- standing
A. States which have arrears of contributions due which are less than the total of their assessed contributions for 1993 and 1994 (cont.)				
Tunisia.....	133 815	133 815	—	—
Turkmenistan.....	254 099	—	254 099	1993-94
Turkey.....	765 915	539 203	226 712	1994
Ukraine.....	8 309 386	—	8 309 386	1993-94
Uruguay.....	234 470	—	234 470	1992-94
Venezuela.....	1 297 629	—	1 297 629	1994
Zaire.....	42 320	—	42 320	1993-94
Zambia.....	38 233	—	38 233	1993-94
Zimbabwe.....	11 342	—	11 342	1994
Total – States which have arrears of contributions due which are less than the total of their assessed contributions for 1993 and 1994.....	104 760 270	12 850 719	91 909 551	
B. States which have arrears of contributions due that are equal to or greater than the total of their assessed contributions for 1993 and 1994 and which are therefore subject to paragraph 4 of article 13 of the Constitution				
Afghanistan.....	93 558	—	93 558	1991-94
Angola.....	99 727	—	99 727	1991-94
Antigua and Barbuda.....	96 757	—	96 757	1991-94
Armenia.....	888 622	—	888 622	1992-94
Azerbaijan.....	1 864 790	—	1 864 790	1992-94
Cambodia (1).....	541 234	27 062	514 172	1975-94
Comoros.....	372 864	—	372 864	1980-94
Djibouti.....	141 774	—	141 774	1989-94
Dominican Republic.....	1 052 500	—	1 052 500	1970-76 1985-94
Guinea-Bissau.....	108 504	—	108 504	1991-94
Equatorial Guinea.....	223 030	—	223 030	1987-94
Haiti.....	141 804	—	141 804	1990-94
Iraq.....	2 534 361	—	2 534 361	1988-94
Kyrgyzstan.....	533 836	—	533 836	1992-94
Latvia.....	1 079 355	—	1 079 355	1992-94
Liberia.....	96 703	—	96 703	1991-94
Libyan Arab Jamahiriya.....	2 434 788	—	2 434 788	1992-94
Madagascar.....	86 962	—	86 962	1991-94
Moldova, Republic of.....	1 245 677	—	1 245 677	1992-94
Uzbekistan.....	2 081 000	—	2 081 000	1992-94
Paraguay (2).....	935 276	54 213	881 063	1967-90
Poland (3).....	10 282 243	790 942	9 491 301	1982-87
Rwanda.....	113 867	—	113 867	1991-94
Sao Tome and Principe.....	68 999	—	68 999	1992-94
Senegal.....	85 002	—	85 002	1992-94
Sierra Leone.....	334 395	17 767	316 628	1983-94
Somalia.....	206 198	—	206 198	1988-94
Chad (4).....	170 760	—	170 760	1977-82 1993-94
Togo.....	84 707	—	84 707	1992-94
Yemen.....	118 656	27 637	91 019	1991-94
Yugoslavia.....	4 687 564	—	4 687 564	1989-94
Total – States which have arrears of contributions due that are equal to or greater than the total of their assessed contributions for 1993 and 1994 and which are therefore subject to paragraph 4 of article 13 of the Constitution.....	32 805 513	917 621	31 887 892	

II. ARREARS OF CONTRIBUTIONS AND AMOUNTS DUE BY STATES IN RESPECT OF PRIOR PERIODS OF MEMBERSHIP IN THE THE ILO

State (French alphabetical order)	Arrears due as at 1 January 1995	Amount received or credited to 31 May 1995	Balance due as at 31 May 1995	Years partly or fully out- standing
C. <i>States which have amounts due in respect of prior periods of membership in the ILO</i>				
Albania (5).....	123 880	11 262	112 618	1964-67
Paraguay (2).....	245 066	—	245 066	1937
Viet Nam (6).....	158 580	—	158 580	1982-85
Total — States which have amounts due in respect of prior periods of membership in the ILO.....	527 526	11 262	516 264	
Total — Arrears of contributions and amounts due by States in respect of prior periods of membership in the ILO.....	138 093 309	13 779 602	124 313 707	

(1) to (6) See Notes.

Notes

(1) *Cambodia*. These figures result from the application on a provisional basis of an agreement under which Cambodia would settle its arrears of contributions accumulated to the end of 1994 over a period of 20 years, which is being submitted to the current (82nd) session of the International Labour Conference.

(2) *Paraguay*. The International Labour Conference at its 78th (1991) Session approved an arrangement for the settlement by Paraguay of its arrears of contributions accumulated to the end of 1990 and decided that Paraguay should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Paraguay has complied with the terms of its arrangement and has the right to vote. Paraguay also owes 245,066 Swiss francs in respect of contributions to the ILO and other League of Nations organizations for the period prior to 1939. The Conference at its 45th (1961) Session decided that these arrears should be cancelled, such cancellation to become effective on the payment by Paraguay of all its arrears of contributions due since 5 September 1956, the date when Paraguay rejoined the Organization.

(3) *Poland*. The 75th (1988) Session of the International Labour Conference approved an arrangement for the settlement by Poland of its arrears of contributions accumulated to the end of 1987 and decided that Poland should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Poland has complied with the terms of its arrangement and has the right to vote.

(4) *Chad*. The 69th (1983) Session of the International Labour Conference approved an arrangement for the settlement by Chad of its arrears of contributions accumulated to the end of 1982 and also decided that Chad should be permitted to vote in accordance with paragraph 4 of article 13 of the ILO Constitution. Chad failed to comply with the terms of the arrangement in 1993, and lost the right to vote on 1 January 1994.

(5) *Albania*. These figures reflect an arrangement approved by the 81st (1994) Session of the International Labour Conference for the settlement of the amount of 135,142 Swiss francs due in respect of Albania's previous membership of the ILO over a period of 12 years by the payment of 11 equal annual instalments of 11,262 Swiss francs and a final instalment of 11,260 Swiss francs, with the arrangement coming into force as from 1 January 1994, and with the first of the 12 annual instalments being payable in 1994.

(6) *Viet Nam*. These figures reflect an arrangement approved by the 81st (1994) Session of the International Labour Conference for the settlement of the amount of 182,960 Swiss francs due in respect of Viet Nam's previous membership in the ILO over a period of 15 years by the payment of 14 equal annual instalments of 12,190 Swiss francs and a final fifteenth instalment of 12,300 Swiss francs, beginning in 1993.

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Reports of the Selection Committee

First report

1. Election of the Officers of the Committee

The Selection Committee elected its Officers as follows:

Chairman: Mr. K.A. Khan (Government, Pakistan)

Employers' Vice-Chairman: Mr. A. M'Kaissi (Tunisia)

Workers' Vice-Chairman: Mr. W. Brett (United Kingdom).

2. Discussion of the Reports of the Chairman of the Governing Body and the Director-General: closing date for the list of speakers

The Selection Committee has decided that the list of speakers will be closed on Wednesday, 14 June at 12 noon, under the usual conditions.

3. Plan of work of Conference committees

The Selection Committee endorsed a draft plan of work for committees, which would not be binding but would enable them, in organizing their work, to take maximum possible account of the overall needs and possibilities of the Conference. The plan is attached in tabular form for the information of the Conference (Appendix II).

4. Electronic voting at the Conference

A system of electronic voting has been used at the Conference at its last two sessions.

Based on experience at those sessions, the Governing Body is proposing to the Conference at its present session a number of amendments to the Conference Standing Orders to introduce specific rules for the conduct of votes and publication of their results. These amendments are referred in the first instance to the Standing Orders Committee.

Pending a decision by the Conference on the recommendations of the Standing Orders Committee, *the Selection Committee recommends that the Conference decide that, unless the Officers of the Conference otherwise decide for a given question or a given sitting, the different methods of voting set out in article 19 of the Standing Orders shall be implemented in the plenary by means of the electronic system of voting outlined in Appendix I.*

A description of the electronic voting system is attached in Appendix I.

5. Suggestions to facilitate the work of the Conference

(a) *Quorum*

As in previous years, the Selection Committee invites the Conference to confirm the following principles:

- (i) the quorum will be fixed provisionally, on the basis of the credentials received, in the brief report of the Chairman of the Governing Body on the day before the opening of the Conference, which is appended to the record of the first sitting of the Conference. This provisional quorum will remain unchanged until the Credentials Committee determines the quorum on the basis of registrations, it being understood that, if an important vote were to take place in the initial stages of the Conference (once the Credentials Committee has been appointed), the Conference might request the Credentials Committee to determine the quorum in an urgent report;
- (ii) thereafter, the quorum will be adjusted, under the authority of the Credentials Committee, so as to take into account new registrations and notices of departure from delegates leaving the Conference;
- (iii) delegates should register immediately on arrival, since the quorum is calculated on the basis of the number of delegates registered;
- (iv) acceptance of appointment as a delegate implies an obligation to be available in Geneva personally or through an adviser authorised to act as a substitute for the work of the Conference until its end, since important votes often take place on the last day;
- (v) delegates who are nevertheless obliged to leave the Conference before it finishes should give notice of their forthcoming departure to the secretariat of the Conference. (The form provided for indicating their date of departure also enables them to authorise an adviser to act and to vote in their place.) At group meetings held during the second half of the Conference the attention of members of the groups will be drawn to the importance of completing and handing in this form;
- (vi) in addition, one Government delegate of a country may report the departure of the other Government delegate, and the Secretaries of the Employers' and Workers' groups may also give notice of the final departure of members of their groups who have not authorised advisers to act in their place;
- (vii) when a record vote is taken in plenary while committees are sitting, delegates are both entitled and expected to leave committees to vote unless they are replaced by a substitute in plenary. Announcements are made in the committees to ensure that all delegates are aware that a record vote is about to take place. Appropriate arrangements will be made for committees meeting in the ILO building.

(b) *Punctuality*

The Selection Committee recommends the Conference to ask committee chairmen to start proceedings very punctually — except where a technical section has not yet completed its preliminary discussions — irrespective of the number of persons present, but on condition that votes will not be taken unless a quorum is clearly present.

(c) *Negotiations*

In order to facilitate more continuous negotiation in committees between the different groups, representatives of each group should meet with the chairman and reporter of the committee and with the representative of the Secretary-General, whenever this is desirable, to ensure that the leaders of each group know fully the minds of their colleagues in the other groups; normally such meetings are held before each group has committed itself to a definite position. The function of these informal meetings is to afford opportunities for a fuller understanding of differences of view before definite positions have crystallized.

**6. Participation in Conference committees by
Members having lost the right to vote**

At its 239th Session (February-March 1988), the Governing Body considered the implications of the appointment, as regular members of Conference committees, of representatives of a member State which had lost the right to vote under article 13, paragraph 4 of the Constitution of the ILO. It noted that, while the appointment of employers' and workers' representatives from such a State had no practical implications, because the employers' and workers' groups operated an effective system under article 56, paragraph 5(b) of the Conference Standing Orders for ensuring that deputy members of a committee voted in the place of regular members deprived of the right to vote, the same was not true of the Government group. As a result, if a Government that has lost the right to vote is appointed as a regular member of a committee, the distribution of votes between the three groups is distorted because the weighting of votes is based on the full regular membership and in practice the Government regular members of committees who are unable to vote do not make use of the possibility afforded by article 56, paragraph 5(a) of appointing a deputy member to vote in their place.

The Governing Body accordingly recommended that, in order to avoid such distortions, members of the Government group should not apply for regular membership of committees if they were not at the time in question entitled to vote. Should this practice, which has been maintained at all sessions of the Conference since 1987, for any reason not be fully respected, the weighting coefficients in committees should be calculated on the basis of the number of Government members entitled to vote.

The Selection Committee accordingly recommends to the Conference that the calculation of weighting coefficients for votes in committees should be based on the number of regular Government members entitled to vote.

The electronic voting system takes account of this practice.

7. Request by a non-member State to be represented by a delegation of observers at the 82nd (1995) Session of the Conference

The Secretary-General has received a letter dated 18 April 1995 from the Ambassador, Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office in Geneva, requesting on behalf of the Government of that country an invitation to be represented by a delegation of observers at the present session of the Conference.

The Governing Body has authorized the Director-General to invite the Democratic People's Republic of Korea to be represented at several sessions of the Conference since the 70th (1984) Session, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

The Selection Committee recommends that the Conference authorize the Secretary-General to invite the Democratic People's Republic of Korea to be represented at the 82nd (1995) Session of the Conference, in accordance with article 2, paragraph 3(e) of the Conference Standing Orders.

8. Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 2, paragraph 3(j) of the Standing Orders of the Conference, the Officers of the Governing Body have decided to invite certain non-governmental international organizations to be represented at the 82nd (1995) 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 items on the agenda in which they have expressed a particular interest.

The provision of the Standing Orders of the Conference which is relevant to such requests is article 56, paragraph 9. In accordance with that article ***the Selection Committee recommends to the Conference that the following organizations be invited to be represented in the Committees stated:***

Committee on the Application of Standards

American Association of Jurists
Arab Organization for Human Rights
Caritas Internationalis
Democratic Organization of African Workers' Trade Union
Education International
European Confederation of Independent Trade Unions
Friends World Committee for Consultation
International Alliance of Women
International Council of Nurses
International Council of Women
International Federation of Workers' Education Associations
International Metalworkers Federation
International Movement ATD Fourth World
International Society for Labour Law and Social Security
International Transport Workers' Federation
Miners International Federation
Pax Christi International
Postal, Telegraph and Telephone International
World Federation of United Nations Associations
World Jewish Congress

Committee on Safety and Health in Mines

Caritas Internationalis
European Confederation of Independent Trade Unions
Friends World Committee for Consultation
Hassan Fathy Institute for Construction Workers
Interamerican Partnership for Environmental Education and Training
International Energy and Mines' Organisation
International Federation of Workers' Education Associations
International Metalworkers Federation
International Society for Labour Law and Social Security
Miners International Federation
Trade Union Advisory Committee to the Organisation for Economic Cooperation and Development
Trade Unions International of Workers in Energy

Committee on Home Work

Caritas Internationalis
Democratic Organization of African Workers' Trade Union
Education International
European Women's Lobby
Friends World Committee for Consultation
International Alliance of Women
International Association of Students in Economics and Management
International Council of Women
International Council of Jewish Women

International Federation of Workers' Education Associations
International Federation of Business and Professional Women
International Metalworkers Federation
International Network for Home-Based Workers (HOMENET)
International Society for Labour Law and Social Security
International Union of Lawyers
Miners International Federation
Postal, Telegraph and Telephone International
Women's International League for Peace and Freedom
World Union of Catholic Women's Organizations

Committee on Convention No. 81

Caritas Internationalis
European Confederation of Independent Trade Unions
Friends World Committee for Consultation
International Association of Labour Inspection
International Council of Nurses
International Federation of Workers' Education Associations
International Society for Labour Law and Social Security
Miners International Federation
Postal, Telegraph and Telephone International
Trade Union Advisory Committee to the Organisation for Economic Cooperation and Development
World Federation of United Nations Associations

The Selection Committee took note that the Officers of the Governing Body had invited the African Commission for Health and Human Rights Promoters and the European Trade Union Confederation to be represented at the Conference in accordance with article 2, paragraph 3(j) of the Standing Orders of the Conference.

9. Debate on the draft programme and budget

The Selection Committee has decided that the Conference should hold a brief debate in plenary sitting this afternoon, Wednesday 7 June, to examine the draft programme and budget for 1996-97.

10. Consideration of the Director-General's Report on the situation of workers of the occupied Arab territories

On the basis of proposals submitted to it by the Director-General at the invitation of the Governing Body, the Selection Committee has decided to convene a special sitting for the discussion of the Appendix to the Director-General's Report dealing with the situation of workers of the occupied Arab territories, it being understood that speakers will have to confine their remarks at that sitting to this Appendix and that, conversely, that subject will not be discussed in the framework of the discussion on the remainder of the Report. It decided that the special sitting should be held in the afternoon of Thursday, 15 June.

In addition, the Selection Committee recommends that the Conference allow speakers who so wish to take the floor both on the General Report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the Report.

It should be recalled in this connection that, according to Article 14, paragraph 6 of the Standing Orders of the Conference, the time-limit for speeches is a matter for the Conference to decide on the proposal of its Officers. For this reason the Selection Committee invites the President to submit to the Conference, after consulting the Vice-Presidents, a proposal concerning the duration of speeches in the special sitting, taking due account of the number of speakers registered. For this purpose the Selection

Committee has decided that the list of speakers for the special sitting will be closed at 6 pm on Tuesday, 13 June.

The Selection Committee noted that the Director-General intended to devote part of his reply to the discussion of his Report to the lessons to be drawn from the special sitting.

Lastly, the Selection Committee decided that the Finance Committee should not meet at the same time as the special sitting.

11. Composition of the Credentials Committee

The Selection Committee proposes to the Conference that the three members of the Credentials Committee should be the following:

<i>Government member:</i>	Mr. Jonzon (Sweden)
<i>Employers' Vice-Chairman:</i>	Mr. Funes de Rioja (Argentina)
<i>Workers' Vice-Chairman:</i>	Mr. Gray (United States).

12. Appointment of the Conference Drafting Committee

The Selection Committee recommends that, in accordance with the provisions of article 6, paragraph 1 of the Standing Orders, the Conference Drafting Committee should be composed as follows:

The President of the Conference
The Secretary-General of the Conference
The Legal Adviser of the Conference
The Director of the International Labour Standards Department
The Deputy Legal Adviser of the Conference.

13. Composition of committees

The full lists of the composition of committees are given in Appendix III.

Signed

K.A. Khan,
Chairman

Geneva, 6 June 1995.

Appendix I

Description of the electronic voting system

The electronic system provides for votes (in most cases: yes, no, abstention) to be expressed by means of a keyboard on a "voting station" that will be made available to all delegates or persons empowered to vote on their behalf.

Where the electronic system is used, the subject and question to be voted on will be displayed, as well as the nature of the vote (show of hands, record vote or secret ballot) and the President or Chairman will announce the beginning of the vote. After the President or Chairman has made sure that all delegates have been given sufficient opportunity to record their vote in one of the voting stations available to them, the President or Chairman will announce the closure of the vote.

Where the method of vote is by show of hands, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required.

Where a record vote is taken, once all votes have been registered the final voting figures will be immediately displayed with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. These indications will subsequently be published together with a list of the delegates who have voted, showing how they have voted.

In the case of a secret ballot, once all votes have been registered the final voting figures will be immediately displayed and subsequently published with the following indications: total number of votes in favour, total number of votes against, total number of abstentions and the quorum as well as the majority required. There will be absolutely no access possible to individual votes nor any record of how the delegates have voted.

It is important that, as at present, delegates should have previously decided whether they or another member of their delegation will exercise their right to vote in a given case. Where more than one vote is nevertheless cast on behalf of a delegate at two different moments or from two different places, only the first vote will be recognized, whether made by a delegate, by a substitute delegate or by an adviser who has received a specific written authorization to that end. Such specific authorizations must reach the secretariat sufficiently before the opening of voting is announced so as to be duly recorded.

Appendix II

82nd Session (June 1995) of the International Labour Conference - Plan of work

4/8

	M 5	T 6	W 7	Th 8	F 9	S 10	M 12	T 13	W 14	Th 15	F 16	S 17	M 19	T 20	W 21	Th 22	F 23	S 24
ILC group meetings	■																	
ILC plenary sittings		■	■	■	ITM	■	■	■	■	SS	■		■	■	■	■	■	
Finance Committee				■			■	■	■	■	■		A		PI	V		
Committee on the Application of Standards			■	■	■	■	■	■	■	■	■	■		A			PI	
Committee on Safety and Health in Mines			■	■	■	■	■	■	■	■	■	■	DC	A		PI	V	
Committee on Home Work			■	■	■	■	■	■	■	■	■	■	■		A		PI	
Committee on Convention No. 81			■	■	■	■	■	■	■	■	■	DC	A			PI	V	
Standing Orders Committee				■	■			A			PI							
Governing Body																		■

- A** Adoption by the Committee of its report
PI Adoption of the report by the Conference in plenary sitting
V Record vote in plenary sitting of the Conference
SS Special sitting

- Sittings all day as required
■ Morning sitting
DC Drafting Committee
ITM Informal Tripartite Meeting at the Ministerial Level concerning Follow-up on the World Summit for Social Development

Appendix III

Composition des commissions

Composition of committees

Composición de las comisiones

(Note: Names of countries are given in French; los nombres de los países figuran en frances.)

COMMISSION DE L'APPLICATION DES NORMES

COMMITTEE ON THE APPLICATION OF STANDARDS

COMISION DE APLICACION DE NORMAS

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE	ALGERIE	ALLEMAGNE
ARABIE SAUDITE	ARGENTINE	AUSTRALIE
AUTRICHE	BAHREIN	BANGLADESH
BARBADE	BELGIQUE	BOTSWANA
BRESIL	BULGARIE	BURKINA FASO
BURUNDI	CAMEROUN	CANADA
CHILI	CHINE	COLOMBIE
REPUBLIQUE DE COREE	COSTA RICA	COTE D'IVOIRE
CROATIE	CUBA	DANEMARK
EGYPTE	EMIRATS ARABES UNIS	ESPAGNE
ESTONIE	ETATS-UNIS	FIDJI
FINLANDE	FRANCE	GHANA
GRECE	GUINEE	INDE
INDONESIE	REP. ISLAMIQUE D'IRAN	IRLANDE
ISLANDE	ITALIE	JAPON
JORDANIE	KAZAKHSTAN	KENYA
KOWEIT	LETTONIE	LIBAN
JAMAHIRIYA ARABE LIBYENNE	LUXEMBOURG	MALAISIE
MALI	MAROC	MEXIQUE
REP. DE MOLDOVA	MONGOLIE	MYANMAR
NAMIBIE	NEPAL	NICARAGUA
NIGERIA	NORVEGE	NOUVELLE-ZELANDE
OMAN	PAKISTAN	PANAMA
PAYS-BAS	PEROU	PHILIPPINES
POLOGNE	PORTUGAL	ROUMANIE
ROYAUME-UNI	FEDERATION DE RUSSIE	RWANDA
SAINT-MARIN	SENEGAL	SEYCHELLES
SLOVAQUIE	SOUDAN	SRI LANKA
SUEDE	SUISSE	SURINAME
REP. ARABE SYRIENNE	REPUBLIQUE TCHEQUE	THAILANDE
TUNISIE	TURQUIE	UKRAINE
URUGUAY	VENEZUELA	YEMEN

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

BENIN	CAMBODGE	CAP-VERT
GUATEMALA	HONDURAS	HONGRIE
IRAQ	MALAWI	MAURICE
NIGER	QATAR	SLOVENIE
TCHAD	TOGO	ZAMBIE
ZIMBABWE		

Membres employeurs - Employers' members - Miembros empleadores

M. AKA-ANGHUI (Côte d'Ivoire)	S: Mr. KOUZMIN
S: M. TRAORE	S: Mr. ARINITCH
Mr. AL-JASSIM (Koweït)	Mr. LACH (Slovaquie)
S: Mr. AL-OMAR	S: Mr. KATRIAK
Sr. ALVAREZ POSADA (Colombie)	S: Mr. HORVÁTH
S: Sr. LOPEZ GUERRA	Sr. LAURINO SOTO (Paraguay)
Sr. ARTHUR ERRAZURIZ (Chili)	M. LOUNIS KHODJA (Algérie)
S: Sr. ARRATIA ALVARADO	S: M. MEKIDECHE
Mr. ARTIN (Suède)	S: M. HADDOUD
S: Mr. MYRDAL	Ms. MACKIE (Royaume-Uni)
S: Ms. AHLKVIST	S: Ms. FRANCE
S: Mr. HULDT	S: Ms. OGUNLEYE
Mr. ATASAYAR (Turquie)	Mr. MAKEKA (Lesotho)
S: Mr. OGUZMAN	Sr. MARTINEZ (Honduras)
S: Mr. CIFTER	Mr. MOORHEAD (Etats-Unis)
Mr. BAKHEIT (Soudan)	S: Mr. POTTER
S: Mr. OMER	S: Ms. BOSTIC
Sr. BLANCO VILLEGAS (Argentine)	Mr. NEMOTO (Japon)
S: Sr. FUNES DE RIOJA	S: Mr. KASAKAWA
S: Sr. SPAGHI	Mr. NOAKES (Australie)
Mr. BOTHA (République sud-africaine)	S: Mr. PLATT
S: Mr. LAMPRECHT	S: Ms. EMSLIE
S: Mr. VAN NIEKERK	S: Mr. AMOS
Mr. CHAKRABARTY (Inde)	M. NZISABIRA (Burundi)
S: Mr. GARG	M. OECHSLIN (France)
Mr. CHIWESHE (Zimbabwe)	S: Mme ROILAND
Sr. DURLING (Panama)	S: M. BOUSSAT
Sr. FERRER (Espagne)	S: M. JULIEN
S: Sr. MORENO	Mr. PRIOR (République tchèque)
S: Sra. ADRADOS	S: Ms. KUBÍCKOVÁ
S: Sr. BUGALLAL	Mr. ROACH (Barbade)
Sr. GONZALEZ RODRIGUEZ (Cuba)	Mrs. ROOS (Estonie)
Sr. GONZALEZ VARGAS (Costa Rica)	Mr. SANYAMBE (Zambie)
Mr. HADISUWITO (Indonésie)	S: Mr. MUSANA
S: Mr. SUKARTIN	Mme SASSO MAZZUFFERI (Italie)
M. HIDOS (Roumanie)	S: M. FERRARA
S: M. PACURARU	S: M. URBANI
Mr. HOFF (Norvège)	S: M. GIARDINA
S: Mr. BRUSTAD	S: M. MACCIO'
Mr. HUNTJENS (Pays-Bas)	Mr. STANLEY-PIERRE (Ghana)
S: Ms. HAK	S: Mr. MINTA-JACOBS
S: Mr. SCHOENMAECKERS	Mr. SZIRMAI (Hongrie)
M. JAWISH (République arabe syrienne)	S: Mr. FILIPSZ
S: M. MALAKANI	Mr. TAN (Philippines)
S: M. AL-HENDI	S: Mr. INOCENTES
Mr. KASWARRA (Ouganda)	Mr. THÜSING (Allemagne)
S: Mr. RWAKAHANDA	S: Mr. WISSKIRCHEN
Mr. KOLMOGOROV (Fédération de Russie)	M. TIAGO GOMES (République d'Angola)
S: Mr. OGANESOV	S: M. LOURO NETO
Mr. KUNYAVSKY (Biélorus)	

Mr. TWEEDIE (Nouvelle-Zélande)

S: Mr. MARSHALL

M. VAN ZELLER (Portugal)

S: M. PENA COSTA

S: Mme COSTA ARTUR

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. ALAANI (Iraq)

S: Mr. ZUPANCIC

Sr. ALEMANY (République dominicaine)

Mr. RISKI (Finlande)

S: Sr. CASTILLO

S: Mr. HUTTUNEN

M. ANALYTIS (Grèce)

S: M. VAGIAS

Ms. RONNEST (Danemark)

S: Mr. CHRISTENSEN

S: Mme TSOUMANI-SPENTZA

S: M. HAKAKAS

Ms. STEFÁNSDÓTTIR (Islande)

S: Mr. MAGNÚSSON

M. BARDE (Suisse)

S: M. PLASSARD

Mr. TABANI (Pakistan)

M. VAN HOLM (Belgique)

Mr. BERTRANDS (Lettonie)

S: Mr. GAVRILOVS

S: Mme STORM

S: M. MINNE

M. BOULOUIZ (Maroc)

S: M. EL HARRAS

S: M. DA COSTA

Mr. CHO (République de Corée)

S: Mr. KIM

Mr. VIESULAS (Lituanie)

Mr. WILK (Pologne)

S: Mr. RACZKA

Mr. DASSANAYAKE (Sri Lanka)

Mr. DATUK MOKHZANI (Malaisie)

Sr. DE CHAZAL (Bolivie)

S: Sr. ESPAÑA-SMITH

M. DJILANI (Tunisie)

S: M. DARGOUTH

Mr. EL DIN (Egypte)

S: Mr. SCHOEIB

M. GLELE G. (Bénin)

Mr. GONÇALVES DE OLIVEIRA FONSECA (Brésil)

S: Mr. DE OLIVEIRA RODRIGUES

S: Mr. GONÇALVES DOS SANTOS

S: Mrs. RONDON LINHARES

Mr. HABAYBEH (Jordanie)

S: Mr. AMMAR

Mr. HALLIWELL (Canada)

Mr. HILL (Namibie)

Mr. HILTON-CLARKE (Trinité-et-Tobago)

Mr. HLOPHE (Swaziland)

M. JUNG (Luxembourg)

S: M. HALLER

Mr. KEP (Papouasie-Nouvelle Guinée)

Mr. KUNANANTAKUL (Thaïlande)

S: Mr. HOTRAKUL

S: Mr. SUCKRASORN

M. MORRI (Saint-Marin)

S: Mlle MENICUCCI

S: M. VAGNINI

M. N'GUSSAN (Togo)

Mrs. PENKO NATLACEN (Slovénie)

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ADAMY (Allemagne)	Mr. AGIUS (Malte)
Mr. AGYEI (Ghana)	Mr. AHMED (Pakistan)
M. AKOUETE (Togo)	Mr. AL-KOHLAWI (Yémen)
Mr. AL-SAMMAK (Bahreïn)	Mr. AL-SHANFARY (Oman)
Mr. ALMANAN (Soudan)	Mr. AMINI TAME (République islamique d'Iran)
Mr. ANTONIOU (Chypre)	M. BAKOT NJOCK (Cameroun)
M. BECCARI (Saint-Marin)	M. BENATIA (Algérie)
Sr. BERNAL CAMERO (Cuba)	M. BINTOU' A-TSHIABOLA (Zaïre)
M. BRIKI (Tunisie)	Sr. BROWN YOUNG (Costa Rica)
Sr. BUNNEY TUNACCA (Chili)	Mr. CHAROENPHAO (Thaïlande)
M. COELHAS DIONÍSIO (Portugal)	M. COSTIN (Roumanie)
Mr. DAANTJIES (République sud-africaine)	Mr. DAHL (Norvège)
M. DALEIDEN (Luxembourg)	M. DASSIS (Grèce)
Sr. DEL RIO (République dominicaine)	Mr. DIMOV (Bulgarie)
M. DJIBRINE ASSALI (Tchad)	Mr. EDSTRÖM (Suède)
M. EL MOKHAREK (Maroc)	Mr. ELAZALY (Égypte)
Mr. ETTY (Pays-Bas)	Sr. FAJARDO ABRIL (Colombie)
Mr. FELICIO (Brésil)	Mr. FU (Chine)
Sr. GARCIA SEGOVIA (Uruguay)	Sr. GONZALEZ (Espagne)
M. GUINDO (Mali)	Mr. GYÖRGY (Hongrie)
Mr. HARALDSSON (Islande)	Mr. HASSAN ABDEL RAHMAN (Jordanie)
Mr. HATSUOKA (Japon)	Sr. HERNANDEZ FABIAN (Guatemala)
M. IBRAHIM (Niger)	Mr. IDRIS (Jamahiriya arabe libyenne)
M. ISSA (République arabe syrienne)	Mr. JINDRÁK (République tchèque)
Mr. JOYCE (Etats-Unis)	Mr. JUMMA (Arabie saoudite)
Mr. KIM (République de Corée)	M. KOSSONOU YAO (Côte d'Ivoire)
M. KUBWIMANA (Burundi)	M. MAGNANI (Italie)
Mr. MATHESON (Australie)	Mme MEIER (Suisse)
Mr. MERAL (Turquie)	Mr. MHANGO (Malawi)
Sr. MORENO CAJINA (Nicaragua)	Mr. MUSTAFFA (Malaisie)
Ms. NOONAN (Nouvelle-Zélande)	Mr. NYAMUHOKYA (République-Unie de Tanzanie)
Mr. PADALINSKY (Biélorus)	Mr. PARROT (Canada)
M. PE (France)	M. PEIRENS (Belgique)
Mr. POPELLO (Fédération de Russie)	Sr. RAMÍREZ LEÓN (Venezuela)
Mr. REDDY (Inde)	Mr. RIMAL (Népal)
Mr. RUSANEN (Finlande)	Mr. SADIEN (Maurice)
Mr. SIBANDA (Zimbabwe)	Mr. SOEMADJI (Indonésie)
Mrs. SPYCHALSKA (Pologne)	Mr. SUBASINGHE (Sri Lanka)

Mr. SVENNINGSEN (Danemark)
 M. TOURÉ (Guinée)
 Mrs. YACOB (Singapour)

Mr. THOMAS (Royaume-Uni)
 Sr. VENTURINI (Argentine)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mrs. AASNES (Norvège)
 M. ADIKO NIAMKEY (Côte d'Ivoire)
 Mr. AL-GADRIE (Yémen)
 Mr. ALI (Soudan)
 M. ARTEMIOU (Grèce)
 Ms. BENDIXEN (Danemark)
 Mr. BHOKA (Indonésie)
 Mrs. BORUTA (Pologne)
 M. BRIESCH (France)
 Mr. BULGAK (Biélorus)
 M. CHILOV (Ukraine)
 Mme CRIDAZZI (Suisse)

 Mme DEL RIO (Italie)
 M. DOEVI-TSIBIAKU (Togo)
 M. FILALI TABAI (Maroc)
 M. GBIKPI-BENISSAN (Togo)
 Mr. GUPTE (Inde)
 M. HAAS (Luxembourg)
 Ms. HLÖDVERSDÓTTIR (Islande)
 Mr. JEGANATHAN (Sri Lanka)
 Mr. KHAN (Bangladesh)
 Mr. KOC (Turquie)
 Mr. LÖRCHER (Allemagne)
 Mr. MAITLAND (Australie)
 Mr. MALLON (Canada)
 M. MONTEIRO VELUDO (Portugal)
 Mr. NAKAJIMA (Japon)
 M. NOUASRIA (Algérie)
 Mr. OUSMAN (Jamahiriya arabe libyenne)
 Sr. PAVEZ URRUTIA (Chili)
 Mrs. PRÍVAROVÁ (Slovaquie)
 Mr. SAKON (Japon)
 Mr. SHILOWA (République sud-africaine)
 M. SIMION (Roumanie)
 Ms. SITHOLE (Swaziland)

Mr. ABDULLA YOUSIF (Bahreïn)
 Ms. AHONEN (Finlande)
 M. AL-LOUZY (République arabe syrienne)
 Mrs. ANCICOVÁ (Slovaquie)
 Mr. ATHUKORALE (Sri Lanka)
 Mr. BERAN (République tchèque)
 Sr. BONMATI (Espagne)
 Mr. BRETT (Royaume-Uni)
 Mr. BUHAGIAR (Malte)
 Sra. CANO DE JAEN (Panama)
 M. COSYNS (France)
 Mme DA CONCEIÇÃO PEDRO CORREIA (République d'Angola)
 M. DELARUE (Belgique)
 Mr. FERRAZ DE CAMPOS (Brésil)
 Mr. FISHMAN (Etats-Unis)
 M. GIARDI (Saint-Marin)
 Sr. GUTIERREZ (Argentine)
 Mr. HASSAN FULLAD (Bahreïn)
 Mr. IWAMOTO (Japon)
 Mrs. KASINGO (Namibie)
 Mr. KIM (République de Corée)
 Mr. KRYLOV (Fédération de Russie)
 Mr. MAHJOOB (République islamique d'Iran)
 M. MAJDI (Tunisie)
 Mme MEYER (Luxembourg)
 Sr. MONTERO VEGA (Costa Rica)
 Mme NEURY (Suisse)
 Ms. OOSTVEEN (Pays-Bas)
 Mr. PALKOVICS (Hongrie)
 Mrs. PEDERSEN (Norvège)
 Mr. RODJA (Indonésie)
 Mr. SHAHEEN (Pakistan)
 Mr. SIFINGO (République sud-africaine)
 Mr. SIRIWARDANA (Sri Lanka)
 Mr. SOEDARWO (Indonésie)

M. SOMBES (Cameroun)

Mr. TAHA (Egypte)

M. TIXIER (France)

Sr. VARELA (Uruguay)

M. ZANIER (Luxembourg)

Mr. STEYNE (Royaume-Uni)

Mr. TAKASHIMA (Japon)

M. TOZOUN (Togo)

Mr. ZAINAL (Malaisie)

Ms. ZETTERVALL-THAPPER (Suède)

COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES
COMMITTEE ON SAFETY AND HEALTH IN MINES
COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE	ALGERIE	ALLEMAGNE
AUSTRALIE	BARBADE	BELGIQUE
BOTSWANA	BRESIL	BURKINA FASO
BURUNDI	CANADA	CHILI
CHINE	COLOMBIE	REPUBLIQUE DE COREE
DANEMARK	EGYPTE	ESPAGNE
ETATS-UNIS	FIDJI	FINLANDE
FRANCE	GRECE	HONGRIE
INDE	INDONESIE	REP. ISLAMIQUE D'IRAN
IRLANDE	ITALIE	JAPON
KOWEIT	LIBAN	JAMAHIRIYA ARABE LIBYENNE
LUXEMBOURG	MALAISIE	MALAWI
MALI	MAROC	MEXIQUE
MOZAMBIQUE	NAMIBIE	NICARAGUA
NIGERIA	NORVEGE	NOUVELLE-ZELANDE
PAKISTAN	PAYS-BAS	POLOGNE
PORTUGAL	ROUMANIE	ROYAUME-UNI
FEDERATION DE RUSSIE	SENEGAL	SLOVAQUIE
SLOVENIE	SRI LANKA	SUEDE
SUISSE	SURINAME	REP. ARABE SYRIENNE
REPUBLIQUE TCHEQUE	TURQUIE	ZAMBIE
ZIMBABWE		

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

AUTRICHE	BENIN	BULGARIE
COTE D'IVOIRE	IRAQ	REP.DEM.POP. DU LAO
PANAMA	PHILIPPINES	QATAR
THAILANDE	TUNISIE	URUGUAY
VENEZUELA		

Membres employeurs - Employers' members - Miembros empleadores

M. ANALYTIS (Grèce)	S: Mr. WADHAWAN
S: M. SKIADAS	S: Mr. JALAN
S: M. HARAKAS	Mr. CHIWESHE (Zimbabwe)
Mr. ARTIN (Suède)	S: Mr. EAGLING
S: Mr. HULDT	Sr. DURLING (Panama)
S: Mr. MYRDAL	S: Sr. TEJADA OLARTE
S: Ms. AHLKVIST	Sr. FERRER (Espagne)
Sr. BLANCO VILLEGAS (Argentine)	S: Sr. VILLALOBOS
S: Sr. ALDAO ZAPIOLA	S: Sr. BUGALLAL
Mr. BOTHA (République sud-africaine)	Mr. GONÇALVES DE OLIVEIRA FONSECA (Brésil)
S: Mr. STEWART	S: Mr. ROQUE TALINI
Sr. CARVAJAL BUSTAMANTE (Mexique)	S: Mr. ROSSI
S: Sr. MENDOZA DELGADO	Mr. HABAYBEH (Jordanie)
Mr. CHAKRABARTY (Inde)	S: Mr. DAJANI

Mr. HADISUWITO (Indonésie)

S: Mr. FRANS

Mr. HALLIWELL (Canada)

S: Mr. CECUTTI

M. HIDOS (Roumanie)

S: M. DOBRIN

Mr. HILL (Namibie)

Mr. HLOPHE (Swaziland)

Mr. HOFF (Norvège)

S: Mr. HALD

Mr. KOLMOGOROV (Fédération de Russie)

S: Mr. DIKOLENKO

Mr. LACH (Slovaquie)

S: Mr. BOROSKA

S: Mr. JAHNÁTEK

M. LOUNIS KHODJA (Algérie)

S: M. MEKIDECHE

Ms. MACKIE (Royaume-Uni)

S: Mr. STACE

S: Ms. OGUNLEYE

Mr. MOORHEAD (Etats-Unis)

S: Mr. LAURISKI

S: Mr. YADLOSKY

Mr. NEMOTO (Japon)

S: Mr. AKEZUMI

Mr. NOAKES (Australie)

S: Mr. AMOS

M. OECHSLIN (France)

S: M. LARREUR

S: M. BERLAND

Mr. RISKI (Finlande)

S: Mr. HUVINEN

S: Mr. HUTTUNEN

Mr. SANYAMBE (Zambie)

S: Mr. IMASIKU

Mme SASSO MAZZUFFERI (Italie)

S: M. URBANI

S: M. MACCIO'

S: M. FERRARA

S: M. GIARDINA

Mr. STANLEY-PIERRE (Ghana)

Mr. TAN (Philippines)

S: Mr. IMPERIAL, JR

Mr. THÜSING (Allemagne)

S: Mr. VON BERGEN

M. VAN HOLM (Belgique)

S: M. COUNET

M. VAN ZELLER (Portugal)

S: M. PEREIRA FERNANDES

S: M. CORREIA CUSTÓDIO

S: M. DA ROCHA NOVO

M. WADE (Sénégal)

S: M. BEYE

Mr. WILK (Pologne)

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-JASSIM (Koweït)

S: Mr. ALRABAH

Sr. ALEMANY (République dominicaine)

S: Sr. PEREZ MONTAS

Sr. ALVAREZ POSADA (Colombie)

S: Sr. FAJARDO LIEVANO

Sr. ARTHUR ERRAZURIZ (Chili)

S: Sr. MONTT BALMACEDA

Mr. ATASAYAR (Turquie)

S: Mr. OZUSTUN

S: Mr. BAYAZIT

M. BOULOUIZ (Maroc)

S: M. SLISLI

M. COULIBALY (Mali)

S: M. TOURE

Sr. DE CHAZAL (Bolivie)

S: Sr. ESPAÑA-SMITH

Mr. DE VRIES (Suriname)

M. DJILANI (Tunisie)

S: M. BEN M'BAREK

Mr. EL DIN (Egypte)

S: Mr. FATHALLA

M. ISSOUFOU (Niger)

Mr. KEP (Papouasie-Nouvelle Guinée)

Mr. KUNYAVSKY (Bélarus)

S: Mr. KOUZMIN

M. OULD SIDI MOHAMED (Mauritanie)

Mr. PAN (Chine)

S: Mr. LI

Mr. PIERIDES (Chypre)

S: Mr. PETROU

S: Mr. PILICOS

Mr. PRIOR (République tchèque)

S: Mr. KOTZ

M. SANZOUANGO (Cameroun)

S: M. MOUKOKO KINGUE

M. TIAGO GOMES (République d'Angola)

S: M. LOURO NETO

Mr. TWEEDIE (Nouvelle-Zélande)

S: Mr. MARSHALL

Membres travailleurs - Workers' members - Miembros trabajadores

M. AFILAL (Maroc)

Mr. AL-BUAINAIN (Qatar)

Mr. AL-HUSSANI (Emirats arabes unis)

Mr. BOGOMYA (Bélarus)

Mr. BUDKO (Fédération de Russie)

Mr. CHARLES (Seychelles)

Mr. AL-AZABI (Jamahiriya arabe libyenne)

Mr. AL-GADRIE (Yémen)

M. AL-LOUZY (République arabe syrienne)

Mme BRIGHI (Italie)

Sr. CABRERA (Argentine)

M. CHERIKH (France)

Mr. COLE (Ghana)
 Sr. CORRIOLS (Espagne)
 Mr. DARAHEM (Egypte)
 Mr. DENIZER (Turquie)
 Mr. DP (Indonésie)
 Mr. FERRAZ DE CAMPOS (Brésil)
 Sr. GUERRERO (Honduras)
 Mrs. HOZOORI (République islamique d'Iran)
 Mr. KITTENIS (Chypre)
 Sr. LABRAÑA MENA (Chili)
 Mr. MAIN (Etats-Unis)
 M. MAJDI (Tunisie)
 Mr. MAY (Allemagne)
 Mr. MBONINI (Botswana)
 Mr. MESIARIK (Slovaquie)
 Mr. NILSEN (Norvège)
 Mr. PERQUIN (Canada)
 Sr. SAN ROMAN ARREAGA (Mexique)
 Mr. SHAHEEN (Pakistan)
 Mr. STENDALEN (Suède)
 Sr. TRUJILLO (Venezuela)
 Mr. VENUGOPAL (Inde)
 Mr. WOZNIEWSKI (Pologne)

M. CONDESCU (Roumanie)
 Mr. CSETE (Hongrie)
 M. DELIGIANNAKIS (Grèce)
 Mr. DEVENDRA (Sri Lanka)
 M. ETTE (Côte d'Ivoire)
 Mr. GIFFORD (Royaume-Uni)
 Mr. HAIKALI (Namibie)
 Mr. KEMPA (République tchèque)
 Mr. KOSAISOOK (Thaïlande)
 Mr. LIU (Chine)
 Mr. MAITLAND (Australie)
 Mr. MANDLAZE (Mozambique)
 M. MBIKAYI MABULUKI (Zaïre)
 M. MENDES (Portugal)
 Mr. NARMANDAKH (Mongolie)
 Mr. PASKA (Papouasie-Nouvelle Guinée)
 Sr. RODRIGUEZ ERAZO (Colombie)
 Mr. SASAKI (Japon)
 Mr. SHAREEM (Jordanie)
 M. STOYAN (Ukraine)
 Mrs. VELINOVA (Bulgarie)
 Mr. WIN (Myanmar)
 Mr. ZENZENI (République sud-africaine)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. AHMED (Pakistan)
 Mr. AL-ABDOOLI (Emirats arabes unis)
 Mr. ALI (Soudan)
 Mme BENEDETTINI (Italie)
 Mr. BOATENG (Royaume-Uni)
 Mr. EDDY (Etats-Unis)
 M. GUINDO (Mali)
 Mrs. JOLODAR ZADEH (République islamique d'Iran)
 M. KABBAJ (Maroc)
 Mr. KLAEWKLARD (Thaïlande)
 Mr. LÁZNICKA (Slovaquie)
 Mr. MCGRAW (Canada)
 Mr. MOOKHERJEE (Inde)
 Mr. RAIS (Indonésie)
 Mr. SANDRASEKARA, (Sri Lanka)

M. AKOUETE (Togo)
 Mr. AL-KOHLAWI (Yémen)
 Mr. BALTA (Turquie)
 Mr. BENJAMIN (République sud-africaine)
 Mr. CHRISTOFI (Chypre)
 Sr. GARCIA (Argentine)
 Mr. JEGANATHAN (Sri Lanka)
 Mr. KAADU (Estonie)
 M. KABBOL (République arabe syrienne)
 Mr. KOCHENOV (Fédération de Russie)
 Mr. MATHESON (Australie)
 M. MEZIANI (Algérie)
 Mrs. PEDERSEN (Norvège)
 Mr. SAMI (Egypte)
 Mr. SCHELTER (Allemagne)

Mr. SHILOWA (République sud-africaine)

Mr. SVENNINGSSEN (Danemark)

Sr. VAZQUEZ (Espagne)

Sr. VON HAUSEN CARMONA (Chili)

M. YACOUBI (Tunisie)

Mr. SIBANDA (Zimbabwe)

Mr. TENGBERG (Suède)

Mr. VICENTE DE BARROS (Brésil)

Mr. W (Indonésie)

**COMMISSION DU TRAVAIL A DOMICILE
COMMITTEE ON HOME WORK
COMISION DEL TRABAJO A DOMICILIO**

Membres gouvernementaux - Government members - Miembros gubernamentales

ALGERIE	ALLEMAGNE	ARABIE SAOUDITE
ARGENTINE	AUSTRALIE	AUTRICHE
BARBADE	BELGIQUE	BENIN
BRESIL	BULGARIE	BURKINA FASO
BURUNDI	CANADA	CHILI
CHINE	COLOMBIE	REPUBLIQUE DE COREE
DANEMARK	EGYPTE	EMIRATS ARABES UNIS
ESPAGNE	ESTONIE	ETATS-UNIS
FIDJI	FINLANDE	FRANCE
GHANA	GRECE	GUATEMALA
GUINEE	HONDURAS	INDE
INDONESIE	REP. ISLAMIQUE D'IRAN	IRLANDE
ITALIE	JAPON	KOWEIT
LIBAN	LUXEMBOURG	MALAISIE
MALI	MALTE	MAROC
MAURICE	MEXIQUE	MONGOLIE
NAMIBIE	NICARAGUA	NIGERIA
NORVEGE	OMAN	PAYS-BAS
PEROU	PHILIPPINES	POLOGNE
PORTUGAL	ROYAUME-UNI	FEDERATION DE RUSSIE
SENEGAL	SEYCHELLES	SLOVAQUIE
SUEDE	SUISSE	SURINAME
REP. ARABE SYRIENNE	REPUBLIQUE TCHEQUE	THAILANDE
TUNISIE	TURQUIE	

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

REPUBLIQUE SUD-AFRICAINE	CAMEROUN	COSTA RICA
COTE D'IVOIRE	CROATIE	CUBA
HONGRIE	IRAQ	JORDANIE
LETTONIE	MALAWI	PANAMA
ROUMANIE	SLOVENIE	TOGO
URUGUAY	VENEZUELA	ZAMBIE
ZIMBABWE		

Membres employeurs - Employers' members - Miembros empleadores

Mr. AL-JASSIM (Koweït)	Sr. ARTHUR ERRAZURIZ (Chili)
S: Mr. ALRABAH	S: Sr. BERG MONASTERIO
Mr. AL-THANI (Qatar)	S: Sr. ARRATIA ALVARADO
Sr. AMADOR ARRIETA (Nicaragua)	Mr. ARTIN (Suède)
M. ANALYTIS (Grèce)	S: Ms. AHLKVIST
S: M. VAGIAS	S: Mr. HULDT
S: Mme KOUTSIVITOU	S: Mr. MYRDAL
S: Mme TSOUMANI-SPENTZA	
Mr. ARBESSER-RASTBURG (Autriche)	
S: Mr. BRAUNER	
S: Mr. STRIMITZER	

M. BARDE (Suisse)
S: M. GENOLET
S: M. PLASSARD
S: M. MEUWLY

Mr. BASS (Antigua-et-Barbuda)
Sr. BLANCO VILLEGAS (Argentine)
S: Sr. MANTILLA
S: Sra. SALVAT

Mr. CHAKRABARTY (Inde)
S: Mr. ANAND

Mr. CHIWESHE (Zimbabwe)
S: Mr. JOHNSON

Mr. DASSANAYAKE (Sri Lanka)
M. DJILANI (Tunisie)
S: M. BEN M'BAREK

Sr. FERRER (Espagne)
S: Sr. SUAREZ
S: Sr. BUGALLAL

Mr. GONÇALVES DE OLIVEIRA FONSECA (Brésil)
S: Mr. DONATO
S: Mr. D'ARAUJO MARTINS
S: Mrs. RONDON LINHARES

Mr. HABAYBEH (Jordanie)
S: Mr. EL HUSSEINI

Mr. HADISUWITO (Indonésie)
S: Mr. FERDINANDUS

Mr. HALLIWELL (Canada)
S: Ms. HARLEY
S: Mr. BURKETT

M. HIDOS (Roumanie)
S: M. FUNDATURA
S: M. CHELARIU

Mr. HOFF (Norvège)
S: Mr. FLOTTORP

Mr. HUNTJENS (Pays-Bas)
S: Mr. SCHOENMAECKERS
S: Ms. HAK

Mr. IMOSILI (Nigéria)
S: Mr. OLANNIYI

M. ISSOUFOU (Niger)
M. JAWISH (République arabe syrienne)
S: M. MALAKANI
S: M. AL-HENDI

Mrs. KABIR (Bangladesh)
Mr. KOLMOGOROV (Fédération de Russie)
S: Mr. KOSTIN

Mr. LACH (Slovaquie)
S: Mr. PECIAR

M. LOUNIS KHODJA (Algérie)
S: M. TITAH

Ms. MACKIE (Royaume-Uni)

S: Mr. WILD
S: Ms. OGUNLEYE

Mr. MAKEKA (Lesotho)
Mr. MALLIA MILANES (Malte)
S: Mr. SCICLUNA

Mr. MATTAR (Emirats arabes unis)
Mr. MOORHEAD (Etats-Unis)
S: Mr. BECRAFT
S: Ms. TUCKER

M. N'GUSSAN (Togo)
Mr. NEMOTO (Japon)
S: Mr. HASHIMOTO

Mr. NOAKES (Australie)
S: Ms. EMSLIE

M. OECHSLIN (France)
S: M. JULIEN
S: M. VEYSSET
S: M. MORIN
S: M. BOUSSAT
S: M. DRAGUE

Mr. PAN (Chine)
S: Ms. SONG

M. PONOMAREV (Ukraine)
Mr. PRIOR (République tchèque)
S: Mr. SKÁLA
S: Mr. PAUL

Mr. RISKI (Finlande)
S: Mr. KONTIO
S: Ms. VANNELA

Mr. ROBERTS (Fidji)
Ms. RONNEST (Danemark)
S: Mr. CHRISTENSEN

Mr. ROUYNEKOV (Bulgarie)
S: Mrs. GORANOVA-ROUYNEKOVA
S: Mr. KRASTITELSKI
S: Mr. SIMEONOV

Mr. SANYAMBE (Zambie)
Mme SASSO MAZZUFFERI (Italie)
S: M. GIARDINA
S: M. URBANI
S: M. MACCIO'
S: M. FERRARA

Mr. STANLEY-PIERRE (Ghana)
S: Mr. ADJIERTEH

Mr. SZIRMAI (Hongrie)
S: Mr. SZÜCS

Mr. TABANI (Pakistan)
Mr. TABET (Yémen)
S: Mr. AR-ROUBAIDI

Mr. TAN (Philippines)
S: Mr. SORIANO

Mr. THÜSING (Allemagne)
M. VAN ZELLER (Portugal)
S: M. CORREIA CUSTÓDIO
S: M. PEREIRA FERNANDES
S: M. DA ROCHA NOVO
S: M. FERNANDES SALGUEIRO

Sr. VARELA (Uruguay)
S: Sr. PIVEL

M. WADE (Sénégal)
S: M. BEYE
S: M. DIOP
S: M. THIAM

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

M. AKA-ANGHUI (Côte d'Ivoire)
S: M. TRAORE
Sr. ALEMANY (République dominicaine)
S: Sra. SUAREZ BAUTISTA
Sr. ALVAREZ POSADA (Colombie)
S: Sra. MONSALVE CUELLAR
Mr. ATASAYAR (Turquie)
S: Mr. PIRLER
Mr. BAKHEIT (Soudan)
S: Mr. OMER
M. BEYDOUN (Liban)
S: M. BALBOUL
S: M. NASR
Mr. BOTHA (République sud-africaine)
S: Mr. MOSHAPALO
S: Mrs. DOWIE
M. BOULOUIZ (Maroc)
S: M. BEN SLIMANE
Sr. CARVAJAL BUSTAMANTE (Mexique)
S: Sr. GUTIERREZ GARCIA
S: Sr. MACIAS SANTOS
Mr. CHO (République de Corée)
S: Mr. KIM
Mr. DAHLAN (Arabie saoudite)
Mr. DATUK MOKHZANI (Malaisie)
S: Mr. ZAIN
Mr. DE VRIES (Suriname)
Mr. DUNNE (Irlande)
S: Mr. MCAULEY
Mr. EL DIN (Egypte)
S: Mr. SEMIDA
Mr. GATTEGNO (Israël)
M. GLELE G. (Bénin)
Sr. GONZALEZ RODRIGUEZ (Cuba)
Mr. HILL (Namibie)
Mr. HILTON-CLARKE (Trinité-et-Tobago)
Mr. HLOPHE (Swaziland)
Mr. IVANCEVIC (Croatie)

S: Mrs. HORVATIC
Mr. JEETUN (Maurice)
M. JUNG (Luxembourg)
S: M. BEFFORT
S: Mlle SCHAUL
Mr. KEP (Papouasie-Nouvelle Guinée)
Mr. KUNANANTAKUL (Thaïlande)
S: Mr. INTHARAPATHOM
S: Mr. SUCKRASORN
Mr. KWAIST (Seychelles)
Mr. MAUNG (Myanmar)
Mr. MUSSANHANE (Mozambique)
M. OULD SIDI MOHAMED (Mauritanie)
Mrs. PENKO NATLACEN (Slovénie)
S: Mrs. PODRAJ PIPUS
S: Mrs. PIRS TRCEK
Mme PENNONE (République centrafricaine)
M. PHINITH (République dém. populaire du Lao)
Mr. PIERIDES (Chypre)
S: Mr. MICHAEL
S: Mr. PETROU
Mr. RANA (Népal)
M. SANZOUANGO (Cameroun)
S: M. MOUKOKO KINGUE
Ms. STEFÁNSDÓTTIR (Islande)
S: Mr. MAGNÚSSON
Mr. TWEEDIE (Nouvelle-Zélande)
S: Mr. MARSHALL
M. VAN HOLM (Belgique)
S: Mme SEVRAIN
S: Mme STORM
S: M. DA COSTA
Mr. VIESULAS (Lituanie)
Mr. WILK (Pologne)
S: Mrs. GERSDORF

Membres travailleurs - Workers' members - Miembros trabajadores

Ms. AHONEN (Finlande)	Mr. AL SHAREIRI (Jordanie)
Mr. AL-ABDOOLI (Emirats arabes unis)	Sr. ALVIS FERNANDEZ (Colombie)
Mr. ATHUKORALE (Sri Lanka)	M. BAUSCH (Luxembourg)
Ms. BENNETT (Australie)	Mr. BIN SALAMAH (Arabie saoudite)
Mr. BLOCK (Danemark)	Mrs. BORUTA (Pologne)
Mr. BUHAGIAR (Malte)	Sra. CANDELAS (Espagne)
M. CHAHIR (Maroc)	Mr. CHO (République de Corée)
Sr. CUEVAS (République dominicaine)	Mme DA CONCEIÇÃO PEDRO CORREIA (Républiqu d'Angola)
Ms. DAGG (Canada)	Mme DEL RIO (Italie)
M. DELHOMENIE (France)	Mr. DIOMEDOUS (Chypre)
M. EBITTY ASSI (Côte d'Ivoire)	Ms. FOULKES (Nouvelle-Zélande)
Mr. GARREN (Etats-Unis)	Mme GUIMARÃES (Portugal)
Mr. GUNDERSEN (Norvège)	Mr. IBRAHIM (Brésil)
Mr. JIANG (Chine)	Mrs. JOLODAR ZADEH (République islamique d'Iran)
Mr. KAADU (Estonie)	Mrs. KAIRAT (Allemagne)
Mrs. KASINGO (Namibie)	Mr. KHAN (Bangladesh)
M. KIKONGI DI MWINSI (Zaïre)	Sr. LEON GAJARDO (Chili)
M. LONG (Cambodge)	Ms. LOVE (Royaume-Uni)
Mrs. LUTZ (Autriche)	Mr. MANUFOLAU (Fidji)
M. MAURIACA (Saint-Marin)	Mr. MONGI (Égypte)
Sr. MONTERO VEGA (Costa Rica)	Mr. NG (Malaisie)
M. NOUASRIA (Algérie)	Mr. OKITA (Japon)
Ms. PAYNE (Antigua-et-Barbuda)	Sr. PEREZ TOVAR (Mexique)
M. RADU (Roumanie)	Sr. RANU (Argentine)
Mme SCHMID GÖLDI (Suisse)	Ms. SEPTEMBER (République sud-africaine)
Mr. SEVCECH (Slovaquie)	Mr. SHAMENDA (Zambie)
Mr. SIDOROV (Fédération de Russie)	Mr. SILINS (Lettonie)
Mrs. SOBRATTY (Maurice)	Mrs. SOUPRAYEN-YORKS (Suriname)
M. SPAEY (Belgique)	Mr. THAILUAN (Thaïlande)
Ms. THULESTEDT (Suède)	Mr. TIAGI (Inde)
M. TOZOUN (Togo)	Mme TSENTOUROU (Grèce)
Mrs. VAN DEN BURG (Pays-Bas)	Sr. VARELA (Uruguay)
M. YACOUBI (Tunisie)	Mr. YILMAZ (Turquie)
Mr. ZAIDI (Indonésie)	

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. AGIUS (Malte)	Mr. AHMED (Pakistan)
Mr. AL-HUSSANI (Emirats arabes unis)	Mr. AL-SHANFARY (Oman)

Ms. ASHE (Australie)
M. BATHILY (Mali)
Mr. BOATENG (Royaume-Uni)
Mrs. CARBONNEAU (Canada)
Mme DEUTSCH (France)
Mr. FELICIO (Brésil)
Sr. GARCIA SEGOVIA (Uruguay)
Mr. GHANDOUR (Soudan)
Mr. GORE (Inde)
Ms. HEMMER (Finlande)
M. IBRAHIM (Niger)
Ms. JOHNSON (Canada)
Mr. JUMMA (Arabie saoudite)
Mr. KEEYING (Thaïlande)
M. KUBWIMANA (Burundi)
Mme LEARDINI (Saint-Marin)
Mme MEUNIER (Belgique)
Mr. NAKAJIMA (Japon)
Mr. PADALINSKY (Biélorus)
Mrs. PEDERSEN (Norvège)
M. SANTUNE (France)
Mr. SIRIWARDANA (Sri Lanka)
Mr. TAMBUNAN (Indonésie)
Mrs. VAILLANCOURT (Canada)
M. VIEIRA GUIMARÃES (Portugal)
Ms. ZETTERVALL-THAPPER (Suède)

Mr. BARUT (Turquie)
Mr. BERAN (République tchèque)
M. BRIKI (Tunisie)
Mr. DATUK BAGINDO (Indonésie)
M. DOEVI-TSIBIAKU (Togo)
Mr. FRIEDMAN (Etats-Unis)
M. GBIKPI-BENISSAN (Togo)
Mr. GOLJEVSCEK (Slovénie)
Mr. HAIKALI (Namibie)
Mrs. HOZOORI (République islamique d'Iran)
Mr. JINDRÁK (République tchèque)
Ms. JONES (Canada)
M. KAFI CHERRAT (Maroc)
M. KOSTRYTSA (Ukraine)
Mr. KUZMINSKAS (Lituanie)
M. MAGNANI (Italie)
Mr. MOOKHERJEE (Inde)
Mr. NYAMUHOKYA (République-Unie de Tanzanie)
Mrs. PASSCHIER (Pays-Bas)
M. POUPAKIS (Grèce)
Mr. SHILOWA (République sud-africaine)
Mr. SUBASINGHE (Sri Lanka)
Sr. ULLOA IBAÑEZ (Chili)
Mrs. VELINOVA (Bulgarie)
Mr. WÖTZEL (Allemagne)

COMMISSION DE LA CONVENTION no. 81

COMMITTEE ON CONVENTION No. 81

COMISION DEL CONVENIO núm. 81

Membres gouvernementaux - Government members - Miembros gubernamentales

REPUBLIQUE SUD-AFRICAINE	ALGERIE	ALLEMAGNE
ARABIE SAOUDITE	ARGENTINE	AUSTRALIE
BELGIQUE	BENIN	BOTSWANA
BRESIL	BURKINA FASO	BURUNDI
CHILI	CHINE	COLOMBIE
REPUBLIQUE DE COREE	COSTA RICA	COTE D'IVOIRE
CROATIE	CUBA	DANEMARK
EGYPTE	EMIRATS ARABES UNIS	ESPAGNE
ESTONIE	ETATS-UNIS	FIDJI
FINLANDE	FRANCE	GHANA
GRECE	GUATEMALA	GUINEE
HONDURAS	INDE	INDONESIE
REP. ISLAMIQUE D'IRAN	IRLANDE	ITALIE
JAPON	KAZAKHSTAN	KIRGHIZISTAN
KOWEIT	LETTONIE	LIBAN
JAMAHIRIYA ARABE LIBYENNE	LUXEMBOURG	MALAISIE
MALTE	MAROC	MAURICE
REP. DE MOLDOVA	NIGERIA	NORVEGE
PANAMA	PAYS-BAS	PHILIPPINES
POLOGNE	PORTUGAL	ROUMANIE
ROYAUME-UNI	FEDERATION DE RUSSIE	SAINT-MARIN
SENEGAL	SLOVAQUIE	SOUDAN
SUEDE	SUISSE	SURINAME
REP. ARABE SYRIENNE	REPUBLIQUE TCHEQUE	TOGO
TUNISIE	TURQUIE	UKRAINE
URUGUAY	VENEZUELA	YEMEN

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

AUTRICHE	CAMEROUN	HONGRIE
IRAQ	MALAWI	MEXIQUE
MYANMAR	NIGER	NOUVELLE-ZELANDE
OMAN	QATAR	RWANDA
SEYCHELLES	SLOVENIE	SRI LANKA
THAILANDE	ZAMBIE	ZIMBABWE

Membres employeurs - Employers' members - Miembros empleadores

Mr. AL-JASSIM (Koweït)	S: M. HAMADEH
S: Mr. AL-OMAR	Sr. BLANCO VILLEGAS (Argentine)
M. ANALYTIS (Grèce)	S: Sr. PERTIERRA MENENDEZ
S: Mme KOUTSIVITOU	S: Sr. FIORE
S: M. HARAKAS	S: Sr. HERMIDA MARTINEZ
S: M. PAPAIOANNOU	S: Sr. GELMI
Mr. BAKHEIT (Soudan)	Mr. BOTHA (République sud-africaine)
S: Mr. OMER	S: Mr. VAN VUUREN
M. BEYDOUN (Liban)	

M. BOULOUIZ (Maroc)

S: M. BELARBI

Sr. CARVAJAL BUSTAMANTE (Mexique)

Mr. CHAKRABARTY (Inde)

S: Mr. HAKEEM

Mr. CHIWESHE (Zimbabwe)

S: Mr. DHLAKAMA

M. COULIBALY (Mali)

S: M. TOURE

Mr. DAHLAN (Arabie saoudite)

Sr. DIAZ GARAYCOA (Equateur)

Sr. FERRER (Espagne)

S: Sr. MORENO

S: Sr. GOMEZ

S: Sr. BUGALLAL

Mr. HADISUWITO (Indonésie)

S: Mr. TOPOBROTO

Mr. HOFF (Norvège)

S: Mr. BAKKA

Mr. IMOSILI (Nigéria)

S: Mr. OLANNIYI

M. JAWISH (République arabe syrienne)

S: M. MALAKANI

S: M. AL-HENDI

Mr. KASWARRA (Ouganda)

S: Ms. MUKADISI

Mr. KOLMOGOROV (Fédération de Russie)

S: Mr. BEDNOV

Mr. LACH (Slovaquie)

S: Mr. KATRIAK

S: Mr. HORVÁTH

M. LOUNIS KHODJA (Algérie)

S: M. MEKIDECHE

Ms. MACKIE (Royaume-Uni)

S: Mr. EVANS

S: Ms. OGUNLEYE

Mr. MALLIA MILANES (Malte)

S: Mr. SCICLUNA

Mr. MOORHEAD (Etats-Unis)

S: Ms. BOSTIC

S: Mr. YADLOSKY

Mr. NEMOTO (Japon)

S: Mr. KASAKAWA

Mr. NOAKES (Australie)

S: Mr. PLATT

M. OECHSLIN (France)

S: M. MORIN

S: M. TASSIN

Mr. PAN (Chine)

S: Mr. QIN

Mr. SANYAMBE (Zambie)

S: Mr. MUSANA

Mr. STANLEY-PIERRE (Ghana)

S: Mr. AGAWU

Mr. TAN (Philippines)

S: Mr. ORTIZ-LUIS, JR

M. VAN ZELLER (Portugal)

S: M. DA ROCHA NOVO

S: M. FERNANDES SALGUEIRO

S: M. PENA COSTA

M. WADE (Sénégal)

S: M. BEYE

Mr. WILK (Pologne)

S: Mr. STRASZYNSKI

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. ALAANI (Iraq)	S: M. URBANI
Sr. ALEMANY (République dominicaine)	Ms. STEFÁNSDÓTTIR (Islande)
S: Sr. HERRERA ROA	S: Mr. MAGNÚSSON
Sr. ALVAREZ POSADA (Colombie)	Mr. SZIRMAI (Hongrie)
S: Sr. BECERRA TORO	S: Mrs. GYARMATINÉ RÁCZ
Mr. ARBESSER-RASTBURG (Autriche)	S: Mrs. KOSOVICS TÁBORI
S: Mr. BRAUNER	Mr. TABANI (Pakistan)
S: Mr. STRIMITZER	Mr. THÜSING (Allemagne)
Sr. ARTHUR ERRAZURIZ (Chili)	S: Mr. THOMAS
S: Sr. FANTUZZI HERNANDEZ	M. VAN HOLM (Belgique)
Mr. BERTRANDS (Lettonie)	S: M. MINNE
S: Mr. JAKOBSONS	
Mr. CHO (République de Corée)	
S: Mr. LEE	
Mr. DASSANAYAKE (Sri Lanka)	
Mr. DATUK MOKHZANI (Malaisie)	
S: Mr. DATO' SOPIEE	
Mr. EL DIN (Egypte)	
S: Mr. EL-IBRASHY	
Mr. GATTEGNO (Israël)	
Mr. GONÇALVES DE OLIVEIRA FONSECA (Brésil)	
S: Mr. DE OLIVEIRA RODRIGUES	
S: Mr. SFOGGIA	
S: Mr. MAGALHÃES VELLOSO	
Mr. HABAYBEH (Jordanie)	
S: Mr. DAJANI	
M. HIDOS (Roumanie)	
S: M. DOBRIN	
Mr. HLOPHE (Swaziland)	
M. JUNG (Luxembourg)	
S: M. SAUBER	
S: M. SCHMIT	
Mrs. KABIR (Bangladesh)	
Mr. KEP (Papouasie-Nouvelle Guinée)	
Mr. KUNANANTAKUL (Thaïlande)	
S: Mr. MUHUMAD	
Mr. KUNYAVSKY (Bélarus)	
S: Mr. PLIATCHENKO	
Mr. MAKEKA (Lesotho)	
Mr. MATTAR (Emirats arabes unis)	
M. MORRI (Saint-Marin)	
S: M. UGOLINI	
S: M. BATTISTINI	
Mr. PIERIDES (Chypre)	
S: Mr. KYTHREOTIS	
S: Mr. PILICOS	
Mme SASSO MAZZUFFERI (Italie)	
S: M. MACCIO'	
S: M. GIARDINA	
S: M. FERRARA	

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ABDOUN (Soudan)	Mr. ALI (Bangladesh)
Ms. ASHE (Australie)	M. BATHILY (Mali)
Ms. BELOHLÁVKOVÁ (République tchèque)	Ms. BENDIXEN (Danemark)
Mme BENEDETTINI (Italie)	M. BENHAMOUDA (Algérie)
M. BOUSLAH (Tunisie)	Mr. CALAMATTA (Malte)
Sr. DE LA VEGA (Mexique)	M. ERARD (Suisse)
Mr. FEDOROVICH (Biélorus)	M. FILALI TABAI (Maroc)
Sr. FRADES (Espagne)	Mr. FRIEHS (Autriche)
Mr. FÜKÖH (Hongrie)	Mr. GOLJEVSCEK (Slovénie)
Mr. HASSAN FULLAD (Bahreïn)	Mr. JEGANATHAN (Sri Lanka)
M. KABBOUL (République arabe syrienne)	M. KATSIOTIS (Grèce)
Mr. KIM (République de Corée)	Mr. KLAEWKLARD (Thaïlande)
M. KONZ (Luxembourg)	Mr. KUZMENKO (Fédération de Russie)
Mr. KUZMINSKAS (Lituanie)	M. LEITE (Portugal)
Mr. LUCHMUN ROY (Maurice)	M. MAHAN GAHE (Côte d'Ivoire)
Mr. MEYER (Allemagne)	Mr. MOOKHERJEE (Inde)
Mr. MOOSAVI JAZAYERI (République islamique d'Iran)	Mr. MORGAN (Royaume-Uni)
M. MUSAS ZAND (Zaïre)	Mr. NUNOO-QUAYE (Ghana)
Ms. OOSTVEEN (Pays-Bas)	Mr. OUSMAN (Jamahiriya arabe libyenne)
Mr. PASARIBU (Indonésie)	M. POPESCU (Roumanie)
M. RULIE (France)	Ms. SITHOLE (Swaziland)
M. SOMBES (Cameroun)	Mr. SOSKA (Slovaquie)
Mr. TAHA (Égypte)	Sr. TALIANO (Argentine)
Mr. TAPIOLA (Finlande)	Ms. TCHAOUSHEV (Bulgarie)
Mr. TENGBERG (Suède)	Sr. TURRA PAREDES (Chili)
Mrs. UNDHEIM (Norvège)	Mr. VAN DER MERWE (République sud-africaine)
M. VERBOVEN (Belgique)	Mr. VICENTE DE BARROS (Brésil)
Mr. WANG (Chine)	Mr. WOJCIK (Pologne)
Mr. ZAINAL (Malaisie)	Mr. ZELLHOEFER (États-Unis)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. ABDULLA YOUSIF (Bahreïn)	Mr. AHMAD (Indonésie)
Mr. AL-AZABI (Jamahiriya arabe libyenne)	M. ALVES TRINDADE (Portugal)
Mr. ATHUKORALE (Sri Lanka)	M. BAKOT NJOCK (Cameroun)
M. BENATIA (Algérie)	Ms. BENNETT (Australie)
Mme BRIGHI (Italie)	M. COELHAS DIONÍSIO (Portugal)
Mr. DAULAT (Indonésie)	Sr. DE LA PUENTE PEÑA (Chili)
M. EL MOKHAREK (Maroc)	Mrs. GAVRILOVA (Lettonie)
Mr. GHANDOUR (Soudan)	Mr. GIFFORD (Royaume-Uni)

Sr. GONZALEZ (Espagne)
Mr. HUTCHISON (Etats-Unis)
M. ISSA (République arabe syrienne)
Mr. KOSAISOOK (Thaïlande)
M. LADRILLE (Belgique)
Mr. MBONINI (Botswana)
Mr. PASKA (Papouasie-Nouvelle Guinée)
Sr. PETRECCA (Argentine)
Mr. REUNA (Finlande)
Sr. SANCHEZ MADARIAGA (Mexique)
Mr. SHAMENDA (Zambie)
Mr. STEYNE (Royaume-Uni)
Mr. TANAKA (Japon)
Mr. TIAGI (Inde)

Sr. GONZALEZ (Espagne)
Mr. IBRAHIM (Brésil)
Mr. IWAMOTO (Japon)
M. KUBWIMANA (Burundi)
Mr. MANDLAZE (Mozambique)
Mr. MHANGO (Malawi)
Mrs. PEDERSEN (Norvège)
Mr. PRENTZAS (Chypre)
Mr. SAMI (Egypte)
Mr. SHAHEEN (Pakistan)
Mr. SHCHEBROV (Biélorus)
M. STRATOULIS (Grèce)
Ms. THULESTEDT (Suède)
M. TOURÉ (Guinée)

**COMMISSION DU REGLEMENT
STANDING ORDERS COMMITTEE
COMISION DEL REGLAMENTO**

Membres gouvernementaux - Government members - Miembros gubernamentales

AUTRICHE	CANADA	CHINE
REPUBLIQUE DE COREE	DANEMARK	ESPAGNE
ETATS-UNIS	FINLANDE	FRANCE
GHANA	GUATEMALA	HONDURAS
INDONESIE	REP. ISLAMIQUE D'IRAN	ITALIE
JAPON	KENYA	JAMAHIRIYA ARABE LIBYENNE
LUXEMBOURG	MAROC	MEXIQUE
NAMIBIE	NIGERIA	NORVEGE
PAYS-BAS	PEROU	ROYAUME-UNI
FEDERATION DE RUSSIE	SENEGAL	SOUDAN
SUEDE	SUISSE	REP. ARABE SYRIENNE
REPUBLIQUE TCHEQUE	TURQUIE	VENEZUELA

Membres gouv. adjoints - Govt. deputy members - Miembros gub.adjuntos

ALLEMAGNE	BELGIQUE	BRESIL
CAMEROUN	COLOMBIE	COTE D'IVOIRE
EGYPTE	EMIRATS ARABES UNIS	IRAQ
IRLANDE	KOWEIT	PANAMA
PHILIPPINES	ROUMANIE	SLOVAQUIE
ZIMBABWE		

Membres employeurs - Employers' members - Miembros empleadores

Sr. BLANCO VILLEGAS (Argentine)	Mr. MOORHEAD (Etats-Unis)
S: Sr. FUNES DE RIOJA	S: Mr. POTTER
S: Sr. BOLO	S: Ms. TUCKER
M. BOULOUIZ (Maroc)	M. OECHSLIN (France)
S: M. TOUIL	
Mr. CHAKRABARTY (Inde)	
S: Mr. GARG	
M. DABO (Guinée)	
Sr. FERRER (Espagne)	
S: Sr. BUGALLAL	
Mr. HABAYBEH (Jordanie)	
S: Mr. EL HUSSEINI	
Mr. HADISUWITO (Indonésie)	
S: Mr. THAMRIN	
Mr. HUNTJENS (Pays-Bas)	
S: Ms. HAK	
S: Mr. SCHOENMAECKERS	
Mr. KASWARRA (Ouganda)	
Mr. LACH (Slovaquie)	
S: Mr. KATRIAK	
S: Mr. HORVÁTH	
M. LOUNIS KHODJA (Algérie)	
S: M. MEGATILI	
S: M. MEKIDECHE	

Membres employeurs adjoints - Employers' deputy members - Miembros empleadores adjuntos

Mr. AL-JASSIM (Koweït)

S: Mr. ALRABAH

Mr. ALAANI (Iraq)

Sr. ALEMANY (République dominicaine)

S: Sr. BERGES

Sr. ALVAREZ POSADA (Colombie)

S: Sr. TORRES FERNANDEZ

Mr. ATASAYAR (Turquie)

S: Mr. ALTINBASAK

S: Mr. ARSLAN

Mr. BOTHA (République sud-africaine)

S: Mr. MOSHAPALO

Mr. CHIWESHE (Zimbabwe)

S: Mr. JOHNSON

Mr. CHO (République de Corée)

S: Mr. LEE

Mr. EL DIN (Egypte)

S: Mr. SEMIDA

M. HIDOS (Roumanie)

S: M. PACURARU

Mr. IVANCEVIC (Croatie)

S: Mrs. HORVATIC

M. JAWISH (République arabe syrienne)

S: M. AL-HENDI

S: M. MALAKANI

Mr. KOLMOGOROV (Fédération de Russie)

S: Mr. KRASILNIKOV

Ms. MACKIE (Royaume-Uni)

Mr. NEMOTO (Japon)

S: Mr. KASAKAWA

Mme SASSO MAZZUFFERI (Italie)

S: M. FERRARA

S: M. URBANI

S: M. GIARDINA

S: M. MACCIO'

Mr. TAN (Philippines)

S: Mr. PERIQUET, JR

M. VAN HOLM (Belgique)

S: M. MINNE

Mr. WILK (Pologne)

S: Mr. MACIEJCZYK

Membres travailleurs - Workers' members - Miembros trabajadores

Mr. ALI (Bangladesh)

Sr. BALDASSINI (Argentine)

M. DASSIS (Grèce)

Mr. GRAY (Etats-Unis)

Mr. HASSAN FULLAD (Bahreïn)

M. ANTÓNIO DE CARVALHO (Portugal)

M. BEN SEDDIK (Maroc)

Mr. DIMOV (Bulgarie)

Mr. GUPTE (Inde)

Mr. KIM (République de Corée)

Mr. MALLON (Canada)
Mr. MORSI (Egypte)
M. SIMION (Roumanie)
Mrs. SPYCHALSKA (Pologne)

Mr. MIACHIN (Fédération de Russie)
Mr. SHILOWA (République sud-africaine)
Mr. SIRIWARDANA (Sri Lanka)
Mr. VICENTE DE BARROS (Brésil)

Membres travailleurs adjoints - Workers' deputy members - Miembros trabajadores adjuntos

Mr. ABDULLA YOUSIF (Bahreïn)
Mr. AHMED (Pakistan)
Sr. BERNAL CAMERO (Cuba)
Mr. ETTY (Pays-Bas)
M. LIAKOPOULOS (Grèce)
Mr. NGCUKANA (République sud-africaine)
Mr. SUBASINGHE (Sri Lanka)
Mr. TAHA (Egypte)
Mr. ÜBERBACH (Allemagne)
Mr. ZELLHOEFER (Etats-Unis)

M. ADIKO NIAMKEY (Côte d'Ivoire)
Mr. AL-SAMMAK (Bahreïn)
M. BOUSLAH (Tunisie)
Mr. GIEORGICA (Pologne)
Mr. MOOKHERJEE (Inde)
M. SCHMID (Suisse)
Mr. SVENNINGSSEN (Danemark)
Ms. TCHAOUSHEV (Bulgarie)
Mr. VENUGOPAL (Inde)

Reports of the Selection Committee

Second report

Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 56, paragraph 9 of the Conference Standing Orders, the Officers of the Selection Committee recommend to the Conference that the African Federation of Miners, Energy, Chemical and Allied Trade Unions be invited to be represented in the Committee on Safety and Health in Mines, and that the International Federation of University Women be invited to be represented in the Committee on the Application of Standards, the Committee on Home Work, and the Committee on Convention No. 81.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BOLIVIE	-	T
CHYPRE	-	A
EL SALVADOR	-	T
ISRAEL	-	T
JAMAIQUE	-	A
REP.-UNIE DE TANZANIE	-	T
REP.CENTRAFRICAINE	-	T
SAINT-SIEGE	-	O
SINGAPOUR	-	T
TRINITE-ET-TOBAGO	-	T
ZAIRE	-	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. KAMBAUWA (Malawi)	-	T
Mr. KWAIRY (Jamahiriya arabe libyenne)	-	T
Mr. MEGHERBI (Jamahiriya arabe libyenne)	-	Suppléant de Mr. KWAIRY
Mr. OWUOR (Kenya)	-	A

changer/change/cambiar

M. AKA-ANGHUI (Côte d'Ivoire)	T	A
Mr. ARINITCH (Bélarus)	S	Suppléant de Mr. KUNYAVSKY
Mr. KOUZMIN (Bélarus)	S	Suppléant de Mr. KUNYAVSKY
Mr. KUNYAVSKY (Bélarus)	T	A
M. TRAORE (Côte d'Ivoire)	S	Suppléant de M. AKA-ANGHUI

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sr. CHANG CRESPO (Equateur)	-	T
Mr. DEL PRADO (Philippines)	-	A
Sr. DUTAN ERRAEZ (Equateur)	-	A
Mr. GIEORGICA (Pologne)	-	A
Mr. GOODLEIGH (Jamaïque)	-	T
M. HADJI DADDI (Niger)	-	A
M. IBRAHIMA (Bénin)	-	T
M. KEBE (Guinée)	-	A
Ms. MRKWICKA (Irlande)	-	T
Sra. RIAL (Argentine)	-	A
Mr. SENO (Philippines)	-	T
M. SOMDAH (Burkina Faso)	-	A
Mr. TAN (Philippines)	-	A
Mr. WALL (Irlande)	-	A

changer/change/cambiar

M. CHILOV (Ukraine)	A	T
Mr. DANTJIE (République sud-africaine)	T	A
Sr. FAJARDO ABRIL (Colombie)	T	A

delete/supprimer/suprimir

Mr. ANTONIOU (Chypre)	T
Mr. JUMA'A (Arabie saoudite)	T
M. ZANIER (Luxembourg)	A

1 T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES**COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES****COMISION DE SEGURIDAD Y SALUD EN LAS MINAS**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

REP.-UNIE DE TANZANIE	-	T
ZAIRE	-	T

Employers - Employeurs - Empleadores*add/ajouter/añadir*

Mr. AL-THANI (Qatar)	-	A
M. BORA (Roumanie)	-	Suppléant de M. HIDOS
M. BOUSSAT (France)	-	Suppléant de M. OECHSLIN
Mr. KWAIRY (Jamahiriya arabe libyenne)	-	T
Mr. MAGALHÃES VELLOSO (Brésil)	-	Suppléant de Mr. GONÇALVES DE OLIVEIR
Mr. MEGHERBI (Jamahiriya arabe libyenne)	-	Suppléant de Mr. KWAIRY
M. MORIN (France)	-	Suppléant de M. OECHSLIN
Mr. ROBINSON (Jamaïque)	-	A

changer/change/cambiar

Ms. AHLKVIST (Suède)	S	Suppléant de Mr. ARTIN
Mr. ARTIN (Suède)	T	A
Mr. HULDT (Suède)	S	Suppléant de Mr. ARTIN
Mr. MYRDAL (Suède)	S	Suppléant de Mr. ARTIN

Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

Mr. ANTONIOU (Chypre)	-	T
Mr. CARULLO (Philippines)	-	A
Sr. CHANG CRESPO (Equateur)	-	A
M. COSMA (Roumanie)	-	A
Mr. JUMA'A (Arabie saoudite)	-	T
M. KPOKOLO (République centrafricaine)	-	T
M. MOMBO MOUELET (Gabon)	-	T
Ms. MRKWICKA (Irlande)	-	A
Mr. PADILLA (Philippines)	-	T
M. TORSAN (Roumanie)	-	A
Sr. VELOZ CUEVA (Equateur)	-	T
Mr. WALL (Irlande)	-	T

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

Mr. KITTENIS (Chypre)

T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BERMUDES	-	O
CHYPRE	-	T
EL SALVADOR	-	T
ISRAEL	-	A
REP.-UNIE DE TANZANIE	-	T
REP.CENTRAFRICAINE	-	T
SAINT-SIEGE	-	O

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. HADDOUD (Algérie)	-	Suppléant de M. LOUNIS KHODJA
Mr. HESS (Allemagne)	-	Suppléant de Mr. THÜSING
Mr. HOTRAKUL (Thaïlande)	-	Suppléant de Mr. KUNANANTAKUL
Mr. KEMPER (Allemagne)	-	Suppléant de Mr. THÜSING
Mr. MAENDA (République-Unie de Tanzanie)	-	T
Mr. MATTAKA (République-Unie de Tanzanie)	-	Suppléant de Mr. MAENDA
Mr. ROBINSON (Jamaïque)	-	A

delete/supprimer/suprimir

M. TITAH (Algérie)	S
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Sra. BETELU (Espagne)	-	A
Sr. COBAS (Argentine)	-	A
Sra. DEUTSCH (Venezuela)	-	T
Sr. DUTAN ERRAEZ (Equateur)	-	A
M. HADJI DADDU (Niger)	-	T
Mr. KIM (République de Corée)	-	A
Mr. KITTENIS (Chypre)	-	T
Ms. KJAER (Danemark)	-	A
M. LEPU (Zaïre)	-	A
Sr. MARADIAGO (Colombie)	-	T
Mrs. MENDOZA (Philippines)	-	A

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

Ms. MRKWICKA (Irlande)	-	A
Mr. OLIVEROS (Philippines)	-	T
Mr. STEYNE (Royaume-Uni)	-	A
M. ZANIER (Luxembourg)	-	a
<i>changer/change/cambiar</i>		
Mr. AL SHAREIRI (Jordanie)	T	A
Sr. ALVIS FERNANDEZ (Colombie)	T	A
Mr. BUHAGIAR (Malte)	T	A
Sra. CANDELAS (Espagne)	T	A
Mr. CHO (République de Corée)	T	A
Mr. DIOMEDOUS (Chypre)	T	A
M. DOEVI-TSIBIAKU (Togo)	A	T
Mrs. JELODAR ZADEH (République islamique d'Iran)	T	A
M. KIKONGI DI MWINSA (Zaïre)	T	A
Mr. MONGI (Egypte)	T	A
Sr. PEREZ TOVAR (Mexique)	T	A
M. SPAEY (Belgique)	T	A
M. TOZOUN (Togo)	T	A
Mr. ZAIDI (Indonésie)	T	A

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81**COMMISSION DE LA CONVENTION no. 81****COMISION DEL CONVENIO núm. 81**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

CHYPRE	-	T
EL SALVADOR	-	T
ISRAEL	-	A
REP.-UNIE DE TANZANIE	-	A
REP.CENTRAFRICAINE	-	T
TRINITE-ET-TOBAGO	-	T

Employers - Employeurs - Empleadores*add/ajouter/añadir*

M. MEGATILI (Algérie)	-	Suppléant de M. LOUNIS KHODJA
Mrs. SZEGÖ (Hongrie)	-	Suppléant de Mr. SZIRMAI

delete/supprimer/suprimir

Mr. MAGALHÃES VELLOSO (Brésil)	S
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Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

Mrs. AASNES (Norvège)	-	A
Sr. ALVIS FERNANDEZ (Colombie)	-	t
M. BOUCHEMOUKHA (Algérie)	-	T
M. COSMA (Roumanie)	-	A
Mr. DEL PRADO (Philippines)	-	T
Mme DIENG (Sénégal)	-	T
Mr. DIOMEDOUS (Chypre)	-	T
Mr. GEORGIEVSKI (L'Ex-Rép. yougos. de Macédoine)	-	T
M. KPOKOLO (République centrafricaine)	-	A
M. MEDOR (Sénégal)	-	A
Sr. PETIT (Venezuela)	-	T
M. SARBESCU (Roumanie)	-	A
M. TORSAN (Roumanie)	-	A
Mr. VALERIO (Philippines)	-	A
Mr. WALL (Irlande)	-	A

*changer/change/cambiar*¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

Ms. BELOHLÁVKOVÁ (République tchèque)	T	A
Sr. DE LA VEGA (Mexique)	T	A
M. ERARD (Suisse)	T	A
M. KABBOUL (République arabe syrienne)	T	A
Mr. KLAEWKLARD (Thaïlande)	T	A
Mr. MOOKHERJEE (Inde)	T	A
Mr. TAHA (Egypte)	T	A
Mrs. UNDHEIM (Norvège)	T	A
M. VERBOVEN (Belgique)	T	A
Mr. WOJCIK (Pologne)	T	A
<i>delete/supprimer/suprimir</i>		
M. BENHAMOUDA (Algérie)	T	

1 T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

JAMAIQUE	-	T
REP.CENTRAFRICAINE	-	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. CAL (Italie)	-	T
M. KPOKOLO (République centrafricaine)	-	A
Mr. OLIVEROS (Philippines)	-	A
M. SONA MINDANA (Zaïre)	-	T
Mr. TAN (Philippines)	-	T
Mr. WALL (Irlande)	-	A

changer/change/cambiar

Mr. AHMED (Pakistan)	A	T
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Third report

Changes in the composition of committees

The Conference approved the following changes in the composition of committees, recommended by the Officers of the Selection Committee, at the close of its proceedings on Thursday, 8 June.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BELARUS	-	T
LITUANIE	-	T
MADAGASCAR	-	T

delete/supprimer/suprimir

LETTONIE	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. DE ARBELOA (Venezuela)	-	T
Sr. GARRIDO SOTO (Venezuela)	-	Suppléant de Sr. DE ARBELOA
Mr. GHADIANI (République islamique d'Iran)	-	T
M. LUBOYA DIYOKA (Zaïre)	-	A
Mr. MALEK MOHAMMADI (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI
M. POMA APOPOTSA (Zaïre)	-	Suppléant de M. LUBOYA DIYOKA
Sr. RAMÍREZ (El Salvador)	-	T
Sr. TORRES FERNANDEZ (Colombie)	-	Suppléant de Sr. ALVAREZ POSADA
Sr. ZAVALA COSTA (Pérou)	-	A

¹ T: Regular member / membre Titulaire / miembro titular

S: Substitute member / membre suppléant / miembro suplente

A: Deputy member / membre adjoint / miembro adjunto

O: Observer member / membre observateur / miembro observador

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. HAIKALI (Namibie)	-	T
Mr. KLAEWKLARD (Thaïlande)	-	A
Mr. KOSAISOOK (Thaïlande)	-	A

changer/change/cambiar

M. SOMDAH (Burkina Faso)	A	T
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COMMITTEE ON SAFETY AND HEALTH IN MINES**COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES****COMISION DE SEGURIDAD Y SALUD EN LAS MINAS**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

BELARUS	-	T
LESOTHO	-	T

Employers - Employeurs - Empleadores*add/ajouter/añadir*

Mr. BUCHTA (Pologne)	-	Suppléant de Mr. WILK
M. DIOP (Sénégal)	-	Suppléant de M. WADE
Mr. GHADIANI (République islamique d'Iran)	-	T
Mr. MALEK MOHAMMADI (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI

changer/change/cambiar

M. BEYE (Sénégal)	S	Suppléant de M. WADE
Mr. DAJANI (Jordanie)	S	Suppléant de Mr. HABAYBEH
Mr. DIKOLENKO (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
Mr. HABAYBEH (Jordanie)	T	A
Mr. IMPERIAL, JR (Philippines)	S	Suppléant de Mr. TAN
Mr. KOLMOGOROV (Fédération de Russie)	T	A
Mr. TAN (Philippines)	T	A
M. WADE (Sénégal)	T	A

Workers - Travailleurs - Trabajadores*changer/change/cambiar*

M. DELIGIANNAKIS (Grèce)	T	A
Mr. HAIKALI (Namibie)	T	A

delete/supprimer/suprimir

Mr. KOSAISOOK (Thaïlande)	T
---------------------------	---

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BELARUS	-	T
LITUANIE	-	A
SWAZILAND	-	T

changer/change/cambiar

REPUBLIQUE SUD-AFRICAINE	A	T
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delete/supprimer/suprimir

LETTONIE	A	
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Employers - Employeurs - Empleadores

add/ajouter/añadir

M. BOYE (Sénégal)	-	Suppléant de M. WADE
Sr. DE ARBELOA (Venezuela)	-	A
Mr. GHADIANI (République islamique d'Iran)	-	A
Mr. HOSSEIN FALLAH (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI
Mr. MALEK MOHAMMADI (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI

changer/change/cambiar

M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. JAWISH
Mr. AR-ROUBAIDI (Yémen)	S	Suppléant de Mr. TABET
M. CHELARIU (Roumanie)	S	Suppléant de M. HIDOS
Mr. DASSANAYAKE (Sri Lanka)	T	A
M. FUNDATURA (Roumanie)	S	Suppléant de M. HIDOS
M. HIDOS (Roumanie)	T	A
M. JAWISH (République arabe syrienne)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. JAWISH
Mr. TABET (Yémen)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. KOSTECKI (Pologne)	-	A
M. LOEMBE (Gabon)	-	A
Sra. PÓLIT (Equateur)	-	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Mr. SARI (Turquie)	-	T
Sr. TEJADA (El Salvador)	-	T
Mr. TENGBERG (Suède)	-	A
<i>changer/change/cambiar</i>		
Sr. CUEVAS (République dominicaine)	T	A
Mme DA CONCEIÇÃO PEDRO CORREIA (République d'Angola)	T	A
Sra. DEUTSCH (Venezuela)	T	A
M. DOEVI-TSIBIAKU (Togo)	T	A
Ms. FOULKES (Nouvelle-Zélande)	T	A
Mr. KITTENIS (Chypre)	T	A
M. LONG (Cambodge)	T	A
Ms. PAYNE (Antigua-et-Barbuda)	T	A
Mr. SILINS (Lettonie)	T	A
<i>delete/supprimer/suprimir</i>		
Mr. YILMAZ (Turquie)	T	

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O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81

COMMISSION DE LA CONVENTION no. 81

COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

BANGLADESH	-	T
BARBADE	-	T
BELARUS	-	T
LITUANIE	-	T

delete/supprimer/suprimir

LETTONIE	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. DE ARBELOA (Venezuela)	-	A
Sr. GARRIDO SOTO (Venezuela)	-	Suppléant de Sr. DE ARBELOA
Mr. GHADIANI (République islamique d'Iran)	-	A
Mr. HOSSEIN FALLAH (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI
Mr. MALEK MOHAMMADI (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI
Sr. RAMÍREZ (El Salvador)	-	A

changer/change/cambiar

M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. JAWISH
M. ANALYTIS (Grèce)	T	A
Mr. BEDNOV (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
M. BELARBI (Maroc)	S	Suppléant de M. BOULOUIZ
M. BOULOUIZ (Maroc)	T	A
Mr. HADISUWITO (Indonésie)	T	A
M. HAKAKAS (Grèce)	S	Suppléant de M. ANALYTIS
M. JAWISH (République arabe syrienne)	T	A
Mr. KOLMOGOROV (Fédération de Russie)	T	A
Mme KOUTSIVITOU (Grèce)	S	Suppléant de M. ANALYTIS
M. LOUNIS KHODJA (Algérie)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. JAWISH
Mr. MALLIA MILANES (Malte)	T	A
M. MEGATILI (Algérie)	S	Suppléant de M. LOUNIS KHODJA
M. MEKIDECHE (Algérie)	S	Suppléant de M. LOUNIS KHODJA

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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

Mr. ORTIZ-LUIS, JR (Philippines)	S	Suppléant de Mr. TAN
M. PAPAIOANNOU (Grèce)	S	Suppléant de M. ANALYTIS
Mr. SCICLUNA (Malte)	S	Suppléant de Mr. MALLIA MILANES
Mr. TAN (Philippines)	T	A
Mr. TOPOBROTO (Indonésie)	S	Suppléant de Mr. HADISUWITO
<i>delete/supprimer/suprimir</i>		
Mrs. SZEGÖ (Hongrie)	S	

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. BATHILY (Mali)	T	A
Mme DIENG (Sénégal)	T	A
Mr. DIOMEDOUS (Chypre)	T	A
Mr. HASSAN FULLAD (Bahreïn)	T	A
M. MAHAN GAHE (Côte d'Ivoire)	T	A
M. MUSAS ZAND (Zaïre)	T	A
Mr. PASARIBU (Indonésie)	T	A
M. SOMBES (Cameroun)	T	A
Ms. TCHAOUSHEV (Bulgarie)	T	A
Mr. ZAINAL (Malaisie)	T	A

delete/supprimer/suprimir

Mr. KLAEWKLARD (Thaïlande)	A
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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

COSTA RICA	-	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. GHADIANI (République islamique d'Iran)	-	A
Mr. HOSSEIN FALLAH (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI
Mr. MALEK MOHAMMADI (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI

Reports of the Selection Committee

Fourth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

UGANDA	-	T
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Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. KASAKAWA (Japon)	S	Suppléant de Mr. NEMOTO
Sr. LAURINO SOTO (Paraguay)	T	A
Mr. MAKEKA (Lesotho)	T	A
Mr. NEMOTO (Japon)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. ABERDEEN (Trinité-et-Tobago)	-	T
M. AZILE (Gabon)	-	T
Mme DA COSTA (Guinée-Bissau)	-	A
M. DIBADI-OBAME (Gabon)	-	A
M. DIOP (Sénégal)	-	A
Mr. FERGUSON JR. (Bahamas)	-	A
Mr. KARA (Israël)	-	T
M. MBAYE (Sénégal)	-	T
Mr. MENDOZA (Philippines)	-	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente

A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Sr. OJEDA (Paraguay)	-	T
Mr. ROLLE (Bahamas)	-	T
Sr. VERA VENIALGO (Paraguay)	-	A
Sr. ZERPA MIRABAL (Venezuela)	-	A

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES**COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES****COMISION DE SEGURIDAD Y SALUD EN LAS MINAS**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores***changer/change/cambiar***

M. COUNET (Belgique)	S	Suppléant de M. VAN HOLM
Sr. DURLING (Panama)	T	A
Sr. TEJADA OLARTE (Panama)	S	Suppléant de Sr. DURLING
M. VAN HOLM (Belgique)	T	A

Workers - Travailleurs - Trabajadores***add/ajouter/añadir***

Mme DIOUF (Sénégal)	-	A
M. GUIRO (Sénégal)	-	T
Mr. KOSAISOOK (Thaïlande)	-	A
M. MAYOMBO (Gabon)	-	A

changer/change/cambiar

Mr. AL-AZABI (Jamahiriya arabe libyenne)	T	A
Mr. AL-GADRIE (Yémen)	T	A
M. KPOKOLO (République centrafricaine)	T	A
Mr. MANDLAZE (Mozambique)	T	A
M. MBIKAYI MABULUKI (Zaïre)	T	A
Mr. SHAHEEN (Pakistan)	T	A
Sr. VELOZ CUEVA (Equateur)	T	A

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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK**COMMISSION DU TRAVAIL A DOMICILE****COMISION DEL TRABAJO A DOMICILIO**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

LESOTHO	-	T
UGANDA	-	T

Employers - Employeurs - Empleadores*add/ajouter/añadir*

M. ABOUGHE-OBAME (Gabon)	-	T
M. AKOULOU EYELEKO (Gabon)	-	Suppléant de M. ABOUGHE-OBAME
Mr. AL-RUBA'EI (Oman)	-	T
Mrs. ANDERSEN (Norvège)	-	Suppléant de Mr. HOFF
Mrs. HAMMERSTROM (Norvège)	-	Suppléant de Mr. HOFF

changer/change/cambiar

M. ANALYTIS (Grèce)	T	A
Mr. FERDINANDUS (Indonésie)	S	Suppléant de Mr. HADISUWITO
Mr. HADISUWITO (Indonésie)	T	A
Mr. KOLMOGOROV (Fédération de Russie)	T	A
Mr. KOSTIN (Fédération de Russie)	S	Suppléant de Mr. KOLMOGOROV
Mme KOUTSIVITOU (Grèce)	S	Suppléant de M. ANALYTIS
Mr. MALLIA MILANES (Malte)	T	A
Mr. MAUNG (Myanmar)	A	T
Mr. SCICLUNA (Malte)	S	Suppléant de Mr. MALLIA MILANES
Mr. TABANI (Pakistan)	T	A
Mme TSOUMANI-SPENTZA (Grèce)	S	Suppléant de M. ANALYTIS
M. VAGIAS (Grèce)	S	Suppléant de M. ANALYTIS

Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

Mr. ABERDEEN (Trinité-et-Tobago)	-	A
M. DIBADI-OBAME (Gabon)	-	A
Mme DIENG (Sénégal)	-	T
Sr. PARRA GAONA (Paraguay)	-	T
Mr. REBOLJ (Slovénie)	-	A
M. SOCK (Sénégal)	-	A
M. TALL (Sénégal)	-	A

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S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

Sr. VERA VENIALGO (Paraguay)	-	A
<i>changer/change/cambiar</i>		
Mr. ATHUKORALE (Sri Lanka)	T	A
M. BAUSCH (Luxembourg)	T	A
M. CHAHIR (Maroc)	T	A
M. LOEMBE (Gabon)	A	T
M. NOUASRIA (Algérie)	T	A
Mr. SHAMENDA (Zambie)	T	A
M. SPAEY (Belgique)	A	T
<i>delete/supprimer/suprimir</i>		
Mr. GOLJEVSCEK (Slovénie)	A	
Mr. KAADU (Estonie)	T	

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81
COMMISSION DE LA CONVENTION no. 81
COMISION DEL CONVENIO núm. 81

	Previous status Statut antérieur Calidad anterior	New status ¹ Nouveau statut Nueva calidad
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Governments - Gouvernements - Gobiernos

add/ajouter/añadir

LESOTHO	-	A
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Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ABOUGHE-OBAME (Gabon)	-	T
M. AKOULOU EYELEKO (Gabon)	-	Suppléant de M. ABOUGHE-OBAME
Mr. AL-RUBA'EI (Oman)	-	A
Mr. JOHNSON (Zimbabwe)	-	Suppléant de Mr. CHIWESHE

delete/supprimer/suprimir

Mr. DHLAKAMA (Zimbabwe)	S	
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. AZILE (Gabon)	-	A
Mr. GIJSBERTHA (Pays-Bas)	-	A
M. MAYOMBO (Gabon)	-	T
M. NIASSE (Sénégal)	-	T
Mr. REBOLJ (Slovénie)	-	T
Mr. ROLLAN (Pays-Bas)	-	A

changer/change/cambiar

M. BATHILY (Mali)	A	T
M. BOUCHEMOUKHA (Algérie)	T	A
Mr. KIM (République de Corée)	T	A
Mr. MANDLAZE (Mozambique)	A	T
Mr. MOOSAVI JAZAYERI (République islamique d'Iran)	T	A
M. MUSAS ZAND (Zaïre)	A	T

delete/supprimer/suprimir

Mme DIENG (Sénégal)	A	
Mr. GOLJEVSCEK (Slovénie)	T	

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. DIOP (Sénégal)	-	A
Mr. KARA (Israël)	-	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

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Reports of the Selection Committee

Fifth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

HONGRIE	A	T
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Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. HORVÁTH (Slovaquie)	S	Suppléant de Mr. LACH
Mr. KATRIAK (Slovaquie)	S	Suppléant de Mr. LACH
Mr. LACH (Slovaquie)	T	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

COMMITTEE ON SAFETY AND HEALTH IN MINES

COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES

COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. AFILAL (Maroc)	T	A
Mr. ANTONIOU (Chypre)	T	A
Mr. DEVENDRA (Sri Lanka)	T	A
Sr. GUERRERO (Honduras)	T	A
Mrs. HOZOORI (République islamique d'Iran)	T	A
Mr. LIU (Chine)	T	A
M. MENDES (Portugal)	T	A
Mr. SHAREEM (Jordanie)	T	A
M. STOYAN (Ukraine)	T	A
Sr. TRUJILLO (Venezuela)	T	A
Mrs. VELINOVA (Bulgarie)	T	A

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A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

HONGRIE	A	T
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Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. MAUNG (Myanmar)	T	A
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. KAADU (Estonie)	-	T
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changer/change/cambiar

Sra. CANDELAS (Espagne)	A	T
Sra. DEUTSCH (Venezuela)	A	T

¹ T: Regular member / membre Titulaire / miembro titular
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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81
COMMISSION DE LA CONVENTION no. 81
COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

HONGRIE	A	T
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mrs. ZGHIBARTA (République de Moldova)	-	A
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changer/change/cambiar

M. POPESCU (Roumanie)	T	A
M. RULIE (France)	T	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Sixth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

COMORES	-	T
GABON	-	T
LESOTHO	-	T

Employers - Employeurs - Empleadores

changer/change/cambiar

Sr. GONZALEZ RODRIGUEZ (Cuba)	T	A
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. BASTIAN (Bahamas)	-	T
Mr. GUNDERSEN (Norvège)	-	A
M. KPOKOLO (République centrafricaine)	-	T
M. N'DIAYE DIAJI (Sénégal)	-	T
M. NDAO (Sénégal)	-	A
Mr. NILSEN (Norvège)	-	A
M. RAKOTONIAINA (Madagascar)	-	T
Mrs. UNDHEIM (Norvège)	-	A

changer/change/cambiar

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

Mr. CHAROENPHAO (Thaïlande)	T	A
Mrs. PEDERSEN (Norvège)	A	T
Sr. ZERPA MIRABAL (Venezuela)	A	T
<i>delete/supprimer/suprimir</i>		
Mr. AHMED (Pakistan)	T	
Mr. DAHL (Norvège)	T	
M. MBAYE (Sénégal)	T	

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES
COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. HERMIDA MARTÍNEZ (Argentine)	-	Suppléant de Sr. BLANCO VILLEGAS
Mr. MOHAMMAD HOSEIN FALLAH (République islamique d'Iran)	-	Suppléant de Mr. GHADIANI

changer/change/cambiar

Ms. AHLKVIST (Suède)	S	Suppléant de Mr. ARTIN
Mr. ARTIN (Suède)	A	T
M. COUNET (Belgique)	S	Suppléant de M. VAN HOLM
Sr. DURLING (Panama)	A	T
Mr. HULDT (Suède)	S	Suppléant de Mr. ARTIN
Mr. MYRDAL (Suède)	S	Suppléant de Mr. ARTIN
Sr. TEJADA OLARTE (Panama)	S	Suppléant de Sr. DURLING
M. VAN HOLM (Belgique)	A	T

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mrs. AASNES (Norvège)	-	A
Sr. FIGUERA (Venezuela)	-	T
Mr. GUNDERSEN (Norvège)	-	A
Mrs. UNDHEIM (Norvège)	-	A

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S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mrs. KARIKARI ANANG (Ghana)	-	Suppléant de Mr. STANLEY-PIERRE
<i>changer/change/cambiar</i>		
Sr. AMADOR ARRIETA (Nicaragua)	T	A
Sr. ARRATIA ALVARADO (Chili)	S	Suppléant de Sr. ARTHUR ERRAZURIZ
Sr. ARTHUR ERRAZURIZ (Chili)	T	A
Mr. BASS (Antigua-et-Barbuda)	T	A
Sr. BERG MONASTERIO (Chili)	S	Suppléant de Sr. ARTHUR ERRAZURIZ
M. BEYE (Sénégal)	S	Suppléant de M. WADE
M. BOYE (Sénégal)	S	Suppléant de M. WADE
M. DIOP (Sénégal)	S	Suppléant de M. WADE
Mr. MAENDA (République-Unie de Tanzanie)	T	A
Mr. MAKEKA (Lesotho)	T	A
Mr. MATTAKA (République-Unie de Tanzanie)	S	Suppléant de Mr. MAENDA
M. N'GUISSAN (Togo)	T	A
Mr. PAUL (République tchèque)	S	Suppléant de Mr. PRIOR
Mr. PRIOR (République tchèque)	T	A
Mr. ROBERTS (Fidji)	T	A
Mr. SANYAMBE (Zambie)	T	A
Mr. SKÁLA (République tchèque)	S	Suppléant de Mr. PRIOR
M. THIAM (Sénégal)	S	Suppléant de M. WADE
M. WADE (Sénégal)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mrs. AASNES (Norvège)	-	A
Mr. NILSEN (Norvège)	-	A
M. RAKOTOBE (Madagascar)	-	T
Mrs. UNDHEIM (Norvège)	-	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

COMORES	-	T
MADAGASCAR	-	T

Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ANDRIATSITOHAINA (Madagascar)	-	A
Mr. HUNTJENS (Pays-Bas)	-	A
M. RABEMANANTSOA (Madagascar)	-	Suppléant de M. ANDRIATSITOHAINA
Mr. SEALY (Pays-Bas)	-	Suppléant de Mr. HUNTJENS

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. GUNDERSEN (Norvège)	-	A
Mr. MENDOZA (Philippines)	-	A
Mr. NILSEN (Norvège)	-	A

changer/change/cambiar

Mr. FEDOROVICH (Bélarus)	T	A
M. FILALI TABAI (Maroc)	T	A
Mr. GEORGIEVSKI (L'Ex-Rép. yougos. de Macédoine)	T	A
Sr. TALIANO (Argentine)	T	A
Mrs. UNDHEIM (Norvège)	A	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Seventh report

Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 56, paragraph 9 of the Conference Standing Orders, the Officers of the Selection Committee recommend to the Conference that the International Association of Universities of the Third Age be invited to be represented in the Committee on Home Work.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

CONGO	-	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

M. ANDRIATSITOHAINA (Madagascar)	-	A
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changer/change/cambiar

Mr. KWAIRY (Jamahiriya arabe libyenne)	T	A
M. LOURO NETO (République d'Angola)	S	Suppléant de M. TIAGO GOMES
Mr. MEGHERBI (Jamahiriya arabe libyenne)	S	Suppléant de Mr. KWAIRY

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

M. TIAGO GOMES (République d'Angola)	T	A
<i>delete/supprimer/suprimir</i>		
Mr. ARINITCH (Bélarus)	S	
Mr. KOUZMIN (Bélarus)	S	
Mr. KUNYAŦSKY (Bélarus)	A	

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. FORTE LIMA (République d'Angola)	-	T
Sr. GOMEZ ZULUAGA (Colombie)	-	A
Mr. IVÁNY (Hongrie)	-	A
Mr. JOHN (Trinité-et-Tobago)	-	T
M. MAHAN GAHE (Côte d'Ivoire)	-	A
Mr. MUCO (Albanie)	-	T

changer/change/cambiar

Mr. ABERDEEN (Trinité-et-Tobago)	T	A
Mr. AGYEI (Ghana)	T	A
Mr. AL-KOHLAWI (Yémen)	T	A
M. BENATIA (Algérie)	T	A
M. DIOP (Sénégal)	A	T
M. DJIBRINE ASSALI (Tchad)	T	A
M. EL MOKHAREK (Maroc)	T	A
Mr. ELAZALY (Egypte)	T	A
Sr. FAJARDO ABRIL (Colombie)	A	T
Mr. KOC (Turquie)	A	T
M. N'DIAYE DIAJI (Sénégal)	T	A
Mr. ROLLE (Bahamas)	T	A
Mr. SADIEN (Maurice)	T	A
Sr. ZERPA MIRABAL (Venezuela)	T	A

delete/supprimer/suprimir

Mr. MERAL (Turquie)	T	
Mr. PALKOVICS (Hongrie)	A	
M. SOMBES (Cameroun)	A	

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES**COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES****COMISION DE SEGURIDAD Y SALUD EN LAS MINAS**

Previous status Statut antérieur Calidad anterior	New status ¹ Nouveau statut Nueva calidad
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Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

CONGO	-	T
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changer/change/cambiar

PANAMA	A	T
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Employers - Employeurs - Empleadores*changer/change/cambiar*

M. LOUNIS KHODJA (Algérie)	T	A
M. MEKIDECHE (Algérie)	S	Suppléant de M. LOUNIS KHODJA

Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

M. ANTÓNIO (République d'Angola)	-	T
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changer/change/cambiar

M. AL-LOUZY (République arabe syrienne)	T	A
Mr. KOCHENOV (Fédération de Russie)	A	T

delete/supprimer/suprimir

Mr. BUDKO (Fédération de Russie)	T	
Mr. MANDLAZE (Mozambique)	A	

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

CONGO	-	A
GABON	-	T

changer/change/cambiar

CAMEROUN	A	T
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Employers - Employeurs - Empleadores

add/ajouter/añadir

M. LAI (Cambodge)	-	A
Mr. LIEUW (Pays-Bas)	-	Suppléant de Mr. HUNTJENS

changer/change/cambiar

Mr. ANAND (Inde)	S	Suppléant de Mr. CHAKRABARTY
Mr. ARBESSER-RASTBURG (Autriche)	T	A
Mr. BRAUNER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG
Mr. CHAKRABARTY (Inde)	T	A
Mr. CHRISTENSEN (Danemark)	S	Suppléant de Ms. RONNEST
Mr. EL HUSSEINI (Jordanie)	S	Suppléant de Mr. HABAYBEH
Mr. HABAYBEH (Jordanie)	T	A
Mrs. KABIR (Bangladesh)	T	A
Mr. PAN (Chine)	T	A
Ms. RONNEST (Danemark)	T	A
Ms. SONG (Chine)	S	Suppléant de Mr. PAN
Mr. STRIMITZER (Autriche)	S	Suppléant de Mr. ARBESSER-RASTBURG

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. FÓRTE LIMA (République d'Angola)	-	A
Mr. JOHN (Trinité-et-Tobago)	-	A
Mr. MUCO (Albanie)	-	A
Sr. PEÑA SANCHEZ (Colombie)	-	A

changer/change/cambiar

Sra. DEUTSCH (Venezuela)	T	A
M. HADJI DADDO (Niger)	T	A

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Mme SCHMID GÖLDI (Suisse)	T	A
Sr. TEJADA (El Salvador)	T	A
Mr. THAILUAN (Thaïlande)	T	A

delete/supprimer/suprimir

M. POUPAKIS (Grèce)	A
Mme TSENTOUROU (Grèce)	T

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81**COMMISSION DE LA CONVENTION no. 81****COMISION DEL CONVENIO núm. 81**

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos*add/ajouter/añadir*

CONGO	-	T
UGANDA	-	T

Employers - Employeurs - Empleadores*add/ajouter/añadir*

Mr. LIEUW (Pays-Bas)	-	Suppléant de Mr. HUNTJENS
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changer/change/cambiar

M. MORIN (France)	S	Suppléant de M. OECHSLIN
M. OECHSLIN (France)	T	A
M. TASSIN (France)	S	Suppléant de M. OECHSLIN

Workers - Travailleurs - Trabajadores*add/ajouter/añadir*

M. ANTÓNIO (République d'Angola)	-	A
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changer/change/cambiar

Mr. ABDOUN (Soudan)	T	A
M. BATHILY (Mali)	T	A
Mr. FÜKÖH (Hongrie)	T	A
Mr. KUZMENKO (Fédération de Russie)	T	A
M. MAYOMBO (Gabon)	T	A
Mr. MENDOZA (Philippines)	T	A
M. MUSAS ZAND (Zaïre)	T	A
M. NIASSE (Sénégal)	T	A
Mr. OUSMAN (Jamahiriya arabe libyenne)	T	A
Mr. WOJCIK (Pologne)	A	T

delete/supprimer/suprimir

M. SOMBES (Cameroun)	A
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Eighth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. BENYÓ (Hongrie)	-	A
M. MBAYE (Sénégal)	-	A
Sr. PINZON (Panama)	-	T
Mr. SHMAKOV (Fédération de Russie)	-	A

changer/change/cambiar

Mr. KARA (Israël)	T	A
M. SIMION (Roumanie)	A	T

delete/supprimer/suprimir

M. COSTIN (Roumanie)	T
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

COMMITTEE ON SAFETY AND HEALTH IN MINES
COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES
COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. JOHNSON (Zimbabwe)	-	Suppléant de Mr. CHIWESHE
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Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. AL-BUAINAIN (Qatar)	T	A
Sr. CABRERA (Argentine)	T	A
M. CONDESCU (Roumanie)	T	A
Mr. DENIZER (Turquie)	T	A

delete/supprimer/suprimir

Mr. AHMED (Pakistan)	A
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

changer/change/cambiar

LITUANIE	A	T
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mme GEORGEN (Luxembourg)	-	A
Mrs. HADHÁZY (Hongrie)	-	A
Mme MEYER (Luxembourg)	-	A

delete/supprimer/suprimir

Mr. AGIUS (Malte)	A
Mr. AHMED (Pakistan)	A
M. BAUSCH (Luxembourg)	A

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto
S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81

COMMISSION DE LA CONVENTION no. 81

COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. LESCAULT (Etats-Unis)	-	A
Mme MICLEA (Roumanie)	-	A

changer/change/cambiar

M. BATHILY (Mali)	A	T
Mr. HUTCHISON (Etats-Unis)	A	T

delete/supprimer/suprimir

Mr. ZELLHOEFER (Etats-Unis)	T
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

delete/supprimer/suprimir

Mr. AHMED (Pakistan)

T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

Reports of the Selection Committee

Ninth report

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Sr. BERG MONASTERIO (Chili)	-	Suppléant de Sr. ARTHUR ERRAZURIZ
Sr. CARVAJAL BUSTAMANTE (Mexique)	-	A
Sr. MENDOZA DELGADO (Mexique)	-	Suppléant de Sr. CARVAJAL BUSTAMANTE

changer/change/cambiar

M. AL-HENDI (République arabe syrienne)	S	Suppléant de M. JAWISH
M. JAWISH (République arabe syrienne)	T	A
M. MALAKANI (République arabe syrienne)	S	Suppléant de M. JAWISH

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. ALVES TRINDADE (Portugal)	-	A
Mr. BAIN (Bahamas)	-	A
M. DIOUF (Sénégal)	-	A
Mr. GATT (Israël)	-	A
Mr. MCDONALD (Bahamas)	-	A
Mr. RIBIC (Croatie)	-	T

¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

M. VAN EVERCOOREN (Belgique)	-	A
<i>changer/change/cambiar</i>		
Mr. BUHAGIAR (Malte)	A	T
M. GIARDI (Saint-Marin)	A	T
<i>delete/supprimer/suprimir</i>		
Mr. AGIUS (Malte)	T	
M. BECCARI (Saint-Marin)	T	

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES

COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES

COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. AL-BUAINAIN (Qatar)	A	T
M. ANTÓNIO (République d'Angola)	T	A
M. CONDESCU (Roumanie)	A	T
Mr. DAENG PATOMBONG (Indonésie)	T	A

delete/supprimer/suprimir

Mr. BALTA (Turquie)	A
Mr. DENIZER (Turquie)	A
Mr. STENDALEN (Suède)	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

changer/change/cambiar

M. ABOUGHAE-OBAME (Gabon)	T	A
M. AKOULOU EYELEKO (Gabon)	S	Suppléant de M. ABOUGHAE-OBAME
M. ISSOUFOU (Niger)	T	A
Sr. PIVEL (Uruguay)	S	Suppléant de Sr. VARELA
M. PONOMAREV (Ukraine)	T	A
Sr. VARELA (Uruguay)	T	A

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

M. BAUSCH (Luxembourg)	-	T
Mr. MAKHETHA (Lesotho)	-	T
Mr. PASSOS FILHO (Brésil)	-	T

changer/change/cambiar

Mr. IBRAHIM (Brésil)	T	A
Mr. MANUFOLAU (Fidji)	T	A
Sr. PARRA GAONA (Paraguay)	T	A
Sra. PÓLIT (Equateur)	T	A
Mrs. SOBRATTY (Maurice)	T	A
M. SPAEY (Belgique)	T	A

delete/supprimer/suprimir

Mr. BARUT (Turquie)	A
Sr. COBAS (Argentine)	A
Ms. DAGG (Canada)	T
M. MAURIACA (Saint-Marin)	T
Sr. RANU (Argentine)	T

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81

COMMISSION DE LA CONVENTION no. 81

COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

changer/change/cambiar

M. BOUSLAH (Tunisie)	T	A
Mr. CALAMATTA (Malte)	T	A
Mr. DEL PRADO (Philippines)	T	A
Mr. REBOLJ (Slovénie)	T	A
Mr. VAN DER MERWE (République sud-africaine)	T	A

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Tenth report

Changes in the composition of committees

The Conference approved the following changes in the composition of committees, recommended by the Officers of the Selection Committee, at the close of its proceedings on Friday, 16 June.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ANAND (Inde)	-	T
Mr. KONTIO (Finlande)	-	Suppléant de Mr. RISKI
M. RAOLISON (Madagascar)	-	Suppléant de M. ANDRIATSITOHAINA

changer/change/cambiar

Sr. ALVAREZ POSADA (Colombie)	T	A
Mr. GARG (Inde)	S	Suppléant de Mr. ANAND
Ms. HAK (Pays-Bas)	S	Suppléant de Mr. HUNTJENS
M. HIDOS (Roumanie)	T	A
Mr. HUNTJENS (Pays-Bas)	T	A
Sr. LOPEZ GUERRA (Colombie)	S	Suppléant de Sr. ALVAREZ POSADA
M. PACURARU (Roumanie)	S	Suppléant de M. HIDOS
Mr. SCHOENMAECKERS (Pays-Bas)	S	Suppléant de Mr. HUNTJENS
Sr. TORRES FERNANDEZ (Colombie)	S	Suppléant de Sr. ALVAREZ POSADA

delete/supprimer/suprimir

Mr. CHAKRABARTY (Inde)	T
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¹ T: Regular member / membre Titulaire / miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observador

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. GUNNARSSON (Islande)	-	T
Mr. VALERIO (Philippines)	-	A

changer/change/cambiar

Mr. GATT (Israël)	A	T
Mr. TAKASHIMA (Japon)	A	T

delete/supprimer/suprimir

Mr. HARALDSSON (Islande)	T
Mr. HATSUOKA (Japon)	T
Mr. KOC (Turquie)	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON SAFETY AND HEALTH IN MINES

COMMISSION DE LA SECURITE ET DE LA SANTE DANS LES MINES

COMISION DE SEGURIDAD Y SALUD EN LAS MINAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ANAND (Inde)	-	T
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changer/change/cambiar

Mr. JALAN (Inde)	S	Suppléant de Mr. ANAND
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Mr. WADHAWAN (Inde)	S	Suppléant de Mr. ANAND
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delete/supprimer/suprimir

Mr. CHAKRABARTY (Inde)	T	
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. PAJOBBO (Ouganda)	-	A
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changer/change/cambiar

Mr. NILSEN (Norvège)	T	A
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¹ T: Regular member / membre Titulaire /-miembro titular

A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

changer/change/cambiar

Mr. AL-RUBAIEI (Oman)	T	A
Mr. ANAND (Inde)	S	A
Mr. MATTAR (Emirats arabes unis)	T	A
Mr. SORIANO (Philippines)	S	Suppléant de Mr. TAN
Mr. TAN (Philippines)	T	A

delete/supprimer/suprimir

Mr. CHAKRABARTY (Inde)	A
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Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Ms. DAGG (Canada)	-	T
Mr. GERGELY (Hongrie)	-	A
Mr. PAJOBBO (Ouganda)	-	T
Mr. TÓTH (Hongrie)	-	A
Mr. ZILONY (Israël)	-	A

changer/change/cambiar

Mr. MAKHETHA (Lesotho)	T	A
M. RAKOTOBE (Madagascar)	T	A
Mr. SARI (Turquie)	T	A

delete/supprimer/suprimir

Sra. PÓLIT (Equateur)	A
M. RADI (Roumanie)	T
Mr. SIDOROV (Fédération de Russie)	T

¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81
COMMISSION DE LA CONVENTION no. 81
COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ANAND (Inde)	-	T
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changer/change/cambiar

Mr. HAKEEM (Inde)	S	Suppléant de Mr. ANAND
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delete/supprimer/suprimir

Mr. CHAKRABARTY (Inde)	T	
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

STANDING ORDERS COMMITTEE
COMMISSION DU REGLEMENT
COMISION DEL REGLAMENTO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Employers - Employeurs - Empleadores

add/ajouter/añadir

Mr. ANAND (Inde)	-	T
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changer/change/cambiar

Mr. GARG (Inde)	S	Suppléant de Mr. ANAND
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delete/supprimer/suprimir

Mr. CHAKRABARTY (Inde)	T	
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A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

Reports of the Selection Committee

Eleventh report

Requests for representation in Conference committees submitted by non-governmental international organizations

In accordance with article 56, paragraph 9 of the Conference Standing Orders, the Officers of the Selection Committee recommend to the Conference that the African Commission of Health and Human Rights Promotors be invited to be represented in the Committee on the Application of Standards, the Committee on Safety and Health in Mines, and the Committee on Home Work.

Changes in the composition of committees

The Officers of the Selection Committee, on the Committee's behalf, recommend that the Conference approve the following changes in the composition of committees.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. GIMBASON (Nigeria)	-	A
Mr. JACK (Nigeria)	-	A
Mr. MANDLAZE (Mozambique)	-	T
Mr. SALAM (Nigeria)	-	T

changer/change/cambiar

M. BINTOU' A-TSHIABOLA (Zaire)	T	A
Sr. DEL RIO (République dominicaine)	T	A
M. FORTE LIMA (République d'Angola)	T	A
Mr. IDRIS (Jamahiriya arabe libyenne)	T	a
M. KPOKOLO (République centrafricaine)	T	A
M. RAKOTONIAINA (Madagascar)	T	A

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S: Substitute member / membre suppléant / miembro suplente

A: Deputy member / membre adjoint / miembro adjunto

O: Observer member / membre observateur / miembro observadore

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. JACK (Nigeria)	-	T
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changer/change/cambiar

Mme LEARDINI (Saint-Marin)	A	T
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observadore

COMMITTEE ON CONVENTION No. 81
COMMISSION DE LA CONVENTION no. 81
COMISION DEL CONVENIO núm. 81

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

add/ajouter/añadir

Mr. GIMBASON (Nigeria)	-	T
Mr. SALAM (Nigeria)	-	A
Mr. TOMSIC (Slovenia)	-	T

changer/change/cambiar

Mr. MANDLAZE (Mozambique)	T	A
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¹ T: Regular member / membre Titulaire / miembro titular S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto O: Observer member / membre observateur / miembro observador

Reports of the Selection Committee

Twelfth report

Changes in the composition of committees

The Conference approved the following changes in the composition of committees, recommended by the Officers of the Selection Committee, at the close of its proceedings on Friday, 16 June.

COMMITTEE ON THE APPLICATION OF STANDARDS

COMMISSION DE L'APPLICATION DES NORMES

COMISION DE APLICACION DE NORMAS

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Governments - Gouvernements - Gobiernos

add/ajouter/añadir

HAITI

T

¹ T: Regular member / membre Titulaire / miembro titular
A: Deputy member / membre adjoint / miembro adjunto

S: Substitute member / membre suppléant / miembro suplente
O: Observer member / membre observateur / miembro observador

COMMITTEE ON HOME WORK
COMMISSION DU TRAVAIL A DOMICILE
COMISION DEL TRABAJO A DOMICILIO

Previous status	New status ¹
Statut antérieur	Nouveau statut
Calidad anterior	Nueva calidad

Workers - Travailleurs - Trabajadores

changer/change/cambiar

Mr. AL-ABDOOLI (Emirats arabes unis)	T	A
Mrs. BORUTA (Pologne)	T	A
Ms. DAGG (Canada)	T	A
M. EBITTY ASSI (Côte d'Ivoire)	T	A
Mr. JIANG (Chine)	T	A
Ms. LOVE (Royaume-Uni)	T	A
Mr. NG (Malaisie)	T	A
Mr. OLIVEROS (Philippines)	T	A
Mr. PASSOS FILHO (Brésil)	T	A
Mrs. SOUPRAYEN-YORKS (Suriname)	T	A
M. YACOUBI (Tunisie)	T	A

delete/supprimer/suprimir

Ms. THULESTEDT (Suède)	T
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¹ T: Regular member / membre Titulaire / miembro titular	S: Substitute member / membre suppléant / miembro suplente
A: Deputy member / membre adjoint / miembro adjunto	O: Observer member / membre observateur / miembro observadore



Provisional Record

Eighty-second Session, Geneva, 1995

First sitting

Tuesday, 6 June 1995, 11.15 a.m.

Presidents: Mrs. Roldan-Confesor, Chairman of the Governing Body of the International Labour Office, and Mr. Rosales Argüello.

OPENING OF THE SESSION

Mrs. ROLDAN-CONFESOR (*Chairman of the Governing Body of the International Labour Office*) – It is a privilege to welcome all of you to the 82nd Session of the International Labour Conference.

I would like to report that two more sovereign States have joined our Organization since the last session of the Conference, namely the Gambia and Saint Vincent and the Grenadines. We are now an organization of some 173 member States. I am sure that all of you join me in extending our warmest welcome to the Gambia and to Saint Vincent and the Grenadines and their respective delegations to this Conference. With this development, I am told that the African continent can rightfully claim the distinction of being the first continent wherein all sovereign States are Members of our Organization and are likewise members of the United Nations – of course, with the exception of Australia which is a continent all by itself.

We start this session of the Conference today barely one year from the commemoration of the 75th anniversary of our Organization. Within that short span of one year, the GATT 1994, the results of the Uruguay Round of multilateral trade negotiations came into force and took effect on 1 January of this year. The hope has been expressed that the era of expanded trade liberalization expected to be ushered in by the GATT 1994 would further stimulate worldwide economic growth. I certainly share that hope as do many of you. At the same time, however, we in this Organization realize that economic growth *per se*, particularly of the kind indispensably relying predominantly on market forces, does not necessarily ensure the promotion of social justice. Market forces *per se* are essentially neutral – neither inherently good nor inherently bad – impersonal, indifferent to right or wrong and by conceptual necessity oblivious to the concerns of social justice. On the other hand, social justice, which is our paramount concern, is a highly subjective and moral concern. We in this Organization reject economic growth attained at the expense of social justice. We reject, as many of you have already stated, economic growth which cannot be translated to the level of the individual human being, enhancing his ability to live with the dignity to which he is entitled by the mere fact of his existence. If left entirely by itself, the impersonal market will go where it pleases; it will serve whom it pleases; social justice therefore will not be part of that agenda. Today, therefore, when capital investments and production can be shifted from one country to another within progressively shorter time-spans the

existence of this Organization is more relevant than ever.

I started by welcoming the Gambia and Saint Vincent and the Grenadines to our Organization this morning. Allow me to go back to this phenomenon. The African continent is composed mainly, if not totally, of developing countries. The Gambia and Saint Vincent and the Grenadines are developing countries. I am also from a developing country. I trust that you will indulge me if I attribute added significance to an event involving an entire developing region as well as an entire developing nation. To my mind, this development is a clear manifestation of the recognition by the developing countries of the importance and continuing relevance of this Organization as well. In singling out developing countries it is not my intention of course to allude to the North-South divide. Neither is it my intention to imply in any manner that industrialized countries do not likewise recognize the importance and continuing relevance of our Organization. I say this only in the context that after all this Organization was established more than 75 years ago precisely by industrialized countries. Our founding fathers had the vision of spreading the promotion of social justice to all countries not only because it was morally right but likewise for the very pragmatic reason, as later on succinctly highlighted in the Declaration of Philadelphia, that poverty anywhere constitutes a threat to prosperity elsewhere. The recognition of the validity of this vision of our founding fathers is now of course almost universal. For indeed, although much remains to be done, much has been accomplished by way of promotion of social justice and the defence of prosperity. It is my firm belief likewise that these accomplishments would not have been possible had it not been for the existence and efforts of the Organization as well as of the individual member States that compose it. Thus, whenever social justice is being promoted with vigour in any part of the world today this Organization might as well say that it has contributed in no small measure to such promotion.

In the same manner, wherever there is prosperity in the world today our Organization has likewise contributed in no small measure in promoting, protecting or at the very least defending prosperity. This I believe we all know and realize almost instinctively. Nevertheless, it bears emphasizing even if only to prevent ourselves from yielding to the altogether only human tendency to take things for granted, and more so particularly in these times when governments, perhaps without exception, are confronted with serious financial difficulties. The tendency to take things for granted is even further amplified by

the inherent impossibility of quantifying in monetary terms such concepts as the promotion of social justice and the defence of prosperity. And that is where the difficulty lies.

But I am certain that if these concepts could be quantified, it could most definitely be said in the objective and business-like idiom that is a sign of our times that the cost-benefit ratio to mankind has been, is, and will continue to be favourable. The seemingly isolated yet deliberate act of two developing countries, therefore, in joining our Organization in these very difficult times would, I hope, serve as a timely reminder to those of us who have joined our Organization earlier that our unwavering commitment to the ILO continues to be very relevant, valid, justified and imperative.

I now declare formally open the 82nd Session of the International Labour Conference.

SUBMISSION OF THE ANNUAL REPORT OF THE GOVERNING BODY TO THE CONFERENCE BY THE CHAIRMAN OF THE GOVERNING BODY

Mrs. ROLDAN-CONFESOR (*Chairman of the Governing Body of the International Labour Office*) – As Chairman of the Governing Body I have the honour to present to you the report on the work of the Governing Body during the year 1994-95 which is contained in *Provisional Record* No. 2.

Allow me to refer all of you to this report. The main highlight for social affairs was the World Summit for Social Development held in Copenhagen in March this year. The ILO was represented by a tripartite Governing Body delegation and by the Director-General who addressed the Summit. Recognition was given by the Summit to the special role to be played by the ILO “because of its mandate, its tripartite structure and its expertise” in contributing to the implementation of the programme of action adopted by the Summit in the fields of employment and social development. The Governing Body took appropriate decisions on follow-up action by the ILO on this Summit. This follow-up action is a matter which, I trust, will continue to be accorded utmost priority by the Governing Body. The Governing Body also established a Working Party on the Social Dimensions of the Liberalization of International Trade in response to the many statements made by our speakers at the International Labour Conference last year on the implications of the conclusion of the Uruguay Round of GATT multilateral trade negotiations. The Working Party has an open composition and has the mandate to discuss all relevant aspects of the issue. Its discussions have been extensive to say the least, touching on all aspects of the Organization’s activities. Because of the importance and the delicate nature of the subject the Governing Body has decided it will continue to discuss the matter. Records of the proceedings have been issued or are in preparation and I would like to refer each one of you to them for further details, especially in the discussions.

The Governing Body decided that a Maritime Session of the Conference would be held in January 1996 with an agenda that consists of the revision, or allows the revision of four maritime Conventions. The Governing Body also decided on the agenda of the 1977 Session of the Conference, that is the year

after next, placing three technical items on the agenda, namely, first, the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96); second, the general conditions to stimulate job creation in small and medium-sized enterprises; and third, on contract labour.

The resolution concerning the 75th anniversary of the ILO and its future orientation adopted by the Conference last year prompted the Governing Body to examine the issues raised in the resolution and in discussions of the Conference with a view to adapting the ILO’s working practices and methods in the area of standard setting. The Governing Body also reviewed an Office paper on the subject and examined two other papers on standard-setting policy dealing with the revision of international labour standards and of course the promotion of basic human rights Conventions. The outcome of these discussions has been the establishment of a working party on policy regarding the revision of the standards which will meet for the first time in November later this year with a mandate to examine the questions that have been raised in the Office paper.

The Governing Body paid tribute in April to Professor Roberto Ago who died earlier this year. Professor Ago had chaired the Committee on Freedom of Association of the Governing Body since 1991. As his successor, the Governing Body has appointed Mr. Max Rood, Professor of Labour Law at the University of Leiden in the Netherlands who is known to many Conference delegates as an active member and former chairman of the Conference Committee on the Application of Standards.

As you are no doubt aware, elections to the Governing Body will be held at the Conference next year. In view of the possibility that the instrument for the amendment of the Constitution of the ILO will not have come into force by then the Governing Body has submitted to the Conference at its present session proposals for amendments to the Standing Orders of the Conference to allow for an increase in the composition of the Governing Body. An increase of 20 additional deputy members is being proposed to you, ten for government, five for employers and five for workers. This proposed increase would render representation in the Governing Body, it is noted, even more equitable.

Other sections of the Governing Body’s report to the Conference concern the work of its various committees. The Committee on Employment and Social Policy continued its discussions on structural adjustments, focusing this year on the ILO’s role in relation to structural adjustments. The Committee on Technical Cooperation, which conducted its usual annual review of all technical cooperation activities of the Organization, also gave consideration to the ILO’s strategy on technical cooperation and assessed a number of our projects concerned with the working poor. In addition to its usual work of overseeing the ILO’s sectoral activities, the Committee on Sectoral and Technical Meetings and Related Issues undertook an evaluation of the Sectoral Activities Programme based on the findings of a working party.

The Governing Body has decided on the technical item for the agenda of the next Asian Regional Conference. The organization of regional conferences will be the subject of a review by the Governing Body of course at its next session in November later this year, once the cycle of all ILO regional confer-

ences held under the revised experimental arrangements is completed with the Fifth European Regional Conference, which will be held in Warsaw this September. The Governing Body has also taken note of the appointments of Ms. Hagen of the United States as Deputy Director-General and of Mr. Hammar of Sweden and Mr. Mabere of the United Republic of Tanzania as Assistant Directors-General of this Organization.

Before concluding I would like to offer my very sincere thanks to my two fellow officers, Mr. Oechslin, Employer Vice-Chairman, and Mr. Brett, Worker Vice-Chairman, for their friendship and cooperation over the past year. In the same vein I would also like to express my thanks to Ms. Hartwell, Coordinator of the Government Group, and to Miss Mackie and Mr. Tapiola, spokespersons of the Employers' and Workers' groups respectively, in a most difficult committee, the Programme, Financial and Administrative Committee. Their valuable support and readiness to help in difficulty has greatly facilitated the task of chairing the Governing Body during the past year. I would also like to thank of course the Director-General and his staff for their constant support and assistance. I likewise offer my sincere thanks and congratulations to each and every member of the Governing Body who worked very hard during the past year.

ELECTION OF THE PRESIDENT OF THE CONFERENCE

Mrs. ROLDAN-CONFESOR (*Chairman of the Governing Body of the International Labour Office*) – We will now proceed to the election of the President of the International Labour Conference. I invite Mr. Ducreux, Vice-Minister of Labour and Social Welfare of Panama, to present the candidate for the presidency of this Conference.

Interpretation from Spanish: Mr. DUCREUX (*Government delegate, Panama*) – On behalf of the countries of America and on my own behalf, I have the honour and pleasure of nominating Mr. José Francisco Rosales Argüello, Minister of Labour of Nicaragua, as President of this 82nd Session of the International Labour Conference. Mr. Rosales has held the prestigious post of Minister of Labour of his country since 1990 and consequently held the office of President of the Advisory Council of the National Vocational Training Institute of Nicaragua. He is also the official delegate of the Government of Nicaragua on the Governing Body of the International Labour Organization. He studied at the Sorbonne University in Paris where he earned the title of Doctor of Law, specializing in labour law. He has been dean of the Faculty of Law at the Central American University, where he has also been Professor of Labour Law and, to his credit, published major works on the subject of labour law. Our candidate is an eminent expert in labour law and is renowned at both the national and international levels. We are therefore certain that his skills and experience will enable him to guide us efficiently and successfully in our work. We hope that this session of the Conference will unanimously elect Mr. Rosales Argüello as President of this important session of the Conference since his vast experience and knowledge of labour-related matters have helped him to remain a distinguished

and permanent presence in the ILO. His judicious statements have helped greatly in the work of the ILO and will be of great benefit to us, as they have to the Governing Body and to regional and subregional meetings. These merits will all help to ensure the successful presidency of this session of the Conference. I appreciate your support for Mr. José Francisco Rosales Argüello's nomination.

Mrs. ROLDAN-CONFESOR (*Chairman of the Governing Body of the International Labour Office*) – The candidature of Mr. Rosales Argüello, Minister of Labour of Nicaragua, has been proposed. Is the proposal seconded?

Mr. BRETT (*Workers' delegate, United Kingdom*) – On behalf of the workers represented at this Conference, I have pleasure in seconding the nomination of Mr. Rosales Argüello to preside over our Conference. As has been said by the mover, he has been Minister of Labour of his country since 1990. It is my privilege to have been a British trade union representative observer at the elections in Nicaragua in 1990, a country of people who suffered under dictatorship for many years and fought back to bring about democracy. It is therefore appropriate that a Minister from a country so typical of the developing nations in this body should preside over the business of this Conference. I have also had the pleasure of working with Mr. Rosales Argüello as part of the Governing Body and he has given generously of his rich experience to that body. We always listen with interest and attention to his many contributions, recognizing, as has been said by the mover, that we are listening to an eminent labour lawyer. In the views of the Workers, it is an appropriate appointment. It is an appointment that will enrich this Conference, as it has the Governing Body. I have great pleasure in seconding the nomination of Mr. José Francisco Rosales Argüello.

Original French: Mr. OECHSLIN (*Employers' delegate, France*) – On behalf of the Employers' delegates to this Conference, I have great pleasure in supporting the candidacy of Mr. Rosales Argüello, Minister of Labour of Nicaragua, a post which he has held since 1990. Since that time, he has attended many meetings with other agencies and we know him well. He has attended every session of the International Labour Conference and many sessions of the Governing Body; and he has not been a mere visitor on these occasions but has been an active participant. He has also been a delegate to many regional conferences in Central America and Latin America, including the Conference of American States Members of the ILO, and has given these various organizations and bodies the benefit of his experience and legal knowledge, which he acquired both in his own country and in Paris. It gives me great personal pleasure to be able to point out this fact, since we attended the same institutions, with a few years' interval.

The Employers' group thus has great pleasure in endorsing this proposal and looks forward to having Mr. Rosales Argüello as President of this session of the International Labour Conference.

Mr. VAN DE REE (*Government delegate, Netherlands*) – On behalf of the Western European group,

we are very pleased to support such an eminent candidate for this honourable office during the coming Conference. We are quite confident that his presidency will be a successful one.

Mr. TIRUMURTI (*Government adviser, India*) – On behalf of the Asia-Pacific group, we would like to extend our strong support to the nomination of Mr. Rosales Argüello, Minister of Labour of Nicaragua. Members of our group have had the opportunity and the honour of interacting with Mr. Rosales Argüello on many occasions, including during the sessions of the Governing Body, and we have been impressed with his breadth of knowledge, his interesting comments and contributions and his firm commitment to ILO values and principles. He has an impressive set of achievements to his credit and years of experience in the field of labour, especially in the area of labour laws and industrial relations. There can be no doubt that he will lead this Conference to success. My group supports his nomination.

Original Arabic: Mr. GUIDER (*Secretary of the General Committee of the Labour Force, Libyan Arab Jamahiriya*) – On behalf of the African group, I am pleased to endorse the candidacy of Mr. Rosales Argüello, Minister of Labour of Nicaragua, for the Presidency of the 82nd Session of the International Labour Conference. Mr. Rosales Argüello has considerable experience in the area of labour, and it goes without saying that his election would help to crown this Conference with success. The African group would therefore like to support his candidacy.

Original Arabic: Mr. AL JARWAN (*Minister of Labour and Social Affairs, United Arab Emirates*) – In the name of God, the merciful, the compassionate! It is for me a source of pleasure and a great honour to support, on behalf of the Arab members of the Government, Employers' and Workers' groups, the candidacy of the Minister of Labour of Nicaragua, Mr. Rosales Argüello, to preside over the 82nd Session of the International Labour Conference. Our support is based on the experience and wisdom of the Minister of Labour of Nicaragua. Over and above the friendship that we share personally with him and with his country, we are certain that our session of the Conference will, thanks to his leadership, be successful and achieve all its objectives. Permit me to repeat our congratulations to him and to reiterate our desire to cooperate with him so that our session of the Conference may be successful.

Mrs. ROLDAN-CONFESOR (*Chairman of the Governing Body of the International Labour Office*) – Mr. José Francisco Rosales Argüello, Minister of Labour of Nicaragua, has been duly nominated and seconded for the post of President of this session of the Conference. In the absence of any other nominations, I declare Mr. Rosales Argüello President of the 82nd Session of the International Labour Conference. I should like to offer him my warm congratulations and invite him to take the President's chair.

(Mr. ROSALES ARGÜELLO, Minister of Labour, Nicaragua, is elected President of the Conference and takes the President's chair.)

Original Spanish: The PRESIDENT – It is a great honour for me, for my country and for the Government of Nicaragua that I have been appointed President of the 82nd Session of the International Labour Conference. I would like to express my profound gratitude for having been elected. I would also like to express my thanks to the distinguished delegates from the various groups and regions which make up this Organization for their kindness in coming to the rostrum and supporting my candidature. I should also like to welcome all those member States who have recently joined the Organization, particularly the Gambia and Saint Vincent and the Grenadines. The total number of countries in the ILO is now 173.

As a Central American and, in particular, as a Nicaraguan, I would like to inform this distinguished assembly that, in its 76 years of existence, the ILO has never before had a Conference President from our Central American subregion. I would like to thank those who supported my candidature this year and, at the same time, I would like to ask them to give me their support throughout the Conference so that we can proceed smoothly and successfully. Furthermore, your objective participation in the committees and in the plenary of the Conference will help us to achieve tangible results for the whole of mankind on the threshold of the twenty-first century.

At the end of the nineteenth century and at the beginning of the twentieth, the condition of humanity gave rise to considerable concern. Imperialism, as an economic system, had gained the upper hand, and led us into the major global confrontation of the 1914-18 War – the First World War. Today, as we approach the end of the twentieth century and stand on the threshold of the twenty-first, the situation is not much different. It would seem that history has come a full circle, liberalism again reigns supreme in society.

We have the same problems as we had before, poverty, social marginalization, unemployment, underdevelopment and discrimination, and they are global in their extent. To these problems must now be added disasters specific to the end of this century: the ecological imbalance, AIDS and other epidemics of which we yet know nothing and that have come to plague mankind. The major scourges facing the working classes used to be diseases and unemployment. Now we are seeing scourges spreading throughout society: drug trafficking, international terrorism, state terrorism and corruption. These are also diseases but specific to this century. In addition, we seem to have lost our sense of family values, and in some cases this has led to marginalization of both the young and the elderly. Elsewhere, people have been doomed to solitude because of this lack of family values, whereas others are suffering due to the absence of minimal levels of social protection and care.

Some of us felt that once the period of the cold war and the major ideological confrontation between East and West was over, we could envisage the possibility of building a society which was different and based on justice, freedom and true democracy. We need to put an end to all the evils and all the problems I have just mentioned.

Obviously the idea of building the society of the future on the ruins of authoritarian socialism has

proved utopian. Increasing unemployment, hunger and poverty have not spared those societies which were once socialist regimes.

You need only look at the work done by the ILO Multidisciplinary Team in Budapest to understand the drop in incomes and the decline in living conditions that have occurred in Russia and in the Ukraine. The real unemployment rate is five times higher than the official rate, hidden unemployment affects a third of all workers, people are working without pay, long-term lay-offs are taking place, work contracts are being suspended and enterprises being closed down. Unemployment benefit and assistance are either inadequate or non-existent.

But the West has not overcome these problems either. On the contrary, we have been told that the European Union contains 5 million homeless people and that, in 1994, 15 per cent of the population was living below the poverty line. Unemployment in Spain has reached the highest level in the country's history. In France, Germany and in countries throughout the world, which are industrialized, developing or part of the Third World, unemployment has become the number one problem. In his Report, the Director-General referred to the unemployment rates in Latin America and Asia and showed us how, on a comparative basis, unemployment had effectively increased there too. The same is true of the countries in transition. Similarly, in the United States of America the hispanic and black minorities are growing poorer, and economic indicators also show that there has been a general loss of purchasing power which has hit workers, be they white, black or hispanic.

The Social Summit offered the possibility of bringing forward a new social contract. We thought that it would endorse the role of the International Labour Organization. We felt that the globalization of the economy and the liberalization of trade would be the subject of examination and that special attention would be devoted to the impact on and implications for social justice. Systems for assisting the weakest population groups need to be overhauled, and consequently the Summit should be looking for new worldwide mechanisms to help correct the inequalities created by the new world order.

The Director-General quite rightly highlighted the great expectations of the Summit. First, he emphasized that the World Summit for Social Development had given solemn recognition to the fact that employment must be at the heart of any efforts to achieve social justice. Fortunately, one of the first measures in the plan of action adopted by the Summit is the search for full employment and the commitment by individual countries to reach an agreement on growth-promotion strategies based on increased investment and the generation of productive and sustained employment.

In the Summit's Declaration and Programme of Action, the Heads of State and Government attending the Summit gave the ILO a mandate and committed themselves "to promoting the goal of full employment as a basic priority of ... economic and social policies, and to enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work." It was also emphasized that the ILO, because of its tripartite structure and expertise, had a special role to play in the field of employment and social development.

This is why I fully endorse the Director-General's statement to the effect that our Organization must seize this opportunity to provide political and technical leadership in mobilizing action at both the national and international levels to improve the global employment situation.

The challenge laid down by the liberalization of trade and the globalization of the economy is one we cannot avoid. It is important that measures be taken which will make it possible to reduce and then eliminate the negative social consequences of economic adjustment and stabilization policies. It is important that our countries control inflation, rid themselves of hyperinflation and stabilize their currencies; yet what is just as important – if not more important – is to achieve social justice. There has to be a social component in our policies which will allow us to more fairly distribute both the costs and the benefits of the globalization of the economy and the liberalization of trade. It is impossible to accept a situation where, despite the fact that never before in the history of mankind have resources been so successfully used to produce goods and services, more people than ever are now excluded from society, alienated and unable to enjoy those goods and services.

This is what led to the coining of the famous phrase "the rich get richer and the poor get poorer". Former President Aylwin of Chile claims that the gulf between rich and poor is widening and that is why he has become one of the driving forces behind the Social Summit.

The gulf between rich and poor obviously varies in degree, depending on the economic and political ability of States to intervene effectively in social policy.

Irrespective of external and internal factors which in some cases may have had a considerable impact, such as wars, natural disasters, epidemics, hard winters and so forth, thinking that one can abandon everything to market forces and that every problem will be solved on the basis of the law of supply and demand is without doubt one of the greatest errors to have been made. Neither is the efficient allocation and use of resources sufficient in itself to solve all problems.

In Nicaragua, we have brought inflation down to zero and kept it in single figures over the last few years – following a war, our emergence from a totalitarian economy and an authoritarian regime. However, we have not achieved the economic recovery we were hoping for, and neither have we been able to solve the unemployment problem. I for one am convinced that one of the major factors behind our inability to meet the challenges inherent in the globalization of the economy and the intensification of competition in the world economy is the fact that States are too weak to intervene. The gradual approach that was required in the transition from a totalitarian economy to a free market economy was unfortunately not adhered to.

Hence, the benefits of the success achieved have not been fairly redistributed and many people have lost out and continue to be marginalized and alienated, unable to enjoy the benefits of economic growth.

I therefore believe that the State should strive to maintain the equilibrium and exert an influence on the economy. It cannot simply stand on the

sidelines. In all societies there are norms and institutions to monitor the negative social effects of unregulated market forces. However, prejudices and false promises give the impression that these institutions, which are essentially geared to promoting basic levels of safety and protection, result in economic and administrative inefficiency. It is often said and frequently repeated that the State is a bad administrator. On the other hand, it is also said that everything should be left to personal freedom and to the imagination of the citizen – an approach sometimes wrongly described as denoting creativity.

Neither individual freedom alone nor market forces alone can satisfy the overwhelming problems facing mankind: poverty, unemployment, social marginalization. The reason for this is that banks are banks and they have no soul.

The nations represented here at the 82nd Session of the International Labour Conference must act with clarity and concur that the only solution is to find the link in the chain which will allow us to establish continuity between temporary employment and sustained and productive employment. We need to generate high-quality jobs which will facilitate the eradication of poverty and the elimination of social marginalization.

We cannot allow under the pretext of free contracting of labour and the need to bring flexibility to the labour market, the generation of jobs in a way that openly violates international conventions agreed by many countries or in a way which violates fundamental human rights and human dignity.

The quality of jobs created is determined by the respect given to standards and conventions agreed by the ILO. These lay down a minimum basis for improving working conditions and the life of the working class. Therefore we cannot sacrifice the rights of workers in the name of labour market flexibility. We have to increase job security and for that we need to have harmony between two factors, capital and labour.

This has to be done within the framework of tripartism and a genuine social dialogue between social partners. Only by encouraging social dialogue and the participation of the social partners will we be able to achieve a real social contract on the basis of which we can bring an end to insecure employment and social marginalization.

There is no doubt that the globalization of the economy increases the possibility of economic growth and increases levels of production and productivity. However, at the same time it carries within it the seeds of insecure employment.

In our countries it is the people working in the informal sector of the economy who most seriously lack social protection. They have no social security coverage because they are not registered and therefore they do not contribute to the system. Consequently they have no access to vocational training. Generally they are simply deprived of any protection: illness, disability and death are problems as serious for them as they are for those who have no access at all to the world of work.

In conclusion I would like to say that the challenge we face is to achieve growth with equity without inflation, without unemployment and without social marginalization. It is time to meet that challenge by at least partially returning the State to the role it

used to have. Social protection must become a reality, allowing us to provide minimum levels of income to the weakest groups in the population on the basis of the creation of productive and sustainable employment, social protection in the field of health, at least through preventive health care, and universal primary education.

Obviously, I am referring to developing countries where the universal application of minimum levels of income is not viable. We have to encourage investment and financing for small-scale producers for cooperatives and for family-owned and individually-owned enterprises, monitoring and encouraging innovative credit systems for those who traditionally have not been able to get loans. We have to promote micro- and small-scale enterprises, encourage also the establishment of small-scale rural enterprises, and promote wide-ranging building programmes in the public sector, particularly of working-class housing, so that we will be able to say as the French do: "what is good for the construction industry is good for the rest of the economy".

Finally, we need a formal education programme and a vocational training programme which will make it possible to improve people's employment prospects and at the same time improve the quality of production. The challenge facing our countries is to achieve monetary stability, growth with equity with social peace, democracy and employment.

ELECTION OF THE VICE-PRESIDENTS OF THE CONFERENCE

Original Spanish: The PRESIDENT – In accordance with the amendments adopted at the last session of the Conference, we shall proceed immediately to the election of the Vice-Presidents of the Conference. I call upon the Clerk of the Conference to read the nominations made by the groups.

Original French: The CLERK OF THE CONFERENCE – The candidates for the posts of Vice-Presidents of the Conference are as follows:

Government group:

Mr. Popescu (*Romania*)

Employers' group:

Mr. Halliwell (*Canada*)

Workers' group:

Ms. Engelen-Kefer (*Germany*)

Original Spanish: The PRESIDENT – If there are no objections, I shall consider that these proposals have been adopted.

(The proposals are adopted.)

NOMINATION OF THE OFFICERS OF THE GROUPS

Original Spanish: The PRESIDENT – We now move on to the nomination of the Officers of the groups. I call on the Clerk of the Conference to read out the names of the persons who have been nominated as Officers of the various groups.

Original French: The CLERK OF THE CONFERENCE – The following Officers have been nominated by the groups:

Government group:

Chairman: Mr. Al Derham (Qatar)

Employers' group:

Chairman: Mr. Oechslin (France)

Vice-Chairmen: Mr. Tabani (Pakistan)
Mr. Alvarez Posada (Colombia)
Mr. Moorehead (United States)
Mr. Kaswarra (Uganda)

Secretary: Mr. Kapartis (International Organization of Employers)

Workers' group:

Chairman: Mr. Brett (United Kingdom)

Vice-Chairmen: Mr. Sahbani (Tunisia)
Mr. Sánchez Madariaga (Mexico)
Mr. Shmakov (Russian Federation)
Mr. Tan (Philippines)

Secretary: Mr. Ryder (International Confederation of Free Trade Unions)

Original Spanish: The PRESIDENT – The Conference takes note of the nominations of the various groups.

CONSTITUTION AND COMPOSITION
OF CONFERENCE COMMITTEES

Original Spanish: The PRESIDENT – We will now go on to the constitution of the committees of the Conference and the appointment of their members.

The Conference may wish to set up the following committees: the Selection Committee, the Finance Committee, the Committee on the Application of Standards, the Committee on Safety and Health in Mines, the Committee on Home Work, the Committee on Convention No. 81, and the Standing Orders Committee. If there are no objections, I shall take it that these proposals are adopted.

(The proposals are adopted.)

The PRESIDENT – The nominations made by the groups appear on a list which is available at the distribution desk of the Conference. If there is no objection, may I take it that these proposals are also adopted?

(The proposals are adopted.)

APPOINTMENT OF THE MEMBERS OF THE SELECTION COMMITTEE

Original Spanish: The PRESIDENT – The next item on our agenda is the appointment of the members of the Selection Committee. I give the floor to the Clerk of the Conference.

Original French: The CLERK OF THE CONFERENCE – The proposals for the composition of the Selection Committee are as follows:

Government members:

Argentina
Australia
Brazil
Chile
China
Congo
Czech Republic
France
Germany
Ghana
India
Islamic Republic of Iran
Italy
Japan
Kenya
Mexico
Nicaragua
Niger
Norway
Philippines
Qatar
Romania
Russian Federation
Tunisia
United Kingdom
United States
Venezuela
Zimbabwe

Deputy members:

Canada
Cuba
Egypt
Gabon
Hungary
Indonesia
Mali
Mauritius
Netherlands
New Zealand
Pakistan
Panama
Poland
Portugal
Spain
Sudan
Swaziland
Uruguay

Employer members:

Mr. Arbeloa (Venezuela)
Mr. Durling (Panama)
Ms. Hak (Netherlands)
Mr. Kaswarra (Uganda)
Miss Mackie (United Kingdom)
Mr. M'Kaissi (Tunisia)
Mr. Moorhead (United States)
Mr. Nasr (Lebanon)
Mr. Noakes (Australia)
Mr. Oechslin (France)
Mr. Ould Sidi Mohamed (Mauritania)
Mr. Owuor (Kenya)
Mr. Suzuki (Japan)
Mr. Thüsing (Germany)

Deputy members:

Mr. Al-Jassem (*Kuwait*)
Mr. Ferrer (*Spain*)
Mr. Hoff (*Norway*)
Mr. Imosili (*Nigeria*)
Mr. Makeka (*Lesotho*)
Mr. Mattar (*United Arab Emirates*)
Mr. Prior (*Czech Republic*)
Mr. Tabani (*Pakistan*)
Mr. Tan (*Philippines*)
Mr. Touré (*Mali*)
Mr. van Holm (*Belgium*)
Mr. Zain (*Malaysia*)

Worker members:

Mr. Appiah Agyei (*Ghana*)
Mr. Brett (*United Kingdom*)
Ms. de Vits (*Belgium*)
Mr. Diop (*Senegal*)
Ms. Engelen-Kefer (*Germany*)
Mr. Gray (*United States*)

Mr. Ito (*Japan*)
Ms. Pedersen (*Norway*)
Mr. Ramírez-León (*Venezuela*)
Mr. Reddy (*India*)
Mr. Sahbani (*Tunisia*)
Mr. Sánchez Madariaga (*Mexico*)
Mr. Shmakov (*Russian Federation*)
Mr. Tan (*Philippines*)

Deputy members

Mr. Maitland (*Australia*)
Mr. Peirens (*Belgium*)
Mr. Tapiola (*Finland*)
Ms. van den Burg (*Netherlands*)

Original Spanish: The PRESIDENT – If there are no objections, I shall take it these proposals are adopted.

(The proposals are adopted.)

(The Conference adjourned at 12 p.m.)

Second sitting

Tuesday, 6 June 1995, 3.10 p.m.

President: Mr. Rosales Argüello

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION

Original Spanish: The PRESIDENT – Before beginning the discussion of the Report of the Director-General, I should like first of all to make the following statement on behalf of the Officers of the Conference. This statement refers to the way in which we intend to discharge our duties. I am making it on behalf of all the Officers of the Conference in order to remind you of the principles which we propose to apply in guiding this discussion with regard to all statements, no matter who the speaker is. The principles which will be applied were determined by the Working Group on the Programme and Structure of the ILO and approved by the Governing Body and communicated to the Conference in 1967.

These principles are set out in paragraphs 54 to 58 of its report, which are reproduced in the Memorandum on the 82nd Session of the International Labour Conference, a copy of which you should now all have. It is incumbent upon the Officers of the Conference to draw the attention of all delegates to the contents of paragraph 58, which reads as follows: "In periods of acute political tension the ILO has a two-fold responsibility – to uphold the values of human freedom and dignity enshrined in its Constitution, and to circumscribe rather than extend the area of international tension by ensuring the fullest possible degree of continued cooperation in pursuit of the objectives of the ILO." Every delegate here attending the International Labour Conference therefore has an obligation to the Conference to keep these considerations constantly in mind, and the President has an obligation to ensure that the Conference does not lose sight of them. In discharging my duties, I should like to draw the Conference's attention to these principles. In full agreement with my fellow Officers and on behalf of all of you, I urge all delegates to collaborate with us in applying these principles. In particular, we hope that every delegate will recognize that the Officers of the Conference are responsible for ensuring that these principles are observed. My colleagues and I myself are determined to carry out this responsibility.

Freedom of expression is a vital feature of the International Labour Organization. However, in order to exercise this right in a spirit of mutual respect, we all have to accept a certain amount of discipline if we want our work to be carried out in an appropriate way and to be crowned with a success. It is the duty of the President of the sitting to ensure that these principles are respected, and the Officers will not hesitate to intervene in this connection. In particular,

if there are offensive or insulting remarks made about any head of state or government, or if personal insults are directed at any of the delegates, the President will intervene immediately. At the Conference all delegates should use parliamentary language and respect the accepted procedure, refer only to items under discussion and avoid raising any question alien to these matters.

It is important that every delegate who wishes to make a reply to a statement should refrain from asking for the floor by raising a point of order. What he should do is to inform the President of the sitting before the sitting finishes that he wishes to exercise his right of reply. A request for a right of reply should be addressed to the Officers during the sitting to which the government or delegation considers that it should exercise this right. These requests should be transmitted to the President through the Clerk, and not by asking for the floor at the sitting.

I wish to refer to the practice with regard to the exercise to the right of reply. The reply should refer only to the point under debate. It should be brief, not exceeding two minutes, and should not give rise to any further remarks. Lastly, it should be couched in correct and parliamentary language. Furthermore, I wish to point out that in order to avoid endless debates, it has been a practice of the presidents to refuse to allow replies to a reply. I wish furthermore to point out that in accordance with article 14, paragraph 6 of the Standing Orders, as amended by the Conference at its 79th Session, the time-limit for speeches of delegates participating in the discussion on the reports of the Chairman of the Governing Body and of the Director-General should not exceed ten minutes. I therefore invite all delegates to concentrate their remarks on these reports alone. The time available to the Conference for the discussion of its agenda being very short, it is imperative that these provisions be strictly respected. All delegates and ministers attending the Conference will no doubt wish to take this limit of ten minutes into account in preparing their remarks so that the President will not be obliged to withdraw the right to speak from the speaker before he has finished his speech.

May I remind you that in accordance with the established practice, the Officers and the President organize the general discussion. In particular, it is up to the President to ensure respect for the principles and provisions of the Standing Orders to which I have just referred.

Concerning the special sitting on the situation of workers in the occupied Arab territories, may I remind you that on the proposal of the Selection Committee the Conference has decided to allow speakers

who so wish to take the floor both on the general report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the report. May I recall in this respect that it has been decided to close the list of speakers for the special sitting at 6 p.m. on Tuesday, 13 June.

Finally, it goes without saying that all the principles mentioned above also apply to the special sitting, except for the time-limit for speeches. Depending on the number of speakers, it may be less than ten minutes.

With your help and collaboration, we shall fully discharge all the responsibilities conferred upon us with a view to ensuring the proper conduct and success of the Conference. We thank you in advance for your understanding.

We now come to the second item on the agenda, which is the discussion of the reports of the Chairman of the Governing Body and of the Director-General.

I give the floor to the first speaker on the list, Mr. Garache Castellón, Vice-Minister of Labour of Nicaragua.

Original Spanish: Mr. GARACHE CASTELLON (*Government delegate, Nicaragua*) – On behalf of the Nicaraguan delegation and on my own behalf, I would like to congratulate the President and the Officers on their election to preside over the 82nd Session of the International Labour Conference and to wish them every success in their work.

Once again we have to congratulate the Director-General for the high quality of his Report, this year devoted very appropriately to the promotion of employment, because we consider it is necessary as the Report states, that the International Labour Organization should “step up its efforts to promote national and international action to solve current employment problems in the world”, especially when the World Summit for Social Development in Copenhagen in March of this year urges that the ILO, because of its mandate, tripartite structure and experience has an essential role to play in employment and social development.

The Report certainly urges Ministers of Labour to take an active part in the elaboration and implementation of economic policies and in particular in structural adjustment programmes with a view to introducing the necessary consistency between the productive, monetary, and financial targets and the social costs which they involve. We agree with this position for two reasons. Firstly because we think that economic growth is not an end in itself but an instrument to guarantee the dignity of mankind and render viable its aspirations to security and happiness, and secondly because in most of the developing countries, which are the most vulnerable to the employment crisis, the relevant ministries are regulatory bodies and have little or no responsibility for development programmes or for plans now emerging for employment generation.

The Report states that the relatively less developed countries where poverty is most acute and where development and modernization are most difficult should receive preferential treatment. It is not possible that there should continue to exist countries which are annually obliged to increase their external debt in order to service their existing

debt. If the benefits of technological progress, production and trade are being globalized then the responsibility for poverty and backwardness must also be globalized.

It is also a matter of concern that the Report states with such confidence that in many countries the informal sector can be regarded as part of the so-called “safety net” providing a refuge for all those displaced from the formal economy as a result of adjustments or as part of the short-term costs of adaptation to the globalization of the economy. The informal sector cannot be regarded as infinitely expendable and in many parts of the world it is dangerously close to saturation point.

Nicaragua shares the concern with the effect which the development of the world economy for some decades now has been having an effect on the level and structure of employment internationally. The world trend from 1965-91 shows a decline in the primary and secondary sectors while the tertiary sector has seen an increase of 11 per cent, but it must be pointed out that in Nicaragua in the past three years the primary sector has been recovering its leading role in keeping with the country's productive potential.

Agreements on the liberalization of tariffs and of non-tariff barriers, and on foreign investment, have had their effect on employment in the short term. In the case of Nicaragua enterprises in the textiles and clothing sectors (free trade zones) have taken on more than 5,000 Nicaraguans who have at the same time undergone job retraining so as to gain access to the labour market and to adapt to technological change. Unfortunately these jobs are not stable owing to the footloose nature of the assembly units, known as *maquilas*.

As in other countries the chances of progress in employment depend mainly on the implementation of economic reforms and on increasing production.

In Nicaragua, in order to carry out these reforms and to move away from a state-centred economic model, there have been changes in the public sector, the financial system and foreign and domestic trade which envisage the reduction in the size of the public sector including a decline in military expenditures, privatization of state enterprises, reduction of import duties and trade liberalization; the participation of private banking and the promulgation of laws governing the financial system; tax reform and the liberalization of consumer prices.

As a result of the reforms in the public sector there has been a reduction in expenditure due to the retirement of members of the army and the police and of civilian employees of the central government, and to the reduction of posts in the remainder of the public sector. The international community deserves special recognition because Nicaragua, with the assistance of friendly countries and organizations, has carried out and kept in place these economic changes and has made enormous efforts to consolidate the achievements obtained with regard to pacification, democratization and state reform.

Accordingly, we believe, firstly, that it is essential that the ministries responsible for employment and social affairs should play an active role in the debate on economic policy both nationally and internationally – a debate which could be strengthened by better coordination and closer collaboration between international bodies responsible for economic and fi-

nancial policy and those concerned with social policy and employment.

Secondly, it is only by means of concerted action by the international community and the countries whose problems are most liable to accentuate social tensions – the least developed and the most severely indebted – that it would be possible to find the best solution to the acute problems of unemployment and its accompanying social ills.

Thirdly, that the generation of new jobs is more an overall national undertaking than just a matter of governmental responsibility. The State must create favourable conditions for encouraging productive investment and reinvestment and business must take advantage of this favourable climate to promote the creation of jobs and improve working conditions by raising production and productivity. Workers must also play a fundamental role by accepting the challenge of increasing productivity, maintaining labour discipline and improving the quality of what they do, for the creation of new jobs is a social responsibility and is borne of a tripartite spirit to find not only local but also international solutions, for the former depend to a large degree on the latter. The world and life itself are always a matter of balance and we must all share responsibilities, but we must also find balance among our interests without infringing our sovereignty in the search for economic and social development of our peoples.

Original Arabic: Mr. ABOU AL SHAAR (*Minister of Labour, Jordan*) – In the name of God, the Compassionate, the Merciful! On behalf of the delegation of the Royal Hashemite Kingdom of Jordan and on my own behalf, I should like to congratulate the President on his election to steer the deliberations of this 82nd Session of the International Labour Conference and wish him every success in his task; we are sure that his efforts will be crowned with success. I should also like to congratulate the Vice-Presidents.

In his Report to the Conference, *Promoting employment*, Mr. Michel Hansenne, Director-General of the ILO, has raised an extremely delicate – and urgent – issue, given the present economic climate in both the industrialized and developing countries. Thanks to his wisdom and vast experience in the area of labour, the Director-General has been able to analyse recent developments and pinpoint the challenges facing us in the world today – as well as the effects of these challenges on the labour market. He has also dwelt upon the deep concern prevailing in most countries because of the problems of unemployment and the difficulties encountered in solving these problems.

The Director-General has demonstrated the difficulty of returning to a situation of full employment in most countries of the world, referring to studies and reports on unemployment; these tend to prove that there is no simple and painless solution to the problem. Programmes at national level are being hampered by internal reform and external economic forces – and international cooperation is proving inadequate. It is for this reason, as the Report points out, that it is difficult to return to the previous situation.

We agree with the Director-General that there are strong and logical reasons to encourage, or rather compel, the international community not to give in

to the situation and succumb to the problems of unemployment in the industrialized countries and to the dual interrelated problems of unemployment and poverty in most developing countries. If the international community does give in, it will be demonstrating its failure to improve the situation in the world and to achieve full employment.

We therefore strongly support the Director-General's view that we must make a collective effort, both at national and international levels, to make full employment a major priority in national policy and to create new mechanisms to run the global economy on a just and equitable basis.

We also agree with the Director-General that one of the prerequisites for a return to full employment is the establishment of an institutional framework for international cooperation in order to find optimum solutions for unemployment, not only in the industrialized countries, but also for the problems of unemployment and poverty in most developing countries – with all the social and economic repercussions these bring in their wake. The economies of these countries are heavily burdened by a debt crisis which is hampering their growth and preventing them from achieving positive adjustment.

How can developing countries meet the challenges of positive adjustment in the light of globalization of the economy when they are struggling under the yoke of their debts, problems of unemployment and poverty and the restrictive measures which industrialized countries are taking against them? How can we promote employment in developing countries and spawn positive adjustment when these countries are worried about inequality at the international level and their economic and political marginalization? We believe in the principles of law, justice and equality in international relations; and we believe that mutual and balanced interests should prevail in these relations – and that there should be a “lifting-all-boats” effect of greater efficiency of resource allocation, as pointed out by the Director-General.

The Jordanian position has always been in line with the principle of self-growth set forth in the Director-General's Report, stressing the importance of investment in human resources and education. Jordan has spared no effort to develop its human resources to compensate for its lack of natural resources. The human being in Jordan is the cornerstone in any programme of national development. Development can only be achieved by harnessing the potential of human beings – and human beings reap the benefit – and we are making every possible effort to attain the welfare of our citizens. We are constantly trying to develop the various areas of education, higher education and vocational and technical training to harness our labour force in accordance with the principle of tripartite dialogue between the social partners.

Jordan believes in stability and world peace. We aspire to a just and fair balance of rights of people to self-determination in a modern international system free from any domination; we also believe in the respect for freedom, democracy and human rights. A just, global and lasting peace is based on the economic, social and cultural peace for all nations and peoples.

In this context, the Jordanian delegation calls upon the delegates at the Conference to request Israel to implement the resolutions adopted by the In-

ternational Labour Conference in 1974 and 1980 and to implement the United Nations resolutions concerning Palestine and the occupied Arab territories – particularly the resolutions concerning the peace process in the region, i.e. resolutions Nos. 242, 338 and 465.

The Jordanian delegation would like to express its deep concern regarding the various policies and measures adopted by Israel relating to Arab East Jerusalem and urges Israel to acknowledge that peace is a strategic choice and not a tactical one – setting out to attain outdated objectives and policies rejected by the international community. Israel has to adhere to the cause of law and justice and respect all commitments made with the parties concerned. Israel must change its policies and measures concerning Arab East Jerusalem once and for all, especially those concerning the confiscation of land; because Jerusalem is at the heart of the peace for which we all strive in the region.

I wish this Conference every success in its work.

Mr. TULADHAR (*Minister of Health and Labour, Nepal*) – First of all, on behalf of the Nepalese delegation, I would like to extend my hearty congratulations to the President on his election to the presidency of this momentous Conference. My delegation is confident that under his able leadership, this Conference will proceed smoothly and arrive at a fruitful conclusion. It is a great pleasure for me to address this gathering of individuals concerned about the welfare of workers.

I take this opportunity humbly to inform the participants of this Conference that the mid-term poll held in November 1994 has led to the formation in Nepal of a new Government under the leadership of the Communist Party of Nepal (United Marxist-Leninist). This Government, which is fully committed to fostering parliamentary democracy under constitutional monarchy, is deeply concerned about and committed to the objective of enhancing the welfare and prosperity of the workers who, we think, are partners in progress and development of the country along with the industrialists and the industrial sector.

In order to accomplish this objective, Nepal has enacted the Labour Law, 1992, and its subsidiary Rules with provisions for better conditions of work, upgraded health and safety standards, social security and benefits in the organized sector. The intention of the legislation is to simultaneously safeguard the rights of the workers, stamp out exploitation, and create a sound and harmonious relationship between management and labour. Nepal has recently ratified the ILO Tripartite Consultation (International Labour Standards) Convention, 1976 (No.144). Even before signing the Convention, tripartism had increasingly been a guiding factor in Nepal's labour policies – and the antagonistic relations between management and labour in previous decades has already been shifting to more harmonious relations.

The Nepal Government is among the ten signatories of the International Programme on the Elimination of Child Labour. We feel deeply concerned about the welfare of children while enforcing the laws and regulations against the use of children below the age of 14 in any establishment. We feel the necessity for setting a minimum wage in agriculture as well as in industry and we are attacking the problem of bonded labour.

While our Government is committed to the welfare of child workers it is deeply concerned about the post-Marrakesh efforts at seeking to establish a linkage between international trade and enforcement of labour standards through imposition of the social clause. This linkage deals with the issue of child labour in isolation from its context. Child labour exists because the situation of the rural families is desperate and they have lost all other alternatives. While trying to link the social clause and trade, its promoters continue to give uncritical support to entrenched social interests and social classes, and are antagonistic and suspicious towards progressive, popular initiatives. The emphasis should be on changing the conditions giving rise to child labour and at the same time on stepping up efforts to it by providing alternative means of livelihood. There should be strict norms in place, backed by a strong enforcement mechanism, for improving the working conditions, protecting children from hazardous and unsafe industries, limiting the workday to three or four hours, and imparting education and teaching of skills. Support should be switched from entrenched social groups to labour movements and to political initiatives which strengthen the position of the rural and urban working class, so that they can afford to take care of their children. Controls need to be instituted on international commercial interests so that they do not force down the price of labour internationally.

Development efforts in the past have largely favoured capital-intensive projects which emphasize technology and specialized technical knowledge. This means forsaking cheap manual domestic labour for expensive foreign labour and technology. Such development has sustained capital and employment overseas, at the cost of discounting and neglecting our own working class. It has encumbered the country with heavy debt. It has contributed to inflation, undermined the capacity for a consumption of our own workforce, and a suppressed indigenous alternatives and initiatives. Old forms of oppression and exploitation are yet to be entirely alleviated. Pervasive rural debt keeps the labour force in a state of virtual bondage, and of forms of institutionalized bondage, called *kamaiya*, remain in five districts.

The destruction of the rural economy, the shift of capital and resources from the countryside to the cities, and the growing desperation of the rural population have triggered the movement of labour force in growing numbers into the urban areas and to other countries in search of employment. Although our labour force still clings to the vestiges of a society and culture rich in techniques and knowledge for the sustainable use of land, forests and wetlands, it is badly prepared for confronting the new domestic and international situations. Nepal's workers are poorly educated, heavily in debt, and in poor health. Forced by desperation and lured by advertising and dreams of instant wealth, many of our young workers have fallen victims to low wages, dangerous working conditions, and all kinds of unscrupulous operators. The trafficking of many thousands of young Nepali women to brothels throughout Asia epitomizes the terrible waste of human life and labour that has resulted from the pattern of development we have embraced.

The full internationalization of capital in recent decades has meant that countries have lost much of their control over domestic policy. Even when

governments such as ours come to power, which have been working and organizing intimately in the villages and factories of Nepal for decades and which have a real interest and commitment to change the situation of the labourers, they find themselves faced with the legacy of years of mismanagement and unaccountability which make innovative and independent policy extremely difficult. Nepal – like many other countries all over the globe – is being forced, without paying much attention to the real historical roots of its problem, to submit to restructuring and privatization and to subsidizing international capital to encourage it to come into the country.

The present Government is committed to improve the situation of its labour force. We are confronted by legacies of past mismanagement and corruption and the persistence of entrenched regressive interests, and largely unsustainable development paradigms supported by the international community. And, like all other countries, we are confined to the limitations of the international situation.

I would like to share our ideas on the agenda of this session of the Conference. As regards the items on the extension of the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial services sector, on home work and safety and health in mines, these are very essential to protect and guarantee the interests of working people. In my view they need very careful deliberation and should be developed in line with the particular conditions of socio-economic development in the least developing countries such as Nepal. The paucity of resources is a major hurdle in the application and implementation of the ILO instruments. May I also share with you my opinion that efforts should be made to review and update international labour standards in the light of the changing global context, so that they might be effectively and pragmatically applied.

Before concluding, I would like to request that our distinguished representatives from developed countries strengthen the hands of the ILO. A stronger ILO, I hope, would be a better partner of governments of developing countries and help them not only to increase industrial harmony and peace in these countries – thus being conducive to their industrial development – but also to promote their overall welfare.

For the welfare of the workers all over the world, I wish this Conference a grand success.

Original Arabic: Mr. AL-KULAIB (*Minister of Social Affairs and Labour, Kuwait*) – I have the privilege first of all of congratulating the President on his election to chair this session of the Conference. I wish him every success in his deliberations. I would also like to take this opportunity to congratulate the Vice-Presidents and I hope that our meeting will achieve the goals we have set.

I would also like to thank the Director-General for his Report, *Promoting employment*. This Report contains exhaustive and precise information on the economic situation and its social repercussions in all countries of the world, whatever their system may be. This Report is therefore comprehensive, all the more so since it looks at the economic circumstances of countries with fluctuating indicators as well as the direct effect on the workers' situation, unemployment and a fall in wages, a problem facing both developed and developing countries, and differences in

living standards. This problem is particularly serious in a number of countries of Africa and Latin America and should be monitored closely as the problem is compounded by accelerated demographic growth.

There are some extremely important paragraphs in the Report. The Director-General addresses political instability and its impact on society, and the close relationship between political stability and improved living standards. We support the content of the Report in this regard. Instability in many countries is a direct result of their suffering. These countries stand out because of their wealth of agricultural or industrial resources and large labour force. Yet, they rank among the poorest countries because of political instability, and due to the fact that most of their resources are channelled into activities of little relevance to ordinary people and hence the tendency to neglect social issues which are central to development.

The Director-General has also addressed the equally important problem of specialized training and education which provide the building blocks for society and an ideal way to improve workers' skills provided that education and training are available to all and take account of the considerable progress made in the agricultural and industrial sectors.

In his Report, the Director-General has suggested many solutions to economic problems and ways to help promote employment, including the need to encourage foreign investment, in view of the fact that around 73 million jobs, namely 3 per cent of the world's manpower, are generated by multinationals around the world.

The Director-General also stresses policies based on the principle of trade liberalization and the removal of obstacles to and constraints on imports from developing countries.

In this regard, I am pleased to inform you that my country is a leading donor country, providing assistance in particular to poor and developing countries. This assistance amounts to more than 4 per cent of our GNP, a high percentage representing more than \$2 billion a year. Similarly, the customs duties on imports from these countries are very low – a mere 4 per cent – which helps the marketing of products from developing countries.

With regard to foreign investment, Kuwait has considerable investments in most Arab and European countries, in the United States and Asia, in industrial and chemical sectors, which has helped to create many jobs in these countries.

Kuwait has also opened its doors to jobseekers from 138 countries. These wage-earners work in all sectors, including the public and private sectors. They may freely transfer their assets to their country of origin, they are not taxed and enjoy free education and health care, which has been a great help in terms of raising their standards of living and those of their families.

Kuwait is successfully helping to combat poverty in developing countries. For example, the Emir of Kuwait has decided to cancel the debt of poor countries and certain developing countries, not to mention the assistance in kind and in monetary terms from public and charitable organizations.

Kuwait is one of the few countries in the world which does not suffer from unemployment because the Constitution guarantees every Kuwaiti the right to employment and to enjoy education, health and

social care. Eleven thousand dollars is the average per capita income in Kuwait, which is high compared to average income countries. Furthermore, Kuwait's demographic growth stands at 5 per cent which is also high and is due to the state policy aimed at balancing the demographic structure and creating the labour force needed to implement economic and social development programmes. The State guarantees the essential rights and freedoms of all categories of workers, which is why many people come to work in Kuwait and stay for many years, or set up home there because of the living conditions and climate of security that prevails.

The Report of the Director-General faithfully reflects the economic situation and the job situation throughout the world. We hope that all efforts will be conjugated, together with those of the ILO, whose role it is to find solutions to the problems of workers, including first and foremost the problem of unemployment. It is our sincere hope that sufficient attention will be paid to job creation, the attainment of full and productive employment, and the placing of employment and living standards throughout the world on the agenda of the International Labour Conference as permanent, standing items. We will thus be able to concentrate on the employment situation and problems of employment, so that the measures and means necessary to promote employment can be taken and adopted. Among these extremely important measures are the establishment of a link between political, social and economic issues, and a strengthening of institutional cooperation in these intricately related fields. These activities are not incompatible; their aim is above all to promote the interests of the individual, whether it be a worker or employer.

In conclusion, I hope that God will help us all in promoting the progress of all peoples.

Original Spanish: Mr. AYALES ESNA (*Minister of Labour and Social Security, Costa Rica*) – My delegation expresses its gratitude to the Director-General and to the staff of the International Labour Office and of the ILO's regional headquarters in Costa Rica for their cooperation with my Government's efforts to improve labour standards in Costa Rica. It is a source of great satisfaction to us Central Americans that it should be our esteemed friend and colleague Mr. Francisco Rosales Argüello, Minister of Labour of Nicaragua, who holds the office of President of this Conference. It is an office which is a well-deserved honour for him as an individual, who we regard not only as a labour expert but also as an authentic representative of the noble people of Rubén Darío.

The Director-General, in his excellent Report, Promoting employment, has highlighted the views of a nation which is seeking to attain sustainable development with social justice in a democratic framework, for which we require the cooperation of the developed countries. Indeed, the subject of employment can be approached from the standpoint of trade in its broadest sense, or from a domestic perspective, taking up two fundamental aspects, these being the economic and the social aspects.

At a time when all nations are facing the phenomenon known as globalization, the global economy is growing as never before, but there is also an attendant increase in the discrepancies between the devel-

oped and the developing countries, between those which are in situations of privilege while ours are compelled to strain every sinew to compete and are barely managing to subsist. We view with concern how, in the circumstances in which globalization is taking place, the increase in trade is causing a concentration of wealth in a handful of trading blocs. It is against this background that our countries are now being asked to fully open our borders to products from developed countries, the self-same nations which take defensive adjustment measures to hamper the access of our main products to their markets.

The conclusions of the Uruguay Round and the creation of the World Trade Organization might quell to some extent concerns about fair competition and free access for our products to their markets. However, while this situation continues we are being subjected to pressures which jeopardize the social and economic stability of our peoples. This situation includes, inter alia, the threat of applying the so-called "social clause" to us, whereby trade and economic sanctions will be applied to our exports, which will impair our levels and conditions of employment, and ultimately the well-being of our families.

There is a desire to punish us for the inequalities which still prevail in our countries as if they were the product of our own selfishness or meanness, without considering that these inequalities are the result of an imbalance in the distribution of wealth in the world.

As developing countries, we yearn for equitable participation in the apportionment of global production, but there is a wish to punish us for not giving something we do not have.

There are those who criticize us for not applying certain standards, the benefits of which are not clearly determined. It is said that these are minimum standards, and we are asked why they have not yet been enacted. But when our products are denied access to the markets of the developed nations no one raises the issue of how this affects the funding of those minimum standards.

With regard to employment and working conditions, these are directly related to the opening of the developed countries to our products, the awarding of fair prices for them and the transfer of technology in appropriate conditions. The problem of not applying certain minimum standards cannot be considered in isolation from the conditions which I have just set forth.

Workers' rights are the heritage of society. They must be protected by appropriate social legislation and the necessary judicial authority which may guarantee secure continuity in labour relations. For this purpose, the world of work calls for the growth of the global economy and an increase in productivity, in order to achieve, by way of fair and equitable distribution the greater well-being of people and their families.

Costa Rica has a labour force of 1,200,000 workers and a minimum monthly wage averaging the equivalent of US\$304.

Of this labour force, only four out of every one hundred workers lacks full and permanent employment. Invisible underemployment reached 3.5 per cent in July 1994, while visible underemployment reached 2.4 per cent of the working population. These figures would appear to convey an economic boom. However, this impression is incorrect. Among other

things we are facing pressing challenges in the economic sphere, and in the social field our welfare system is extremely costly for the State.

Like many nations tackling the requirements of globalization, we are facing profound structural adjustments within the State and the need for the restructuring of our technology, finances and human resources in the production-oriented sectors.

This has prompted us to see with greater clarity the advantages of the tripartism championed by the ILO. Thus, since August 1994 we have restored the Higher Labour Council – a body made up of representatives of country's main trade union confederations and the supreme body of the employers' sector, with three government ministers, including the Minister of Labour.

Among the results of this national endeavour, I would point out that of having secured the agreement of all sectors to submitting to the Legislative Assembly for ratification 16 Conventions adopted since the 70th Session of the International Labour Conference.

We feel that trade union demands cannot become a sort of group or class selfishness, however much they can and must seek to correct ills in order to benefit society as a whole. At the same time, employers must contribute and pledge themselves even further to economic and social development so that their endeavours are geared towards sustaining and creating more jobs.

For the 1994-98 period, the objective of the Government of the Republic is a labour programme to modernize and bolster production, to seek to increase employment and to improve working conditions. In this connection important decisions have been reached to facilitate job mobility from the public to the private sector.

The National Programme for the Creation of Employment has been set up with the incentive of an economic subsidy, and its aim is to support the development of training programmes in technical and basic administrative areas, as well as seeking to upgrade the vocational skills of unemployed and underemployed workers.

Recently an important agreement was formalized with the Chamber of Commerce of Costa Rica to promote employment, pooling efforts to place unemployed workers from the public or private sectors.

As for migrant workers, a candid dialogue in a framework of mutual understanding enabled us to reach with Mr. Rosales Argüeleo a constructive solution to the problem of the thousands of illegal migrant workers of Central American origin, so that they can legalize their situation and benefit from our labour and social security system. This agreement has given rise to the seasonal labour card, which to a large extent has solved the problems facing foreign manpower entering the country without fulfilling migration requirements.

We will conclude by stating that we agree with the Director-General about the need for the ILO, in conjunction with other United Nations organizations, to probe even further in the quest for a solution to employment problems, especially into efforts to define the institutional arrangements at the international level which would take responsibility for this process.

National dialogue and international debate on the effects of social exclusion and the need for full employment should prevail in the five years up until the

end of the millennium. But it is not so much the idea of being at the end of an era that should inspire us, as the enthusiasm of those who are conscious of the fact that they stand at the beginning of a new universal era in which precedence must be taken by the fight for solidarity and the well-being of all people, breaking down the barriers inherent in blocs, discrimination and sectarianism.

I wish to recall in conclusion the words of one of our country's great leaders José Figueres Ferrer, the father of the current President of the Republic, who, at the beginning of the 1970s said "The response to unemployment is not a simple one. What is needed is capital investment, the reduction of the workforce, and a new attitude on the part of both employer and worker, and new priorities in relation to finance and credit that put employment first".

Mr. GREENIDGE (*Minister of Labour, Community Development and Sports, Barbados*) – On behalf of the Barbados delegation, I should like to join the other speakers in congratulating the President on his election to the high office of the presidency at this 82nd Session of the International Labour Conference. I assure you of the support of the Barbados delegation during the deliberations, and have no doubt that under your chairmanship, the session will be successfully concluded.

The items on the agenda are further reinforcement of the tradition of the International Labour Organization as enunciated by the Declaration of Philadelphia. The subjects of safety and health in mines, home work, and the extension of the Labour Inspection Convention to activities in the non-commercial sector all highlight concerns which seek to address the plight of the worker.

On the occasion of the World Summit for Social Development, which was held in Copenhagen in March of this year, we noted that the Director-General presented a social policy report on world employment. In the report he pointed out that because of a change in the structure of employment and production and gaps between the shifts in the structure of output and employment, differences in productivity have been created.

In Barbados, we are well aware of the importance of maintaining a stable social climate, particularly in the light of an economic adjustment programme. Human resources are our greatest strength for creating opportunities to tackle three major problems which plague countries such as ours: unemployment, underemployment and underdevelopment.

My Government assumes a great deal of responsibility for ensuring a social balance which seeks to protect the workers and create opportunities for the country's overall development. It is recognized that governments must set an example as a model employer, while at the same time maintaining adequate surveillance on undesirable activities in the world of work.

The concerns raised by the International Confederation of Free Trade Unions and ILO in connection with the inclusion of a social clause in international trading agreements is a key area for consideration. Trading agreements bear a direct relationship to labour systems and consequently the possibility of creating equality of trade given various economies of scale and preferential markets remains questionable.

Barbados will continue to examine the issue of the social clause and will endeavour to find equitable solutions while acknowledging the challenge of ensuring a balanced approach.

Among the areas which are engaging the attention of my Ministry at this time is the development of a policy for the disabled. We are deeply appreciative of the efforts made by the ILO in this regard and we anticipate great assistance in formulating programmes of employment and training for this vulnerable category of persons as we endeavour to integrate them into the society.

We recognize that the Declaration on the Rights of Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities demonstrate a growing international concern about discrimination against persons with disabilities. Further, there is a driving need to re-educate persons so that there will be greater understanding of the nature of the problem, in the hope that insensitivities and intolerance will be reduced or eliminated altogether.

Barbados recently welcomed the Caribbean Multidisciplinary Team, which held discussions with the social partners and other interested bodies and organizations in order to come up with a country objective arising out of the consultations. We are sure that the programme of action being developed will be of great benefit to our country.

Some two years ago, when the multidisciplinary teams and the active partnership policies were first introduced, member States in the Caribbean were concerned. It was felt that there would be a reduction in the level and forms of technical assistance and other services offered by the ILO. However, it has been found that the Caribbean Multidisciplinary Team has been pursuing initiatives which seek to serve the region adequately and effectively.

Barbados welcomes the proposal by the Caribbean Office in the training of statisticians from across the region so that the collection of statistical data will be improved and updated. The adequate collection of statistical data has been a source of concern for some time, especially as regards the collection of data required for the reporting on Convention No. 63 concerning wages and hours of work.

I now turn my attention to two items on the agenda for this Conference, namely home work and the extension of labour inspection to non-commercial undertakings.

On the question of home work we recognize that this category of workers includes the most vulnerable of all workers, i.e., women and disabled persons. Home work may be considered as a flexible arrangement for tasks to be performed, and may benefit both the worker and the contractor or employer.

Unfortunately, this situation can lead to exploitation, since in many instances the homemaker is classified as self-employed and consequently will be responsible for making his or her own contribution to social security. In this way, the homemaker may be denied access to certain security benefits, such as holidays with pay and payment for overtime or even paid sick leave. These workers, because they are unsupervised, are also unable to have regulated hours of work and are frequently unable to provide proof of the number of hours worked.

In Barbados, homeworkers have traditionally been employed in the garment industry, but given the

changes in our economic climate, that particular industry has shown a downward trend. However, it is envisaged that with the increasing shift to computerization and information technology, the homeworkers of the future will be employed in a wide range of occupations. It is therefore incumbent on governments to seek ways to protect these workers from possible exploitation. Consequently it will be necessary to re-examine the status of these workers with a view to setting standards for the way they work.

In Barbados, it has long been recognized that while we have legislation which regulates conditions in factories, many accidents occur in non-factory enterprises. Indeed, in 1994 my country's records showed that 198 persons were injured in factory accidents, while 251 received injuries in non-factory accidents. These accidents have signalled the need to broaden the scope of labour inspection and embrace a wider category of business enterprise. This problem has made it necessary to upgrade inspection techniques to improve occupational safety and health through a draft occupational safety and health bill. This bill includes provisions which are intended to increase the scope of inspections by the factory inspectorate, extending its surveillance to other establishments and thereby creating improved occupational safety and health standards generally. In addition, my Ministry has supported the factory inspectorate in its collaboration with the hotel sector, and a safety and health code has been launched for that sector. This was considered necessary because the statistical data confirm a high incidence of accidents in the hotel industry.

As we deliberate over the course of the next three weeks, I trust that we shall be constantly mindful of our responsibilities as governments and as representatives of the Employers and Workers, and re-dedicate ourselves to the cause of creating social justice for all.

Original Spanish: Mr. DUCREUX (Government delegate, Panama) – It is an honour for me as head of the delegation of the Republic of Panama to address you from one of the most prestigious fora of the United Nations.

On behalf of my Government and delegation, we extend our greetings to the Director-General of the ILO, Mr. Michel Hansenne, as well as to each and every one of the distinguished members of the delegations of countries represented in this 82nd Session of the International Labour Conference.

We are also particularly pleased to greet and congratulate Mr. José Francisco Rosales Argüello, Minister of Labour of Nicaragua, upon his election as President of this 82nd Session.

Panama like all developing countries is confronted with the major challenge of the massive creation of productive employment as part of its priority national objective of progress to full employment. In order to achieve this aim, we have adopted and put into effect new macroeconomic policies accompanied by an ambitious programme of economic reform which seeks to derive maximum benefit from the liberalization of international trade and the expansion of foreign direct investment, but without infringing basic labour standards. Our aim is to rapidly create an advantageous and competitive environment that will guarantee labour-intensive internal economic

growth that offers a share of the benefits of the increasing globalization of the economy.

The process of globalization certainly signals important net benefits for the international community. However, the question we put to ourselves is how are these net benefits to be distributed? What will be the geographic mobility of foreign direct investment, and will it benefit all equally? We are particularly concerned about the fate of the 47 least-developed or least-privileged countries which have not so far received one ounce of the benefits generated by increased trade and foreign investment.

We are also concerned about the fate of the least-developed, least-privileged countries of sub-Saharan Africa and of Latin America oppressed by growing inequality and exclusion from the global economy.

"Poverty anywhere represents a danger to prosperity everywhere", states the Declaration of Philadelphia. We all share the same planet, and the fate of this planet is inextricably linked to the principle of global interdependence and solidarity.

It is absolutely necessary to define the reference framework and the scope of the social dimension of the globalization process. We must not lose sight of the fact that global economic growth must be no more than a means, and that the true end is the well-being of mankind. It is logical and just to believe that international trade liberalization must erase the borders of inequality not only between nations but also between the men and women who inhabit them.

The Republic of Panama believes that strengthening and intensifying international cooperation, with a strong presence and dedication on the part of the ILO, is the most effective instrument to counter the growing risks of globalization that leaves aside the social dimension. What is urgently needed is a firm foundation for a new system of global cooperation providing benefits for all without any kind of national or social exclusion.

We therefore support the idea of launching and consolidating a new international economic system aimed at preserving the integrity of basic labour standards. We need to reform the international monetary system, coordinate macroeconomic policies at an international level, alleviate the trauma suffered by economies in transition and, in particular, adopt rigorous measures to facilitate the effective incorporation of the least-developed and most-indebted countries into the international economic integration process. We feel that it is especially important that, as quickly as possible, a proposal be submitted to a world conference at the highest level aimed at relieving the debt of the most disadvantaged countries, and at granting special trade preferences to the least developed and least privileged.

Allow me briefly to inform you of Panama's achievements in promoting employment, increasing production and reducing poverty. The new President of Panama, Mr. Pérez Balladares has launched a vast national modernization plan to promote economic efficiency, based on labour legislation modernization (in negotiation with workers, employers and with the advice and assistance of the ILO) privatization of major public services and state enterprises, the widespread application of production incentives, the rigorous rationalization of public expenditure, the development of high-grade infrastructure, and the adoption of a trade and industry plan backed up by sound macroeconomic management to attract for-

eign direct inward investment and encourage major multinationals to set up in our country, as well as an aggressive programme of public investment to provide science and technology training for our human resources. Finally, it must be emphasized here that this multifaceted plan will safeguard the fundamental interests of our working class as enshrined in our Constitution, and in the international instruments of the ILO and other organizations to which we have subscribed.

Mr. CHETWIN (*Government delegate, New Zealand*) – I congratulate the President on his election to the chair of the 82nd Session of the International Labour Conference. My Minister regrets that he is unable this year to maintain the tradition of ministerial attendance from our country, but he wishes the Conference well in its deliberations.

The New Zealand Government welcomes the opportunity for discussion of the Director-General's Report *Promoting employment*. The Government also commends the Director-General's decision to launch a series of regular reports on employment.

As the Director-General says, the task of creating sufficient new jobs to overcome unemployment ranks as the primary challenge for economic and social policy in countries across the globe.

The New Zealand Government has focused both economic and social policies on creating new jobs and hence reducing unemployment. This focus reflects the Government's concern with the negative economic and social impacts of unemployment and the recognition, as highlighted by the Director-General, that a stable rate of productive job creation is the mainspring of equitable economic and social development.

The New Zealand Government established a prime ministerial Task Force on employment in early 1994. That Task Force comprised 11 members drawn from government, employers, trade unions, Maori, education and business. After consulting communities throughout the country, the Task Force released its final report, *Proposals for action*, in November 1994. This report presented 120 proposals designed to help achieve the goal which the Task Force had set for itself – that all those who want it should have the opportunity for paid work. More recently, a group representing the Government and two other parliamentary political parties has been meeting on a regular basis to discuss the employment Task Force's proposals. That multi-party group expects to release later this month a memorandum of understanding on these 120 proposals. The New Zealand Government believes that this process has been a particularly effective way of engaging all parts of society in addressing a major economic and social issue.

For many years New Zealand was in the enviable position of having very low rates of unemployment. However, from the late 1970s and through the 1980s, unemployment in New Zealand rose steadily to reach a peak of almost 11 per cent in 1991. Since then unemployment has fallen sharply to 6.6 per cent. In the March quarter of this year there were more people in employment in New Zealand than ever before.

The recent decline in unemployment has had the greatest impact on the long-term unemployed, those seeking work for 26 weeks or more, whose numbers have declined by 36.5 per cent between March 1994

and March 1995. We believe this reflects the concerted effort which has been put into assisting this group.

As the Director-General's Report recognizes, the key to increasing employment is economic growth. New Zealand's recent improved economic performance reflects strong economic growth. In the two years to December 1994 real gross domestic product increased by 12.2 per cent. Over these last two years employment increased by 9 per cent. Of the new jobs created, some 70 per cent have been in full-time employment.

Our improved growth performance has been achieved through a comprehensive programme of macroeconomic and microeconomic reforms. In particular, the New Zealand Government has worked to achieve low inflation and strong government finances, in order to create a stable and supportive economic environment in which people, and business, can have confidence.

Stable and predictable macroeconomic conditions are necessary to create sustainable growth in output and jobs. However, they are not sufficient on their own. In New Zealand, therefore, we have implemented an integrated set of regulatory and structural reforms to create an open, competitive economic environment which encourages investment, innovation and the creation of productive jobs.

The New Zealand economy has been opened up to international influences and all the opportunities that international trade can bring, and to support international competitiveness, product markets have been deregulated.

Finally, education and training policies have been reformed. The New Zealand Government sees education and training as a life-long process. It has put in place a qualifications framework which will ensure national recognition of training received, whether in the workplace or through formal education. Industry training has also been reformed to provide more autonomy to industries to address their own training needs.

The New Zealand Government sees the way the labour market operates as central to the success of economic growth in creating employment. Labour market regulation was significantly reformed in 1991, with the introduction of the Employment Contracts Act. The Act introduced reforms designed to broaden the options available to both employers and employees while maintaining fundamental employee protections. These changes were a key point of the New Zealand Government's strategy to create an environment which fosters job growth and economic benefits for the community as a whole.

The ILO plays a crucial role in promoting and monitoring international labour standards and hence labour market regulation. The way in which the ILO pursues this role has the potential to have an important influence on many member States' abilities to turn economic growth into employment growth.

The New Zealand Government supports the advancement of the ILO's role in promoting respect for fundamental labour standards through its standard-setting activities. At the same time, the New Zealand Government has made clear its concerns about attempts to establish linkages between international trade and labour standards as a basis for trade measures to enforce such standards. The focus of the ILO's attention should be on how it can promote

wider subscription to its standards in their own right. For this purpose, it is important that its standards be based on clear principles. They should also be able to accommodate the diversity of member countries while promoting core universally accepted principles. ILO standards should avoid relying on too much prescription. There is a risk that the purpose of the underlying principles may be lost in the layers of detailed prescription surrounding it.

In a rapidly changing world, international labour standards also need to be continually reviewed and updated. The ILO therefore needs to maintain under constant review the appropriateness, effectiveness and relevance of its standards so as to ensure that they work in support of economic and employment growth.

The ILO must also seek to carry out its role by the most efficient and productive means possible. This is a difficult task, but it is a critical one when many of the Organization's Members are facing severe financial constraints. The New Zealand Government recognizes the efforts made by the ILO to maintain an efficient level of operations and service in recent years. However, the Government believes that scope for more systematic change still exists.

The ILO has pursued a policy of zero real growth in recent years. As has been drawn to the Organization's attention, such a policy impacts hardest on member States which have been forced to accept zero or negative nominal growth in their national administrations in order to achieve sustainable financial positions. Many of them also face the often quite voracious bite of the exchange rate.

In this context, New Zealand may have some useful experience to share. A high premium has been placed in New Zealand on prioritizing Government expenditure and obtaining the maximum value from limited resources. This has required a careful and systematic specification of the outputs produced, constant vigilance of the mix of human and financial input, and continual evaluation of outcomes.

The New Zealand Government believes that these features ought to be given consideration in the ILO, with a view to achieving further progress in improving efficiency and productivity. In other words some fundamental structural and systematic changes should be contemplated.

The New Zealand Government recognizes that much remains to be done, both nationally and internationally, to reduce unemployment. Unemployment remains at unacceptably high levels in New Zealand and in many other member countries. Recent gains have to be built on. As the Director-General points out, there will also be a need for cooperative international action in finding the best solutions to the pressing problems of unemployment.

New Zealand looks forward to assisting the ILO in achieving its stated objectives. While New Zealand still has much to learn, we believe our domestic and international experiences, coupled with our demonstrated commitment to the ILO, show that we also have much to offer.

Mr. MOUSHOUTTAS (*Minister of Labour and Social Insurance, Cyprus*) – On behalf of the Republic of Cyprus, I would like to congratulate Mr Rosales Argüello on his well-deserved election to the Presidency of this Conference. I have no doubt that his considerable experience and skills will guide our

deliberations to a successful conclusion. Sincere congratulations are also due to the Director-General of the ILO for taking the initiative to place on the agenda of this year's Conference the important issue of promoting employment. This is indeed very timely, in view of the recent adoption at the World Summit for Social Development of a Declaration and Programme of Action which focuses, inter alia, on the expansion of productive employment and the reduction of unemployment. Today, on the threshold of the twenty first-century, many countries are justifiably proud of having achieved enviable living standards for their entire population. Moreover, the sudden halt of the Cold War and the eventual triumph of democracy have created a climate of euphoria and rising expectations for a better and more equitable world. Despite the considerable economic progress achieved, there is no question that the world is going through the worst employment crisis since the 1930s. The crisis affects with varying degrees of intensity all countries irrespective of their stage of development. The persistence of high levels of unemployment and underemployment represent the senseless waste of resources, leads to social exclusion and poverty, weakens social cohesion and stability and undermines the very foundations of our society. The fact that the world community has finally decided to rank the problem of unemployment high on the international agenda is an indication that it is no longer willing to tolerate the continuation of this undesirable economic and social situation which defies economic logic. The Declaration adopted by the World Summit for Social Development expresses clearly the political commitment of Heads of State to take all necessary steps to tackle these problems effectively. The current employment crisis is worldwide in scope although, as many have erroneously suggested, it is not an inevitable consequence of inexorable economic forces but rather reflects the failure of economic and social policies and of the functioning of the international institutional framework.

We are now convinced that the production of employment is not only a domestic concern but also a global issue. It requires appropriate and coherent domestic policies supported by suitable international action. We know that this is not an easy task and that the problems cannot be resolved instantly and without cost. We are also convinced that if the pursuit of full employment becomes the primary objective of economic policies and if the international framework is reformed so as to make possible the achievement of high rates of promotion without endangering the external and internal stability of the countries, the elimination of unacceptably high levels of unemployment is both a feasible and realistic aim. The need for coherent international and domestic policies is greater than ever. Appropriate strategy could include the coordination of macroeconomic policy with a view to stimulating effective demand and inducing global growth, further liberalization of trade, the adoption of export-oriented policies by developing countries, as well as attracting foreign direct investment.

The developing countries should intensify their efforts for economic reform by creating a climate conducive to competitive economic action. They should be granted greater trade concessions and generous assistance to strengthen their productive capacity and to alleviate their debt burden. If we are to tackle

effectively underemployment and unemployment special attention should be given to the improvement of traditional agriculture and productivity in the urban informal sector.

Developed countries, on the other hand, should take a more positive and longer-term view on trade liberalization while combatting protectionist tendencies. Moreover, it is essential that governments, in close cooperation and with active participation of the social partners, assign top priority to the creation of employment at the centre of their national policies and strategies and promote human resource development and re-establish a social pact which will make collective bargaining possible and compatible with full employment.

It is true that today's developments in the world economy such as the liberalization of trade, investment flows, the globalization of production and the introduction of new technology will affect the structure of production and growth and will involve considerable shifts of employment. At the same time, it represents a unique opportunity which will trigger high rates of growth and job creation.

The process of adjustment to globalization in the pursuit of full employment will be painful and will not only be beneficial but also costly. It is imperative that the interests of the workers should be safeguarded, due regard being taken of the basic ILO standards and other international instruments. We emphasize that it is of the utmost importance to incorporate social objectives into our economic policies. The adoption of economic objectives irrespective of their social consequences will not serve our aim for steady growth and social justice.

To restore full employment is a formidable challenge. The problem is global, multi-dimensional and controversial. The way forward is full of difficulties. There is no simple painless solution. National action is constrained by internal obstacles to reform, and is also linked to external economic factors. Only a concerted major international cooperative effort based on a comprehensive strategy supported by coherent and consistent national policies can tackle the seemingly complex and insoluble problems stemming from underemployment and unemployment. If we are successful in our efforts we shall lift the underprivileged millions from poverty and misery and thus contribute to the establishment of a just and equitable international economic and social order.

Mr. LEE (*Minister for Labour, Singapore*) – May I first of all congratulate the President on his election to chair the 82nd Session of the International Labour Conference. I am confident that under his able leadership, and with the benefit of his many years of extensive experience this Conference will proceed smoothly to reach a successful conclusion.

We are meeting under generally favourable conditions. The world economy grew by 3.1 per cent in 1994, and is expected to do better this year. The IMF forecasts that the world economy will expand by 3.6 per cent in 1995, notwithstanding the current turmoil in exchange rates among major trading nations. Growth however, will continue to be unevenly distributed with economies in the developing world growing much faster than in the industrialized countries. While the economic growth rates of the developed countries is expected to be in the region of 2.7 per cent this year, growth in the developing countries

is expected to be more than double that at 5.6 per cent. The expected growth rate for the Asian NIEs is even higher at 7.3 per cent.

The rapid growth of the Asian NIEs and ASEAN, together with China, India and Viet-Nam, have made the Asia Pacific the most dynamic economic region in the world. For example, between 1985 and 1993 ASEAN members enjoyed real per capita GNP growth ranging from 1.6 per cent to 8.4 per cent per annum. The potential for further growth is enormous. Sustained economic growth in these countries has created jobs, prosperity and improved standards of living for countless millions. Per capita income in most of these countries has risen. In conjunction with economic growth, important aspects of social development, such as education, health care and employment conditions have also improved.

The setting up of the World Trade Organization (WTO) on 1 January this year is a significant milestone in the history of global trade. The promotion of free trade is the fundamental objective of the agreement reached in the Uruguay Round that led to the creation of the WTO. It has been estimated that global trade will increase by over US\$500 billion annually by the year 2005, as a result of freer trade made possible within the framework of WTO.

My own country, Singapore, is a strong believer and practitioner of the principles of free trade. We believe that trade liberalization will lead to market expansion, increased investment and job creation. Free trade is vital for the developing countries. A rational and equitable system of free trade will enable them to have better access to capital, technology and markets for economic development. It will also provide them with the opportunity to achieve economic growth and create jobs for their people. With economic growth and a higher volume of trade in the developing world, the developed countries will also benefit from the greater investment opportunities, and the supply of goods and services needed to support the expanded economic activities in the developing countries. In this respect, the OECD has correctly advised its member countries not to view the emerging economies of the developing world as a threat. Rather, they should take advantage of the benefits to be gained from the improved trade links with the developing countries. The OECD has rightly adopted the view that rapid expansion of the economies in the developing world would provide a fresh impetus for OECD growth.

With the establishment of the WTO, countries need to work towards achieving greater trade liberalization so that the benefits of free trade can be maximized. Trade liberalization must be supported by deregulation and the removal of market rigidities. Countries which aim to benefit from a more open trading system must work towards removing existing trade restrictions which stifle free trade, and resist the imposition of new ones.

One aspect of new trade restrictions is the linking of labour standards to trade access, otherwise known as the social clause. The issue of linking trade to the enforcement of labour standards has been discussed extensively at various international fora, including the ILO. While some developed countries have pushed for the social clause, the developing countries have resisted strongly, on the grounds that such linkage will lead to the imposition of unrealistic labour

standards on them. They are also concerned that the linkage of the social clause to international trade may evolve into a disguised form of protectionism, aimed at eroding their competitiveness.

In his speech in Bangkok on 29 May 1995, the World Trade Organization's Director-General, Mr. Renato Ruggiero, stated that trade restriction measures would not solve or even contribute to alleviating the problem of social standards. He also added that "protectionist measures will create new barriers between developed and developing countries, and reduce growth prospects". We are much heartened by his remarks.

Like other Asian countries, Singapore is concerned that labour standards may be linked to international trade. Our fear is that this could lead to trade restrictions which run contrary to the WTO's efforts to promote more liberal global trade. It would also have detrimental effects on investments and job creation, and retard improvements in social conditions within the developing countries. Linking labour standards to international trade, particularly resorting to trade sanctions for non-compliance with standards, is more likely to give rise to acrimonious trade conflicts and opportunities for protectionism rather than trade promotion. In this connection, the ILO Governing Body's Working Party on the Social Dimensions of the Liberalization of International Trade has made a wise decision to suspend further discussion of the link between international trade and social standards through a sanctions-based social clause mechanism, and to reconvene later this year on the understanding that it would not pursue the question of trade sanctions. I wish to commend the Working Party for such a far-sighted decision and to endorse this approach wholeheartedly.

Given that linking labour standards to international trade could have detrimental effects on global trade and economic growth, and in view of the grave concern of developing countries, I would like to suggest that the ILO look for other ways to help member States to undertake economic and social development. One alternative is for the ILO to focus greater attention on the promotion of economic activities and employment creation with a view to gradually improving the social standards of member States. As the developing countries progress economically and more jobs are created, improvement of their social conditions will be a natural consequence. This is the experience of the developed countries, whose current social conditions are very much the result of many years of sustained economic progress. This is also the collective experience of the Asian NIEs.

Singapore, like all other members of the ILO, supports labour standards which are aimed at improving the economic and social well-being of workers. It is our firm belief that in the pursuit of economic development, governments everywhere must ensure that the workers' basic rights and protection are respected. Countries should also work towards realizing the ideals and objectives as stipulated in the various ILO Conventions. However, ILO standards should also reflect the prevailing conditions in member countries which are at different stages of development.

Of the 175 Conventions adopted by the ILO, the average number of Conventions ratified by each

member State is 35. Other than the 25 OECD countries, whose average number of ratifications is 67, the average number for the rest of the ILO member countries is 30. Amongst the Asian and Pacific countries, excluding Australia, New Zealand and Japan, which ratified 54, 56 and 41 Conventions respectively, the number of ratifications by other member States is even smaller, averaging only 17 Conventions per country. It is also noted that many of the Conventions have been ratified by less than ten countries. This suggests that many of the ILO Conventions may not be relevant to the member States. Hence it will be necessary for these standards to be reviewed, taking into consideration the conditions in both the developed and developing countries.

It is for this reason that in the last two years, Singapore, along with fellow ASEAN countries, had endorsed resolutions calling upon the ILO to review and update Conventions which are outdated. There was strong support from many member States, even though the resolutions were not discussed due to lack of time. I would like to reiterate our appeal for the ILO to consider a review of its many Conventions, particularly those which were formulated decades ago and have yet to be ratified extensively. There is also a need for the ILO and its executive agencies to take a less legalistic and more developmental approach in its appraisal of compliance, by which I mean that compliance should be measured against a backdrop of overall progress in the socio-economic areas.

The ILO has an important role to play in providing technical assistance to developing countries. This will be more effective in helping to improve the social and economic well-being of their workers. Technical assistance programmes for education, training, productivity improvement and the promotion of harmonious labour-management relations are what developing countries need most if they are to make greater progress in their efforts to improve their social and economic conditions. For example, the ASEAN Programme on Industrial Relations and Labour Studies, supported by the ILO and UNDP between the years 1984 and 1989, assisted ASEAN countries in promoting harmonious industrial relations, higher productivity and social justice. This Programme was particularly welcomed and well received by ASEAN countries. Having benefited from the Programme, ASEAN is currently seeking ILO's support in introducing another project as a follow-up to the earlier Programme.

In conclusion, we are living in an increasingly interdependent world. Former adversaries have now become economic allies. Countries which were formerly isolated have opened their doors to the rest of the world. The trend of increasing interdependence among countries – economically, socially and even on security and environmental issues – cannot be reversed. It is therefore important that countries should work towards greater economic cooperation through trade liberalization. Trade liberalization is not a zero-sum game. With free access to capital, technology and markets, there will be more innovation, better utilization of resources and boundless opportunities in both the developed and developing countries. Economic growth will bring about job creation and the improvement of social conditions, leading to a better quality of life for working populations worldwide.

Original Spanish: Mr. MENDEZ (Workers' delegate, Spain) – I should like to extend a warm greeting on behalf of the Spanish trade unionists whom I represent here. It is an honour for me to take the floor for the first time and this session of the International Labour Conference, an organization with an irreplaceable role to play at this moment in history, not only for the world of work, but also to ensure a future of peace, justice and progress for all peoples and countries in the international community.

I should like, as my main point, to refer to the major issue on the Agenda of this session of the Conference: employment. The problem of unemployment is so serious a one that it must lead us to the fundamental proposal of replacing traditional systems. A conformist approach cannot suffice. On the contrary, the more we realize just how enormous and complex the world's unemployment phenomenon has become, the clearer we will perceive the need to devise new forms of action and to put them into effect.

What characterizes the international economic situation is the lack of even the slightest world "order" and the inability of governments alone to decide on the course of events. This is a situation which is allowing the development of what has been called the dictatorship of the financial markets which frequently act contrary to the general interest and which escape from even the slightest democratic control.

It is therefore absolutely essential to restore political and economic primacy by instituting common rules and mechanisms for settling disputes in a way that will defend and promote the general public interest. This is the only way to respond to economic change and the situation it brings about: globalization, new technologies, demographic change, etc. However, adjusting to these new realities is not enough; we also, and above all, need political and social innovation.

If alarm about growing unemployment is felt worldwide, in Spain – which has one of the highest unemployment rates in the industrialized world, as was so appropriately pointed out by the President of the Conference in his opening statement – it is a matter of prime concern for the whole trade union movement. Although high rates of job creation were marked up in the mid-1980's, the spectacular growth in unemployment that subsequently occurred, demonstrates the existence of a serious structural problem.

There is wide agreement on the nature of the problem but much less on the way to tackle it. Strongly influenced by economic convergence policies espoused by the European Union which does not consider employment one of its immediate priorities, the measures taken have been for economic adjustment rather than for employment creation. The result has been paradoxical up to now. No great success has been achieved in resolving macro-economic imbalances and the chronic unemployment problem has got even worse.

The labour-market measures taken have resulted in: increased labour flexibility which has meant infringement of essential minimal legal rights and the encouragement of temporary and part-time contracts; constant wage moderation even though successive devaluations have made Spanish prices internationally very competitive; loss of the purchasing

power of minimum wages; and a reduction in the protection provided by unemployment benefits.

The first quarter of 1995 has witnessed a marked fall in the number of unemployed and an increase of 90,000 in the number of jobs. However, the key features of the current situation are a 23.5 per cent unemployment rate – twice the European average – together with a pronounced split in the labour market. In 1994, 110,000 permanent jobs were lost whereas the number of casual jobs increased by 193,000. Out of every 100 workers, 34 are in precarious employment. Added to this is a ten-point reduction in the unemployment coverage rate as the result of successive cuts, and virtually half the unemployed are now without benefits.

Even with this background and the rigorous labour reforms that have recently been introduced, there are still voices calling for the screw to be tightened further. We, in contrast, reject any demand to reduce costs by cutting employment under no matter what pretext.

What is a suitable alternative? I believe that the Director-General's Report *Promoting employment*, is a sound basis for discussion. I agree first of all that unemployment in Europe and poverty and inequality in the United States are not acceptable solutions to the unemployment problem industrialized countries are facing today.

Second, it seems to me that the main cause of massive unemployment is the restrictive economic policies implemented by industrialized countries over the last two decades.

Third, the Report looks at factors frequently considered the cause of unemployment: wage rigidity, collective bargaining systems, unemployment benefits, minimum wages, dismissal costs, etc.

The evidence given by research does not allow us to draw final conclusions on the impact these factors have on unemployment. In other cases, research results show clearly and simply that the impact of many of these factors on unemployment is insignificant.

With this in mind, we can focus discussion on the true causes of unemployment and on how to solve them without losing further time discussing peripheral issues such as those mentioned to which we are not able to find real solutions.

Specifically, what is needed is to reduce working time and to achieve a gradual social reorganization of employment. It is absolutely essential that action to meet basic social needs, such as local services, environmental conservation, and protection of public heritage, must be classified as effective work and constitute activities that are legally protected and financially remunerated. These are some of the substantive social transformations which have to be undertaken in the near future in order to make the basic objective of full employment – dear to us trade unionists – a reality. The complex nature of these problems should not act as a deterrent but on the contrary as a stimulus to move ahead. True, there is much inertia and vested interests to overcome, albeit with full realization that it is not a question of unattainable utopias but rather necessary endeavours which will bear fruit.

In close connection with the aforementioned I would like to emphasize one aspect we consider to be fundamental: the re-establishment of the important notion of the public sphere which is being systematically attacked and reduced by the prevailing

neo-liberal ideology. We need solid democratic re-public powers, not only to reduce certain market inefficiencies but also to implement an active policy for redistributing wealth and promoting social integration.

The public powers must have the appropriate instruments in order to accomplish this task and promote the necessary changes. It is absolutely essential to promote and improve public services, social equipment and infrastructure; otherwise there can be no lasting prosperity and the volume of employment that our societies need cannot be created.

Two final issues: First, the need to effectively implement the conclusions from the Copenhagen Summit. We are totally in favour of the ILO acting as one of the driving forces in providing political and technical direction and guidance in order to improve the situation of employment, the main commitment of the World Summit for Social Development. The ILO, which has played a fundamental role in the outcome of this Summit, is the competent Organization in matters involving employment and labour standards within the United Nations system; it should provide the follow-up of the Programme of Action.

Another issue that I wish to raise once again on behalf of the trade unionists of my country, is the need for a social clause in trade relations in order to create respect for fundamental human and social rights, such as freedom of association, collective bargaining, the abolition of forced labour and child labour. With respect to the latter, it must be eliminated once and for all without delay, starting with the most abject forms of child exploitation such as forced labour, working with hazardous substances, and the elimination of all forms of commercial exploitation of minors. I should like to express my gratitude to the Spanish Government for having significantly participated in cooperative efforts in order to abolish child labour, which would not have been possible without the widespread mobilization of Spanish society, especially its young people, with 0.7 per cent of GNP allocated to development cooperation, a campaign in which the trade unions also participated actively.

A few months ago, Iqbal Masih, a 12-year-old boy, was assassinated for having defended the child slaves working in the rug industry. Many other anonymous children have fared no better. May their memory further strengthen our resolve to eradicate every form of exploitation.

Mr. CASIANO (*Minister of Labour and Administrative Reform, Sudan*) – Allow me to congratulate the President, at the outset of this session, on his election to the presidency of this Conference. I am sure that his wisdom and experience will lead our deliberations to a fruitful conclusion.

I would like as well to express my thanks to the Director-General of the ILO for his excellent choice of "Promoting Employment" as the subject of his Report to this session of the Conference. The choice is suitable because of its pertinence to all members of the Organization at all levels of development. It is, moreover, a timely and opportune work, for it addresses the role that should be played by the ILO in contributing to the Programme of Action which was adopted by the recent World Summit for Social Development for the promotion of employment as a basic priority of economic and social practice.

The issue of employment promotion is of great importance to the developing countries. The Director-General, in the part of his Report concerning the developing countries, enumerated a number of facts that show negative developments in the employment situation in the sub-Saharan region.

The causes of these negative developments have been well documented. They include the implementation of structural adjustment programmes, the price collapse of Africa's primary export commodities in world markets, unfair terms of trade, high inflationary pressure, a heavy debt burden, adverse climatic conditions, internal conflicts, civil war, and refugee problems, etc.

The Sudan, being in the same region, is also suffering from these problems that hamper the creation and promotion of employment. Hence it is evident that fostering employment in this region requires redressing these problems both at the national and international levels.

The Sudan for its part is launching a ten-year national comprehensive strategy plan that embodies objectives and priorities for employment promotion. Within this strategy, the agricultural sector provides the means of living for the majority of our population. It also generates the most export revenues.

The growth potential of the agricultural sector becomes apparent when looked at from the point of view of huge untapped agricultural resources. In addition, vertical expansion is possible through the modernization of the irrigation system and the application of appropriate agricultural packaging and practices. Another priority lies in agro-based industries. Processing agricultural outputs can generate more employment opportunities and increase the value added in Sudan. The Government considers agriculture as the leading sector, and therefore all policies and actions are directed to tackling the current problems blocking an increase in agricultural production. The liberalization policy is of great importance. The Government has provided incentives for producers.

An evaluation of the strategy behind the 1991-94 first economic programme revealed that the agricultural sector attained an average annual growth rate of 21 per cent. This positively affected an average growth rate in GDP that reached 10.2 per cent during the period of the programme.

The contribution of the manufacturing sector to GDP is 16 per cent, and it provides employment to around 5.5 per cent of the country's labour force. The sector is encountering a host of problems that makes it operate at low levels of capacity utilization.

Recognizing the loss in value added, the Government is concerned with the rehabilitation of this sector in order to generate more employment opportunities.

The services sector accounts for the absorption of the rest of the labour force. In fact, a considerable amount of the urban labour force finds work in the informal sector. At present, the Government is conducting an active privatization programme which will affect public employment. Given the limited employment generation prospects of the formal sector in both the public and private sectors, the Government is encouraging self-employment and family enterprise through training, financing and the provision of tools and implements. The endowment and *zakat*

funds are the major funding institutions for these activities.

These efforts are supported in the first place by government human resource development and utilization priorities, which can be summarized as follows:

- (1) increasing technical education to cover 60 per cent of general education, and expansion of vocational training activities;
- (2) enhancing the institutional capacity in the fields of employment planning, employment services and labour market information;
- (3) upgrading the council for productive family schemes, and ensuring effective coordination with employment and vocational training institutions;
- (4) conducting special public works programmes in many part of the country;
- (5) encouraging self-employment and designing special employment programmes for special groups;
- (6) reviewing wage structures and labour laws to secure and promote labour standards, enhancing productivity and creating a favourable investment climate.

Besides creating employment opportunities which aim to enhance social cohesion, the promotion and encouragement of popular participation is one of Sudan's main objectives. The aim is to generate a civil society that takes initiatives in programme formulation and implementation.

The people's full participation is encouraged. The right to organize is guaranteed. Employers' and workers' organizations participate at all decision-making levels. Grass-roots organizations are also empowered to take part in all the development aspects of their localities. The equitable distribution of wealth, power and public service is ensured thanks to the adoption of a federal system of government.

Peace initiatives are supported by building a strong foundation for peace. The peace initiatives sponsored by IGAAD have met with a favourable response.

The success of national development strategies oriented towards economic growth, equity, employment promotion and the alleviation of poverty in sub-Saharan Africa requires a favourable international economic environment. That environment should pave the way to equitable and preferential world trade, substantial capital flows and a definitive solution to the debt problem of the least developed countries.

We thus call on this international body to endorse the view expressed by the Director-General, who has appealed to the international community to make adequate provision for adjustment assistance to countries facing the largest problems in this respect, such as the least developed countries.

In this regard we are looking forward to seeing the ILO play a political role in strengthening technical assistance, taking initiatives, coordinating efforts with United Nations agencies, the Bretton Woods institutions and prospective donors, so as to provide the backing required for development and to support national development strategies in sub-Saharan regions.

Concentrating on the issue of removing obstacles to development from the path of the suffering people

of the world, the international community must address fundamental problems so as to bring lasting peace and an end to world conflict.

Mr. GENDA (*Government delegate, Sierra Leone*) – On behalf of the Government of Sierra Leone, I wish to address this Conference on the Director-General's important topic of world employment and its ensuing problems around the globe, and also on the employment issues in the work of the International Labour Organization.

Our delegation is convinced that under the liberal guidance of your supreme office the Conference will be successful in promoting the maintenance of the international status quo in terms of a more global employment promotion perspective by way of adequately generating employment and preparing the rising population in each member country to live and work in that country.

As those of you attending this Conference may recall in my speech to the 80th Session of the ILO Conference in 1993, I had made hints on the problems of unemployment, poverty, imbalance, crises and economic and political insecurity. In Sierra Leone as in other developing countries these problems still remain the enemies of the people. Because of these problems there have been no improvements or changes in the industrial composition of Sierra Leone. The few industries in the country tend to concentrate in the western areas. Some of them are incapable of processing the home raw materials as well as producing substitutes for imported goods. The economic stagnation, which has been aggravated by the rebel war in the country, is attended by the high, prolonged level of unemployment and underemployment that has resulted in 'abject poverty of the people.

The Government's effort to revive the crippled economy and attract investment which is an essential instrument for bringing the country's economy closer to full employment has been frustrated by the rebel war. This war has paralysed the major public and private employment sectors leaving thousands of Sierra Leoneans out of jobs. It has reduced mobility throughout the country and in the majority of cases rural farmers or agricultural workers are being forced out of their respective areas only to flood into the western areas and urban towns where wage-earning employment opportunities are slender.

These problems have led to a general feeling in Sierra Leone that industrial development, unemployment and underemployment are the salient points or issues that have to be central to economic and employment strategies of the country. There is a further feeling that industrialization is the only meaningful way of raising per capita income in Sierra Leone and that full employment can only be achieved when the country is highly industrialized to a stage where most of her basic needs for both capital and consumer goods are produced locally especially those regarded as essential.

In this regard our delegation is suggesting that the impetus for promoting industrialization and productive employment for the purpose of achieving a sustained economic growth, particularly in developing countries, must come through productive investments and technical aid provided by the great industrial nations like the United States, Canada, Great Britain, France, West Germany, the Netherlands, Ja-

pan, Switzerland and several others. Such investments and aid will encourage the expansion of domestic savings and the inflow of financial resources from the said industrial nations to address the problems of unemployment, underemployment and poverty now facing the developing countries which have vast investment gaps that need to be closed.

It is hoped that all the delegates from industrial nations will take an active interest in our delegations' suggestion without any reservation. Their efforts to invest and develop industries in developing countries will not only lead to a trusting relationship between the two sides but will also promote democratic participation. Such participation will not be achieved without ensuring peace and economic well-being of developing nations.

While expressing our delegations' appreciation to the active partnership policy of the ILO which is fervently hoping to promote employment programmes for Sierra Leone and other member countries which lack employment opportunities, our Government would like to suggest that additional financial and human resources with technical aid should be made available to all regional offices to enable them to promote permanent full employment with sufficient living wages for those regional populations with serious barriers to employment opportunities. Additional efforts are also needed to develop new direction programmes to assist the displaced and distressed individuals around the globe especially those who have been forced out of their agricultural and traditional employment by various kinds of war. Such programmes require wider participation by all member countries. Such participations serve as an expression of caring for the welfare of the suffering people of each region.

Although Sierra Leone is confronted with the rebel war, our Government remains genuinely committed to the idea of returning this country to a democratic environment, which is now inevitable.

So, our delegation is pleased to inform the Conference that on 27 April 1995, which marked the 34th Independence Anniversary of Sierra Leone, the Chairman of the National Provisional Ruling Council, His Excellency Captain Valentine E.M. Strasser, unconditionally announced a return to a democratic civilian rule and thus gave the mandate to organizations and groups to participate in the political process of the country by applying for fresh registrations of their respective political parties, based on a code of conduct governing the political activities of all political parties.

Original French: Mrs. SASSO MAZZUFFERI (*Employers' delegate, Italy*) – I would like to congratulate the President on his election. I am convinced that with his experience and abilities he will make this Conference a great success.

The Report of the Director-General is marked by its positive proposals, it therefore merits constructive responses on our part.

The Italian employers reaffirm their interest in the quest for a lasting solution to the problems discussed in it.

The Report brings out in all its cruelty the nature of unemployment, which in most countries is structural and therefore calls for interventions of a permanent kind, going beyond the short-term remedies which worked in the past.

It would, however, be a serious mistake to entertain any illusion that solution will be easy or rapid. It will be necessary to tackle this grave situation with pragmatism and resolve by using innovative instruments.

The Report is weak in this regard, especially with respect to its assessment of a tool such as flexibility which, in my opinion, constitutes mainly a response to the competitive scenario occasioned by the technological developments and globalization of the markets.

Indeed, on the threshold of the year 2000, technological progress leaves an abiding mark on traditional behaviour and values, with extraordinary repercussions on the competitive system.

In a future which has already begun, the employment relationship is destined itself to evolve as a result.

In a perspective which requires close integration between all the elements of the productive process rather than the observance of rigid rules, an ability to coordinate rather than to be coordinated, a capacity for continuous improvement rather than a maintenance of fixed standards, we can already foresee that subordination, which was one of the fundamental characteristics of traditional labour relations, will no longer have the fundamental value it has had until now. Developments in telematics, and in distance working confirm these trends.

The response to the changes made necessary by this new scenario seems to be the "networking of firms" in which participation in goals to be achieved, coordination and continuity are what count.

In this context, the future of collective labour relations lies in the ability of the trade unions and firms to promote, on the one hand, cohesion among the various elements of the system, and on the other hand flexibility in labour relations in a framework of adequate guarantees which do not stifle the entrepreneurial spirit and the progress it brings.

Consequently, in the labour market, flexible forms of labour relations and the modernization of placement, training and vocational retraining systems are instruments which may win out in the fight against unemployment.

With respect to the industrial countries, the Report addresses the problem of high wage levels and their effect on employment. This approach seems one-sided to us because it highlights only one aspect of the question, while underestimating the burden of indirect wage costs, which the conclusions of the World Summit for Social Development rightly consider as being liable to deter employers from hiring workers.

Furthermore, the Report does not attach due importance to the virtuous circle of competitiveness and employment. Indeed, an efficient and competitive enterprise is a sure source of productive jobs, provided that it is part of a framework of economic growth in which the presence of the State is not excessive and is not liable to distort the rules of the market-place. Our research has shown that excessive intrusion of the State in the economy causes an increase in the rate of unemployment.

Each country will have to seek ways and means of ensuring that technological advancement goes hand in hand with social advancement.

New job-creating areas have already been brought to light: major infrastructure networks (transport, telecommunications, power, computerization, etc.); the modernization and improvement of consumer services; the safeguarding and development of the environment, the territory and the artistic heritage. These sectors will demand the use of skilled, specialized and very professional labour.

There is thus a need for a close relationship between school and work -- a point which employers have never ceased to stress. In Italy the two Ministers concerned have reached an important agreement to reduce the gap between what the training system offers and the demands of the employment market. Our efforts have proved to be successful.

In the same vein, the ILO is producing some very satisfactory results through the International Training Centre of the ILO, Turin. Its Director, Mr. Trémeaud, deserves our gratitude and our encouragement in pursuing sound and effective management.

In this field, as well as in the broader context of safeguarding social rights, the recent World Summit for Social Development held in Copenhagen provided a coherent and systematic framework for an international cooperation strategy.

Italian employers share the conclusions of the Summit, especially in so far as they recognize that economic progress underlies social development, they recognize the importance of the private sector in creating jobs, employment flexibility in the labour market, the strengthening of small and medium-sized enterprises, encouragement for productive investment and the stabilization of public budgets. The view which has prevailed was that of gradually eliminating poverty and social exclusion -- hence promoting employment -- rather than the proliferation of standards and legal texts. We endorse that choice.

The ILO's mission has been invigorated as a result. The social partners are also recognized as having a role as a driving force.

We must choose the most expeditious route to achieve what is requested of us.

In our opinion, outdated standards must be revised and modernized; there should be a strengthening of the institutional mechanisms for monitoring the application of ratified standards pertaining to the fundamental rights of workers; there should be further study into the reasons for obstacles to the ratification or implementation of instruments which have been adopted in order to bring about a commitment to universal respect for Conventions which are sometimes too easily adopted formally at the Conference. And this should be done on the basis of consensus, avoiding any confrontation among the Members of our Organization.

Positive results have already been achieved in this endeavour thanks to the tripartite efforts which have been made. Italian employers are resolutely committed to the success of these efforts.

(The Conference adjourned at 5.45 p.m.)

Credentials

Brief report by Mrs. Roldan-Confesor, Chairman of the Governing Body of the International Labour Office, on the credentials of delegates and advisers to the 82nd Session of the International Labour Conference, Geneva, 5 June 1995

The Chairman of the Governing Body of the International Labour Office has the honour to present the customary report prescribed by Article 26 of the Standing Orders of the International Labour Conference.

The composition of each delegation and the method of appointment of delegates and advisers to the sessions of the International Labour Conference are governed by Article 3 of the Constitution of the International Labour Organization.

In accordance with paragraphs 8 and 9 of this Article, it is for the governments to communicate to the International Labour Office the nominations made. The Conference examines these nominations and decides, in the case of dispute, whether delegates and advisers have been nominated in accordance with Article 3 of the Constitution.

The Conference exercises this power in accordance with the procedure laid down in Articles 5 and 26 of its Standing Orders.

In particular, paragraph 2 of Article 26 of the Standing Orders of the Conference provides that "A brief report upon these credentials, drawn up by the Chairman of the Governing Body, shall, with the credentials, be open to inspection by the delegates on the day before the opening of the session of the Conference and shall be published as an appendix to the record of the first sitting".

The present report is submitted in compliance with this provision. The list given in the table below was closed on Monday, 5 June 1995 at 15.00hrs in order that it might be available for inspection by the members of the delegations that same day, that is, the day before the opening of the Conference.

In addition, the present report serves for fixing provisionally, in accordance with paragraph 1(2) of Article 20 of the Standing Orders of the Conference, the quorum necessary to give validity to the votes taken.

The table below, based on the files containing the names of the delegates and advisers and the credentials with which they have been provided or the official communications transmitted to the International Labour Office, shows the numerical composition of the Conference. It is to be noted in this regard that persons who have been nominated both as substitute delegates and as advisers, in the letters communi-

cating the nominations, have been included among the advisers.

To date, 149 States have notified the names of the members of the delegations. It is to be noted that only 68 countries deposited the credentials of their delegations with the International Labour Office before 22 May 1995, that is within the 15-day deadline before the date fixed for the opening of the Conference, in compliance with paragraph 1 of Article 26 of the Standing Orders of the Conference.

On the other hand, while the Conference and the Credentials Committee have already previously insisted on the obligation which Article 3 of the Constitution imposes on governments requiring them to send complete delegations to the Conference, six countries (Dominica, Ethiopia, Kyrgyzstan, Liberia, Rwanda, The Former Yugoslav Republic of Macedonia) had only nominated Government delegates, and one country (Eritrea) had nominated a Workers' delegate but not an Employers' delegate.

It should be noted, finally, that in the letters or telegrams communicating their nominations, a certain number of governments have not mentioned the employers' and workers' organizations which they have consulted and with which they have come to an agreement in appointing Employers' and Workers' delegates in accordance with paragraph 5 of Article 3 of the Constitution of the Organization or have not confirmed that they were paying the travelling and subsistence expenses of their delegates and advisers in accordance with paragraph 2(a) of Article 13 of the Constitution. In this regard, in order to ensure greater clarity in establishing the credentials, it would be advisable that governments use, for the nomination of delegates and advisers, the form enclosed with the letter of convocation and the Memorandum on the Conference which the Office addresses every year to member States.

Finally, I should like to urge delegates and advisers to register in person at the Information and Reception Desk, the quorum being calculated on the basis of the number of delegates registered.

Composition of the Conference, and quorum

At present 286 Government delegates, 142 Employers' delegates and 143 Workers' delegates – a total of 571 delegates – are accredited to the Conference.

There are, in addition, 670 Government advisers, 354 Employers' advisers and 423 Workers' advisers – a total of 1447 advisers.

The total number of delegates and advisers who have been nominated in conformity with the provi-

sions of the Constitution of the Organization to take part in the work of the Conference is 2018.

Since 18 of the States¹ now represented are in arrears in the payment of their contributions to the Organization, those Members, under the terms of paragraph 4 of Article 13 of the Constitution, may not at present participate in the voting in the Conference or any of its committees. Account is therefore not taken of 60 delegates in calculating the quorum.

In conformity with Article 17 of the Constitution of the Organization and with Article 20 of the Standing Orders of the Conference, the necessary quorum to give a vote validity will provisionally be 255.

Observers

On the invitation of the Governing Body of the International Labour Office, Bermuda, Holy See and Vanuatu have appointed observer delegations to the Conference.

Organizations and liberation movements invited

The Conference is also being attended by:

- representatives of the United Nations and some of its organs, invited by virtue of Article II,

¹ Angola, Antigua and Barbuda, Azerbaijan, Cambodia, Chad, Dominican Republic, Guinea-Bissau, Haiti, Iraq, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Moldova, Rwanda, Sierra Leone, Togo, Yemen.

paragraph 1 – relating to reciprocal representation – of the Agreement between the United Nations and the International Labour Organization, which came into effect on 14 December 1946;

- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference;
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Geneva, 5 June 1995

(Signed) Mrs. Nieves R. Confesor

- 1) Government delegates
2) Government advisers
3) Employers' delegates
4) Employers' Advisers
5) Workers' delegates
6) Workers' Advisers

List of accredited delegates and advisers

	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)	1)	2)	3)	4)	5)	6)
Afghanistan.....	-	-	-	-	-	-	2	1	1	-	1	-	-	-	-	-	-	-
Albania.....	2	2	1	-	1	-	2	12	1	5	1	7	-	-	-	-	-	-
Algeria.....	2	8	1	8	1	6	2	2	1	1	-	-	-	-	-	-	-	-
Angola.....	2	2	1	6	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Antigua and Barbuda.....	1	-	1	-	1	-	2	-	-	-	1	3	-	-	-	-	-	-
Argentina.....	2	4	1	8	1	8	2	1	1	-	1	-	-	-	-	-	-	-
Armenia.....	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Australia.....	2	4	1	3	1	3	2	-	1	-	1	-	-	-	-	-	-	-
Austria.....	2	7	1	2	1	3	2	5	1	4	1	4	-	-	-	-	-	-
Azerbaijan.....	1	3	1	-	-	-	2	12	1	8	1	8	-	-	-	-	-	-
Bahamas.....	2	-	1	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Bahrain.....	2	4	1	-	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Bangladesh.....	2	4	1	1	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Barbados.....	1	-	1	-	1	-	2	11	1	6	1	8	-	-	-	-	-	-
Belarus.....	2	3	1	7	1	5	2	3	1	8	1	2	-	-	-	-	-	-
Belgium.....	2	13	1	5	1	8	2	15	1	6	1	8	-	-	-	-	-	-
Belize.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Benin.....	2	1	1	-	1	-	2	6	1	2	1	-	-	-	-	-	-	-
Bolivia.....	2	-	1	1	1	-	2	2	1	-	1	1	-	-	-	-	-	-
The Rep. of Bosnia and Herzegovina.....	-	-	-	-	-	-	1	1	1	1	-	-	-	-	-	-	-	-
Botswana.....	2	3	1	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-
Brazil.....	2	11	1	8	1	5	2	2	1	-	1	-	-	-	-	-	-	-
Bulgaria.....	2	5	1	3	1	8	2	2	1	-	1	-	-	-	-	-	-	-
Burkina Faso.....	2	3	1	1	1	1	2	2	1	1	1	2	-	-	-	-	-	-
Burundi.....	2	4	1	-	1	-	2	2	1	-	1	-	-	-	-	-	-	-
Cambodia.....	1	-	1	-	1	-	2	10	1	5	1	5	-	-	-	-	-	-
Cameroon.....	2	3	1	1	1	1	2	15	1	8	1	8	-	-	-	-	-	-
Canada.....	2	5	1	5	1	8	2	7	1	2	1	4	-	-	-	-	-	-
Cape Verde.....	2	-	1	-	1	-	2	1	1	-	1	-	-	-	-	-	-	-
Central African Republic.....	2	2	1	-	1	-	2	5	1	1	1	1	-	-	-	-	-	-
Chad.....	2	-	1	-	1	-	2	4	1	-	1	3	-	-	-	-	-	-
Chile.....	2	7	1	4	1	8	2	7	1	6	1	6	-	-	-	-	-	-
China.....	2	15	1	3	1	5	2	3	1	-	1	-	-	-	-	-	-	-
Colombia.....	2	8	1	7	1	4	2	16	1	5	1	8	-	-	-	-	-	-
Comoros.....	-	-	-	-	-	-	2	2	1	5	1	2	-	-	-	-	-	-
Congo.....	2	2	1	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-
Costa Rica.....	2	3	1	-	1	1	2	-	1	1	1	1	-	-	-	-	-	-
Côte d'Ivoire.....	2	1	1	1	1	4	2	13	1	4	1	3	-	-	-	-	-	-
Croatia.....	2	4	1	1	1	1	1	1	8	1	2	1	-	-	-	-	-	-
Cuba.....	2	3	1	1	1	3	1	1	-	-	-	-	-	-	-	-	-	-
Cyprus.....	2	4	1	4	1	5	2	1	1	-	1	-	-	-	-	-	-	-
Czech Republic.....	2	8	1	4	1	4	2	2	1	2	1	1	-	-	-	-	-	-
Denmark.....	2	7	1	4	1	4	2	3	1	5	1	3	-	-	-	-	-	-
Djibouti.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dominica.....	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Dominican Republic.....	2	2	1	7	1	5	2	3	1	1	1	2	-	-	-	-	-	-
Ecuador.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Egypt.....	2	2	1	-	1	-	2	12	1	5	1	7	-	-	-	-	-	-
El Salvador.....	2	8	1	8	1	6	2	2	1	1	-	-	-	-	-	-	-	-
Equatorial Guinea.....	2	2	1	6	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Eritrea.....	1	-	1	-	1	-	2	-	-	-	1	3	-	-	-	-	-	-
Estonia.....	2	4	1	8	1	8	2	1	1	-	1	-	-	-	-	-	-	-
Ethiopia.....	-	-	-	-	-	-	2	-	-	-	-	-	-	-	-	-	-	-
Finland.....	2	4	1	3	1	3	2	-	1	-	1	-	-	-	-	-	-	-
France.....	2	7	1	2	1	3	2	5	1	4	1	4	-	-	-	-	-	-
Gabon.....	1	3	1	-	1	-	2	12	1	8	1	8	-	-	-	-	-	-
Gambia.....	2	-	1	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-
Georgia.....	2	4	1	1	1	1	2	-	-	-	-	-	-	-	-	-	-	-
Germany.....	1	-	1	-	1	-	2	11	1	6	1	8	-	-	-	-	-	-
Ghana.....	2	3	1	7	1	5	2	3	1	8	1	2	-	-	-	-	-	-
Greece.....	2	13	1	5	1	8	2	15	1	6	1	8	-	-	-	-	-	-
Grenada.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Guatemala.....	2	1	1	-	1	-	2	6	1	2	1	-	-	-	-	-	-	-
Guinea.....	2	-	1	1	1	-	2	2	1	-	1	1	-	-	-	-	-	-
Guinea-Bissau.....	-	-	-	-	-	-	1	1	1	1	-	-	-	-	-	-	-	-
Guyana.....	2	3	1	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-
Haiti.....	2	11	1	8	1	5	2	2	1	-	1	-	-	-	-	-	-	-
Honduras.....	2	5	1	3	1	8	2	2	1	-	1	-	-	-	-	-	-	-
Hungary.....	2	3	1	1	1	1	2	2	1	1	1	2	-	-	-	-	-	-
Iceland.....	2	4	1	-	1	-	2	2	1	1	1	1	-	-	-	-	-	-
India.....	1	-	1	-	1	-	2	10	1	5	1	5	-	-	-	-	-	-
Indonesia.....	2	3	1	1	1	1	2	15	1	8	1	8	-	-	-	-	-	-
Islamic Republic of Iran.....	2	5	1	5	1	8	2	7	1	2	1	4	-	-	-	-	-	-
Iraq.....	2	-	1	-	1	-	2	1	1	-	1	-	-	-	-	-	-	-
Ireland.....	2	2	1	-	1	-	2	1	1	-	1	-	-	-	-	-	-	-
Israel.....	2	-	1	-	1	-	2	5	1	1	1	1	-	-	-	-	-	-
Italy.....	2	7	1	4	1	8	2	4	1	-	1	6	-	-	-	-	-	-
Jamaica.....	2	15	1	3	1	5	2	3	1	-	1	-	-	-	-	-	-	-
Japan.....	2	8	1	7	1	4	2	16	1	5	1	8	-	-	-	-	-	-
Jordan.....	-	-	-	-	-	-	2	2	1	5	1	2	-	-	-	-	-	-
Kazakhstan.....	2	2	1	-	1	-	1	-	1	-	1	-	-	-	-	-	-	-
Kenya.....	2	3	1	-	1	1	2	-	1	1	1	1	-	-	-	-	-	-
Republic of Korea.....	2	1	1	1	1	4	2	13	1	4	1	3	-	-	-	-	-	-
Kuwait.....	2	4	1	1	1	1	1	1	8	1	2	1	-	-	-	-	-	-
Kyrgyzstan.....	2	3	1	1	1	3	1	1	-	-	-	-	-	-	-	-	-	-
Lao People's Dem. Rep.....	2	4	1	4	1	5	2	1	1	-	1	-	-	-	-	-	-	-
Latvia.....	2	8	1	4	1	4	2	2	1	2	1	1	-	-	-	-	-	-
Lebanon.....	2	7	1	4	1	4	2	3	1	5	1	3	-	-	-	-	-	-
Lesotho.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Liberia.....	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-
Libyan Arab Jamahiriya.....	2	2	1	7	1	5	2	3	1	1	1	2	-	-	-	-	-	-
Lithuania.....	-	-	-	-	-	-	2	1	1	-	1	-	-	-	-	-	-	-
Luxembourg.....	2	11	1	5	1	8	2	13	1	4	1	5	-	-	-	-	-	-
Madagascar.....	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Malawi.....	2	1	1	-	1	-	2	-	-	-	-	-	-	-	-	-	-	-
Malaysia.....	2	7	1	2	1	3	2	7	1	2	1	3	-	-	-	-	-	-
Mali.....	2	1	1	1	1	1	2	1	1	1	1	1	-	-	-	-	-	-
Malta.....	2	3	1	4	1	2	2	3	1	4	1	2	-	-	-	-	-	-
Mauritania.....	2	1	1	-	1	-	2	-	1	-	1	-	-	-	-	-	-	-
Mauritius.....	2	3	1	-	1	-	2	3	1	-	1	3	-	-	-	-	-	-
Mexico.....	2	7	1	4	1	6	2	7	1	4	1	6	-	-	-	-	-	-
Republic of Moldova.....	2	1	1	-	1	-	2	1	1	-	1	-	-	-	-	-	-	-
Mongolia.....	2	2	1	-	1	-	2	2	1	-	1	-	-	-	-	-	-	-
Morocco.....	2	4	1	5	1	6	2	4	1	5	1	6	-	-	-	-	-	-
Mozambique.....	2	-	1	-	1	-	2	-	1	-	1	-	-	-	-	-	-	-
Myanmar.....	2	8	1	-	1	-	2	8	1	-	1	-	-	-	-	-	-	-
Namibia.....	2	4	1	-	1	-	2	4	1	-	1	-	-	-	-	-	-	-
Nepal.....	2	2	1	-	1													

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Third sitting

Wednesday, 7 June 1995, 10.15 a.m.

President: Mr. Rosales Argüello, Ms. Engelen-Kefer

FIRST REPORT OF THE SELECTION COMMITTEE: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT – The first item on our agenda today is the first report of the Selection Committee. I would like to invite Mr. Ahmed Khan, Chairman of the Selection Committee, to come to the rostrum to submit the report.

Mr. KHAN (*Government delegate, Pakistan; Chairman of the Selection Committee*) – Before presenting the report of the Selection Committee, I take this opportunity to congratulate Mr. Rosales Argüello on his unanimous selection as President of this Conference, which will be debating very important issues concerning employment promotion. We are confident that under his leadership the Conference will achieve its objectives.

I now turn to the presentation of my report. I have the honour to submit to the Conference the report of the Selection Committee (*Provisional Record* No. 4). This report deals with the election of the Officers of the Committee.

As regards the discussion of the Reports of the Chairman of the Governing Body and the Director-General, as you all know this began yesterday afternoon and the Committee has decided that the list of speakers should be closed next Wednesday, 14 June, at 12 noon, under the usual conditions. Then the Committee endorsed a general plan of work for the Conference committees which although not binding will enable the committees to organize their work so as to take maximum possible account of the overall needs and possibilities of the Conference. This plan of work is appended to its report in Appendix II.

As regards electronic voting, Appendix I of the Committee's report contains a written description of the electronic voting system which is again being used this year. The Standing Orders Committee will be considering the amendment of the Standing Orders so as to cover the conduct of voting and publication of the results. However, pending the Conference's decision on the findings of the Standing Orders Committee the Selection Committee invites the Conference to decide whether, unless the Officers of the Conference otherwise decide for a given question or a given sitting, the different methods of voting set out in article 19 of the Standing Orders shall be implemented in the plenary by means of the electronic voting system described in Appendix I.

I should like to call the attention of the members of the Conference to the proposal in the report concerning the quorum, punctuality and negotiations in committees, all of which are designed to ensure the

smooth functioning of the Conference. As regards participation in Conference committees by members who have lost the right to vote, the Selection Committee recommends that the Conference should continue the practice followed in the past few years by Government members of not applying for regular membership of committees if they are not at the time in question entitled to vote.

The Selection Committee also recommends to the Conference that should this practice for any reason not be fully respected the calculation of weighting coefficients for votes in the committees should be based on the number of regular Government members entitled to vote. The electronic voting system takes this practice into consideration.

The Selection Committee suggests that the Conference authorize the Secretary-General to invite the Democratic People's Republic of Korea, a non-member State, to be represented at the present session of the Conference in accordance with article 2, paragraph 3(e), of the Conference Standing Orders.

In another recommendation the Committee suggests that certain non-governmental international organizations should be invited to take part in some committee meetings. On the basis of proposals made by the Director-General at the invitation of the Governing Body, the Selection Committee has decided to convene a special sitting of the Conference to discuss the Appendix to his Report on the situation of workers of the occupied Arab territories. It took this decision on the understanding that at that sitting speakers will have to confine their remarks to the Appendix and that conversely the subject will not be discussed in the framework of the debate on the remainder of the Report. It decided that the special sitting should be held on Thursday afternoon, 15 June.

The Selection Committee recommends that the Conference allow speakers who so wish to take the floor both on the General Report and during the special sitting, it being understood that the subject to be discussed in that sitting would not be discussed in the debate on the remainder of the Report. In view of the large number of speakers who will probably wish to take the floor at the special sitting it is likely that a shorter time-limit for speakers will be necessary. The Selection Committee has accordingly decided that the list of speakers for the special sitting will be closed at 6 p.m. on Tuesday, 13 June, so as to enable the President to submit to the Conference a proposal for a time-limit for speakers at the special sitting.

The Selection Committee also noted that the Director-General intends to devote this part of his comprehensive reply to the discussion of the Report and

to the lessons to be drawn from the special sitting. The Selection Committee also decided that the Finance Committee should not meet at the same time as the special sitting.

The Selection Committee has made proposals regarding the appointment of the Credentials Committee and has also made recommendations to the Conference concerning the composition of the Conference Drafting Committee.

Finally, the Officers of the Committee recommend that the Conference approve a number of changes that have occurred in the composition of committees since noon yesterday. The full lists of the composition of the committees are given in Appendix III which takes account of these changes.

I now commend the report to the Conference for adoption.

Original Spanish: THE PRESIDENT – If there are no objections, I shall take it that this report is adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume our discussion of the Reports of the Governing Body and of the Director-General.

Original Spanish: Ms. MORFIN MANSILLA (*Government delegate, Guatemala*) – I would like to take this opportunity to congratulate the Chairman. My country is extremely proud to see this distinguished assembly presided over by a representative of Central America.

I would like to take this opportunity to draw attention to the continually useful role played by our Organization in adopting policies and programmes designed to improve the lot of our peoples, designed to attend to the needs of the world of work in accordance with the various prevailing trends in the world economy with a view to their future implications. The ILO's work towards the goal of full employment, job stability, vocational training, job retraining and monitoring the conditions of work, is all extremely noteworthy, quite apart from the defence of freedom of speech and association in the defence of union interests at this time of economic and political change and structural adjustment.

As a counterpart to the interest shown by the ILO in attending to workers' rights and in monitoring the socio-economic situation in Guatemala, my Government, under the presidency of Ramiro De León Carpio, understanding the transitional character of his mandate conferred in the wake of the failed coup of May 1993, has got straight down to work to lay the foundations that will make it possible for the future government, as of January 1996, to build the basis needed to improve the material conditions of the population.

This basis consists of giving priority in social policy to the commitment to fight poverty, upgrading our industries by providing them with a sound macroeconomic foundation, promoting private investment, reforming the financial system and integrating our country into the world economy, as well as

environmental conservation and institutional modernization.

In this way, the Ministry of Labour and Social Security, which I have the honour to head, has undertaken specific activities, enabling us to achieve significant improvements in labour relations by encouraging dialogue between the main productive sectors. These include better protection of workers' rights and new wages policy allowing the minimum wage to be reviewed annually, as opposed to the previous policy of review every four years.

In addition, following the widespread desire to put an end to 35 years of a deplorable armed conflict, the Government is embarked on a peace process which has already achieved noticeable results and which we hope will eventually lead to the signature of peace accords and a firm and durable peace. We are, however, aware that there will be no solution to socio-economic and political conditions and problems without the involvement of all sectors of society, and without government policies which enable us to share in scientific and technological progress through training for access to new labour markets. For this purpose we have set up multisectoral bodies that do their best to achieve these objectives, and we have requested international cooperation from friendly countries.

For this reason we take great satisfaction in the contents of the Director-General's Report, in which the importance of employment creation is emphasized. We feel that the Report provides support for the measures we have taken, in particular, in the principally agricultural highland areas ignored by governments since time immemorial, and where poverty has been accentuated by the deplorable armed conflict.

Furthermore I am very happy to inform our Organization that the Indigenous and Tribal Peoples Convention, 1989 (No. 169), which for very many years generated great nervousness on account of our country's multi-ethnic and multicultural composition, was recently submitted to the Constitutional Court, and that this high judicial body pronounced itself in favour of its ratification. Therefore the Guatemalan Congress now has a final discussion of the Convention on its agenda for 13 June of this year and we are confident that the Convention will be approved for ratification.

Finally, I would like to congratulate the President once again on his election and my satisfaction with this 82nd Session of the International Labour Conference. My delegation is very happy to share with him and all the delegates to this great Conference our endeavour to create a better world – a world of peace, social justice and democracy.

Original Spanish: Mr. CARO FIGUEROA (*Minister of Labour and Social Security, Argentina*) – Having congratulated the President on his election, I would like to take advantage of my opportunity to speak before this International Labour Conference to discuss employment and labour relations from three complementary points of views: first, the situation in the Republic of Argentina; second, international aspects of employment and labour relations; and, finally, the new role of the International Labour Organization.

Over the last few years, my country has successfully undertaken a phenomenal process of change

which has transformed the traditional bases of economic activity. Years of self-sufficiency in both the economic and the cultural fields, classism in the labour relations field, authoritarianism in the management of human resources, and state intervention in production and employment relationships are now being replaced by a modern economy which is integrated worldwide, and a model of democratic labour relations. We Argentinians are building, in a spirit of consensus, and therefore with minimum social conflict, an open and participation-oriented labour system in line with the changes which have taken place both nationally and internationally.

In this context, in July last year, the General Confederation of Labour, the Argentine Industrial Union, other employers' organizations and the Government reached an important tripartite agreement called the "Framework Agreement on Employment, Productivity and Social Equality". More than 70 per cent of this Agreement, which has established the most comprehensive and wide-ranging programme of reforms in the field of labour relations, is already being implemented, if we include the projects waiting for Government approval. Agreements which are being fully implemented include, notably, the Statute on small businesses and the Act on employment promotion which governs contracts for apprentices and for part-time work and provides a new and special channel through which employment may be encouraged. It is also hoped that the Parliament will approve the bills on occupational hazards and workers' right to information.

The State's intention is to strengthen collective autonomy and to this end we have recently initiated tripartite dialogue to amend the Act on collective agreements. We hope to encourage decentralization of collective bargaining and to enrich its contents, discuss, on a collective basis, certain labour standards laid down by the State, but not absolute public order standards. The Government is confident that in the near future there will be an opportunity to tackle what is known as the integral reform of the labour system in Argentina with the same spirit of consensus and balance.

Might I be allowed to highlight the major efforts that have been made by the workers in Argentina successfully to restructure our economy, a process which, as elsewhere in the world in similar circumstances has, in fact, led to an increase in the rate of unemployment. Although it is true that in the four years from 1991 to 1994, there was a simultaneous increase in the number of persons employed, the rate of activity and the unemployment index, the fight against unemployment remains a priority for my Government.

In the Republic of Argentina, the public authorities, the employers' organizations and trade unions are all aware that job creation depends primarily on economic growth. To this end, our economic policy is designed to consolidate the conditions that will ensure growth, and we have launched an ambitious "four-year plan" that has budgeted for public and private investment of over \$80,000 million. But we are also aware that in the increasingly competitive international context we must reform certain labour standards which do not correspond to realities or which delay the decisions employers need to make to cope with the changes in markets affecting employment levels.

However, economic growth and labour reforms are not enough to create new jobs at the rate needed as a result of our demographic situation. As the Director-General rightly indicated in his Report, we must also aim substantially to increase labour productivity which calls for at least, in our case, a major and steady effort as a nation to provide vocational training for employers and workers.

The second of the subjects I mentioned at the beginning of my statement relates to the international aspects of employment and labour relations. In this respect, might I be allowed to emphasize two approaches or kinds of measures that undermine the goals of productive employment and continuing fundamental social rights. I am referring to various forms of protectionism and social dumping. My country welcomed with reasonable satisfaction the new agreements which, within the framework of the Uruguay Round, have led to the establishment of the World Trade Organization and which will undoubtedly provide new impetus to international trade.

However, it would not be out of place for me to emphasize in this forum the negative impact of certain kinds of hidden protectionism on the world economy and growth in what are known as the newly-emerging countries.

If we are to make progress in the creation of internationally integrated economic areas and, at the same time, preserve the fundamental social balances that are inherent in modern democracies, we must end social dumping.

In concrete terms we must take urgent steps at the multilateral level to ensure that trading experiments based on competitive strategies which totally disregard labour rights are ended.

This is not just on the grounds of social justice but also because of the fact that these experiments raise the spectre of the denial of the fundamental rights of workers being extended to areas affected by social dumping.

It is also essential to try to reduce illegal international migration, since forced movements of workers are rekindling the kinds of exploitation the universal social conscience believed we had eliminated once and for all.

The third and final subject I wish to mention in my statement relates to the role of the ILO in the field of employment and labour relations. As we know, the International Labour Organization has in the recent past played a central role in defending freedoms and improving working conditions.

However, if we want to continue playing an important role in the new world we are building day by day, the ILO - to which we owe so much - must strengthen and increase its efforts to promote change.

Those of us who continue to value the role of the ILO in defending the permanent values of the dignity of the worker refuse to believe that the organization will in the future turn into a bureaucracy which against all evidence continues to defend outdated standards or institutions.

We would appear out of step with reality if we were to refuse to revise old international instruments or, even worse, to try to prevent reformist processes which the countries represented here are deciding on their own to undertake with regard to the aforementioned permanent values.

Furthermore, the ILO must ally itself with the policies of austerity and spending controls which have already been adopted by most of the countries represented here.

To ensure a minimum of consistency these national policies – which have, in some cases, meant sacrifices have had to be made by certain wage-earners and pensioners – must be reflected in the internal decisions of the International Labour Organization.

During the restructuring process in the ILO, we should, inter alia, think about the expediency of promoting greater decentralization, which could extend to rotating the location of the Conference to include other continents.

By way of conclusion, the Government of Argentina would like to reaffirm before this assembly its threefold commitment – to international policies that help job creation, to improved working conditions and to strengthening a revitalized ILO.

Mr. FALZON (*Minister of Education and Human Resources, Malta*) – First of all, I would like to take this opportunity to congratulate the President on his election to steer the deliberations of this session of the Conference.

In his Report to the International Labour Conference this year, the Director-General reviews the present world employment situation and traces the impact of various economic policies followed during the past 25 years and the irrelevance to the present situation which is characterized by the rapid trends towards globalization and economic liberalization. Although most countries have in one way or another derived some benefits from economic liberalization, unemployment remains unacceptably high and the Report stresses the need for a coordinated effort to reflate the economies of individual countries and to secure full employment all round.

Malta is at present enjoying a period of relative prosperity when most industrialized countries are still in the throes of an economic recession which has brought with it the gloomy prospect of long-term unemployment. Although Malta also has economic problems of its own, the prospects for the future are bright. This is due to a large extent to the foresight shown by the Government soon after taking over the administration in 1987, when it embarked upon a programme of concerted economic and social policies aimed at changing the economy from one that was relatively closed to one that is able to sustain a high level of employment in global world markets. This economic decision is now paying fruitful dividends. The changes which were initiated at that time included heavy investment in the economic infrastructure, particularly in education, telecommunications, energy, tourism and information technology. Secondary, technical and tertiary education was oriented towards the needs of the economy. Energy generation was boosted by the construction of a new power station; the production of water which is a scarce resource in Malta was increased substantially; telecommunications systems were modernized; information technology was planned to be applied on a national scale; and major tourist and infrastructure projects were designed and implemented. A programme of change in the public service was launched and new management systems were introduced. All these activities tended to push forward the growth of

the gross national product. At the same time a policy of phased economic liberalization was introduced and investment in the private sector was heavily promoted.

These policies were implemented without causing any loss of employment opportunities or of real earnings. Wage levels which up to 1988 had been pegged to 1982 levels by restrictive wage policies were allowed to find their own level on the labour market. Cost-of-living increases were applied through statutory instruments and through an incomes policy agreement reached in 1990 by the social partners represented in the National Council for Economic Development. Although this agreement has expired and has not yet been formally renewed, national standard orders will continue to be used to apply cost-of-living increases until such time as a new agreement is concluded. In Malta minimum standard conditions of employment are laid down by Wages Council Wage Regulation Orders and by National Standard Orders, while trade unions and employers are left to bargain freely for industrial agreements at plant level. The wage structures of employees in the public service have been renegotiated and improved as part of the process of civil service reform. The gradual lifting of barriers on imports, which had unduly restricted consumer choices, has allowed consumers to make free use of the increase in real incomes for the purchase of a wide range of goods and services. This in turn has helped to raise the standards of living of the average Maltese during the last eight years.

Unemployment in Malta is at present well below acceptable levels. At less than 5,000 registered unemployed, the unemployment rate is about 3.54 per cent of the labour supply. The gainfully occupied population increased by 12.47 per cent during the period May 1987 to December 1994. The expansion has been markedly pronounced in private sector employment – indeed, it was in the region of 20 per cent from May 1987 to September 1994. Participation rates which have been traditionally low owing to social and cultural factors are consistently increasing. At 54.4 per cent, the participation rate for Malta is not low compared to that of countries with similar cultural and social backgrounds in the Mediterranean.

The setting up in 1990 of the Employment and Training Corporation is an important landmark. It is an initiative which helped bring about important changes in employment and related fields, including labour market policies, and policies related to vocational and industrial training. The Corporation has the advantage of not being impeded by the bureaucracy of the civil service. It is also closer to the actors on the labour market. The tripartite responsibilities of the Corporation are now better reflected by the inclusion on its Board of persons with experience in both the trade union and the employers' association sectors. The Corporation provides flexible training schemes and – in close cooperation with the Education Division – it updates apprenticeship schemes and tunes them to the present-day needs of industry. It encourages employers who need help to avail themselves of carefully monitored grants for training or retraining workers. The Corporation has made a positive contribution towards promoting labour market flexibility and it has facilitated the employment of jobseekers. Efforts were directed at promoting the expansion of employment opportunities in the pri-

vate sector and to counteract the traditional tendency of jobseekers in Malta to prefer employment in the public sector. The Corporation is now also looking forward to a new role in promoting the employment of disabled persons and for this purpose it is coordinating with the National Commission for the Handicapped and interested non-governmental organizations with the object of increasing employment opportunities for disabled persons.

A major achievement last year was the passage through Parliament of the Occupational Health and Safety Promotion Act 1994, which replaced the Factories Ordinance which had been on the statute book for over 50 years; it provides a vastly improved framework for updating relative regulations. The tripartite Commission for the Promotion of Occupational Health and Safety, envisaged by the new law, was set up in August and started operating immediately. The attainment of the high standards of occupational health and safety practised in the European Community, which is one of our official policy objectives, is to be achieved over an adequate period of transition. May I take this opportunity to thank the Director-General for arranging for a visit to Malta by an expert on this subject from his staff.

Eliminating unemployment has always been the primary objective of labour policy and in its efforts, the Ministry of Education and Human Resources in Malta has been able to rely upon the cooperation of the trade unions and the employers' organizations. Industrial relations are on the whole good. Consultations with the unions and with the employers have been going on regarding a proposed revision of the Conditions of Employment (Regulation) Act and it is hoped that it will be possible in the near future to present to Parliament a Bill which will incorporate much of what has been discussed with the interested parties. The new law is expected to update the existing legislation relating to conditions of employment contracts to the parameters set out by European Union directives.

The introduction of VAT and reforms in both fiscal and monetary policies are helping us to make inroads in the black economy and so bring about a more equitable distribution of the tax burden. New forms of cooperative societies are also being encouraged and employees with insufficient productive employment in the public sector are being induced to form cooperative societies, which offer them greater economic independence in return to an enhanced productive output. A support unit which was set up last year offers technical help in the form of consultancy and other services to cooperative societies.

All our efforts have been directed to place Malta on a par with the industrialized nations of Europe, whilst at the same time ensuring that social development proceeds in step with economic development. We have managed to do this by pursuing an overall balance in economic policies; consequently our expanding economy with an annual GDP growth of over 5 per cent was sustained without high unemployment and without a high level of inflation which was kept under 4 per cent. Reductions in the tax burdens of the citizen have helped to keep wage increases in moderation – and dialogue with all the social partners in an effort to obtain consensus was the hallmark of these policies.

Every country has its own special problems, and obviously there is no single solution which may be

applied indiscriminately to all countries. Although the general trend is one in favour of economic liberalization, this should not – as the Director-General well states in his Report – be seen as an end in itself, but rather as the economic means for attaining the long-term objective of raising employment levels and living standards.

Mr. LATIEF (*Minister of Manpower, Indonesia*) – It gives me great pleasure, on behalf of the Indonesian delegation, to extend my heartfelt congratulations to the President on his election to chair this 82nd Session of the International Labour Conference. We are confident that under his able guidance we shall achieve substantive results in our work.

As a developing country with a fast labour force growth of up to two-and-a-half million per year, Indonesia is strongly determined to adhere to the principles, and fulfil the ten commitments contained in the Declaration of the World Summit for Social Development.

My delegation has no doubt that we should underscore the urgent need to implement the Programme of Action of the Summit which recommended various actions in order to create framework of sustained economic growth and sustainable development, as well as national and international environment preferable to social development in order to eradicate poverty, enhance productive employment and foster social integration.

The central theme of the Director General's Report, *Promoting employment*, is in it in full conformity with the Programme of Action of the World Summit for Social Development. The International Labour Organization, because of its mandate, tripartite structures and expertise, has a special role to play in the field of employment and social development.

During the first 25-year national development plan, Indonesia has consistently endeavoured to maintain a balance between sustained economic growth and self-propelling social development objectives. Deregulation and debureaucratization policies in the economic domain have been adopted in tandem with appropriate social policies intended to enhance full participation and the empowerment of the whole population, including the workers and women in particular. A harmonious, mutually beneficial and genuine policy between all the social actors of society is consciously and persistently encouraged in order to promote and maintain peace within a State, which will in turn promote and maintain peace between States.

With the start of its second 25-year plan in April 1994, Indonesia has embarked on policies and measures to increase employment, inter alia, by way of providing adequate protection for workers. The Government is now vigorously implementing its wage improvement policy. Guided by the spirit of tripartism, the Government has gradually improved the regional minimum wage. It used to stand at only 48 per cent of the minimum living wage. By the end of 1992, it had reached 63 per cent and in April 1995 it had reached about 108 per cent of the minimum living wage. The policy is based on the conventional wisdom whereby improving wages will increase the purchasing power of society, which will in turn stimulate economic growth and boost employment.

In addition, the Government of Indonesia is at present actively engaged in a programme of developing small and medium-scale enterprises, both in urban and rural areas. The promotion of the social welfare programme in less-developed villages has been launched to boost village economic development, expand rural employment, eradicate poverty and stem urbanization.

It is also worth noting the recent development of trade unionism in Indonesia. The All-Indonesian Workers Union (SPSI) has now been restructured into a federation of 13 sectoral unions, so that each union can function more independently and professionally. In addition, in the last 18 months, independent, democratic and genuine company-level unions have been established in over 800 companies. Some of them have negotiated and reached a collective labour agreement. Greater information, awareness and training advocated by the Government will eventually make the unions more effective.

It is worth mentioning that the Indonesian Government, in cooperation with the ILO, has formulated a five-year work plan in the field of employment, training and industrial relations. We are looking forward to being able to implement this plan.

I am pleased to underline the principle expressed by the Director-General in his Report that cooperative international action is the best way of resolving the problems in terms of the measures to adopt in order to improve the global employment situation. It is this same principle, we believe, which guided the work of the Contracting Parties and contributed towards the conclusion of the Uruguay Round and the establishment of the World Trade Organization (WTO). This guiding principle is wholeheartedly embraced by the developing countries, including Indonesia, in the conduct of international affairs. As a consequence, we feel strongly that the process of improving the effective implementation of international labour standards should not be linked to new issues which have no relevance to the development of new international trading regimes.

In this connection, let me recall the Declaration of the Fifth Conference of Ministers of Labour of the Non-aligned and Developing Countries held in New Delhi in January 1995, which strongly rejected any effort to link the implementation of international labour standards with international trade agreements. Likewise, the ASEAN Labour Ministers Meeting and the Ministerial Meeting of the Coordinating Bureau of the Non-aligned Countries which were held recently, respectively in Chiang Mai, Thailand, and in Bandung, Indonesia, expressed great concerns at the attempts to use labour standards as a means to interfere into the developing countries' internal affairs, as well as at the new concepts and proposals which seek to link domestic standards to the environment, labour laws, human rights and other social issues, through the application of trade measures and bilateral pressures which negate the comparative advantage of developing countries.

Furthermore, I am glad to note that, with regard to the social dimensions of trade liberalization, the Working Party on the Social Dimensions of the Liberalization of International Trade decided in April 1995 to convene again in November, on the understanding that it would not pursue the questions of trade sanctions. It decided to suspend any further discussions of links between international trade and

social standards through a sanctions-based social clause mechanism. In this perspective, the Working Party should be entrusted to follow up the Programme of Action of the World Summit on Social Development, particularly on full employment as a basic priority of economic social policies. Within the Working Party, a process should be initiated based on the principle of genuine partnership, thus avoiding any confrontational approach and stressing rather the common interest and shared benefits of all parties, free from any political motivation.

In this context, it is timely for the ILO to review and update this notion and to set labour standards which are universally acceptable to all countries so that their universal observation is guaranteed. More importantly, the ILO, renowned for its experience and excellent expertise, must faithfully fulfil its inherent mandate to first and foremost provide the necessary assistance to member states who request it in order to observe the standard they fully subscribe to, as well as to expand productive employment, reduce and eliminate poverty and develop the workers' welfare.

If the pursuit of the noble objective of the ILO, in particular that of promoting employment, is to succeed, it is imperative that the ILO maintains its basic philosophy in standard-setting and technical assistance and that members refrain themselves from using the Organization as a tool to destabilize the developing countries' economic condition through unilateral, discriminatory and protectionist measures.

Original Chinese: Mr. LI (Minister of Labour, China) – First of all, please allow me to congratulate the President warmly on his election to this Conference. I am confident that under his leadership this session of the International Labour Conference will be crowned with success.

At present the global economy is becoming increasingly integrated and the world is faced with the major economic and social issue of unemployment and poverty. In view of this challenge it is only by formulating development strategies that are in line with the actual conditions of various countries and practical policies and measures, and only by actively carrying out international cooperation, that it will be possible to facilitate the achievement of employment promotion and poverty elimination. The Report of the Director-General has provided analysis on the employment situation in the world and its macroeconomic background and put forward a number of active policy recommendations. Now I wish to make the following main observations in connection with our experience in China.

Firstly, production development and economic growth constitute the basis for the full realization of employment and social progress. Economic growth and social progress should go hand in hand and enhance one another. For the developing countries there is a special need to achieve faster economic growth. Only by so doing can we create the material basis and the necessary conditions for employment expansion. Since the beginning of its reform and opening to the outside world China has concentrated on the development of its economy and productive forces and has achieved sustained and rapid economic growth with an average annual GDP increase of 9.4 per cent, thus laying a solid basis for employment

expansion. Over the past ten years the nationwide unemployment rate was kept under 3 per cent. The living standards of workers have been raised considerably with an real average annual wage increase of 4.3 per cent. Meanwhile China attaches great importance to the development of its rural economy. In 1994 the number of workers in China's township and village enterprises reached 120 million. Last year we also implemented a policy aimed at easing the pressure of the huge influx of surplus rural labour on cities and achieving orderly labour mobility based on employment needs.

Secondly, implementing the employment policies and priorities suited to our country's own national conditions is an effective way of promoting employment. The countries of the world have different national conditions and are faced with very different employment situations. Therefore they should, and are entitled to, formulate and implement national employment policies in accordance with their own national conditions, and carry out work in the field of the employment in a creative manner. The Chinese Government has always attached importance to employment and its labour departments have made employment their primary task. They have worked closely with organizations of entrepreneurs, labour unions and other relevant departments and formulated in line with China's national conditions a number of policies and measures aimed mainly at actively enhancing the labour market, widening employment channels and further strengthening the employment service system. In recent years China has made efforts to solve such problems given the increasing numbers of the long-term unemployed and the underemployment of surplus workers. China has started a re-employment project which combines government support with various employment service measures to help entrepreneurs properly place their surplus labour force and bring about the faster re-employment of unemployed workers. In the course of this project, employment insurance has proved to be effective in ensuring the basic living standards of the unemployed and promoting re-employment. At the same time there is government and social support for workers to find employment either in an organized way or through their own channels. China has paid special attention to training, the development of various skills and raising the quality of labourers in a comprehensive manner in order to help them meet the needs of labour market. All these policies and measures formulated and implemented in conformity with the actual conditions in China have proved effective in promoting employment.

Thirdly, stepping up legislative work concerning labour and safeguarding the rights and interest of workers in an effective way of ensuring better employment. The Chinese Government believes that the ultimate objective of job creation is to realize the rights to work of workers and thus to enable them to enjoy their fair share of the fruits of economic development. The Labour Act of China contains specific clauses on the promotion of employment, as well as extensive articles on the promotion of the legitimate rights and interests of workers. Committed to stepping up labour legislation, China has successfully promulgated a whole set of laws, rules and administrative regulations concerning employment and the improvement of working conditions. These include the Act on the protection of disabled persons, the

Act concerning the protection of rights and interests of women, and various others. Great efforts are being made to draft a number of other important labour laws. Starting this May, China has introduced the 40-hour work-week. The Chinese Government has firmly dealt with serious violations of the rights and interests of workers by some enterprises. In the future China will continue to improve its labour law system so as to effectively promote the legitimate rights of workers.

Fourthly, active international cooperation plays an increasingly important role in promoting employment. At present global economic ties are becoming increasingly interlinked and international trade, investment and multinationals are constantly developing. Resolving severe unemployment and poverty problems not only depends on the efforts of each country but also requires extensive regional and international cooperation. The Chinese Government maintains that in dealing with this international trade, investment and multinationals, and related labour and employment issues, it is necessary to advocate consultations on an equal footing and to oppose the imposition of one's will on others. It is also imperative to advocate mutually beneficial cooperation and oppose the imposition of sanctions on others at will. The richer countries should assume greater responsibility in actively helping the developing countries put an end to poverty. We are fully opposed to the suggestion and practice of linking so-called "social clauses" to international trade as such clauses can only hinder the development of world trade. Active international cooperation is the only way to facilitate international trade as well as economic growth and employment.

As to how the International Labour Organization can play its role in promoting employment, we have the following suggestions:

- (a) In the face of the severe global unemployment crisis, the ILO should shift the focus of its work significantly. It should effectively take the promotion of employment and the elimination of poverty as its long-term top priorities and work out practical plans of action. It should realize the principles and objectives of the World Summit for Social Development concerning employment promotion and poverty elimination.
- (b) We call on the ILO vigorously to expand technical cooperation in the field of employment, to actively make new resources available and to increase efficiency. It should step up employment research and exchanges of experience and provide effective assistance to the member States, especially the developing countries.
- (c) We believe that the ILO should further enhance its cooperation with the various specialized agencies of the United Nations as well as with international economic and financial organizations. It should urge the international community to pay more attention to employment promotion in, capital assistance to, and technical cooperation with the developing countries through policy coordination.

China stands ready to work with the ILO and the international community at large so as to contribute to full employment throughout the world.

(Ms. Engelen-Kefer takes the Chair.)

Mr. LASI (*Minister for Labour and Manpower, Pakistan*) – It gives me pleasure to congratulate the President on his unanimous election to the presidency of the 82nd Session of the International Labour Conference. I am confident that under his leadership the Conference will be a great success. I would also like to extend my congratulations to the Vice-Presidents and the other members on their elections. My delegation assures you of our fullest cooperation in the discharge of your responsibilities.

This year the Conference is taking place at a time when we are experiencing momentous changes in the world. The end of the era of ideological confrontation has paved the way for greater cooperation between nations. Today we are making collective efforts to stop conflicts, to defend the rights of individuals, to protect the environment and to move towards greater harmony in the world as a whole. The enormous advances in the field of communications has reduced the world to a single village. The globalization of the world economic has increased our interdependence. The future confronts us all with hopes and challenges. In this hope, the poor aspire to have enough to eat, the worker wants his rights protected, the victim wants justice and the oppressed want the right to live in freedom, with honour and dignity. To fulfil all these hopes it is important for us, the policy-makers, to join hands in providing a better tomorrow for our people.

The role of the ILO as the defender of workers' rights has to continue. The ILO's stimulating and thought-provoking advice, coupled with its persuasive policies, has contributed towards the betterment of the conditions of workers throughout the world. It is in this context that the Director-General's Report on promoting employment is not only timely, but also pertinent to the global situation. We wholeheartedly congratulate the Director-General and his team on their efforts to analyse the global trends and to suggest the ways and means to promote employment.

Let me now briefly turn to the contents of the Director-General's Report, and mention some of the major problems that a developing country like Pakistan faces in ensuring better conditions for its workers. The Report suggests that the growth rate in the world in 1990 has doubled as compared to that of 1970. The world economy has seen a dramatic increase in foreign direct investment. Yet the world today is afflicted by serious problems of unemployment, underemployment, inequality and poverty.

Pakistan has always believed that it is only development, which is a basic human right, that can ensure better conditions for people. The international community with all sincerity should try to establish a more collaborative system for allowing equitable progress in the world. The current times call for a reappraisal of our policies and decisions. What is needed today is determination to eliminate poverty from the world. The massive inequalities must go. Wasteful consumption by some at the cost of starvation by others must stop. We must enter into a new compact, where the contrast between the rich and the poor, both at the national and the international level, is reduced. This will only be possible if some of us are ready to share our riches with those in need.

The problem of unemployment, while global, has different proportions for the developed and developing countries. For the developed countries, as

mentioned in the Director-General's Report, the reasons for unemployment may include the rapid growth of new technologies which significantly reduce the number of jobs in these countries. For the developing countries, the problem is different. The lack of resources and difficult international economic situation has led to growing pressure on existing employment opportunities. The vicious circle of poverty, unemployment, illiteracy, rapid population growth and other similar factors has aggravated the situation. The reliance on agriculture as the basis of the economy and reduced prices for these countries' produce in the international market have made matters worse. The developed countries have provided subsidies in agriculture and raised trade barriers against labour intensive industrial products, and this has reduced the capacity of the developing countries to deal with the situation.

Let me give the example of my own country. Pakistan, being an agricultural country, cannot take full advantage of its potential in this area due to the heavy subsidization of agriculture in the developed countries. Pakistan produces 10 to 12 per cent of the world's cotton. However, due to restricted market access, our trade in textiles and clothing has been limited to merely 2 per cent of the world market.

The Government of Pakistan, continuing its efforts to create more job opportunities and to utilize fully the resources at our disposal, has launched a four-point agenda for change. The agenda includes firstly the development of a medium- and long-term economic framework. Secondly, a long-term commitment has been made to support an industrialization policy based on lasting partnership between industry and the Government. Thirdly, we support an economic policy that invests in people and in their abilities and talents, and fourthly, we believe it is necessary to strengthen international economic cooperation for growth and poverty elimination.

The implementation of this agenda is already in progress. A massive \$8 billion social action programme is being implemented. It entails human resource development, provision of basic education, primary health care, population welfare (especially for rural people, and the disadvantaged in urban areas), assistance for mothers, infants and young children and making available the services of community health workers to workers, and female teachers, inviting them to take part in a new partnership for a better future. Under this programme 317,000 employment opportunities will be created. The most liberal industrial policy of the Government has attracted constant foreign private investment, especially in the energy and communications sectors which are expected to play a significant role in creating adequate employment opportunities.

The Constitution of Pakistan guarantees the fundamental rights of democracy, freedom, equality and social justice. Our commitment to these objectives is based on nationally and internationally recognized standards of well-being and collective prosperity, with justice for all. Pakistan is fully committed to observing the internationally recognised rights of workers through the progress of legislative actions and the setting up of an institutional framework.

During the last session of the International Labour Conference my delegation referred to systematic complaints made by some interested parties which referred to the use of child labour in our country;

need not unemployment benefit but social welfare payments. We would still like to encourage the others not to cut themselves off completely from the world of work, and, in the absence of a permanent job, to accept short-term employment. We are also making efforts to provide subsidized jobs for these people.

In the conditions prevailing in Hungary it is particularly difficult to meet the twofold imperative of social justice and economic efficiency. In the world of work as elsewhere, the development of democratic institutions is the key to all forms of progress. Our Government therefore intends to rely increasingly on the active contribution of both unions and the employers. The tripartite system constitutes an indispensable element in political democracy and in the social market economy. We attach, however, just as much importance to extending the range of bilateral agreements. In the various labour, professional and trade organizations, bilateral agreements are able to establish the optimum, acceptable both to the employers and to the employees, thus laying the foundations for social peace.

In order to strengthen the ability to reach agreements the Hungarian Government is endeavouring to facilitate the development of the trade union movement by extending trade union rights and ensuring proper conditions for the unions to operate in. For the same reason we encourage the development of activities of the employers' organizations.

In order to reach social consensus, we would also like to introduce an institution of a new kind. We intend to create in the very near future a mediation and conciliation service in order to facilitate the friendly settlement of labour disputes. I would like to take advantage of this opportunity of speaking to you here to ask for support from the ILO in the creation and development of this new institution.

Beyond the measures for which governments are responsible in their various countries and beyond cooperation of the social partners, increasing employment or increased employment means global cooperation. In agreement with the Report of the Director-General, I would like to state that full employment can only be regained on the basis of joint action at the national and international levels and of a renewal of international cooperation.

The International Labour Organization has a pioneering role to play in the establishing of international commitments with a view to solving the worldwide problem of unemployment and with a view to coordinating cooperation among different countries and the international organizations.

I am convinced that the debate made possible by this Conference and the proposals which will be made at the Informal Ministerial Meeting, will pave the way to meeting expectations in relation to social justice and to the achievement of sustained high levels of employment.

With these thoughts I conclude and wish the Conference a fruitful and successful conclusion.

Mr. POPESCU (*Minister of State, Minister of Labour and Social Welfare, Romania*) – This year's Conference is marked by the strong impression created by the Copenhagen World Summit for Social Development which was a moment of political awareness and integrated approach, for the first time

on a global scale, involving the serious social issues confronting humanity as the twentieth century comes to an end.

More important than the World Summit for Social Development itself is its outcome and, in this respect, Romania appreciates that the International Labour Organization has, through its expertise, experience and technical performance, a major role in following up and implementing the actions and commitments assumed in the Declaration and Programme of Action adopted by the World Summit for Social Development.

The admirable theme proposed this year by the Director-General of the International Labour Office for consideration by the member States is also included in the context of active measures that governments are supposed to take in order to eradicate the genuine scourge of unemployment.

I avail myself of this opportunity to salute the initiative taken by the Director-General to publish a series of annual reports on the situation of employment throughout the world and, at this point, please allow me to mention our highest appreciation for the scientific bearing and discipline shown by the first report in this series.

Based on these reports, one can initiate consultations on a regional level, in the framework of which national factors and international bodies with economic and social expertise cooperate in seeking global solutions meant to sustain national programmes that involve concerted bi- and multilateral cooperation focusing on the causes of the problem.

This involves neither philanthropical gestures nor the massive importing of models and systems, but instead a collaboration beneficial to all partners, in which national efforts harmonize with international cooperation. In other words, this is what Romania means by partnership for economic and social development.

A brief balance of the five years of transition Romania has gone through highlights a process of production stabilization and a positive economic growth rate as of 1993. In 1994 the positive trends in economic evolution reflected a rising curve. Gross domestic product growth was estimated to be 2.4 per cent, corresponding to increased activity in the main branches of the national economy.

Over the last year the unemployment rate has remained relatively stable, varying between 10.7 and 11.1 per cent, Romania being from this point of view about mid-way on the European scale.

None the less, economic stabilization and re-launching of growth are still fragile and strongly depend on the growth of the goods and services sector, within the context of a competitive economy, as well as depending on the stimulation of investment, the development of genuine market mechanisms and the steady continuation of current structural changes. Moreover, the setting up of a new and effective institutional and legislative framework as well as the restructuring of the labour and capital market require a longer period of time under the most favourable conditions, a reality correctly pointed out in the Director-General's Report.

The experience gathered and the constant concern of the Government and Parliament of Romania have made it possible to implement a national socio-economic reform strategy, two priorities of which are social policy and social protection.

As concerns employment, the general policy promoted by the Romanian Government aims, in principle, at improving the material infrastructure and the legislative framework, in order to attract direct investments, as well as at stimulating labour force mobility by professional guidance and training, correlated with the labour market's evolution, and by vocational retraining jointly subsidized by the State and the employers.

Specific attention is being paid to the special policies directly affecting employment and whose goal is job creation and the professional insertion of the most vulnerable categories (young people, women, the handicapped, and the long-term unemployed).

Improving employment services, granting advantageous credits for the setting-up and development of small and medium enterprises hiring the unemployed, and encouraging employers to hire graduates are constructive premises for implementing a system able to progressively reduce unemployment.

Active labour market policies will complement social protection and gradually assume part of the economic burden the latter puts on the State. The present economic and social situation as well as the perspectives oblige the State to continue being both the guarantor of social objectives in the field of employment, remuneration and labour conditions and the main agency responsible for the social welfare of its citizens, especially the disadvantaged ones, it being in charge of ensuring the transfer of resources needed. Fighting against unemployment and social exclusion requires the participation of all political, economic and social actors, including NGOs.

The reform of the social protection system in Romania supposes a gradual decentralization – in the future – of social protection and the involvement of employers, local public administration bodies, and governmental organizations, which must exercise a great deal of responsibility.

Other priorities of social reform in Romania are to identify the needs of the most vulnerable social categories and to encourage the population to directly contribute by self-protection.

In order to create the institutional framework for strengthening the tripartite consultation and negotiation mechanism, the Government has submitted to Parliament a draft bill creating the Economic and Social Council, a tripartite body meant to play an advisory role in developing economic and social policy, and acting as a mediator in developing this policy, as well as mediating social conflicts. The institutional framework will also be improved by the creation of the National Employment and Vocational Training Agency which is to be supervised by a tripartite Governing Body and will provide job placement, guidance and training of the labour force.

Our efforts in the field of economic and social reform are in line with overall structural changes at the European and global level.

This is the context in which the spirit of partnership and international solidarity should, through our combined efforts, provide a smooth path to the twenty-first century.

Lastly, please allow me to express the determination of the Government of Romania that, through its own efforts, it will join in with international action in seeking viable solutions to the social problems that are, for the time being, the major challenge which the international community is asked to meet.

Mr. TAN (*Employers' delegate, Philippines*) – On behalf of the Philippine employers' delegation, may I extend our warm congratulations to the President on his election to the presidency of this Conference. We are certain that under his leadership, this session of the Conference will reach a successful conclusion.

It is with a deep sense of satisfaction that I will address this body on the subject of promotion of employment in the Philippine context. For the Director-General's Report on the topic coming as it does after all these years, validates the Philippine employers' long-held thesis that the promotion of employment for the more than 3 million jobless citizens of my country is the single most compelling mandate of government.

In the many forums and councils which have brought together the tripartite partners over the last two decades, we have steered public discourse and debate towards the political dimensions of labour-management relations. We have also suffered helplessly the curse of unemployment that continued to tear at the fabric of our society.

For so long, we toiled day in and day out with labour and government, not so much to provide the conditions under which jobs can be generated, but to discuss whether the political rights of labour unions or the aspirations of their members can be protected to their satisfaction under a legal system that by any standard is more solicitous and protective of the working man than any other, anywhere in the world.

In a sense, even with the zeal of altruistic public servants, we did not make sufficient use of the opportunity to alleviate poverty and social exclusion through employment. We sacrificed the virtue of gainful work for the intellectual reward of political domination in the workplace. Instead of efforts to reduce injury to private enterprise in a labour dispute and thus save jobs, we paid greater tribute to the romance of the picket lines, even if this meant we had to consign workers to joblessness and deprivation. Instead of a compensatory wage policy that provides still greater rewards for the most productive among our employees, we continued to rely on legislated and fixed minimum wages to be applied to all, regardless of the amount and quality of the service.

Now we have reached the threshold of an increasingly borderless world that could spell out the difference between more employment or increasing unemployment for our people. On many occasions, we have expressed the view, echoed by many economists, that in order to increase employment, wages should not outpace labour productivity. In certain respects, the Director-General confirms this observation when in his Report he states that "two broad policy routes for encouraging the required creation of jobs for the low-skilled can be envisaged: pressing wages down through labour market deregulation or employment subsidies".

We do not advocate a cheap labour policy to be competitive and to increase our capability to create jobs. Rather it is irrefutable that high wages reduce the intensity of investments, and therefore of employment. It is only a high growth rate of the economy, anchored on industrialization and deregulation of employment, that can help promote job creation.

At present the social partners in the Philippines are locked in a debate not on the imperatives of skills upgrading as we move into the world of AFTA and GATT, but whether the labour unions

will accept flexible working arrangements as a necessity in promoting employment. Indeed, while our neighbours are honing their skills to meet the challenges of global competition, we are still preoccupied with defending the perimeters of union hegemony, at the precise moment when our common enemy, the threat of marginalization – is knocking at our door.

We are not oblivious to the continuing vigilance aimed at protecting the gains of the labour movement. In all candour, we want to preserve them. And we will not deny the minimum rights and benefits that the law accords to all workers. In truth, we should institutionalize them. But let these be the sworn duties of the enforcers of labour standards, and not the excuse to deprive legitimate business of the right to adopt subcontracting as a means to create more jobs and make business profitable for the good of both labour and capital.

At this stage of our economic development, we cannot afford to imitate the whims and caprices of the affluent nations. Our restraint may well be the saving grace in our determined bid to be a newly industrializing country. In fact, there is now increasing unemployment in the industrialized countries, while the emerging economies of Asia are enjoying unprecedented growth and, consequently, employment opportunities.

Specifically, we are informed that Asia, and particularly South-East Asia, has shown impressive growth in manufacturing output and that Europe, on the other hand, has shifted to services. This represents for us the rising expectation of more higher-paying jobs, as the workforce shifts from agriculture to industry.

But can we sustain this movement of workers into the heart of industry? In all humility we say we can, if we remove the constraints in the law and in actual practices which are imposed on the ways of doing business. Unless the burdens of industry that go into the cost of goods and services, such as payroll taxes, are frozen or reduced if need be, the increasing taxation involved in hiring workers will thwart for us the dream of full employment.

Our efforts to promote employment must therefore be centred round a conservatism in the formulation of safety nets and social insurance – for us, anyway, in a developing country where even job-sharing has been elevated to the level of policy. We must all recognize the scarcity of jobs that this Organization has warned us about in its report on employment. For us, and for labour unions, the greatest challenge is not how much more care and protection our employed citizens deserve, but how many more should have a decent means of livelihood in the first place.

As we move closer to the reality of a borderless economy, let us seek counsel from each other for mutual survival. Let us accept the principle that employment is the fertile ground in which labour unions grow and flourish. In that life-giving environment, both employers and workers must ensure that the conditions exist to provide continuously opportunities for work, so that our peripatetic countrymen, uprooted from the refuge of their homeland and the comfort of their kinsmen, need not find themselves in the most forbidding places of the world in search of jobs at the expense of their lives, their fortunes and their honour.

(The Conference adjourned at 1 p.m.)

Fourth sitting

Wednesday, 7 June 1995, 3.15 p.m.

Presidents: Mr. Rosales Argüello, Mr. Popescu

PROGRAMME AND BUDGET AND OTHER FINANCIAL QUESTIONS: PRELIMINARY DISCUSSION

Original Spanish: The PRESIDENT – The first item this afternoon is the preliminary discussion of the draft Programme and Budget for 1996-97, and other financial questions.

Miss MACKIE (*Employers' delegate, United Kingdom*) – It is a pleasure to congratulate the President and the Vice-Presidents on their appointment.

This item on the agenda of the Conference represents the small tip of a very large iceberg. The most important item to be discussed by any organization must always be the provision to be made for its finances, and of course the ILO is no exception to this. Every two years the Conference receives proposals for its approval which set out the programme and budget for the next biennium. That approval is the final stage in a long and careful process in which full tripartite discussions enable the representative views of all the constituent Members of the Organization to be heard and taken into account.

The Programme, Financial and Administrative Committee of the Governing Body on which I have the privilege to act as spokesperson for the Employers' group debated the original draft proposals for a full week and various adjustments were made. You all have the report of that discussion before you in Report II *Draft Programme and Budget 1996-97 and other financial questions*. On 6 April 1995 the Governing Body accepted the report of the Programme, Financial and Administrative Committee and decided with the support of all three groups to propose to this session of the International Labour Conference the amended programme and budget of which you now have the details. Of course, it is not from any point of view a perfect budget but it is a budget which represents a fair compromise between different positions and it was fully supported by the three groups of the Governing Body which represent employers, governments and workers.

On behalf of the Employers I can repeat now the support we gave a few weeks ago. I commend the draft Programme and Budget for 1996-97 to this Conference. Today is not quite the final stage; that will come when the vote is taken later in the Conference. I hope that at that time these proposals, which have been so carefully worked out, will receive the support of the Governments and Workers as well as the Employers' delegates to this Conference.

You have more than one financial proposal on the agenda. They are all important in their own way and I am happy to place on record our support for the

resolutions concerning cash surpluses and deficits, the Maritime Session of the International Labour Conference and the composition of the Administrative Tribunal of the International Labour Organization.

Finally, if I may close on a more personal note, I would wish to underline my own support for the work done by the ILO. It provides a most important forum for communication, debate and better international understanding of matters which affect us all in our daily life. It does so uniquely among international organizations with the full involvement of employers and workers. That may sometimes disturb governments unaccustomed to such a manner of working. And of course we all criticize it. We believe it could be more efficient. It could be improved in various ways. But if the day ever comes when we are not interested enough even to criticize it, that will indeed be a sad day and a serious day for the employers as well as the employees of the world.

I commend the financial resolutions to the Conference.

Mr. TAPIOLA (*Workers' delegate, Finland*) – I would like to pass on my congratulations to the President on his election to the Presidency, and to the Vice-Presidents.

Clearly, the most significant feature of the Programme and Budget proposals for 1996-97 is that they are based on the 75th anniversary Conference Session of the International Labour Organization which we celebrated last year. This session of the Conference should have no cause to complain that its views have not been taken into account, either by those who drafted the proposals, the Office or those who amended them and decided on their final content – namely the members of the Governing Body. This work is the result of tripartite consultations in March and April this year. The Workers' group is committed to the proposals and endorses their approval by the Conference and I say this as Chairperson of the Workers' group of the Programme, Financial and Administrative Committee of the Governing Body.

This budget has to be understood as a balanced whole. Large parts of it reflect the topical discussions we had last year and in fact the whole of the recent discussion on the future orientation of the Organization. This discussion has, at times, been turbulent and critical and all constituents have put forward their views. These are reflected in the proposals, and we have recognized that the discussion has been constructive and useful. Of course we might have wanted more in some areas. The Workers' group was

concerned that at a time when the globalization of our labour markets has become an overriding concern, there did not seem to be adequate provision to deal with the question of multinational enterprises. Others shared our concern about resources for work on equality between women and men. The Governing Body's discussions led to solutions for these and other key issues, which helped us to reach the necessary consensus on the programme and budget as a whole.

For instance, on the two important and interrelated issues of standards and unemployment we have worked out a programme which should enable the ILO to fulfil its role in promoting full, freely chosen and productive employment with decent conditions of work, for the benefit of society and all its members. The message this programme and budget sends to the follow-up of the World Summit for Social Development is that the ILO is ready and able to meet the expectations of it and its obligations contained under the Declaration and Programme of Action of the Copenhagen Summit.

The proposals contain several items of importance to the ILO to ensure its follow-up to the Summit. For the Workers' group it is of the utmost importance that there should be adequate resources for the work on freedom of association and other fundamental labour standards. Our group has made further proposals on how to step up this work. I note that, for instance, in the Governing Body's discussions on the social dimensions of the liberalization of international trade, the role of fundamental ILO standards has been repeatedly emphasized by virtually every participant and we have all recognized that this is both an old and a renewed priority. We also have increased provision for activities to help enterprises. The Workers' group has supported this part of the programme and budget on the understanding that when we talk of the enterprise we take it as a whole, including its workers and the way in which collective bargaining and employees' participation can improve the position of all those for whom enterprises provide employment and an income. This part of the programme has to be seen in the context of the overall objectives of the ILO. The Workers' group believes that the promotion of employment and enterprises and workers' protection go hand in hand; and of course the key element of success here is once again standards. This demonstrates how important it is for the programme to be seen as a coherent whole in which there is a high level of mutual dependency between the main components. This is how the programme of work of a tripartite organization should be.

Another aspect is that of getting closer to the constituents, implementing the active partnership policy. The concerns of governments and workers' and employers' organizations in the field must be heard. Much of the relevance of the ILO depends on this. The Workers' group welcomes the consensus on measures actively to reach out to the constituents. It is not an easy task but major steps have been made through the multidisciplinary teams.

To sum up, a substantive approach and measures to interact with the constituents are what the Conference has shown it wanted through its debates and resolutions. This is the programme and budget the Office and the Governing Body were asked to pre-

pare, adopt and propose. Now it is more than fair to expect that the efforts made will be appreciated and that the budget will be approved.

(Mr. Popescu takes the Chair.)

REPORTS OF THE GOVERNING BODY AND THE DIRECTOR-GENERAL: DISCUSSION (cont.)

Original Spanish: The PRESIDENT – We shall now resume the discussion of the reports of the Chairman of the Governing Body and of the Director-General.

Original Spanish: Mr. CORRAL BORRERO (Minister for Labour and Human Resources, Ecuador) – My congratulations to Mr. Rosales Argüello on his election to the presidency of this Conference. His thoroughly merited election augurs well for the outcome of the Conference through fair and democratic debate.

I would like to refer to the Director-General's Report and its principal theme, the urgent need to promote employment. It could not have been more timely or better chosen.

The contrasting figures between the meaningful and constant growth of world production in the last 20 years as well as the simultaneous increase of unemployment, underemployment, inequality and poverty have sounded the alarm for Governments and the international community. Recall that last year the Director-General's Report referred to a figure of 30 per cent of the world's workforce without gainful employment, more than 120 million unemployed and some 700 million underemployed. I would also like to remind you that this year's World Summit for Social Development issued a unanimous call to eliminate extreme poverty, one of the causes of which is precisely unemployment.

There is no doubt that we are facing a problem whose repercussions and effects transcend national borders and actions and have now reached the global level, requiring a struggle involving complementary and coordinated policies, joint proposals and action at the national, regional and world level.

As the Director-General's Report points out, it is imperative that national and international organizations increase their coordination and cooperation in order to simultaneously create and implement economic and financial policies, together with social policies, with particular emphasis on the generation of employment. Although this worrisome situation, particularly in the developing countries, could result in a defeatist attitude, we cannot and must not falter but must continue to struggle unswervingly and resolutely to curb unemployment and underemployment as well as its deep-rooted effects of social and human disintegration. In order to do this, we must implement major changes and undertake action that will lead us to sustainable economic growth and social equality with socio-economic recovery, stimulating private production, attracting important investments in capital and human resources. We must also make our seemingly protective laws which bar access to the labour market more flexible, realizing that labour laws should not only protect those who have work but even more so those who do not and are desperately seeking it.

In the last two Conferences, as Minister of Labour under President Sixto Durán Ballén, who took office in 1992, I pointed out that up to that year the Ecuadorian economy had been characterized by macroeconomic imbalances, and that it had been necessary to restructure and reorient it. Positive results were obtained, such as reducing and controlling inflation, which fell from 60 per cent to 25 per cent annually, increasing our foreign reserves, cutting our fiscal deficit, and maintaining a stable exchange rate, among other achievements. At the same time in the labour and social spheres there have been fewer labour disputes, with the implementation of labour policies that are more balanced and equitable, and a complementary relationship between labour and capital. We have also embarked on a programme to restore purchasing power, and at the lowest levels wages have outpaced inflation with a 40 per cent increase in real wages. Whereas in January 1992 the minimum wage in Ecuador was a mere \$57 per month, since January 1995 it has been \$145 per month, although evidently it is still insufficient. With regard to employment behaviour, although we have still not achieved the level of results we had hoped for, it is very important to note that the actions and programmes being carried out have started to reverse the growing trend towards unemployment and underemployment, which in urban areas between 1992 and 1994 dropped from 8.9 per cent to 7.1 per cent for the former and from 47.9 per cent to 45.2 per cent for the latter. However, it should be noted that private sector employment is increasing at a sluggish pace and that public employment has dropped as a result of modernization and policies to trim the government sector. Yet there has been a human dimension to this bureaucratic downsizing, since the Government has provided economic incentives to encourage productive activities which create jobs. We must also, as I said before, facilitate sustainable economic growth with social equality which will generate employment and at the same time intensify the important work that we are carrying out in vocational training, which is not only the job of the State but is also incumbent on employers and workers.

As was stated by the Government of my country at the Copenhagen Summit, one public policy objective to which the Government is dedicating considerable efforts involves an increase of employment in the formal sector while boosting productivity in the informal sector as a step towards full employment. At the same time the Government will continue to encourage the implementation of programmes for the creation of new jobs, especially for such vulnerable groups as women, children and young people.

Apart from what I have already said, in accepting the generous offer of technical cooperation from the International Labour Organization, the Government of Ecuador is now, through social dialogue, trying to draw closer to its partners, namely employers and workers, in order to attain a widespread social pact that will generate employment, combat poverty and increase the living standard of the population. These three great objectives are like branches from a tree trunk to which they must always remain attached if they are to draw nourishment from its sap. At the same time the common good requires nourishment from the sap of tripartism and its indispensable cooperation and dialogue. There is no doubt that at a

time when humanity is preparing to usher in the twenty-first century, the principles stated in the Constitution of this noble Organization and in the Philadelphia Declaration have more meaning than ever. These instruments establish a need for a lasting peace based on social justice. There can be no doubt that the struggle in which nations are engaged to eliminate unemployment will bring us close to attaining this objective that can no longer be delayed.

Once again, I am confident that this Conference will reach its desired goal, thus contributing to the spread of peace and justice in this dark and troubled world shut off from the sunshine around it.

Mr. TURNQUEST (*Minister of State for Public Service and Labour, Bahamas*) – On behalf of the Government of the Commonwealth of the Bahamas, I am pleased to lead our tripartite delegation to this 82nd Session. My delegation also joins with other delegations in congratulating the President on his election. We are sure that under your leadership, we will achieve the objectives of this Conference.

We are encouraged, upon review of the ILO and its principles, that the Organization remains committed and supportive toward improving the lives of working people in all countries of the world. Through its tripartite composition, the ILO has contributed significantly to a greater awareness and understanding of the need to foster and maintain industrial harmony in member States.

During the 81st Session the ILO celebrated its 75th anniversary of existence. It was also an opportunity for the Organization to review again its principles and chart new courses for a world that has seemingly lost its sense of direction and purpose. I contend, as confirmed by the Director-General's Report, that when the review is concluded, the ILO will once again reaffirm its belief that only when all men are free from oppression, poverty, unemployment, political dictatorships and racism will we experience the kind of world peace that the founding fathers envisaged 76 years ago when this Organization was established, and of peace which the oppressed people of the world so fervently wish for today.

The changing social and economic conditions have brought to the forefront new social and economic problems. There is now, more than ever, a greater need for the services which the ILO provides, particularly in the area of technical assistance. These conditions are impacted by problems incurred by developing countries in transition to a market-driven economy and available financial resources for social development.

My Government's thrust seeks to foster a market-oriented economy having a larger sector of the labour force employed in the private sector, and the expansion of self-employment and home work. The creation of employment opportunities remains at the centre of the strategies and policies of my Government, bearing in mind full respect for workers' rights, with the participation of employers, workers and their respective organizations.

To assist in achieving our objectives, we have expanded work opportunities and productivity in both rural and urban sectors by investing in human resource development, promoting technologies that generate productive employment, and by encouraging self-employment, entrepreneurship and small

and medium-sized enterprises. We have improved access to land and credit for small business development, with a view to increasing its contribution to the eradication of poverty and to social integration and the strengthening of linkages with the formal economy.

One of the challenges facing us is to find the right balance between profitable businesses and content employees. My ultimate goal is the achievement of a full employment economy where workers are protected. The Bahamas supports the ILO playing a greater role in the international scene, due to the nature of its mandate and its experience over the years. The various multidisciplinary teams in place within the various regions ensure that more efficient and coordinated technical assistance is now available to the various constituents.

The Bahamas, within the Caribbean region, will seek to utilize all available technical assistance and expertise offered by the ILO. The ILO, I'm sure, will seize the opportunity to provide the technical leadership in mobilizing action at both the national, regional and international levels to improve the global employment situation.

As Minister of Labour for the Bahamas, and Chairman for the Standing Committee of Ministers of Labour for the Caribbean Community, I can confirm that we are cognizant and concerned about the various issues impacting upon and affecting labour within the region. We have resolved to address these issues collectively, in an appropriate manner specific to our individual territories. Foremost on our agenda is the need to establish and regularize conditions and opportunities to facilitate (a) the need for strengthening labour administration systems which will incorporate recommendations from the Regional Tripartite Working Party of Labour Officials; (b) the establishment of a Tripartite Advisory Board to become more active in serving as sounding boards for the development of policies and assessing the impact of economic policies on labour; and (c) the promotion of international labour standards within the community, and in keeping with article 19 of the Constitution of the International Labour Organization, to bring to the attention of national parliaments, where applicable, outstanding Conventions and Recommendations.

Within our Caribbean region, labour ministers have agreed to support and promote the recommendations of the World Summit on Social Development held in Copenhagen on employment creation and poverty alleviation, and to disseminate and discuss these recommendations widely among the constituencies of the social partners. We have also agreed that member States within our region would convene tripartite meetings with a view to formulating and implementing appropriate national strategies for the reduction of poverty and the creation of employment.

We have established these positions against the background that the international trend continues towards a market-driven economy, with increasing pressures on our national markets by non-national competitors. This means that the focus of governmental labour policies and laws will have to reflect this reality. It also means that both employers' organizations and trade unions have to re-examine their approach to the traditional labour issues which they face from time to time.

Realizing the evolving changes in the workplace and in the market-place, there is an increasing need to have in place an effective labour administrative system in each territory throughout our region, similar in content and in structure. It is with this view, and supported by the radical changes currently under way in the region's economic development, that we have reaffirmed our determination to fulfil our goals in collectively establishing generally accepted norms for labour and industrial relations.

Our efforts to bring to fruition our reaffirmed commitment for fundamental human rights and freedoms will remain our constant focus, especially with regard to the fundamental right of workers to organize and bargain collectively, to foster improved living and working conditions, as well as adequate social security policies and programmes for all our peoples.

Let us all, therefore, resolve to successfully meet the challenges and create an era of world peace and prosperity based on social justice.

Original Spanish: Mr. OÑATE (*Minister of Labour and Social Welfare, Mexico*) – It is a great honour for the Government of Mexico to participate in this 82nd Session of the International Labour Conference, a Conference which, without any doubt whatsoever, will give extremely useful results because of the high level of participation and the eminence of the Conference President.

The Government of Mexico supports the ideas in the Director-General's Report about the growing importance of promoting employment. World economic development, beneficial though it may be, does have a negative balance to be seen in the rising unemployment from which both industrialized economies and developing countries are suffering. The disadvantages that the market economy holds for workers and nations can only be overcome by growth.

Social exclusion, inequality and poverty are becoming more common and more serious as our economies have proved incapable of creating employment. Mexico shares the concerns of the International Labour Organization: job creation is a priority for government policies. Mexico agrees that the solution to the jobs problem will come from growth and from cooperation between employers, employees and governments.

A variety of factors affect the ability of economies to create jobs; however, at an international level, it is economic globalization, capital movements and the degree of international market penetration that are becoming increasingly apparent. On the domestic front, investment and savings policies, financial structures, the adoption of new technology and human resource training all have a fundamental role to play in promoting economic growth that generates jobs; jobs that are stable and part of the formal sector; jobs that offer a just and adequate wage. This is a new approach to re-enhancing work, wages and productivity.

Any employment policy needs to be an integrated one. It also has to be able to reconcile the economic objectives of both employees and the employers, as well as the social objectives which all governments are committed to promote.

The Government of Mexico has been charged by its President to institute an economic policy which will create more productive jobs and better wages for

the Mexican workers. President Ernesto Zedillo has stated that the aim of economic policy must be to enhance the well-being of each person and each family. And the basis of this well-being is a decent, stable and well-paid job.

For over a decade, Mexico has been plunged into a process of modernization which has allowed it to alter its industrial profile and its industrial base. However, much needs to be done to ensure that economic growth will be translated into well-being and the creation of stable and productive jobs.

The financial and currency crises of late 1994 and early 1995 have obviously hit employment in our country. Declared unemployment has reached levels never seen before. In addition, employment in Mexico is also under pressure from natural demographic growth. Without economic growth there is no solution.

Consequently, we have taken measures and adopted plans to promote and restore confidence and financial and currency stability. It is this confidence and stability that are needed for investment and economic growth in general. Mexico will support any initiative acceptable to both workers and employers which will help create jobs, raise workers' real earnings and promote labour market stability. Any initiative which will promote labour relations stability and transparency and maintain the necessary balance between labour and capital.

By improving consultation and concertation mechanisms, the Government of Mexico is working with the employers and employees to promote free bargaining, minimize disputes and maximize agreements to increase and improve employment and raise wages. Consequently, better workforce training and productivity are today a priority for the Mexican Government. Mexicans are advancing along this path in a process of consultation and concertation between employers and the employees. Training and retraining programmes, education, skill-certification and labour qualification standards to meet the current labour market situation and needs are all being developed.

The establishment just a few days ago of the Mexican Productivity Board and, for example, the expansion of the programme of grants for worker training and total quality control and modernization schemes all demonstrate the will of Government, employers and employees to put together the conditions to develop and employ human capital to the best.

Social security, like jobs, is also being redefined – a process essential to achieve wider and better cover, to revise financial and savings systems and ensure that workers and their families have better, more direct and more immediate access to mortgage savings schemes, security and pensions and to bring in to such schemes those who at present do not enjoy any formal social security protection.

At the international level, in its labour policy, Mexico envisages the fullest cooperation with the international organizations. We consider international cooperation to be the best mechanism to tap the advantages and facilities of the globalization process and to create more jobs. This will allow us to protect the rights of migrant workers, all our citizens working abroad, and press for implementation of ILO Conventions on the protection of employment, women and children, freedom of association, union rights, and safety and health at work.

With such a labour policy, the Mexican State is assuming its responsibilities in creating the basic conditions for promoting economic growth which can generate productive employment, generate better paid jobs and in this way promote concerted action of production factors and eliminate obstacles to job creation and to guaranteeing protection of the social rights that our workers have struggled for in the past. All of this, of course, with a view to improving the standard of living of the 90 million inhabitants of our country.

In conclusion, I would like to say that the success of Mexico's labour policies will depend upon the efforts made by the country as a whole. This is the way we Mexicans understand it. However, we can be helped in our efforts by international cooperation – cooperation based on respect for the free decision-making process, and of the freely decided policies of each people based upon respect for the concept that advice, support and resources must be provided through bilateral discussion, without pressure and without exclusivity.

Mexico expresses the hope that this Organization can be strengthened and that it can find its new place in the open market situation, in international competition and the increased pressure on labour and well-being that mark our era.

The history of the Organization, the quality of the Conference participants are sound reasons that give us hope for a better future.

Mr. BRERETON (*Minister for Industrial Relations, Australia*) – It is my very great pleasure to join previous speakers in congratulating the President and the Vice-Presidents on their election to preside over this Session of the International Labour Conference. I am also pleased to address today the Report of the Director-General entitled Promoting Employment. The Report provides a comprehensive review of employment issues from the global perspective.

Let me say that this discussion is very timely as the Declaration and Programme of Action adopted at the Copenhagen World Summit on Social Development emphasised the goal of full employment as a basic objective for economic and social policy. Addressing the problem of unemployment has become a major concern to the whole of the world community and let me say Australia has not been exempt from this challenge. In May of last year the Australian Government released a White Paper on employment and growth entitled Working Nation, to reduce unemployment and to assist particularly the young and the long-term unemployed. Working Nation contained initiatives not only in relation to employment, education and training but also improved social security arrangements. Skill formation, flexibility and work incentives for the labour force were provided, focusing particularly on the long-term unemployed. Our goal is an Australia where everyone who wants a job can find one and it is a goal that cannot be reached simply and cannot be reached quickly. However, we can say that we have now reduced the Australian unemployment rate to 8.3 per cent, down from 11.2 per cent in 1992, and our aim is to reduce it further to 5 per cent by the end of this decade and of course that will be a very considerable achievement.

Let me say that national governments carry the main responsibility for finding answers to the scourge of unemployment. The great success of the rapidly

need not unemployment benefit but social welfare payments. We would still like to encourage the others not to cut themselves off completely from the world of work, and, in the absence of a permanent job, to accept short-term employment. We are also making efforts to provide subsidized jobs for these people.

In the conditions prevailing in Hungary it is particularly difficult to meet the twofold imperative of social justice and economic efficiency. In the world of work as elsewhere, the development of democratic institutions is the key to all forms of progress. Our Government therefore intends to rely increasingly on the active contribution of both unions and the employers. The tripartite system constitutes an indispensable element in political democracy and in the social market economy. We attach, however, just as much importance to extending the range of bilateral agreements. In the various labour, professional and trade organizations, bilateral agreements are able to establish the optimum, acceptable both to the employers and to the employees, thus laying the foundations for social peace.

In order to strengthen the ability to reach agreements the Hungarian Government is endeavouring to facilitate the development of the trade union movement by extending trade union rights and ensuring proper conditions for the unions to operate in. For the same reason we encourage the development of activities of the employers' organizations.

In order to reach social consensus, we would also like to introduce an institution of a new kind. We intend to create in the very near future a mediation and conciliation service in order to facilitate the friendly settlement of labour disputes. I would like to take advantage of this opportunity of speaking to you here to ask for support from the ILO in the creation and development of this new institution.

Beyond the measures for which governments are responsible in their various countries and beyond cooperation of the social partners, increasing employment or increased employment means global cooperation. In agreement with the Report of the Director-General, I would like to state that full employment can only be regained on the basis of joint action at the national and international levels and of a renewal of international cooperation.

The International Labour Organization has a pioneering role to play in the establishing of international commitments with a view to solving the worldwide problem of unemployment and with a view to coordinating cooperation among different countries and the international organizations.

I am convinced that the debate made possible by this Conference and the proposals which will be made at the Informal Ministerial Meeting, will pave the way to meeting expectations in relation to social justice and to the achievement of sustained high levels of employment.

With these thoughts I conclude and wish the Conference a fruitful and successful conclusion.

Mr. POPESCU (Minister of State, Minister of Labour and Social Welfare, Romania) – This year's Conference is marked by the strong impression created by the Copenhagen World Summit for Social Development which was a moment of political awareness and integrated approach, for the first time

on a global scale, involving the serious social issues confronting humanity as the twentieth century comes to an end.

More important than the World Summit for Social Development itself is its outcome and, in this respect, Romania appreciates that the International Labour Organization has, through its expertise, experience and technical performance, a major role in following up and implementing the actions and commitments assumed in the Declaration and Programme of Action adopted by the World Summit for Social Development.

The admirable theme proposed this year by the Director-General of the International Labour Office for consideration by the member States is also included in the context of active measures that governments are supposed to take in order to eradicate the genuine scourge of unemployment.

I avail myself of this opportunity to salute the initiative taken by the Director-General to publish a series of annual reports on the situation of employment throughout the world and, at this point, please allow me to mention our highest appreciation for the scientific bearing and discipline shown by the first report in this series.

Based on these reports, one can initiate consultations on a regional level, in the framework of which national factors and international bodies with economic and social expertise cooperate in seeking global solutions meant to sustain national programmes that involve concerted bi- and multilateral cooperation focusing on the causes of the problem.

This involves neither philanthropical gestures nor the massive importing of models and systems, but instead a collaboration beneficial to all partners, in which national efforts harmonize with international cooperation. In other words, this is what Romania means by partnership for economic and social development.

A brief balance of the five years of transition Romania has gone through highlights a process of production stabilization and a positive economic growth rate as of 1993. In 1994 the positive trends in economic evolution reflected a rising curve. Gross domestic product growth was estimated to be 2.4 per cent, corresponding to increased activity in the main branches of the national economy.

Over the last year the unemployment rate has remained relatively stable, varying between 10.7 and 11.1 per cent, Romania being from this point of view about mid-way on the European scale.

None the less, economic stabilization and re-launching of growth are still fragile and strongly depend on the growth of the goods and services sector, within the context of a competitive economy, as well as depending on the stimulation of investment, the development of genuine market mechanisms and the steady continuation of current structural changes. Moreover, the setting up of a new and effective institutional and legislative framework as well as the restructuring of the labour and capital market require a longer period of time under the most favourable conditions, a reality correctly pointed out in the Director-General's Report.

The experience gathered and the constant concern of the Government and Parliament of Romania have made it possible to implement a national socio-economic reform strategy, two priorities of which are social policy and social protection.

As concerns employment, the general policy promoted by the Romanian Government aims, in principle, at improving the material infrastructure and the legislative framework, in order to attract direct investments, as well as at stimulating labour force mobility by professional guidance and training, correlated with the labour market's evolution, and by vocational retraining jointly subsidized by the State and the employers.

Specific attention is being paid to the special policies directly affecting employment and whose goal is job creation and the professional insertion of the most vulnerable categories (young people, women, the handicapped, and the long-term unemployed).

Improving employment services, granting advantageous credits for the setting-up and development of small and medium enterprises hiring the unemployed, and encouraging employers to hire graduates are constructive premises for implementing a system able to progressively reduce unemployment.

Active labour market policies will complement social protection and gradually assume part of the economic burden the latter puts on the State. The present economic and social situation as well as the perspectives oblige the State to continue being both the guarantor of social objectives in the field of employment, remuneration and labour conditions and the main agency responsible for the social welfare of its citizens, especially the disadvantaged ones, it being in charge of ensuring the transfer of resources needed. Fighting against unemployment and social exclusion requires the participation of all political, economic and social actors, including NGOs.

The reform of the social protection system in Romania supposes a gradual decentralization – in the future – of social protection and the involvement of employers, local public administration bodies, and governmental organizations, which must exercise a great deal of responsibility.

Other priorities of social reform in Romania are to identify the needs of the most vulnerable social categories and to encourage the population to directly contribute by self-protection.

In order to create the institutional framework for strengthening the tripartite consultation and negotiation mechanism, the Government has submitted to Parliament a draft bill creating the Economic and Social Council, a tripartite body meant to play an advisory role in developing economic and social policy, and acting as a mediator in developing this policy, as well as mediating social conflicts. The institutional framework will also be improved by the creation of the National Employment and Vocational Training Agency which is to be supervised by a tripartite Governing Body and will provide job placement, guidance and training of the labour force.

Our efforts in the field of economic and social reform are in line with overall structural changes at the European and global level.

This is the context in which the spirit of partnership and international solidarity should, through our combined efforts, provide a smooth path to the twenty-first century.

Lastly, please allow me to express the determination of the Government of Romania that, through its own efforts, it will join in with international action in seeking viable solutions to the social problems that are, for the time being, the major challenge which the international community is asked to meet.

Mr. TAN (*Employers' delegate, Philippines*) – On behalf of the Philippine employers' delegation, may I extend our warm congratulations to the President on his election to the presidency of this Conference. We are certain that under his leadership, this session of the Conference will reach a successful conclusion.

It is with a deep sense of satisfaction that I will address this body on the subject of promotion of employment in the Philippine context. For the Director-General's Report on the topic coming as it does after all these years, validates the Philippine employers' long-held thesis that the promotion of employment for the more than 3 million jobless citizens of my country is the single most compelling mandate of government.

In the many forums and councils which have brought together the tripartite partners over the last two decades, we have steered public discourse and debate towards the political dimensions of labour-management relations. We have also suffered helplessly the curse of unemployment that continued to tear at the fabric of our society.

For so long, we toiled day in and day out with labour and government, not so much to provide the conditions under which jobs can be generated, but to discuss whether the political rights of labour unions or the aspirations of their members can be protected to their satisfaction under a legal system that by any standard is more solicitous and protective of the working man than any other, anywhere in the world.

In a sense, even with the zeal of altruistic public servants, we did not make sufficient use of the opportunity to alleviate poverty and social exclusion through employment. We sacrificed the virtue of gainful work for the intellectual reward of political domination in the workplace. Instead of efforts to reduce injury to private enterprise in a labour dispute and thus save jobs, we paid greater tribute to the romance of the picket lines, even if this meant we had to consign workers to joblessness and deprivation. Instead of a compensatory wage policy that provides still greater rewards for the most productive among our employees, we continued to rely on legislated and fixed minimum wages to be applied to all, regardless of the amount and quality of the service.

Now we have reached the threshold of an increasingly borderless world that could spell out the difference between more employment or increasing unemployment for our people. On many occasions, we have expressed the view, echoed by many economists, that in order to increase employment, wages should not outpace labour productivity. In certain respects, the Director-General confirms this observation when in his Report he states that "two broad policy routes for encouraging the required creation of jobs for the low-skilled can be envisaged: pressing wages down through labour market deregulation or employment subsidies".

We do not advocate a cheap labour policy to be competitive and to increase our capability to create jobs. Rather it is irrefutable that high wages reduce the intensity of investments, and therefore of employment. It is only a high growth rate of the economy, anchored on industrialization and deregulation of employment, that can help promote job creation.

At present the social partners in the Philippines are locked in a debate not on the imperatives of skills upgrading as we move into the world of AFTA and GATT, but whether the labour unions

will accept flexible working arrangements as a necessity in promoting employment. Indeed, while our neighbours are honing their skills to meet the challenges of global competition, we are still preoccupied with defending the perimeters of union hegemony, at the precise moment when our common enemy, the threat of marginalization – is knocking at our door.

We are not oblivious to the continuing vigilance aimed at protecting the gains of the labour movement. In all candour, we want to preserve them. And we will not deny the minimum rights and benefits that the law accords to all workers. In truth, we should institutionalize them. But let these be the sworn duties of the enforcers of labour standards, and not the excuse to deprive legitimate business of the right to adopt subcontracting as a means to create more jobs and make business profitable for the good of both labour and capital.

At this stage of our economic development, we cannot afford to imitate the whims and caprices of the affluent nations. Our restraint may well be the saving grace in our determined bid to be a newly industrializing country. In fact, there is now increasing unemployment in the industrialized countries, while the emerging economies of Asia are enjoying unprecedented growth and, consequently, employment opportunities.

Specifically, we are informed that Asia, and particularly South-East Asia, has shown impressive growth in manufacturing output and that Europe, on the other hand, has shifted to services. This represents for us the rising expectation of more higher-paying jobs, as the workforce shifts from agriculture to industry.

But can we sustain this movement of workers into the heart of industry? In all humility we say we can, if we remove the constraints in the law and in actual practices which are imposed on the ways of doing business. Unless the burdens of industry that go into the cost of goods and services, such as payroll taxes, are frozen or reduced if need be, the increasing taxation involved in hiring workers will thwart for us the dream of full employment.

Our efforts to promote employment must therefore be centred round a conservatism in the formulation of safety nets and social insurance – for us anyway, in a developing country where even job-sharing has been elevated to the level of policy. We must all recognize the scarcity of jobs that this Organization has warned us about in its report on employment. For us, and for labour unions, the greatest challenge is not how much more care and protection our employed citizens deserve, but how many more should have a decent means of livelihood in the first place.

As we move closer to the reality of a borderless economy, let us seek counsel from each other for mutual survival. Let us accept the principle that employment is the fertile ground in which labour unions grow and flourish. In that life-giving environment, both employers and workers must ensure that the conditions exist to provide continuously opportunities for work, so that our peripatetic countrymen, uprooted from the refuge of their homeland and the comfort of their kinsmen, need not find themselves in the most forbidding places of the world in search of jobs at the expense of their lives, their fortunes and their honour.

(The Conference adjourned at 1 p.m.)

Fourth sitting

Wednesday, 7 June 1995, 3.15 p.m.

Presidents: Mr. Rosales Argüello, Mr. Popescu

PROGRAMME AND BUDGET AND OTHER FINANCIAL QUESTIONS: PRELIMINARY DISCUSSION

Original Spanish: The PRESIDENT – The first item this afternoon is the preliminary discussion of the draft Programme and Budget for 1996-97, and other financial questions.

Miss MACKIE (*Employers' delegate, United Kingdom*) – It is a pleasure to congratulate the President and the Vice-Presidents on their appointment.

This item on the agenda of the Conference represents the small tip of a very large iceberg. The most important item to be discussed by any organization must always be the provision to be made for its finances, and of course the ILO is no exception to this. Every two years the Conference receives proposals for its approval which set out the programme and budget for the next biennium. That approval is the final stage in a long and careful process in which full tripartite discussions enable the representative views of all the constituent Members of the Organization to be heard and taken into account.

The Programme, Financial and Administrative Committee of the Governing Body on which I have the privilege to act as spokesperson for the Employers' group debated the original draft proposals for a full week and various adjustments were made. You all have the report of that discussion before you in Report II *Draft Programme and Budget 1996-97 and other financial questions*. On 6 April 1995 the Governing Body accepted the report of the Programme, Financial and Administrative Committee and decided with the support of all three groups to propose to this session of the International Labour Conference the amended programme and budget of which you now have the details. Of course, it is not from any point of view a perfect budget but it is a budget which represents a fair compromise between different positions and it was fully supported by the three groups of the Governing Body which represent employers, governments and workers.

On behalf of the Employers I can repeat now the support we gave a few weeks ago. I commend the draft Programme and Budget for 1996-97 to this Conference. Today is not quite the final stage; that will come when the vote is taken later in the Conference. I hope that at that time these proposals, which have been so carefully worked out, will receive the support of the Governments and Workers as well as the Employers' delegates to this Conference.

You have more than one financial proposal on the agenda. They are all important in their own way and I am happy to place on record our support for the

resolutions concerning cash surpluses and deficits, the Maritime Session of the International Labour Conference and the composition of the Administrative Tribunal of the International Labour Organization.

Finally, if I may close on a more personal note, I would wish to underline my own support for the work done by the ILO. It provides a most important forum for communication, debate and better international understanding of matters which affect us all in our daily life. It does so uniquely among international organizations with the full involvement of employers and workers. That may sometimes disturb governments unaccustomed to such a manner of working. And of course we all criticize it. We believe it could be more efficient. It could be improved in various ways. But if the day ever comes when we are not interested enough even to criticize it, that will indeed be a sad day and a serious day for the employers as well as the employees of the world.

I commend the financial resolutions to the Conference.

Mr. TAPIOLA (*Workers' delegate, Finland*) – I would like to pass on my congratulations to the President on his election to the Presidency, and to the Vice-Presidents.

Clearly, the most significant feature of the Programme and Budget proposals for 1996-97 is that they are based on the 75th anniversary Conference Session of the International Labour Organization which we celebrated last year. This session of the Conference should have no cause to complain that its views have not been taken into account, either by those who drafted the proposals, the Office or those who amended them and decided on their final content – namely the members of the Governing Body. This work is the result of tripartite consultations in March and April this year. The Workers' group is committed to the proposals and endorses their approval by the Conference and I say this as Chairperson of the Workers' group of the Programme, Financial and Administrative Committee of the Governing Body.

This budget has to be understood as a balanced whole. Large parts of it reflect the topical discussions we had last year and in fact the whole of the recent discussion on the future orientation of the Organization. This discussion has, at times, been turbulent and critical and all constituents have put forward their views. These are reflected in the proposals, and we have recognized that the discussion has been constructive and useful. Of course we might have wanted more in some areas. The Workers' group was

concerned that at a time when the globalization of our labour markets has become an overriding concern, there did not seem to be adequate provision to deal with the question of multinational enterprises. Others shared our concern about resources for work on equality between women and men. The Governing Body's discussions led to solutions for these and other key issues, which helped us to reach the necessary consensus on the programme and budget as a whole.

For instance, on the two important and interrelated issues of standards and unemployment we have worked out a programme which should enable the ILO to fulfil its role in promoting full, freely chosen and productive employment with decent conditions of work, for the benefit of society and all its members. The message this programme and budget sends to the follow-up of the World Summit for Social Development is that the ILO is ready and able to meet the expectations of it and its obligations contained under the Declaration and Programme of Action of the Copenhagen Summit.

The proposals contain several items of importance to the ILO to ensure its follow-up to the Summit. For the Workers' group it is of the utmost importance that there should be adequate resources for the work on freedom of association and other fundamental labour standards. Our group has made further proposals on how to step up this work. I note that, for instance, in the Governing Body's discussions on the social dimensions of the liberalization of international trade, the role of fundamental ILO standards has been repeatedly emphasized by virtually every participant and we have all recognized that this is both an old and a renewed priority. We also have increased provision for activities to help enterprises. The Workers' group has supported this part of the programme and budget on the understanding that when we talk of the enterprise we take it as a whole, including its workers and the way in which collective bargaining and employees' participation can improve the position of all those for whom enterprises provide employment and an income. This part of the programme has to be seen in the context of the overall objectives of the ILO. The Workers' group believes that the promotion of employment and enterprises and workers' protection go hand in hand; and of course the key element of success here is once again standards. This demonstrates how important it is for the programme to be seen as a coherent whole in which there is a high level of mutual dependency between the main components. This is how the programme of work of a tripartite organization should be.

Another aspect is that of getting closer to the constituents, implementing the active partnership policy. The concerns of governments and workers' and employers' organizations in the field must be heard. Much of the relevance of the ILO depends on this. The Workers' group welcomes the consensus on measures actively to reach out to the constituents. It is not an easy task but major steps have been made through the multidisciplinary teams.

To sum up, a substantive approach and measures to interact with the constituents are what the Conference has shown it wanted through its debates and resolutions. This is the programme and budget the Office and the Governing Body were asked to pre-

pare, adopt and propose. Now it is more than fair to expect that the efforts made will be appreciated and that the budget will be approved.

(Mr. Popescu takes the Chair.)

REPORTS OF THE GOVERNING BODY AND
THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume the discussion of the reports of the Chairman of the Governing Body and of the Director-General.

Original Spanish: Mr. CORRAL BORRERO (*Minister for Labour and Human Resources, Ecuador*) – My congratulations to Mr. Rosales Argüello on his election to the presidency of this Conference. His thoroughly merited election augurs well for the outcome of the Conference through fair and democratic debate.

I would like to refer to the Director-General's Report and its principal theme, the urgent need to promote employment. It could not have been more timely or better chosen.

The contrasting figures between the meaningful and constant growth of world production in the last 20 years as well as the simultaneous increase of unemployment, underemployment, inequality and poverty have sounded the alarm for Governments and the international community. Recall that last year the Director-General's Report referred to a figure of 30 per cent of the world's workforce without gainful employment, more than 120 million unemployed and some 700 million underemployed. I would also like to remind you that this year's World Summit for Social Development issued a unanimous call to eliminate extreme poverty, one of the causes of which is precisely unemployment.

There is no doubt that we are facing a problem whose repercussions and effects transcend national borders and actions and have now reached the global level, requiring a struggle involving complementary and coordinated policies, joint proposals and action at the national, regional and world level.

As the Director-General's Report points out, it is imperative that national and international organizations increase their coordination and cooperation in order to simultaneously create and implement economic and financial policies, together with social policies, with particular emphasis on the generation of employment. Although this worrisome situation, particularly in the developing countries, could result in a defeatist attitude, we cannot and must not falter but must continue to struggle unswervingly and resolutely to curb unemployment and underemployment as well as its deep-rooted effects of social and human disintegration. In order to do this, we must implement major changes and undertake action that will lead us to sustainable economic growth and social equality with socio-economic recovery, stimulating private production, attracting important investments in capital and human resources. We must also make our seemingly protective laws which bar access to the labour market more flexible, realizing that labour laws should not only protect those who have work but even more so those who do not and are desperately seeking it.

In the last two Conferences, as Minister of Labour under President Sixto Durán Ballén, who took office in 1992, I pointed out that up to that year the Ecuadorian economy had been characterized by macroeconomic imbalances, and that it had been necessary to restructure and reorient it. Positive results were obtained, such as reducing and controlling inflation, which fell from 60 per cent to 25 per cent annually, increasing our foreign reserves, cutting our fiscal deficit, and maintaining a stable exchange rate, among other achievements. At the same time in the labour and social spheres there have been fewer labour disputes, with the implementation of labour policies that are more balanced and equitable, and a complementary relationship between labour and capital. We have also embarked on a programme to restore purchasing power, and at the lowest levels wages have outpaced inflation with a 40 per cent increase in real wages. Whereas in January 1992 the minimum wage in Ecuador was a mere \$57 per month, since January 1995 it has been \$145 per month, although evidently it is still insufficient. With regard to employment behaviour, although we have still not achieved the level of results we had hoped for, it is very important to note that the actions and programmes being carried out have started to reverse the growing trend towards unemployment and underemployment, which in urban areas between 1992 and 1994 dropped from 8.9 per cent to 7.1 per cent for the former and from 47.9 per cent to 45.2 per cent for the latter. However, it should be noted that private sector employment is increasing at a sluggish pace and that public employment has dropped as a result of modernization and policies to trim the government sector. Yet there has been a human dimension to this bureaucratic downsizing, since the Government has provided economic incentives to encourage productive activities which create jobs. We must also, as I said before, facilitate sustainable economic growth with social equality which will generate employment and at the same time intensify the important work that we are carrying out in vocational training, which is not only the job of the State but is also incumbent on employers and workers.

As was stated by the Government of my country at the Copenhagen Summit, one public policy objective to which the Government is dedicating considerable efforts involves an increase of employment in the formal sector while boosting productivity in the informal sector as a step towards full employment. At the same time the Government will continue to encourage the implementation of programmes for the creation of new jobs, especially for such vulnerable groups as women, children and young people.

Apart from what I have already said, in accepting the generous offer of technical cooperation from the International Labour Organization, the Government of Ecuador is now, through social dialogue, trying to draw closer to its partners, namely employers and workers, in order to attain a widespread social pact that will generate employment, combat poverty and increase the living standard of the population. These three great objectives are like branches from a tree trunk to which they must always remain attached if they are to draw nourishment from its sap. At the same time the common good requires nourishment from the sap of tripartism and its indispensable cooperation and dialogue. There is no doubt that at a

time when humanity is preparing to usher in the twenty-first century, the principles stated in the Constitution of this noble Organization and in the Philadelphia Declaration have more meaning than ever. These instruments establish a need for a lasting peace based on social justice. There can be no doubt that the struggle in which nations are engaged to eliminate unemployment will bring us close to attaining this objective that can no longer be delayed.

Once again, I am confident that this Conference will reach its desired goal, thus contributing to the spread of peace and justice in this dark and troubled world shut off from the sunshine around it.

Mr. TURNQUEST (*Minister of State for Public Service and Labour, Bahamas*) – On behalf of the Government of the Commonwealth of the Bahamas, I am pleased to lead our tripartite delegation to this 82nd Session. My delegation also joins with other delegations in congratulating the President on his election. We are sure that under your leadership, we will achieve the objectives of this Conference.

We are encouraged, upon review of the ILO and its principles, that the Organization remains committed and supportive toward improving the lives of working people in all countries of the world. Through its tripartite composition, the ILO has contributed significantly to a greater awareness and understanding of the need to foster and maintain industrial harmony in member States.

During the 81st Session the ILO celebrated its 75th anniversary of existence. It was also an opportunity for the Organization to review again its principles and chart new courses for a world that has seemingly lost its sense of direction and purpose. I contend, as confirmed by the Director-General's Report, that when the review is concluded, the ILO will once again reaffirm its belief that only when all men are free from oppression, poverty, unemployment, political dictatorships and racism will we experience the kind of world peace that the founding fathers envisaged 76 years ago when this Organization was established, and of peace which the oppressed people of the world so fervently wish for today.

The changing social and economic conditions have brought to the forefront new social and economic problems. There is now, more than ever, a greater need for the services which the ILO provides, particularly in the area of technical assistance. These conditions are impacted by problems incurred by developing countries in transition to a market-driven economy and available financial resources for social development.

My Government's thrust seeks to foster a market-oriented economy having a larger sector of the labour force employed in the private sector, and the expansion of self-employment and home work. The creation of employment opportunities remains at the centre of the strategies and policies of my Government, bearing in mind full respect for workers' rights, with the participation of employers, workers and their respective organizations.

To assist in achieving our objectives, we have expanded work opportunities and productivity in both rural and urban sectors by investing in human resource development, promoting technologies that generate productive employment, and by encouraging self-employment, entrepreneurship and small

and medium-sized enterprises. We have improved access to land and credit for small business development, with a view to increasing its contribution to the eradication of poverty and to social integration and the strengthening of linkages with the formal economy.

One of the challenges facing us is to find the right balance between profitable businesses and content employees. My ultimate goal is the achievement of a full employment economy where workers are protected. The Bahamas supports the ILO playing a greater role in the international scene, due to the nature of its mandate and its experience over the years. The various multidisciplinary teams in place within the various regions ensure that more efficient and coordinated technical assistance is now available to the various constituents.

The Bahamas, within the Caribbean region, will seek to utilize all available technical assistance and expertise offered by the ILO. The ILO, I'm sure, will seize the opportunity to provide the technical leadership in mobilizing action at both the national, regional and international levels to improve the global employment situation.

As Minister of Labour for the Bahamas, and Chairman for the Standing Committee of Ministers of Labour for the Caribbean Community, I can confirm that we are cognizant and concerned about the various issues impacting upon and affecting labour within the region. We have resolved to address these issues collectively, in an appropriate manner specific to our individual territories. Foremost on our agenda is the need to establish and regularize conditions and opportunities to facilitate (a) the need for strengthening labour administration systems which will incorporate recommendations from the Regional Tripartite Working Party of Labour Officials; (b) the establishment of a Tripartite Advisory Board to become more active in serving as sounding boards for the development of policies and assessing the impact of economic policies on labour; and (c) the promotion of international labour standards within the community, and in keeping with article 19 of the Constitution of the International Labour Organization, to bring to the attention of national parliaments, where applicable, outstanding Conventions and Recommendations.

Within our Caribbean region, labour ministers have agreed to support and promote the recommendations of the World Summit on Social Development held in Copenhagen on employment creation and poverty alleviation, and to disseminate and discuss these recommendations widely among the constituencies of the social partners. We have also agreed that member States within our region would convene tripartite meetings with a view to formulating and implementing appropriate national strategies for the reduction of poverty and the creation of employment.

We have established these positions against the background that the international trend continues towards a market-driven economy, with increasing pressures on our national markets by non-national competitors. This means that the focus of governmental labour policies and laws will have to reflect this reality. It also means that both employers' organizations and trade unions have to re-examine their approach to the traditional labour issues which they face from time to time.

Realizing the evolving changes in the workplace and in the market-place, there is an increasing need to have in place an effective labour administrative system in each territory throughout our region, similar in content and in structure. It is with this view, and supported by the radical changes currently under way in the region's economic development, that we have reaffirmed our determination to fulfil our goals in collectively establishing generally accepted norms for labour and industrial relations.

Our efforts to bring to fruition our reaffirmed commitment for fundamental human rights and freedoms will remain our constant focus, especially with regard to the fundamental right of workers to organize and bargain collectively, to foster improved living and working conditions, as well as adequate social security policies and programmes for all our peoples.

Let us all, therefore, resolve to successfully meet the challenges and create an era of world peace and prosperity based on social justice.

Original Spanish: Mr. OÑATE (Minister of Labour and Social Welfare, Mexico) – It is a great honour for the Government of Mexico to participate in this 82nd Session of the International Labour Conference, a Conference which, without any doubt whatsoever, will give extremely useful results because of the high level of participation and the eminence of the Conference President.

The Government of Mexico supports the ideas in the Director-General's Report about the growing importance of promoting employment. World economic development, beneficial though it may be, does have a negative balance to be seen in the rising unemployment from which both industrialized economies and developing countries are suffering. The disadvantages that the market economy holds for workers and nations can only be overcome by growth.

Social exclusion, inequality and poverty are becoming more common and more serious as our economies have proved incapable of creating employment. Mexico shares the concerns of the International Labour Organization: job creation is a priority for government policies. Mexico agrees that the solution to the jobs problem will come from growth and from cooperation between employers, employees and governments.

A variety of factors affect the ability of economies to create jobs; however, at an international level, it is economic globalization, capital movements and the degree of international market penetration that are becoming increasingly apparent. On the domestic front, investment and savings policies, financial structures, the adoption of new technology and human resource training all have a fundamental role to play in promoting economic growth that generates jobs; jobs that are stable and part of the formal sector; jobs that offer a just and adequate wage. This is a new approach to re-enhancing work, wages and productivity.

Any employment policy needs to be an integrated one. It also has to be able to reconcile the economic objectives of both employees and the employers, as well as the social objectives which all governments are committed to promote.

The Government of Mexico has been charged by its President to institute an economic policy which will create more productive jobs and better wages for

the Mexican workers. President Ernesto Zedillo has stated that the aim of economic policy must be to enhance the well-being of each person and each family. And the basis of this well-being is a decent, stable and well-paid job.

For over a decade, Mexico has been plunged into a process of modernization which has allowed it to alter its industrial profile and its industrial base. However, much needs to be done to ensure that economic growth will be translated into well-being and the creation of stable and productive jobs.

The financial and currency crises of late 1994 and early 1995 have obviously hit employment in our country. Declared unemployment has reached levels never seen before. In addition, employment in Mexico is also under pressure from natural demographic growth. Without economic growth there is no solution.

Consequently, we have taken measures and adopted plans to promote and restore confidence and financial and currency stability. It is this confidence and stability that are needed for investment and economic growth in general. Mexico will support any initiative acceptable to both workers and employers which will help create jobs, raise workers' real earnings and promote labour market stability. Any initiative which will promote labour relations stability and transparency and maintain the necessary balance between labour and capital.

By improving consultation and concertation mechanisms, the Government of Mexico is working with the employers and employees to promote free bargaining, minimize disputes and maximize agreements to increase and improve employment and raise wages. Consequently, better workforce training and productivity are today a priority for the Mexican Government. Mexicans are advancing along this path in a process of consultation and concertation between employers and the employees. Training and retraining programmes, education, skill-certification and labour qualification standards to meet the current labour market situation and needs are all being developed.

The establishment just a few days ago of the Mexican Productivity Board and, for example, the expansion of the programme of grants for worker training and total quality control and modernization schemes all demonstrate the will of Government, employers and employees to put together the conditions to develop and employ human capital to the best.

Social security, like jobs, is also being redefined – a process essential to achieve wider and better cover, to revise financial and savings systems and ensure that workers and their families have better, more direct and more immediate access to mortgage savings schemes, security and pensions and to bring in to such schemes those who at present do not enjoy any formal social security protection.

At the international level, in its labour policy, Mexico envisages the fullest cooperation with the international organizations. We consider international cooperation to be the best mechanism to tap the advantages and facilities of the globalization process and to create more jobs. This will allow us to protect the rights of migrant workers, all our citizens working abroad, and press for implementation of ILO Conventions on the protection of employment, women and children, freedom of association, union rights, and safety and health at work.

With such a labour policy, the Mexican State is assuming its responsibilities in creating the basic conditions for promoting economic growth which can generate productive employment, generate better paid jobs and in this way promote concerted action of production factors and eliminate obstacles to job creation and to guaranteeing protection of the social rights that our workers have struggled for in the past. All of this, of course, with a view to improving the standard of living of the 90 million inhabitants of our country.

In conclusion, I would like to say that the success of Mexico's labour policies will depend upon the efforts made by the country as a whole. This is the way we Mexicans understand it. However, we can be helped in our efforts by international cooperation – cooperation based on respect for the free decision-making process, and of the freely decided policies of each people based upon respect for the concept that advice, support and resources must be provided through bilateral discussion, without pressure and without exclusivity.

Mexico expresses the hope that this Organization can be strengthened and that it can find its new place in the open market situation, in international competition and the increased pressure on labour and well-being that mark our era.

The history of the Organization, the quality of the Conference participants are sound reasons that give us hope for a better future.

Mr. BRERETON (*Minister for Industrial Relations, Australia*) – It is my very great pleasure to join previous speakers in congratulating the President and the Vice-Presidents on their election to preside over this Session of the International Labour Conference. I am also pleased to address today the Report of the Director-General entitled Promoting Employment. The Report provides a comprehensive review of employment issues from the global perspective.

Let me say that this discussion is very timely as the Declaration and Programme of Action adopted at the Copenhagen World Summit on Social Development emphasised the goal of full employment as a basic objective for economic and social policy. Addressing the problem of unemployment has become a major concern to the whole of the world community and let me say Australia has not been exempt from this challenge. In May of last year the Australian Government released a White Paper on employment and growth entitled Working Nation, to reduce unemployment and to assist particularly the young and the long-term unemployed. Working Nation contained initiatives not only in relation to employment, education and training but also improved social security arrangements. Skill formation, flexibility and work incentives for the labour force were provided, focusing particularly on the long-term unemployed. Our goal is an Australia where everyone who wants a job can find one and it is a goal that cannot be reached simply and cannot be reached quickly. However, we can say that we have now reduced the Australian unemployment rate to 8.3 per cent, down from 11.2 per cent in 1992, and our aim is to reduce it further to 5 per cent by the end of this decade and of course that will be a very considerable achievement.

Let me say that national governments carry the main responsibility for finding answers to the scourge of unemployment. The great success of the rapidly

growing economies of East and South-East Asia demonstrates what can be achieved with the right development strategies. The policy approach underpinning the economic successes in our region is well covered in the Director-General's Report.

International developments are also critically important. The liberalisation of international trade offers us the opportunity for worldwide growth, for job creation and for the alleviation of poverty. As the Director-General in his Report notes, viewed as a whole the world economy appears to be creating the basis for rising prosperity in employment growth. A key role for the ILO is to identify and address the social dimensions of this trade liberalisation and this must include any potentially negative effects on labour standards. Australia supports the frank discussion of this issue in the ILO forums, including the Governing Body's Working Party. Change and adjustment can be achieved whilst ensuring social equity and increased employment. Let me turn to Australia's experience by way of illustration. The Australian Government's industrial relations reforms have been part of a broad strategy to make the Australian economy more internationally competitive. Our industrial relations system is evolving from a centralized one to a more decentralized system in response to changed economic circumstances. The crucial element in the process of reform and adjustments has been the Prices and Incomes Accord between the Government and the Australian Council of Trade Unions. In the 1980s the accord proved vitally important both in promoting a high level of jobs growth but also in doing so without inflationary wages growth. In recent years it has assisted us in achieving labour market reform and it has contributed to the very positive employment growth that we have experienced.

The Government and the ACTU are currently negotiating the details of a new accord which will emphasise social protection in the context of progressive and efficient economic and industrial relations reforms. In introducing our reforms the Australian Government has placed a high priority on ensuring that it does not harm employees. In this way we have ensured that they support change rather than resist it. In this context we have introduced to our own national legislation a number of minimum entitlements based on the Conventions of the ILO. These have guaranteed all Australian workers the right to a fair minimum wage, equal pay for work of equal value, 12 months unpaid leave and protection against unfair dismissal.

Australia takes its ILO obligations and the ILO standards very seriously. We have ratified 54 Conventions today and we are steadily working towards further ratifications. I am pleased to announce today that agreement has been reached for the ratification of a further three Maritime Conventions and can I also say that as a major mining country we are strongly committed to the development of the new ILO standard of safety in mines at this Conference. We will consider this standard as a priority with a view to its early ratification. I know that will please John Maitland very much indeed and all the miners of Australia.

The Director-General has raised the important issue of whether rules providing for employment security are an inhibition on employment growth. His Report concludes that such rules are no barrier or

constraint to creating employment. In Australia some commentators have argued that the employment protections provided in our national laws discourage employers from hiring new staff and this results in higher unemployment. Well, delegates, the Australian figures speak for themselves. Since the provisions took effect in March 1994, more than 350,000 jobs have been created representing 5 per cent growth in employment. Australia's current unemployment rate is now at its lowest point for four years. Thus we believe that we have achieved the right balance between employment creation and ensuring workers have a fair safety net to protect their wages and to protect their conditions.

The Director-General also stresses the importance of international cooperation in order to restore global full employment. We in Australia agree, and agree wholeheartedly, with this approach. Clearly high priority must be given to employment goals in the formulation of international economic policies, programmes and strategies. The Australian Government fully supports the priority given to the promotion of the employment objective in the ILO's work and also in its collaboration with other international agencies. The ILO is well placed to play a key role. Its focus should be on its core mandate emphasizing its expertise in the human and social aspects of development, and emphasizing the importance of employment issues in the process of economic change and economic development.

I know we face a difficult task at this Conference in considering the programme and the budget recommendations for the 1996-97 biennium. It is clear that resources will be limited and need to be deployed to the maximum effect. As the Conference and the Governing Body deliberates on these issues I would urge that the technical programmes which represent a truly key part of the ILO core mandate be protected to the maximum degree necessary. Cut-backs should be concentrated as far as possible in management and in administration. We must strive to protect the new initiatives that are showing so much promise at the moment. For example the Active Partnership Policy which has so much to offer, and nowhere more so than in our Asia-Pacific region.

Australia has strongly supported the technical assistance work of the ILO in our region through our overseas aid programmes. Maintaining an international focus on global employment needs is a challenge for our nations. The problem is one best addressed by all of us working constructively together. The ILO is uniquely qualified to assist in the achievement of the creation of productive employment, the alleviation of poverty and the promotion of social justice. But our work together can only be fully effective with the continuing moral and financial support of all our member States. Australia pledges its support and we urge all other member States to do exactly the same.

Ms. KELTSOVÁ (*Minister of Labour, Social Affairs and Family, Slovakia*) – First of all, permit me to join the previous speakers in congratulating the President and the other Officers on their election to their respective posts at the 82nd Session of the International Labour Conference. I wish them all success in their difficult and responsible work.

I would also like to express my appreciation for all the activities performed by the International Labour

Organization, particularly by the Director-General, the Governing Body and other special committees, and thank the ILO for the support and encouragement which our country has received since it became a full member of this Organization.

The Slovak Republic is continuing its third year of democratic and pluralistic development and economic transformation based on the socially and environmentally oriented principles of a market economy. It has assumed all the contractual obligations of the former Czech and Slovak Federal Republic, and subsequently has amended its legislation according to European standards. This is a part of our work which is also called for in the association agreement between the European Union and the Slovak Republic. The Government of the Slovak Republic, as stated in its proclamation and plan of work and as a part of the country's economic development, is actively implementing the concept of the complex transformation of the social sphere. Under this concept, the systems of social insurance, state social subsidies and social assistance are being revised. As part of this revision, the Act on social insurance, Act on state social subsidies and Act on social assistance, will be submitted to Parliament for approval, and the Act on minimum subsistence levels is being amended. The Government and the Parliament are currently working on the amendment of the Labour Code.

The Government is taking measures to overcome unemployment and reduce the unemployment level. On 1 January 1993, the employment fund was established with the aim of financing an active employment policy and providing financial support to job applicants. This fund is a public, legal institution and cooperates with the national employment service and local labour offices. The employment fund's organs have a tripartite composition. The national network of labour offices is part of the state administration and provides advisory and assistance services relating to employment. It has been operating for some time. This type of assistance is also provided by non-governmental organizations.

The State has set up a social insurance company and a general health insurance company with their own budgets which are separate from the state budget. They both have boards of directors consisting of tripartite representatives. The social insurance company deals with sickness and retirement benefits. The general health insurance company deals with health insurance and contributes to preventive health care, accident prevention and accident care. There is also a possibility to establish sector, industry, company and public health insurance companies. The State participates in covering the indebtedness of the social insurance company and the general health insurance company by providing them with loans in the amount of up to 100 per cent of their payment insolvency.

Further legislative amendments which should lessen and eliminate the social impact of structural changes, and especially the impact of unemployment and inflation in the social sphere, are in preparation. The Slovak Government underlines the need to take into consideration the social dimensions of economic changes during the period of economic transformation and transition of society towards a market economy.

Our positive attitude towards the principles and goals of the International Labour Organization was

also expressed during the Third European Conference on Tripartism in September of last year, which we had the honour to organize in our capital, Bratislava. What was produced by the Conference has been further elaborated by all the social partners, and the adoption of special legal instruments concerning the implementation of international labour standards is under consideration.

At present, Slovakia is bound by 57 ILO Conventions and is continuing its preparation activities to ratify additional international legal instruments, including the European Social Charter. Preparations for the ratification of 16 more ILO Conventions are included in the general agreement for this year. In this process, all the social partners are guided by the same principle: that it is necessary to amend the internal legislation to bring it into line with the requirements and provisions of a relevant Convention, and only then to ratify the ILO Convention, and not vice versa.

I would like to express the appreciation of my delegation to the Director-General for his Report which we consider very comprehensive and useful. We fully agree with the contents of this Report. As far as other items on the Conference agenda are concerned, let me express some views of my delegation.

As for the adoption of the new international standards, the delegation of the Slovak Republic supports their adoption. The reasons for our position are both historical and practical.

The safety and health protection issues related to work in mines, and mining as a whole, have deep historical roots in Slovakia. Ladies and gentlemen, you might know, but perhaps not, that the first mining school in the world was established in the old Slovak mining town of Banská Štiavnica in the year 1773 and received the name "Mining Academy". Banská Štiavnica has been included in the UNESCO list of historical monuments of the world's cultural heritage. The tradition, knowledge and experience of mining is reflected in a number of safety regulations which deal with the safety of work in mines. But the most important ones which apply in the Slovak Republic and relate directly to the proposed international standards of safety and health in mines are Act No. 51/1988 on mining activities, explosives and the state mining administration, and Executive Regulation No. 21/1989 on safety and health protection at work, operational safety in mines and activities performed in underground mining. This regulation deals with specific issues and consists of 332 sections.

The Slovak Republic's Labour Code makes provision for home work in section 267. A homemaker is defined as a person who performs work not on the employer's premises, but at home. Conditions under which homeworkers perform the work are set forth by the respective labour contract concluded between the homemaker and the employer. As a preventive measure, the above-mentioned section 267 provides for the possibility that labour relations between the employer and the homemaker are regulated by government regulations.

As regards the revision of the Labour Inspection Convention, 1947 (No. 81), we support the idea of extending its jurisdiction to non-commercial services such as health care, education, church working activities, the postal service, telecommunications, energy distribution and social service institutions, etc. In Slovakia the provisions of this Convention are

mainly set out by Act No. 174 of 1968 on the supervision of occupational safety at state establishments.

The Slovak Republic actively participated in the World Summit for Social Development held in Copenhagen, and accepted the commitments and recommendations contained in the Declaration and the Programme of Action. We are pleased that support for the transition countries, including Slovakia, has been expressed in the Copenhagen Declaration, as well as in the ILO's contribution to the Summit. The outcome of the Summit is being carefully studied by the Slovak Government, with a view to bringing its conclusions into practice.

In Copenhagen a lot of attention was paid to the situation of women. In Slovakia, particular attention is being paid to this subject and we will be able to present a positive evaluation of the topic at the upcoming Fourth World Conference on Women, to be held in Beijing this year.

In my brief presentation, I could not address all the activities which are being undertaken by the Slovak Republic in the sphere of labour and social relations. As we think that the ILO has been constantly contributing to improving the culture of labour and social relations, I would like to reiterate the commitment of the Slovak Government to participate actively in the work of the Organization in the future, and contribute to achieving its goals.

Mr. PÉTURSSON (*Minister of Social Affairs, Iceland*) – I would like to begin my address by congratulating Mr. Rosales Argüello on his election as President of the 82nd Session of the International Labour Conference. I agree with what earlier speakers have said and I am sure that he will discharge this important task well, thus ensuring that the Conference will produce the best possible results.

The Director-General's Report this year bears the title *Promoting employment*. It is an abridged version of the first of a new series of reports dealing with the world employment situation. It presents a survey of employment levels in all the main economic regions of the world and diagnoses the problems which is currently afflicting most nations of the world: growing unemployment, which leads to an increase in social problems, in particular poverty and social exclusion. The Report attempts to analyse the causes of the rise in unemployment and also to point out ways of solving this problem which most, if not all, of the governments of the ILO member States are currently facing. This is no easy task. The latter part of the Director-General's Report draws attention to the fact that full employment was the main priority in economic policy after the Second World War. The adoption of this goal stimulated the creation of employment. The Director-General points out that politicians appear to have adopted a defeatist attitude towards the challenge of unemployment and that this is unfortunate. I fully agree with him on this point. What is crucial is to tackle the problem in the conviction that unemployment is an unacceptable evil and in the belief that it is possible to maintain full employment for everyone who wants to work.

In the earlier part of his Report, the Director-General discusses the main trends in employment and the economy over the past few decades, once again drawing attention to the shifts in emphasis which have taken place in the structure of world production. Agriculture and industry have declined while

services have grown in importance, particularly in the industrialized countries. This in turn has caused a change in the structure of employment. The decline in the share of industry and agriculture in world production has resulted in considerable unemployment in these sectors.

The Government of Iceland took an active part in the Uruguay Round of Multilateral Trade Negotiations, and Iceland is among the founder members of the World Trade Organization. On the whole, Iceland is reasonably satisfied with the outcome although it cannot be denied that a reduction of tariffs on certain categories of goods could have a serious effect on some employment sectors in Iceland. This applies not least to Iceland's agricultural sector which has the comparative disadvantage of difficult climatic conditions, and a large part of the workforce in Iceland depends directly or indirectly on farm production.

The Director-General's Report discusses the Uruguay Round and its potential effects on the market and employment. It is notable how cautious the Director-General is in his assessment. He points out that for many countries the implementation of the agreement will not be painless and will require many types of positive adjustment measures. This applies in particular to the export of textiles, clothing and agricultural products from the South to the North. The contracting parties must understand that, in those sectors where the agreement cannot be expected to have substantial effects, direct government intervention will be necessary. In Iceland this applies mainly to agriculture. Unrestricted competition, too rapid a reduction of grants and other forms of assistance could mean a serious destabilization in the pattern of regional population distribution with all its attendant social problems. I was interested to see that the Director-General's Report shows a sensitive understanding of this particular problem.

The Report mentions specifically the importance of continued state support to the small farm sector and also that investments in agriculture aimed at raising productivity have high economic returns. It states that economic liberalization with higher producer prices and reduced taxes ensures export potential and can improve economic opportunities for the agricultural sector as a whole. However, the agricultural sector has often been unable to make use of such new market opportunities. This has been because of the reduction or withdrawal of state support to the small farm sector. The Director-General stresses that governments should avoid making such errors policy errors so as to ensure that small farmers and agriculture as a whole are able "to benefit fully from the new opportunities created by economic liberalization". I fully concur with this view.

As most of you probably know, Iceland is a nation with a small population living in a relatively large country. Our ancestors settled in the country in the year 874. From 1262 until 1945 we lived under foreign rule and the struggle for full independence during those centuries made us aware of the value of international cooperation and the desires of other nations to enjoy freedom and independence. This is why Iceland was among the first nations to recognize the newly independent countries of Eastern Europe.

We wish to cooperate on an equal basis with other States, not least through the United Nations and its specialist agencies.

We expect Iceland and other small nations to receive the same sort of treatment as other sovereign states. It should be remembered that the contributions made by smaller nations, both in financial terms and in the form of active participation in the work of international agencies, stand comparison with the contributions made by most larger nations.

I was therefore rather surprised to note that the Director-General's Report does not say a single word about the Organization's smaller Members. At least not those that are within Europe. It seems that this policy applies even to the smallest details in the Report. For example, footnote 2 on page 66 of the English edition states: "EFTA comprises only Switzerland, Austria, Norway and Sweden". This is incorrect as Iceland had been a member of EFTA since 1970, Finland was a member State and Liechtenstein is a member. I hope that this is only an error and not a deliberate policy. If it were, I would feel obliged to object to it on behalf of the Government of Iceland. To avoid misunderstandings I should point out that as a result of their entry into the European Union, Austria, Finland and Sweden left EFTA on 1 January 1995.

I wish to make it clear that the Government of Iceland is concerned that development in the world economy and trade should be accompanied by social reforms. This is why Iceland supports the continued discussion of these matters within the framework of the ILO.

On the other hand we also wish to declare our support for the view that the work of the ILO in this area should be reviewed. We believe that this is an important subject for debate not only in connection with trade agreements as such, or social dumping. It concerns basic human rights not least the rights of workers which ought to be the prime concern of this organisation. We support those who have warned against the danger that this discussion will lead to an adoption of disguised protectionist policies that will restrict exports from the developing countries and obstruct their progress towards improved living standards and social progress. We believe, however, that such social clauses could be restricted to basic rights, e.g. the right to organize, the right to collective bargaining, the abolition of forced labour and the abolition of child exploitation at work. In this connection I should like to say how pleased I was with the outcome of the World Summit for Social Development held in Copenhagen last March. As we have seen, the Director-General of the ILO has already started preparations for the implementation of those parts of the Declaration and Programme of Action of the Copenhagen Summit which comes under the ILO's field of operations.

I wish this 82nd Session of the International Labour Conference every success and we hope that it will prove productive.

Original Spanish: Mr. ARRATE MAC NIVEN (*Minister of Labour and Social Welfare, Chile*) – First of all, I would like to congratulate the Minister of Labour of Nicaragua on his election to the presidency of this assembly. For Chile, the election of a Latin American to chair this meeting is a source of genuine pride.

I would also like to congratulate the Director-General of the ILO, Mr. Michel Hansenne, for the programme presented to us in his Report *Promoting*

employment. Particularly noteworthy is the approach proposed by the Director-General to the objectives of improving the quantity and quality of jobs in our countries.

Mr. Hansenne points out that it is a fundamental challenge to combat unemployment, underemployment and low salaries and that this is the major responsibility of economic and social policies. In this way, he reminds us that to reach these objectives we must tackle questions from both the economic and social standpoint. This statement is of the utmost importance when, in our countries, we often hear ideas put forward that tend to ignore the social dimension of policies that are aimed at creating more and better jobs.

As the Director-General rightly points out, prevailing development trends at the international level have created new opportunities to increase growth rates and create employment, but at the same time they have given rise to various social problems that need urgent consideration. I would like to mention three such problems: one, the fact that many kinds of employment are now precarious; two, the emergence of new types of inequality; and, three, the breakdown of social integration.

For this reason we must consider the appeal made by the Director-General in his Report to adopt policies that will encourage a fairer distribution of the benefits and costs of globalization among and within countries. In keeping with his idea, which is endorsed by the Government of Chile, we must also consider, among these policies, how to improve and modernize the basic standards regulating labour relations.

It is a great source of satisfaction that the guidelines laid down in the Director-General's Report coincide entirely with the policies now being drawn up in my country. The democratic governments, starting in 1990, have defined their concept of economic and social development on the basis of growth and modernization, in the framework of equality and social justice. We are trying to ensure sustained growth against the backdrop of a highly competitive and open market economy which offers more and better opportunities for all Chileans, especially the poorest, to move forward.

The Government of Chile is firmly convinced that for economic growth to be socially legitimate it must have a moral objective, which can be no other than that of a better and more dignified life for all Chileans, especially those with the least. Growth that increases already large social differences or which condemns large sections of the national community to marginalization or exclusion does not fulfil the moral objective I mentioned. Therefore, the absence of a clear criterion of equality with regard to the distribution of the fruits of growth would rob any development strategy of sense and legitimacy.

In the last few months the Government of President Frei has submitted to the Congress a whole package of bills designed to modernize our labour institutions and tighten up rights to join trade unions and to collective bargaining.

These bills seek to build on the major progress already made by the Government of President Aylwin between 1990 and 1993. Their aim is to guarantee more suitable conditions for the development of collective agreements in enterprises and substantially increase involvement and sphere of competence.

The Government aims to promote the social autonomy of all sides through collective bargaining to which only 15 per cent of workers under contract with an employer are entitled at present. At the same time, it is trying to expand and provide better protection for trade union rights in our country where trade union membership stands at about 20 per cent of salaried workers.

We are convinced that measures to involve more workers in collective bargaining and allow them more scope to establish or join trade unions are an important weapon in reaching the objective of growth with equality and social justice. Measures of this kind will help us, on the basis of consensus, to face up to the challenges of an economy characterized by constant adjustments in labour markets as a result of rapid technological developments and changes in the conditions of international competitiveness. In this way, the cost and the benefits of this process can be adequately shared.

Along the same lines, we have launched other highly relevant projects. They include measures to modernize and improve our present system of training and vocational training, basically financed by State funds and administered by enterprises, and their aim is to reach more people and improve quality. In particular, we would like to target these resources in small and medium-sized enterprises, at persons entering the labour market, women and the unemployed, and at providing training for persons affected by the structuring of our productive apparatus.

Furthermore, we are working on new legislation to improve the supervisory powers of the State with regard to labour and social protection. We are trying to guarantee greater respect for labour standards in force, which is a prerequisite for fair competition between enterprises and for lasting social peace, in a climate of respect for workers' and employers' rights.

We are also in the throes of modernizing our labour legislation and expediting its proceedings. We are trying to improve the administration of justice and make it more accessible to workers and employers.

In the next few months we will submit a proposal relating to an income protection system for unemployed workers to guarantee an income for a certain period, for persons who are unemployed due to labour market mobility.

These policies are part of a comprehensive proposal for changes designed to improve the quality of our labour institutional structure in view of the demands of economic modernization currently facing the country at a time of fierce international competitiveness and impending agreements on economic integration.

In short, we are trying to improve the quality of the legislation currently in force, increase respect for the law and access to the judicial system, extend the rights guaranteed by our Constitution to areas of labour currently denied them because of legislative shortcomings, and to strengthen the combined effect of our information policies on employment, training and protection for unemployed workers, and of the consequent impact on the use and allocation of our human resources.

We are helped by our certainty that the initiatives we have mentioned are extremely important steps in our efforts to marry economic development with so-

cial development, the market with democracy, entrepreneurial freedom with social rights, flexibility in applying productive resources with social protection that can rise to the demands of our time.

The need to reconcile technical and economic criteria relating to the theory of the market to the social criteria which inspire the modern idea of democracy is not always understood by everyone as we would like it to be. However, we firmly believe in bipartite and tripartite social dialogue and we promote them at every opportunity in our country.

We hope that the ideas expressed by the Director-General of the ILO will be considered carefully by those that are still cautious about the changes proposed. I am sure that the Director-General's Report will help us to turn our backs on inflexible theoretical positions which, when we compare situations around the world, we see are stultifying. His analysis invites us in our opinion to look upon chances to increase employment as a social challenge to us all and to reject the tendency of some which, ostensibly to create employment, try to liberalize the labour market in such a way as to leave the worker with little or no protection.

Once again, I would like to express my Government's firm conviction that dialogue and cooperation are the most effective tool for making real progress in a world of work currently suffering tensions caused by universal and far-reaching change. Many of these changes amount to a genuine structural overhaul in our countries.

In Chile, we have learnt that constructive debate, and especially the recognition that human beings – in both an individual and social context – are the prime focus of all our development policies, are the only ways in which we will be able to find effective solutions to the challenges we currently face.

I would like to welcome the opportunity afforded by this gathering, and the agenda proposed, to look at the crucial issues currently facing the world of work.

Original Spanish: Mr. MORALES (*Minister of Justice and Labour, Paraguay*) – I would like to congratulate the Minister of Labour of Nicaragua on his appointment to preside over this Session of the Conference.

It is a great satisfaction to address this tripartite Conference where Governments, Workers and Employers expound their thoughts so that the 82nd Session of the International Labour Conference should adopt resolutions for overcoming the social problems of today's world.

I represent the Government of the Republic of Paraguay, headed by President Juan Carlos Wasmosy, a civilian President, freely elected by the people on 9 May 1993, who has consolidated democracy in Paraguay by insisting upon unrestrained exercise of civil rights, full freedom of the press, the institutionalization of the Republic and reform of the State. In social affairs, the objective is to move away from the sterile habits of pushing claims through confrontation, replacing them with the more fruitful policy of dialogue, negotiation and mediation.

The Ministry of Labour, as part of this policy, has Dialogues which are providing effective results. For example, the most recent one was the Tripartite Agreement signed on 19 April which avoided a general strike planned for 2 May, without any sacri-

fice of rights enshrined in the Constitution and the law.

The Government wishes to take advantage of the tripartite basis of this Conference to congratulate the trade union and employers' leaders in our country for the negotiating skill which they demonstrated in getting over the strategy of confrontation and polarized posturing and moving towards a fruitful strategy of dialogue, negotiation and mediation.

The Government recognises that it is not easy to achieve the ideals of democracy, respect for human rights and public and political liberties. It is not easy either to achieve economic growth and social improvement, without consultation between government and representative associations, since my country has a relatively weak economy, mostly dependent upon agriculture, and it cannot remain unaffected by the unpredictable exogenous developments, nor by changes in world trade. A globalized economy requires modern domestic institutions to progressively raise financial resources and invest them, and to bring in foreign investment and social participation is the only way to formulate the projects which, with courage and decisiveness, will improve the living standards of the people.

Paraguay is not an island in this new social situation which will face us at the dawn of the twenty-first century. The Government is fully aware of the problems which ceaselessly beset us: poverty, ignorance, endemic disease, communities isolated from the outside, increasing crime both nationally and internationally, corruption, human rights violations, unemployment, underemployment – these are only some of the aspects of the globalization of the social problem in developing countries, although some also affect the first world, like crime and unemployment, for example.

The growing problem of unemployment is a world problem which affects developed and under-developed countries alike. It requires both aggressive policies and mediation and consultation, contradictory as this may seem.

We must take an aggressive stance in seeing that the law is fulfilled and that the Conventions of the ILO are implemented, so as to legalize the situation of the workers and put an end to the practice of "black" labour, which inflicts utterly subhuman conditions on workers.

Consultation and mediation arises from joint analysis and frank dialogue between governments, workers and employers on the following subjects: working conditions; the definition of the labour market; the effects of advanced technology upon the amount of labour which is required in the labour market; the implementation of accelerated vocational training policies to match the requirements of the market and that will include retraining as a way of reducing unemployment; and likewise alternative ways of hiring labour without in any way impairing the dignity of the worker.

As far as the burning subject of privatization is concerned, the policy of the Government is to adopt a gradual approach, giving preference to the wishes of the workers, and adapting them to the redefinition of the role of the State on the one hand and to the redefinition of their role as workers within the private sector on the other.

In the World Summit for Social Development in Copenhagen countries committed themselves to pro-

moting social integration, by fostering societies that are stable, safe and just and based on the promotion and protection of all human rights. I refer to Commitment 4.

In its Chapter III of the Programme of Action an appeal is made for "the safeguarding and promoting respect for basic worker's rights including the prohibition of forced and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment". Likewise, it was stated that "governments should strongly consider ratification and full implementation of the ILO Conventions in these spheres".

The Social Summit gave guidance to governments and supports the policies of the ILO management in the social sphere. I can assure you that my Government like all other governments throughout the world will translate these intentions into practice.

There exist problems which are very closely inter-linked and which are of concern to politicians, economists, jurists and social partners, all touching on the great social issue at a time of profound structural changes in the economy, in trade, in production and in services. New technologies, the redesigning of the productive process, the globalization of markets (including the labour market through the relocation of jobs from high labour cost countries to low labour costs countries) worldwide competition, increased unemployment; these are some of the most burning problems.

For the solution of such problems there are extreme positions which support deregulation, the flexibilization of labour standards which are seen as obstacles to competitiveness and growth, whereas prudence demands an understanding that labour standards are instruments for the promotion of both productive efficiency and social justice. Without them there can be no industrial innovation, nor economic dynamism, nor can a fair sharing of the economic benefits which come from change.

The approach of the ILO reflects the following concerns: (a) the constitution of modern efficient institutions which are not just profitable, but are also capable of protecting people and offer them support through the adjustment process; (b) the integration, right from the start, of social considerations in the design of economic reform so as to not only mitigate the adverse effects of adjustment but also to promote positive ways of contributing to sustained long-term growth; (c) the participation of social partners in the design and implementation of programmes so as to achieve a social consensus around their objectives.

In the face of present challenges, certain regions of the world are moving to form regional associations which exhibit internal complementarity and raise their potential. Decentralization within countries is accompanied by regional or continental integration. No country can solve its social problems in isolation: decentralization and integration are not contradictory because some spheres of activity are best fulfilled at the local or departmental level, while others are better done at the regional or continental level.

The wealthy nations march forward alone but the developing countries require strengthening by integration. In our case, a relatively small country with a small population and domestic market, mutual relationships are of fundamental importance to maintain

social peace and it is the job of the ILO to struggle permanently to improve working conditions.

Social issues in my country require a number of different approaches, some positive, and others requiring incentives and improved courses of action so as to achieve good labour relations.

At present the relationship between the Ministry of Labour and the employers' and employees' organizations are cordial, based upon the Government's policy of dialogue, negotiation, consultation and mediation, and the organization of a big tripartite negotiation, in January 1994, right at the beginning of its period of office.

I wish to recall once again the tripartite agreement of 19 April which led to the cancellation of a general strike announced for 2 May. It was within this agreement that workers, employers and the Government confirmed their conviction that dialogue and negotiation are the best instruments for the solution of work-related problems and reaffirmed their commitment to this mechanism of dialogue as the first step in settling future disputes.

In this spirit the National Minimum Wage Board was set up and it granted an increase of 15 per cent in the minimum wage as of 1 May 1995, on the basis of a study which was supported by all parties involved. It is established in the agreement that the central union bodies will not call for strike action while the process of dialogue and negotiation is under way, and the Government for its part agreed to study wage increases, the approval of the State Employee's Code, and likewise to set up open processes of dialogue especially in the fields of social security, wage policy and employment policy. This shows that the tripartite process underwrites the validity of social dialogue as a method to solve the problems in labour relations.

Enhanced credibility is given to the labour sector in the management of work. The Government is aware that there must be improved cooperation at various levels and in various fields, and that the administration of labour relations should be based upon better cooperation between the employers' and employees' organizations with a view to an improved application of labour legislation.

There is a steady improvement in conflict resolution by dialogue, negotiation consultation and mediation. The consolidation of this mechanism has been demonstrated in agreements for the solution of a number of conflicts with the participation of the bodies responsible for the labour sector in certain extremely delicate cases involving complex issues.

Statistics of labour disputes demonstrate that these tripartite discussions have given positive results, yielding a high percentage of disputes settled. Between September 1993 and April 1995, 61 per cent of tripartite negotiations were solved. In the year 1994, 74 per cent were settled, whereas in the previous year a settlement was achieved only in 37 per cent of cases.

The Ministry of Labour facilitates and promotes the organization of unions. The existence and strengthening of associations of workers and employers is again support for the policy of dialogue, negotiation, consultation and mediation.

The consolidation of democracy in Paraguay is also reflected in the growing number of organizations of employers and employees. Up to February 1989 there were only 172 unions whereas as of March 1995, 1,194 union organizations were registered.

However, there are still some unsatisfactory situations whose solution will require a more aggressive response.

It is necessary to improve the monitoring of the implementation of labour standards and to provide the Labour Relations Administration with the technical and material means to improve its efficiency, in its relationship with the social partners, particularly in regard to collective bargaining and in improving labour policy.

Those failures which have been reported are due to the limited effectiveness of the Ministry of Labour as the responsible administrative body, to see that these standards are fulfilled. This will be overcome by the separation of the Ministry of Justice from that of Labour and Social Security, since the present situation explains the difficulties which have arisen. Furthermore, the lack of financial resources for the implementation of an efficient labour policy and the lack of the necessary powers to enforce compliance with the law by the parties involved, since fines are an insufficient sanction.

In the final part of this speech I would like to highlight the words of Mr. Michel Hansenne who in the last Report said that the ILO could not remain indifferent to events which, beginning in 1990, led many countries to undertake a process of democratization. The ILO is contributing to necessary reforms for the consolidation of democracy, pursuing priority objectives like the protection of workers, the elimination of poverty, the promotion of democracy, the defence of human rights, respect of labour standards and the stimulation of employment.

The Paraguayan Government agrees fully with this position and states that it will make ever-increasing efforts to consolidate these objectives which are common to us all. Priority will be given to improving conditions of work and employment, and to the training of workers so as to improve the country's competitive position in a globalized economy.

To conclude, I would like to refer to the new encyclical *Ut unum sit* (that all may be One) of Pope John Paul II. This encyclical is an encouragement to us all and implies that we are moving forward surely and that we are heading in the right direction: dialogue, negotiation, consultation and mediation. As his Holiness said *Ut unum sit* let us all be one for the happiness of all our peoples.

Mr. OFFMANN (*Minister of Labour and Industrial Relations, Mauritius*) – I feel extremely honoured to take the floor before this august assembly on the occasion of the 82nd Session of the International Labour Conference. In the name of the tripartite delegation of Mauritius, which I have the pleasure to lead, and in my own name, allow me to present my congratulations to the President on his election to this high office, and also to the other Officers of the Conference.

As I come from a bilingual country, I would like to renew with tradition and be allowed to continue in the French language.

(The speaker continues in French.)

The world is currently undergoing enormous upheavals that are bringing about profound changes in society on the eve of the third millennium.

The world of work in particular is faced with the employment crisis which is threatening to create serious social problems. We already see the impoverishment of broad sectors of the population in the so-called developing countries, while there are even areas of poverty in the industrialized countries. The Declaration of Philadelphia which in 1944 reformed the principles of the ILO, states that "poverty anywhere constitutes a danger to prosperity everywhere".

If I refer to the case of our own continent of Africa, some worrying questions arise. Beyond the problems associated with the debt burden, the lack of investment and the deterioration of the terms of trade, Africa is beset by a certain marginalization. Will we ever be able to catch up if the gulf between Africa and the other continents is allowed to widen still further? Let us recall the situation of the countries of South-East Asia in the 1970s and then look at what has become of them today. They have gone from a state of backwardness and underdevelopment to become a driving force for economic growth. We are surely seeing new attitudes, new approaches and imaginative bold policies which could also be applied to Africa. Following the emancipation of South Africa which some had believed impossible, let us dare to dream, let us dare to conceive of a vast plan of mutual assistance for the benefit of development in Africa. For it must be accepted that the globalization of markets has brought in its wake worldwide social problems, be it in the form of drugs, AIDS, hunger and poverty, mass migration and so forth. We must now face these problems together on an international scale. That is to say that in our quest for progress, stability and security which are dear to all our hearts, development must be global or it cannot occur at all. The world cannot consider itself advanced if Africa is left behind.

Initiatives are therefore required in order to increase our ability to create better conditions which are conducive to investment and job creation. This would not only enhance the rights of workers, and give them a better quality of life but would also facilitate the gradual observance of social labour standards.

In this connection, the Director-General's Report entitled *Promoting employment* is a very interesting document which proposes certain areas for reflection on employment prospects in various parts of the world. In his analysis the Director-General echoes our concerns when he emphasizes that the introduction of an effective economic system on the international scale is a priority which nevertheless must not turn its back on social requirements. He also echoes our economic philosophy when he stresses that even if there is no universal formula, the authorities should restrict their role to that of facilitating private initiative, leaving it to private initiative to lend impetus to the economy, particularly through the creation of jobs.

In the new economic environment that is the result of the liberalization of trade, we are witnessing a reorganization of work. New production strategies based on the globalization of enterprises must cause us to reflect on their repercussions on the labour force and on industrial relations and international standards. In the context of these structural reforms, the controversy concerning the effectiveness of standards is alive and kicking. Is it a constraint to devel-

opment or is it instead an essential prerequisite to development? There is still the perception that standards reflect the development models of the industrialized regions and that other countries cannot keep up with them. This is eloquently reflected in the widening gap between the number of international Conventions being adopted and ratified. A new approach is called for in the interests of greater flexibility. An associated measure that would encourage wider ratification of standards could involve introducing protocols into all Conventions. This would facilitate a step-by-step ratification and would mean greater flexibility for the benefit of development and social justice. People will no longer point the finger at labour law as being against the right to work and the standard-setting structure of the ILO will emerge strengthened.

My country, the Republic of Mauritius, is situated in the heart of the Indian Ocean. It is without natural resources and has 560 inhabitants per square kilometre. It is a country made up of a mosaic of races, religions, cultures and traditions which offers in all humility to a tormented world, a world tormented by ethnic warfare, an example of peaceful co-existence, pluralism and tolerance.

If I tell you that peace and harmony are just as precious to us as economic development, you will easily understand our concern for solidarity, the international solidarity which we would like to see extended to our mother continent, Africa.

The genius of the Mauritian people has made it possible for us, despite restrictive circumstances, to solve the problem of unemployment during the past decade, while encouraging growth in equity.

Even if the sugar industry remains the backbone of our economy our adventure with the export processing zone gave fresh impetus to our industrialization and a new vitality to the whole economic and social life of our country. I would hasten to reassure all delegates, that our export processing zone is a rare and atypical model, in terms of social standards, where freedom of association and labour laws make their presence felt for both our workers and for foreign workers, with no discrimination between the two.

Mauritius is also well known as a high-class tourist destination with a related industry that has developed quickly. The country's rapid rates of growth with its liberal economy has also spurred the parallel development of its financial services. Mauritius seeks in fact to become an international financial centre. We have great hopes for regional cooperation in expanding our commercial prospects, particularly with the new opportunities that will be ushered in in the post-GATT era.

As regards labour, we are striving to maintain the equilibrium between economic and social aspects. Our concern is not only to preserve what has already been achieved, but also to encourage initiatives aimed at strengthening the rights of workers and affording them more security at work. One historic measure was taken whereby workers in the sugar industry were encouraged to become shareholders and to choose their representatives on the boards of directors of the sugar companies. Furthermore, in order to strengthen social protection against a backdrop of international competition, all our labour laws are currently being revised. In fact a silent revolution is now under way with a view to strengthening tripar-

growing economies of East and South-East Asia demonstrates what can be achieved with the right development strategies. The policy approach underpinning the economic successes in our region is well covered in the Director-General's Report.

International developments are also critically important. The liberalisation of international trade offers us the opportunity for worldwide growth, for job creation and for the alleviation of poverty. As the Director-General in his Report notes, viewed as a whole the world economy appears to be creating the basis for rising prosperity in employment growth. A key role for the ILO is to identify and address the social dimensions of this trade liberalisation and this must include any potentially negative effects on labour standards. Australia supports the frank discussion of this issue in the ILO forums, including the Governing Body's Working Party. Change and adjustment can be achieved whilst ensuring social equity and increased employment. Let me turn to Australia's experience by way of illustration. The Australian Government's industrial relations reforms have been part of a broad strategy to make the Australian economy more internationally competitive. Our industrial relations system is evolving from a centralized one to a more decentralized system in response to changed economic circumstances. The crucial element in the process of reform and adjustments has been the Prices and Incomes Accord between the Government and the Australian Council of Trade Unions. In the 1980s the accord proved vitally important both in promoting a high level of jobs growth but also in doing so without inflationary wages growth. In recent years it has assisted us in achieving labour market reform and it has contributed to the very positive employment growth that we have experienced.

The Government and the ACTU are currently negotiating the details of a new accord which will emphasise social protection in the context of progressive and efficient economic and industrial relations reforms. In introducing our reforms the Australian Government has placed a high priority on ensuring that it does not harm employees. In this way we have ensured that they support change rather than resist it. In this context we have introduced to our own national legislation a number of minimum entitlements based on the Conventions of the ILO. These have guaranteed all Australian workers the right to a fair minimum wage, equal pay for work of equal value, 12 months unpaid leave and protection against unfair dismissal.

Australia takes its ILO obligations and the ILO standards very seriously. We have ratified 54 Conventions today and we are steadily working towards further ratifications. I am pleased to announce today that agreement has been reached for the ratification of a further three Maritime Conventions and can I also say that as a major mining country we are strongly committed to the development of the new ILO standard of safety in mines at this Conference. We will consider this standard as a priority with a view to its early ratification. I know that will please John Maitland very much indeed and all the miners of Australia.

The Director-General has raised the important issue of whether rules providing for employment security are an inhibition on employment growth. His Report concludes that such rules are no barrier or

constraint to creating employment. In Australia some commentators have argued that the employment protections provided in our national laws discourage employers from hiring new staff and this results in higher unemployment. Well, delegates, the Australian figures speak for themselves. Since the provisions took effect in March 1994, more than 350,000 jobs have been created representing 5 per cent growth in employment. Australian's current unemployment rate is now at its lowest point for four years. Thus we believe that we have achieved the right balance between employment creation and ensuring workers have a fair safety net to protect their wages and to protect their conditions.

The Director-General also stresses the importance of international cooperation in order to restore global full employment. We in Australia agree, and agree wholeheartedly, with this approach. Clearly high priority must be given to employment goals in the formulation of international economic policies, programmes and strategies. The Australian Government fully supports the priority given to the promotion of the employment objective in the ILO's work and also in its collaboration with other international agencies. The ILO is well placed to play a key role. Its focus should be on its core mandate emphasizing its expertise in the human and social aspects of development, and emphasizing the importance of employment issues in the process of economic change and economic development.

I know we face a difficult task at this Conference in considering the programme and the budget recommendations for the 1996-97 biennium. It is clear that resources will be limited and need to be deployed to the maximum effect. As the Conference and the Governing Body deliberates on these issues I would urge that the technical programmes which represent a truly key part of the ILO core mandate be protected to the maximum degree necessary. Cut-backs should be concentrated as far as possible in management and in administration. We must strive to protect the new initiatives that are showing so much promise at the moment. For example the Active Partnership Policy which has so much to offer, and nowhere more so than in our Asia-Pacific region.

Australia has strongly supported the technical assistance work of the ILO in our region through our overseas aid programmes. Maintaining an international focus on global employment needs is a challenge for our nations. The problem is one best addressed by all of us working constructively together. The ILO is uniquely qualified to assist in the achievement of the creation of productive employment, the alleviation of poverty and the promotion of social justice. But our work together can only be fully effective with the continuing moral and financial support of all our member States. Australia pledges its support and we urge all other member States to do exactly the same.

Ms. KELTOSOVÁ (*Minister of Labour, Social Affairs and Family, Slovakia*) – First of all, permit me to join the previous speakers in congratulating the President and the other Officers on their election to their respective posts at the 82nd Session of the International Labour Conference. I wish them all success in their difficult and responsible work.

I would also like to express my appreciation for all the activities performed by the International Labour

Organization, particularly by the Director-General, the Governing Body and other special committees, and thank the ILO for the support and encouragement which our country has received since it became a full member of this Organization.

The Slovak Republic is continuing its third year of democratic and pluralistic development and economic transformation based on the socially and environmentally oriented principles of a market economy. It has assumed all the contractual obligations of the former Czech and Slovak Federal Republic, and subsequently has amended its legislation according to European standards. This is a part of our work which is also called for in the association agreement between the European Union and the Slovak Republic. The Government of the Slovak Republic, as stated in its proclamation and plan of work and as a part of the country's economic development, is actively implementing the concept of the complex transformation of the social sphere. Under this concept, the systems of social insurance, state social subsidies and social assistance are being revised. As part of this revision, the Act on social insurance, Act on state social subsidies and Act on social assistance, will be submitted to Parliament for approval, and the Act on minimum subsistence levels is being amended. The Government and the Parliament are currently working on the amendment of the Labour Code.

The Government is taking measures to overcome unemployment and reduce the unemployment level. On 1 January 1993, the employment fund was established with the aim of financing an active employment policy and providing financial support to job applicants. This fund is a public, legal institution and cooperates with the national employment service and local labour offices. The employment fund's organs have a tripartite composition. The national network of labour offices is part of the state administration and provides advisory and assistance services relating to employment. It has been operating for some time. This type of assistance is also provided by non-governmental organizations.

The State has set up a social insurance company and a general health insurance company with their own budgets which are separate from the state budget. They both have boards of directors consisting of tripartite representatives. The social insurance company deals with sickness and retirement benefits. The general health insurance company deals with health insurance and contributes to preventive health care, accident prevention and accident care. There is also a possibility to establish sector, industry, company and public health insurance companies. The State participates in covering the indebtedness of the social insurance company and the general health insurance company by providing them with loans in the amount of up to 100 per cent of their payment insolvency.

Further legislative amendments which should lessen and eliminate the social impact of structural changes, and especially the impact of unemployment and inflation in the social sphere, are in preparation. The Slovak Government underlines the need to take into consideration the social dimensions of economic changes during the period of economic transformation and transition of society towards a market economy.

Our positive attitude towards the principles and goals of the International Labour Organization was

also expressed during the Third European Conference on Tripartism in September of last year, which we had the honour to organize in our capital, Bratislava. What was produced by the Conference has been further elaborated by all the social partners, and the adoption of special legal instruments concerning the implementation of international labour standards is under consideration.

At present, Slovakia is bound by 57 ILO Conventions and is continuing its preparation activities to ratify additional international legal instruments, including the European Social Charter. Preparations for the ratification of 16 more ILO Conventions are included in the general agreement for this year. In this process, all the social partners are guided by the same principle: that it is necessary to amend the internal legislation to bring it into line with the requirements and provisions of a relevant Convention, and only then to ratify the ILO Convention, and not vice versa.

I would like to express the appreciation of my delegation to the Director-General for his Report which we consider very comprehensive and useful. We fully agree with the contents of this Report. As far as other items on the Conference agenda are concerned, let me express some views of my delegation.

As for the adoption of the new international standards, the delegation of the Slovak Republic supports their adoption. The reasons for our position are both historical and practical.

The safety and health protection issues related to work in mines, and mining as a whole, have deep historical roots in Slovakia. Ladies and gentlemen, you might know, but perhaps not, that the first mining school in the world was established in the old Slovak mining town of Banská Stiavnica in the year 1773 and received the name "Mining Academy". Banská Stiavnica has been included in the UNESCO list of historical monuments of the world's cultural heritage. The tradition, knowledge and experience of mining is reflected in a number of safety regulations which deal with the safety of work in mines. But the most important ones which apply in the Slovak Republic and relate directly to the proposed international standards of safety and health in mines are Act No. 51/1988 on mining activities, explosives and the state mining administration, and Executive Regulation No. 21/1989 on safety and health protection at work, operational safety in mines and activities performed in underground mining. This regulation deals with specific issues and consists of 332 sections.

The Slovak Republic's Labour Code makes provision for home work in section 267. A homemaker is defined as a person who performs work not on the employer's premises, but at home. Conditions under which homeworkers perform the work are set forth by the respective labour contract concluded between the homemaker and the employer. As a preventive measure, the above-mentioned section 267 provides for the possibility that labour relations between the employer and the homemaker are regulated by government regulations.

As regards the revision of the Labour Inspection Convention, 1947 (No. 81), we support the idea of extending its jurisdiction to non-commercial services such as health care, education, church working activities, the postal service, telecommunications, energy distribution and social service institutions, etc. In Slovakia the provisions of this Convention are

mainly set out by Act No. 174 of 1968 on the supervision of occupational safety at state establishments.

The Slovak Republic actively participated in the World Summit for Social Development held in Copenhagen, and accepted the commitments and recommendations contained in the Declaration and the Programme of Action. We are pleased that support for the transition countries, including Slovakia, has been expressed in the Copenhagen Declaration, as well as in the ILO's contribution to the Summit. The outcome of the Summit is being carefully studied by the Slovak Government, with a view to bringing its conclusions into practice.

In Copenhagen a lot of attention was paid to the situation of women. In Slovakia, particular attention is being paid to this subject and we will be able to present a positive evaluation of the topic at the upcoming Fourth World Conference on Women, to be held in Beijing this year.

In my brief presentation, I could not address all the activities which are being undertaken by the Slovak Republic in the sphere of labour and social relations. As we think that the ILO has been constantly contributing to improving the culture of labour and social relations, I would like to reiterate the commitment of the Slovak Government to participate actively in the work of the Organization in the future, and contribute to achieving its goals.

Mr. PÉTURSSON (*Minister of Social Affairs, Iceland*) – I would like to begin my address by congratulating Mr. Rosales Argüello on his election as President of the 82nd Session of the International Labour Conference. I agree with what earlier speakers have said and I am sure that he will discharge this important task well, thus ensuring that the Conference will produce the best possible results.

The Director-General's Report this year bears the title *Promoting employment*. It is an abridged version of the first of a new series of reports dealing with the world employment situation. It presents a survey of employment levels in all the main economic regions of the world and diagnoses the problems which is currently afflicting most nations of the world: growing unemployment, which leads to an increase in social problems, in particular poverty and social exclusion. The Report attempts to analyse the causes of the rise in unemployment and also to point out ways of solving this problem which most, if not all, of the governments of the ILO member States are currently facing. This is no easy task. The latter part of the Director-General's Report draws attention to the fact that full employment was the main priority in economic policy after the Second World War. The adoption of this goal stimulated the creation of employment. The Director-General points out that politicians appear to have adopted a defeatist attitude towards the challenge of unemployment and that this is unfortunate. I fully agree with him on this point. What is crucial is to tackle the problem in the conviction that unemployment is an unacceptable evil and in the belief that it is possible to maintain full employment for everyone who wants to work.

In the earlier part of his Report, the Director-General discusses the main trends in employment and the economy over the past few decades, once again drawing attention to the shifts in emphasis which have taken place in the structure of world production. Agriculture and industry have declined while

services have grown in importance, particularly in the industrialized countries. This in turn has caused a change in the structure of employment. The decline in the share of industry and agriculture in world production has resulted in considerable unemployment in these sectors.

The Government of Iceland took an active part in the Uruguay Round of Multilateral Trade Negotiations, and Iceland is among the founder members of the World Trade Organization. On the whole, Iceland is reasonably satisfied with the outcome although it cannot be denied that a reduction of tariffs on certain categories of goods could have a serious effect on some employment sectors in Iceland. This applies not least to Iceland's agricultural sector which has the comparative disadvantage of difficult climatic conditions, and a large part of the workforce in Iceland depends directly or indirectly on farm production.

The Director-General's Report discusses the Uruguay Round and its potential effects on the market and employment. It is notable how cautious the Director-General is in his assessment. He points out that for many countries the implementation of the agreement will not be painless and will require many types of positive adjustment measures. This applies in particular to the export of textiles, clothing and agricultural products from the South to the North. The contracting parties must understand that, in those sectors where the agreement cannot be expected to have substantial effects, direct government intervention will be necessary. In Iceland this applies mainly to agriculture. Unrestricted competition, too rapid a reduction of grants and other forms of assistance could mean a serious destabilization in the pattern of regional population distribution with all its attendant social problems. I was interested to see that the Director-General's Report shows a sensitive understanding of this particular problem.

The Report mentions specifically the importance of continued state support to the small farm sector and also that investments in agriculture aimed at raising productivity have high economic returns. It states that economic liberalization with higher producer prices and reduced taxes ensures export potential and can improve economic opportunities for the agricultural sector as a whole. However, the agricultural sector has often been unable to make use of such new market opportunities. This has been because of the reduction or withdrawal of state support to the small farm sector. The Director-General stresses that governments should avoid making such errors policy errors so as to ensure that small farmers and agriculture as a whole are able "to benefit fully from the new opportunities created by economic liberalization". I fully concur with this view.

As most of you probably know, Iceland is a nation with a small population living in a relatively large country. Our ancestors settled in the country in the year 874. From 1262 until 1945 we lived under foreign rule and the struggle for full independence during those centuries made us aware of the value of international cooperation and the desires of other nations to enjoy freedom and independence. This is why Iceland was among the first nations to recognize the newly independent countries of Eastern Europe.

We wish to cooperate on an equal basis with other States, not least through the United Nations and its specialist agencies.

We expect Iceland and other small nations to receive the same sort of treatment as other sovereign states. It should be remembered that the contributions made by smaller nations, both in financial terms and in the form of active participation in the work of international agencies, stand comparison with the contributions made by most larger nations.

I was therefore rather surprised to note that the Director-General's Report does not say a single word about the Organization's smaller Members. At least not those that are within Europe. It seems that this policy applies even to the smallest details in the Report. For example, footnote 2 on page 66 of the English edition states: "EFTA comprises only Switzerland, Austria, Norway and Sweden". This is incorrect as Iceland had been a member of EFTA since 1970, Finland was a member State and Liechtenstein is a member. I hope that this is only an error and not a deliberate policy. If it were, I would feel obliged to object to it on behalf of the Government of Iceland. To avoid misunderstandings I should point out that as a result of their entry into the European Union, Austria, Finland and Sweden left EFTA on 1 January 1995.

I wish to make it clear that the Government of Iceland is concerned that development in the world economy and trade should be accompanied by social reforms. This is why Iceland supports the continued discussion of these matters within the framework of the ILO.

On the other hand we also wish to declare our support for the view that the work of the ILO in this area should be reviewed. We believe that this is an important subject for debate not only in connection with trade agreements as such, or social dumping. It concerns basic human rights not least the rights of workers which ought to be the prime concern of this organisation. We support those who have warned against the danger that this discussion will lead to an adoption of disguised protectionist policies that will restrict exports from the developing countries and obstruct their progress towards improved living standards and social progress. We believe, however, that such social clauses could be restricted to basic rights, e.g. the right to organize, the right to collective bargaining, the abolition of forced labour and the abolition of child exploitation at work. In this connection I should like to say how pleased I was with the outcome of the World Summit for Social Development held in Copenhagen last March. As we have seen, the Director-General of the ILO has already started preparations for the implementation of those parts of the Declaration and Programme of Action of the Copenhagen Summit which comes under the ILO's field of operations.

I wish this 82nd Session of the International Labour Conference every success and we hope that it will prove productive.

Original Spanish: Mr. ARRATE MAC NIVEN (*Minister of Labour and Social Welfare, Chile*) – First of all, I would like to congratulate the Minister of Labour of Nicaragua on his election to the presidency of this assembly. For Chile, the election of a Latin American to chair this meeting is a source of genuine pride.

I would also like to congratulate the Director-General of the ILO, Mr. Michel Hansenne, for the programme presented to us in his Report *Promoting*

employment. Particularly noteworthy is the approach proposed by the Director-General to the objectives of improving the quantity and quality of jobs in our countries.

Mr. Hansenne points out that it is a fundamental challenge to combat unemployment, underemployment and low salaries and that this is the major responsibility of economic and social policies. In this way, he reminds us that to reach these objectives we must tackle questions from both the economic and social standpoint. This statement is of the utmost importance when, in our countries, we often hear ideas put forward that tend to ignore the social dimension of policies that are aimed at creating more and better jobs.

As the Director-General rightly points out, prevailing development trends at the international level have created new opportunities to increase growth rates and create employment, but at the same time they have given rise to various social problems that need urgent consideration. I would like to mention three such problems: one, the fact that many kinds of employment are now precarious; two, the emergence of new types of inequality; and, three, the breakdown of social integration.

For this reason we must consider the appeal made by the Director-General in his Report to adopt policies that will encourage a fairer distribution of the benefits and costs of globalization among and within countries. In keeping with his idea, which is endorsed by the Government of Chile, we must also consider, among these policies, how to improve and modernize the basic standards regulating labour relations.

It is a great source of satisfaction that the guidelines laid down in the Director-General's Report coincide entirely with the policies now being drawn up in my country. The democratic governments, starting in 1990, have defined their concept of economic and social development on the basis of growth and modernization, in the framework of equality and social justice. We are trying to ensure sustained growth against the backdrop of a highly competitive and open market economy which offers more and better opportunities for all Chileans, especially the poorest, to move forward.

The Government of Chile is firmly convinced that for economic growth to be socially legitimate it must have a moral objective, which can be no other than that of a better and more dignified life for all Chileans, especially those with the least. Growth that increases already large social differences or which condemns large sections of the national community to marginalization or exclusion does not fulfil the moral objective I mentioned. Therefore, the absence of a clear criterion of equality with regard to the distribution of the fruits of growth would rob any development strategy of sense and legitimacy.

In the last few months the Government of President Frei has submitted to the Congress a whole package of bills designed to modernize our labour institutions and tighten up rights to join trade unions and to collective bargaining.

These bills seek to build on the major progress already made by the Government of President Aylwin between 1990 and 1993. Their aim is to guarantee more suitable conditions for the development of collective agreements in enterprises and substantially increase involvement and sphere of competence.

The Government aims to promote the social autonomy of all sides through collective bargaining to which only 15 per cent of workers under contract with an employer are entitled at present. At the same time, it is trying to expand and provide better protection for trade union rights in our country where trade union membership stands at about 20 per cent of salaried workers.

We are convinced that measures to involve more workers in collective bargaining and allow them more scope to establish or join trade unions are an important weapon in reaching the objective of growth with equality and social justice. Measures of this kind will help us, on the basis of consensus, to face up to the challenges of an economy characterized by constant adjustments in labour markets as a result of rapid technological developments and changes in the conditions of international competitiveness. In this way, the cost and the benefits of this process can be adequately shared.

Along the same lines, we have launched other highly relevant projects. They include measures to modernize and improve our present system of training and vocational training, basically financed by State funds and administered by enterprises, and their aim is to reach more people and improve quality. In particular, we would like to target these resources in small and medium-sized enterprises, at persons entering the labour market, women and the unemployed, and at providing training for persons affected by the structuring of our productive apparatus.

Furthermore, we are working on new legislation to improve the supervisory powers of the State with regard to labour and social protection. We are trying to guarantee greater respect for labour standards in force, which is a prerequisite for fair competition between enterprises and for lasting social peace, in a climate of respect for workers' and employers' rights.

We are also in the throes of modernizing our labour legislation and expediting its proceedings. We are trying to improve the administration of justice and make it more accessible to workers and employers.

In the next few months we will submit a proposal relating to an income protection system for unemployed workers to guarantee an income for a certain period, for persons who are unemployed due to labour market mobility.

These policies are part of a comprehensive proposal for changes designed to improve the quality of our labour institutional structure in view of the demands of economic modernization currently facing the country at a time of fierce international competitiveness and impending agreements on economic integration.

In short, we are trying to improve the quality of the legislation currently in force, increase respect for the law and access to the judicial system, extend the rights guaranteed by our Constitution to areas of labour currently denied them because of legislative shortcomings, and to strengthen the combined effect of our information policies on employment, training and protection for unemployed workers, and of the consequent impact on the use and allocation of our human resources.

We are helped by our certainty that the initiatives we have mentioned are extremely important steps in our efforts to marry economic development with so-

cial development, the market with democracy, entrepreneurial freedom with social rights, flexibility in applying productive resources with social protection that can rise to the demands of our time.

The need to reconcile technical and economic criteria relating to the theory of the market to the social criteria which inspire the modern idea of democracy is not always understood by everyone as we would like it to be. However, we firmly believe in bipartite and tripartite social dialogue and we promote them at every opportunity in our country.

We hope that the ideas expressed by the Director-General of the ILO will be considered carefully by those that are still cautious about the changes proposed. I am sure that the Director-General's Report will help us to turn our backs on inflexible theoretical positions which, when we compare situations around the world, we see are stultifying. His analysis invites us in our opinion to look upon chances to increase employment as a social challenge to us all and to reject the tendency of some which, ostensibly to create employment, try to liberalize the labour market in such a way as to leave the worker with little or no protection.

Once again, I would like to express my Government's firm conviction that dialogue and cooperation are the most effective tool for making real progress in a world of work currently suffering tensions caused by universal and far-reaching change. Many of these changes amount to a genuine structural overhaul in our countries.

In Chile, we have learnt that constructive debate, and especially the recognition that human beings – in both an individual and social context – are the prime focus of all our development policies, are the only ways in which we will be able to find effective solutions to the challenges we currently face.

I would like to welcome the opportunity afforded by this gathering, and the agenda proposed, to look at the crucial issues currently facing the world of work.

Original Spanish: Mr. MORALES (Minister of Justice and Labour, Paraguay) – I would like to congratulate the Minister of Labour of Nicaragua on his appointment to preside over this Session of the Conference.

It is a great satisfaction to address this tripartite Conference where Governments, Workers and Employers expound their thoughts so that the 82nd Session of the International Labour Conference should adopt resolutions for overcoming the social problems of today's world.

I represent the Government of the Republic of Paraguay, headed by President Juan Carlos Wasmosy, a civilian President, freely elected by the people on 9 May 1993, who has consolidated democracy in Paraguay by insisting upon unrestrained exercise of civil rights, full freedom of the press, the institutionalization of the Republic and reform of the State. In social affairs, the objective is to move away from the sterile habits of pushing claims through confrontation, replacing them with the more fruitful policy of dialogue, negotiation and mediation.

The Ministry of Labour, as part of this policy, has Dialogues which are providing effective results. For example, the most recent one was the Tripartite Agreement signed on 19 April which avoided a general strike planned for 2 May, without any sacri-

fice of rights enshrined in the Constitution and the law.

The Government wishes to take advantage of the tripartite basis of this Conference to congratulate the trade union and employers' leaders in our country for the negotiating skill which they demonstrated in getting over the strategy of confrontation and polarized posturing and moving towards a fruitful strategy of dialogue, negotiation and mediation.

The Government recognises that it is not easy to achieve the ideals of democracy, respect for human rights and public and political liberties. It is not easy either to achieve economic growth and social improvement, without consultation between government and representative associations, since my country has a relatively weak economy, mostly dependent upon agriculture, and it cannot remain unaffected by the unpredictable exogenous developments, nor by changes in world trade. A globalized economy requires modern domestic institutions to progressively raise financial resources and invest them, and to bring in foreign investment and social participation is the only way to formulate the projects which, with courage and decisiveness, will improve the living standards of the people.

Paraguay is not an island in this new social situation which will face us at the dawn of the twenty-first century. The Government is fully aware of the problems which ceaselessly beset us: poverty, ignorance, endemic disease, communities isolated from the outside, increasing crime both nationally and internationally, corruption, human rights violations, unemployment, underemployment – these are only some of the aspects of the globalization of the social problem in developing countries, although some also affect the first world, like crime and unemployment, for example.

The growing problem of unemployment is a world problem which affects developed and under-developed countries alike. It requires both aggressive policies and mediation and consultation, contradictory as this may seem.

We must take an aggressive stance in seeing that the law is fulfilled and that the Conventions of the ILO are implemented, so as to legalize the situation of the workers and put an end to the practice of "black" labour, which inflicts utterly subhuman conditions on workers.

Consultation and mediation arises from joint analysis and frank dialogue between governments, workers and employers on the following subjects: working conditions; the definition of the labour market; the effects of advanced technology upon the amount of labour which is required in the labour market; the implementation of accelerated vocational training policies to match the requirements of the market and that will include retraining as a way of reducing unemployment; and likewise alternative ways of hiring labour without in any way impairing the dignity of the worker.

As far as the burning subject of privatization is concerned, the policy of the Government is to adopt a gradual approach, giving preference to the wishes of the workers, and adapting them to the redefinition of the role of the State on the one hand and to the redefinition of their role as workers within the private sector on the other.

In the World Summit for Social Development in Copenhagen countries committed themselves to pro-

moting social integration, by fostering societies that are stable, safe and just and based on the promotion and protection of all human rights. I refer to Commitment 4.

In its Chapter III of the Programme of Action an appeal is made for "the safeguarding and promoting respect for basic worker's rights including the prohibition of forced and child labour, freedom of association and the right to organize and bargain collectively, equal remuneration for men and women for work of equal value and non-discrimination in employment". Likewise, it was stated that "governments should strongly consider ratification and full implementation of the ILO Conventions in these spheres".

The Social Summit gave guidance to governments and supports the policies of the ILO management in the social sphere. I can assure you that my Government like all other governments throughout the world will translate these intentions into practice.

There exist problems which are very closely inter-linked and which are of concern to politicians, economists, jurists and social partners, all touching on the great social issue at a time of profound structural changes in the economy, in trade, in production and in services. New technologies, the redesigning of the productive process, the globalization of markets (including the labour market through the relocation of jobs from high labour cost countries to low labour costs countries) worldwide competition, increased unemployment; these are some of the most burning problems.

For the solution of such problems there are extreme positions which support deregulation, the flexibilization of labour standards which are seen as obstacles to competitiveness and growth, whereas prudence demands an understanding that labour standards are instruments for the promotion of both productive efficiency and social justice. Without them there can be no industrial innovation, nor economic dynamism, nor can a fair sharing of the economic benefits which come from change.

The approach of the ILO reflects the following concerns: (a) the constitution of modern efficient institutions which are not just profitable, but are also capable of protecting people and offer them support through the adjustment process; (b) the integration, right from the start, of social considerations in the design of economic reform so as to not only mitigate the adverse effects of adjustment but also to promote positive ways of contributing to sustained long-term growth; (c) the participation of social partners in the design and implementation of programmes so as to achieve a social consensus around their objectives.

In the face of present challenges, certain regions of the world are moving to form regional associations which exhibit internal complementarity and raise their potential. Decentralization within countries is accompanied by regional or continental integration. No country can solve its social problems in isolation: decentralization and integration are not contradictory because some spheres of activity are best fulfilled at the local or departmental level, while others are better done at the regional or continental level.

The wealthy nations march forward alone but the developing countries require strengthening by integration. In our case, a relatively small country with a small population and domestic market, mutual relationships are of fundamental importance to maintain

social peace and it is the job of the ILO to struggle permanently to improve working conditions.

Social issues in my country require a number of different approaches, some positive, and others requiring incentives and improved courses of action so as to achieve good labour relations.

At present the relationship between the Ministry of Labour and the employers' and employees' organizations are cordial, based upon the Government's policy of dialogue, negotiation, consultation and mediation, and the organization of a big tripartite negotiation, in January 1994, right at the beginning of its period of office.

I wish to recall once again the tripartite agreement of 19 April which led to the cancellation of a general strike announced for 2 May. It was within this agreement that workers, employers and the Government confirmed their conviction that dialogue and negotiation are the best instruments for the solution of work-related problems and reaffirmed their commitment to this mechanism of dialogue as the first step in settling future disputes.

In this spirit the National Minimum Wage Board was set up and it granted an increase of 15 per cent in the minimum wage as of 1 May 1995, on the basis of a study which was supported by all parties involved. It is established in the agreement that the central union bodies will not call for strike action while the process of dialogue and negotiation is under way, and the Government for its part agreed to study wage increases, the approval of the State Employee's Code, and likewise to set up open processes of dialogue especially in the fields of social security, wage policy and employment policy. This shows that the tripartite process underwrites the validity of social dialogue as a method to solve the problems in labour relations.

Enhanced credibility is given to the labour sector in the management of work. The Government is aware that there must be improved cooperation at various levels and in various fields, and that the administration of labour relations should be based upon better cooperation between the employers' and employees' organizations with a view to an improved application of labour legislation.

There is a steady improvement in conflict resolution by dialogue, negotiation consultation and mediation. The consolidation of this mechanism has been demonstrated in agreements for the solution of a number of conflicts with the participation of the bodies responsible for the labour sector in certain extremely delicate cases involving complex issues.

Statistics of labour disputes demonstrate that these tripartite discussions have given positive results, yielding a high percentage of disputes settled. Between September 1993 and April 1995, 61 per cent of tripartite negotiations were solved. In the year 1994, 74 per cent were settled, whereas in the previous year a settlement was achieved only in 37 per cent of cases.

The Ministry of Labour facilitates and promotes the organization of unions. The existence and strengthening of associations of workers and employers is again support for the policy of dialogue, negotiation, consultation and mediation.

The consolidation of democracy in Paraguay is also reflected in the growing number of organizations of employers and employees. Up to February 1989 there were only 172 unions whereas as of March 1995, 1,194 union organizations were registered.

However, there are still some unsatisfactory situations whose solution will require a more aggressive response.

It is necessary to improve the monitoring of the implementation of labour standards and to provide the Labour Relations Administration with the technical and material means to improve its efficiency, in its relationship with the social partners, particularly in regard to collective bargaining and in improving labour policy.

Those failures which have been reported are due to the limited effectiveness of the Ministry of Labour as the responsible administrative body, to see that these standards are fulfilled. This will be overcome by the separation of the Ministry of Justice from that of Labour and Social Security, since the present situation explains the difficulties which have arisen. Furthermore, the lack of financial resources for the implementation of an efficient labour policy and the lack of the necessary powers to enforce compliance with the law by the parties involved, since fines are an insufficient sanction.

In the final part of this speech I would like to highlight the words of Mr. Michel Hansenne who in the last Report said that the ILO could not remain indifferent to events which, beginning in 1990, led many countries to undertake a process of democratization. The ILO is contributing to necessary reforms for the consolidation of democracy, pursuing priority objectives like the protection of workers, the elimination of poverty, the promotion of democracy, the defence of human rights, respect of labour standards and the stimulation of employment.

The Paraguayan Government agrees fully with this position and states that it will make ever-increasing efforts to consolidate these objectives which are common to us all. Priority will be given to improving conditions of work and employment, and to the training of workers so as to improve the country's competitive position in a globalized economy.

To conclude, I would like to refer to the new encyclical *Ut unum sit* (that all may be One) of Pope John Paul II. This encyclical is an encouragement to us all and implies that we are moving forward surely and that we are heading in the right direction: dialogue, negotiation, consultation and mediation. As his Holiness said *Ut unum sit* let us all be one for the happiness of all our peoples.

Mr. OFFMANN (*Minister of Labour and Industrial Relations, Mauritius*) – I feel extremely honoured to take the floor before this august assembly on the occasion of the 82nd Session of the International Labour Conference. In the name of the tripartite delegation of Mauritius, which I have the pleasure to lead, and in my own name, allow me to present my congratulations to the President on his election to this high office, and also to the other Officers of the Conference.

As I come from a bilingual country, I would like to renew with tradition and be allowed to continue in the French language.

(The speaker continues in French.)

The world is currently undergoing enormous upheavals that are bringing about profound changes in society on the eve of the third millennium.

The world of work in particular is faced with the employment crisis which is threatening to create serious social problems. We already see the impoverishment of broad sectors of the population in the so-called developing countries, while there are even areas of poverty in the industrialized countries. The Declaration of Philadelphia, which in 1944 reformed the principles of the ILO, states that "poverty anywhere constitutes a danger to prosperity everywhere".

If I refer to the case of our own continent of Africa, some worrying questions arise. Beyond the problems associated with the debt burden, the lack of investment and the deterioration of the terms of trade, Africa is beset by a certain marginalization. Will we ever be able to catch up if the gulf between Africa and the other continents is allowed to widen still further? Let us recall the situation of the countries of South-East Asia in the 1970s and then look at what has become of them today. They have gone from a state of backwardness and underdevelopment to become a driving force for economic growth. We are surely seeing new attitudes, new approaches and imaginative bold policies which could also be applied to Africa. Following the emancipation of South Africa which some had believed impossible, let us dare to dream, let us dare to conceive of a vast plan of mutual assistance for the benefit of development in Africa. For it must be accepted that the globalization of markets has brought in its wake worldwide social problems, be it in the form of drugs, AIDS, hunger and poverty, mass migration and so forth. We must now face these problems together on an international scale. That is to say that in our quest for progress, stability and security which are dear to all our hearts, development must be global or it cannot occur at all. The world cannot consider itself advanced if Africa is left behind:

Initiatives are therefore required in order to increase our ability to create better conditions which are conducive to investment and job creation. This would not only enhance the rights of workers, and give them a better quality of life but would also facilitate the gradual observance of social labour standards.

In this connection, the Director-General's Report entitled *Promoting employment* is a very interesting document which proposes certain areas for reflection on employment prospects in various parts of the world. In his analysis the Director-General echoes our concerns when he emphasizes that the introduction of an effective economic system on the international scale is a priority which nevertheless must not turn its back on social requirements. He also echoes our economic philosophy when he stresses that even if there is no universal formula, the authorities should restrict their role to that of facilitating private initiative, leaving it to private initiative to lend impetus to the economy, particularly through the creation of jobs.

In the new economic environment that is the result of the liberalization of trade, we are witnessing a reorganization of work. New production strategies based on the globalization of enterprises must cause us to reflect on their repercussions on the labour force and on industrial relations and international standards. In the context of these structural reforms, the controversy concerning the effectiveness of standards is alive and kicking. Is it a constraint to devel-

opment or is it instead an essential prerequisite to development? There is still the perception that standards reflect the development models of the industrialized regions and that other countries cannot keep up with them. This is eloquently reflected in the widening gap between the number of international Conventions being adopted and ratified. A new approach is called for in the interests of greater flexibility. An associated measure that would encourage wider ratification of standards could involve introducing protocols into all Conventions. This would facilitate a step-by-step ratification and would mean greater flexibility for the benefit of development and social justice. People will no longer point the finger at labour law as being against the right to work and the standard-setting structure of the ILO will emerge strengthened.

My country, the Republic of Mauritius, is situated in the heart of the Indian Ocean. It is without natural resources and has 560 inhabitants per square kilometre. It is a country made up of a mosaic of races, religions, cultures and traditions which offers in all humility to a tormented world, a world tormented by ethnic warfare, an example of peaceful co-existence, pluralism and tolerance.

If I tell you that peace and harmony are just as precious to us as economic development, you will easily understand our concern for solidarity, the international solidarity which we would like to see extended to our mother continent, Africa.

The genius of the Mauritian people has made it possible for us, despite restrictive circumstances, to solve the problem of unemployment during the past decade, while encouraging growth in equity.

Even if the sugar industry remains the backbone of our economy our adventure with the export processing zone gave fresh impetus to our industrialization and a new vitality to the whole economic and social life of our country. I would hasten to reassure all delegates, that our export processing zone is a rare and atypical model, in terms of social standards, where freedom of association and labour laws make their presence felt for both our workers and for foreign workers, with no discrimination between the two.

Mauritius is also well known as a high-class tourist destination with a related industry that has developed quickly. The country's rapid rates of growth with its liberal economy has also spurred the parallel development of its financial services. Mauritius seeks in fact to become an international financial centre. We have great hopes for regional cooperation in expanding our commercial prospects, particularly with the new opportunities that will be ushered in in the post-GATT era.

As regards labour, we are striving to maintain the equilibrium between economic and social aspects. Our concern is not only to preserve what has already been achieved, but also to encourage initiatives aimed at strengthening the rights of workers and affording them more security at work. One historic measure was taken whereby workers in the sugar industry were encouraged to become shareholders and to choose their representatives on the boards of directors of the sugar companies. Furthermore, in order to strengthen social protection against a backdrop of international competition, all our labour laws are currently being revised. In fact a silent revolution is now under way with a view to strengthening tripar-

lated to the level of local and foreign investments, and to the outlook for development of the service and trade sectors, etc.

In this way it will be possible for the public employment services to continue developing. They will in turn influence and actively participate in this market, providing incentives to create new jobs, as well as services operating in the labour market to mediate in tailoring supply to demand.

Measures that have demonstrated their efficiency in the different countries of the world and which contribute to increasing the job offer and facilitating the possibility of finding employment in the future areas are: training and retraining; provision of services for groups of people who represent themselves to the labour market with specific problems (we may mention here the establishment of business clubs, work clubs, etc. which will contribute to developing individual skills of the people concerning their efforts to find employment by themselves); and concrete programmes of development.

Our institutions are in the early stages of creating and implementing these programmes. A very important role is being played by the training centres established lately in Albania which by means of training programmes train the unemployed in accordance with the needs of the Albanian labour market.

Another aspect of employment promotion involves the programmes concerning temporary public labour, which will make it possible to find jobs for the unemployed, particularly the long-term ones.

The development of these programmes aimed at temporary employment for the jobless will have a positive effect both on the involvement of these people in the labour market and on the macroeconomic development of society.

In our Ministry of Labour we have been implementing ILO projects aimed at equipping the new labour administration to operate in the labour market through active employment policies at the local and national levels. It is our aim to consolidate tripartism as a very important element in the free market economy.

The Government is dedicating a great deal of attention to tripartism in order to maintain the progress achieved during the period of transition; the Government, employers and employees are indispensable to the democratization of the economy.

The Government of Albania has faith in democracy. It appreciates the cooperation with the ILO and the contribution made by this important Organization so that we can meet the challenge of a democratic society.

I sincerely wish success to all the participants in the Conference.

Original Portuguese: Mr. GONÇALVES DE OLIVEIRA FONSECA (*Employers' delegate, Brazil*) – On behalf of the Brazilian Employers, I should like to begin by warmly congratulating the President on his election to head the work of this International Labour Conference, and I should also like to congratulate the Vice-Presidents and the other Officers of the Conference, and wish them every success.

The Director-General has selected as the main topic for this Conference the promotion of employment. His Report considers many facets of the employment situation throughout the world but we

have yet to hear, particularly with respect to labour and flexibility costs, the positions of the Employers' representatives which have been expressed at various levels of the ILO. There are many problems that can hinder and complicate the creation and maintenance of full and productive employment. These include in Brazil, in particular: labour market rigidity which is a result of excessive bureaucracy, over-regulation and a tax system that holds back and discourages new initiatives; the high cost of labour and the lack of a clear and stable employment policy. Support for micro, small and medium-sized enterprises is particularly important because these generate employment. Raising the status of training programmes for the heads of small and medium-sized businesses together with technical support will be increasingly effective in creating employment. Another effective strategy is the development of policies to improve workers' skills. It is essential to invest in basic education to tackle the changes brought about by new production processes. The degree of labour market flexibility also depends on the skill levels of the labour force; this can make it easier for workers to move between jobs, thus helping to reduce the structural component of unemployment.

With respect to vocational training, let me say that, in Brazil, the employers' organizations long ago took over responsibility for this function and maintained and administered it through the National Confederations of Industry, Trade, Transport and Agriculture, their own vocational training and development departments. To ensure that these services continue to pursue excellence in vocational training in Brazil, the support of the ILO is essential, and this support will contribute to the adoption and dissemination of new low-cost technologies. In Brazil, workers' social payments are a heavy burden and are over 100 per cent of direct labour costs due to very high tax and contribution levels, and also to the many indirect workers' benefits which are mandatory on all enterprises regardless of their size. In addition, in recent years, workers' protection and benefits have been increased to such a degree – especially following promulgation of the Constitution in 1988, that this has largely served as a disincentive to creation of employment in the formal economy. Employment promotion requires labour market flexibility and deregulation and, in particular, adoption of a new model of labour relations which will define a minimum set of fundamental rights; expansion of these rights should be arrived at by free bargaining between the interested parties to the extent that circumstances permit and require.

To summarize our approach to labour costs, we believe it will be better to carry out thorough going, integrated changes in labour market regulation, and payroll taxes. This would be preferable to stringent measures that are difficult to implement, highly controversial and not very effective in generating and maintaining full, productive employment.

Another employment promotion challenge is to set up an employment policy that will lay down the conditions essential for economic stability, a population policy, investments designed to enhance international competitiveness, micro, small and medium-sized enterprises and vocational training adapted to the needs of productive units and new needs for vocational skills and capabilities for people working with new technologies.

After the Second World War, the Brazilian economy obtained an international reputation for its rapid growth and its high level of job creation. Industrialization promoted by import substitution considerably increased the number of jobs in the industrial and service sectors. This helped the labour market absorb the population growth brought about by very high birth rates. However, as from the early 1980s, the picture changed, as a result of the foreign crisis debt. Two major recessions in 1981-83 and 1990-92 significantly affected the level of economic activity. As a result, visible unemployment and, in particular, underemployment have risen considerably in recent years. Even the resumption of growth beginning in 1993 has still produced no significant increase in employment. It is here that we have the major contradiction of our times. World trade globalization sharpens competition, enforces new patterns of production and requires business in all parts of the world to adopt new technologies and to work even harder to increase productivity.

From the standpoint of the consumer this is a very positive development in that it makes available to the consumers better and cheaper goods and services. Ultimately, however, such practices destroy jobs and swell unemployment figures, even when the economy is growing. At best, the employment creation curve, even when it is rising suffers in comparison to the production curve.

To reconcile the irreversible demand for quality and productivity we need to continue to create employment and sufficient jobs to employ the millions of young people who each year enter the labour market. This seems to be the major challenge to be faced by governments throughout the world and the ILO. As Stephan Kanitz has said, "The great challenge of the future, especially for a young country like Brazil, with a population growth rate out of line with its economic growth, is job creation".

Given the many great challenges that we will face in the future, I would like to reaffirm the special interest of Brazilian employers in consolidating ILO strategies and programmes. These are designed to promote and to make known the two major resolutions that were adopted by the 79th International Labour Conference: the Resolution concerning the role of enterprises in employment growth and the creation of full, productive and freely chosen employment; and the Resolution concerning employment promotion as an essential component of overall development.

Original Arabic: Mr. AL-BETANI (*Minister of Labour and Social Affairs, Yemen*) – I am very happy to be able to participate with the delegation of my country, the Republic of Yemen, in the 82nd Session of the International Labour Conference. I would also like to congratulate the President on his election to chair this session of the Conference, and I am sure that under his guidance and with the benefit of his abilities and wisdom we are guaranteed positive results, which will help us to improve the working of the International Labour Organization.

Our participation in the proceedings of this session of the Conference comes on the heels of the unification of my country, Yemen, and of considerable progress in areas such as democracy, political pluralism, the transition towards a market economy, the formulation of the machinery and regulations

needed to implement it, and measures to consolidate participation by the people. My country is trying to create a productive labour force and at the same time increase investment in human resource development.

The Republic of Yemen has adopted a market economy in the framework of its economic and social policy and is trying to encourage the population to participate in the development process. Furthermore, the Constitution of our country stipulates that the national economy must be based on freedom for economic activity which should respect the interests of society and the individual in this regard. We have adopted the following principles: social justice, the need for fair competition between private and public sectors, protection of and respect for private property, and equal opportunities for all citizens. The development of our country is nevertheless hampered by a range of difficulties. Yemen is one of the least developed countries, per capita income is a mere \$640 and in recent years we have run into many economic difficulties because of certain events in our region, which have cost us \$1.2 billion in lost revenue which is equivalent to the transfers made by workers who have emigrated.

The birth rate in Yemen is increasing (3.1 per cent) and unemployment stands at more than 30 per cent. In view of the increasing seriousness of our problems, the United Nations General Assembly adopted resolutions Nos. 222 and 193, in which it invited the Secretary-General of the United Nations, States and organizations to help Yemen to improve its economic and social structures.

We greatly welcome the pioneer role played by the ILO in the sphere of labour, and we are convinced that this Organization will find solutions to the problems before us, inter alia, with regard to social development, workers' rights and human rights. With its noble humanitarian principles, the ILO is the organization best equipped to deal with the social aspects of these worldwide problems.

We have taken very careful note of all the items on the agenda: safety and health in mines, home work, extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector. These items occupy an important place in the work of the ILO and they deserve due time for them to be studied and analysed objectively. The ILO, in 76 years, has managed to achieve something that has not yet been achieved by any other United Nations agency. The Director-General's Report on *Promoting employment* is also most interesting in view of the enormity of the problems facing workers and countries in transition from a planned to a market economy. I have, however, noted that the Report does not deal virtually at all with workers in the Arab world even though this is one of the most important problems confronting the majority of Arab countries.

We believe that it is absolutely necessary for the ILO to further enhance its pioneering role to help developing countries. We sincerely hope that the ILO will provide support for the developing countries which look forward to social and economic development.

The developing countries are encountering major difficulties with the far-reaching changes that are taking place in economic structures. Like so many other countries, we need the expertise of the rest of the

world in the labour field and increased human and other resources. We would also like to ask the developed countries and international organizations to help the developing countries with their nationalization plans, to grant them subsidies, to provide more investment, to reduce their debt and to transfer technology and other forms of expertise so that they can bridge the gap that separates them from the developed countries.

My country attaches a great deal of importance to productivity. Our Government has adopted special laws for the social protection of the elderly, of disabled workers, of workers suffering from occupational illnesses and of survivors. We have recently produced a number of texts on labour questions. The latest was Labour Act No. 5, of 1995. One of my Government's priorities is to draw up policies and programmes capable of providing training for our workforce commensurate with the economic and social changes we are experiencing and with the needs of our economy.

We have achieved a great deal to secure social gains in many fields, even as the international community has ignored the real dangers faced by Iraqi women, children and elderly people, and despite the fact that the reasons for this situation have long since disappeared. The workers in Palestine and the occupied Arab territories are subjected to treatment that no worker, anywhere, can know. At this session of the Conference, we must reaffirm the rights of the workers living in these lands, along with the right of the Palestinian people to self-determination and the support of peace based on the restitution of their legitimate rights.

Furthermore, we demand that the embargo imposed on the Iraqi and Libyan Arab peoples be lifted. The workers of these two countries are beginning to suffer, and require protection. Among those who need to be protected are the children, the destitute, and others.

Original Azeri: Mr. RAGIMOV (Minister of Labour and Social Protection, Azerbaijan) – It is with a sense of pride that I am addressing you today from the podium of this authoritative international assembly.

It has now been four years since Azerbaijan joined the International Labour Organization, and now, as a full-fledged member, it is participating in the work of its highest body, the International Labour Conference. The Republic of Azerbaijan is establishing a new state based on democratic principles, and is carrying out economic reforms, ensuring a transition to market relations and introducing modern forms of labour relations. Our country attaches a great deal of importance to the role of the International Labour Conference.

Since the Republic of Azerbaijan became a full-fledged member of the ILO, it has acceded to more than 50 Conventions which cover various aspects of international labour standards.

Our young State is undergoing a complicated period of its history. On the one hand, there is the transition to new economic relations, and on the other hand, more than 20 per cent of the territory of Azerbaijan has been occupied, and there are one million Azeri refugees, or about 15 per cent of the population, in the country. As a result of the military aggression by the Republic of Armenia, the social sit-

uation has worsened and the implementation of economic and political reforms has been hampered. More than other countries, Azerbaijan is experiencing the bitter consequences of poverty and unemployment. That is why our country supports the Declaration and the Programme of Action of the World Summit for Social Development which was held in Copenhagen at the beginning of the year at the initiative of the United Nations to respond to the deterioration of social conditions worldwide, and to address three issues: poverty, unemployment and social disintegration, both at the national and international levels.

It goes without saying that the discussion of the Declaration and Programme of Action at the Conference reflects the trust placed by the General Assembly in the Conference. We hope that the International Labour Organization will make use of its experience, its mandate and its tripartite structure when dealing with issues of employment and social development, and will make a valuable contribution to the implementation of the Programme of Action.

I would like to underline that our country, with its own specific features in the employment sector, will be able to benefit from activities carried out at the international level.

The centrally planned economy of the Soviet Union obviously paid inadequate attention to the needs and requirements of labour and the creation of new job opportunities. As a result of that situation, one-fifth of the manpower of the Republic was unemployed.

As Mr. Hansenne mentioned in his Report, the drop in production and the rise of the inflation rate have exacerbated the problems of unemployment and poverty. Unfortunately, we do not have a relevant database corresponding to international standards with which to deal with these issues. For the time being, we are thus carrying out some programmes in order to be able to deal with statistics at the international level, and to try to obtain the necessary information with regard to international statistics.

We started these activities with the help and financial assistance of the International Labour Organization and the UNDP. In this respect, a special draft of a document entitled "Labour forces survey in the Azerbaijan Republic", which is aimed at putting into good order the employment and unemployment statistics, has now been prepared and its programme is now being implemented. This March, a selective survey was conducted among the unemployed and also the employed citizens of Azerbaijan. As a result of this survey, we will soon have a comprehensive picture of the situation with regard to our country's labour market.

The complicated situation with regard to employment in Azerbaijan has led to the deterioration of the living standards of the most vulnerable groups of population. I would like to draw your attention to the following figures which clearly reflect the current situation in this field.

At present, the minimum wage in the country is 20.5 per cent of the average monthly wage, and the figures are 2.3 per cent and 3.8 per cent respectively, for disability pensions and old age pensions.

I fully concur with the opinion expressed by Mr. Hansenne about the reasons for poverty and unemployment and the increase in unemployment and so-

cial insecurity which prevails in the republics of the former Soviet Union, but I would like to underline the fact that in contrast to the majority of the newly independent countries, the situation in Azerbaijan has been aggravated by military conflict.

There are two factors really: on the one hand, the country lost more than 300,000 jobs, and on the other hand, as I have mentioned, more than one million refugees and displaced persons are living in tents. They suffer from epidemics and from extreme heat and cold. The country has also suffered enormous material damage, amounting to billions of United States dollars.

I would like to avail myself of this opportunity to address the International Labour Conference as one of the most influential international forums which is dealing with poverty and unemployment all over the world, and ask for your support in our efforts to bring about a peaceful settlement of the conflict between Armenia and Azerbaijan.

The Republic of Azerbaijan, which has based its unemployment policies upon the main principles indicated in Mr. Hansenne's Report, considers that to solve such problems, we have to expand the industrial sector in order to create new jobs and improve the management of foreign investment. In this way it might be possible to improve the unemployment situation.

Two projects are planned for the creation of additional jobs, and they are to be implemented in close cooperation with international organizations. One of them aims at providing jobs for the unemployed in rural areas; the other is concerned with the rehabilitation of disabled persons. The latter is designed to help people who became disabled, for example as a result of the Armenian aggression, the Second World War, the Chernobyl disaster or the war in Afghanistan.

There are several medical institutions which provide medical rehabilitation for such people, but due to our lack of experience, our country is unable to solve problems of complete rehabilitation in the world of work without the assistance of the international community. We are thus hoping for a great deal of help from the International Labour Organization. I would like to avail myself of this opportunity to address myself to the donor countries attending this important international forum, and to ask for their assistance in the implementation of this project.

One of the issues to be discussed by the session is the specific question of adapting the Labour Inspection Convention, 1947 (No. 81). We fully agree with the idea that is impossible to follow appropriate labour law regulations if there is not fully developed infrastructure for the revision of such labour legislation. That is why the technical assistance of the ILO is so important. We are pleased to inform you that we are doing all this through state labour inspectorates which are now operating in the Republic of Azerbaijan.

We are also very pleased to note that the issue of home work is also to be discussed at the Conference, because it is of great interest for Azerbaijan, where we are often confronted with this problem. We welcome the adoption of any standards providing for a proper status for this group, i.e. homeworkers.

In mentioning all of these individual points, I would like to express our gratitude and our appreciation to the officials of the ILO for their invaluable

assistance and for the support which they have given to the Republic of Azerbaijan. I would like once again to underline the fact that Azerbaijan is seeking full-fledged integration into the community of nations. We are looking forward very much to your assistance in this process of integration. And I would like to thank you all for your attention.

Mr. SHAMUYARIRA (*Minister of the Public Service, Labour and Social Welfare, Zimbabwe*) – At the very outset let me take the opportunity to extend my congratulations to Mr. Rosales Argüello on his election as President of the 82nd Session of the ILO Conference, and also to congratulate the Vice-Presidents and the other members of the bureau. I wish them all success in their work, and I am confident that given their wide experience this Conference will be a success.

I will also take this opportunity to express the appreciation of my delegation for the report produced by the ILO, *World Employment 1995*, and supplemented by the Director-General's own Report on the same topic, both of which are very comprehensive, analytical and very informative. First, I would like to concentrate on the unemployment crisis facing the world.

These reports underline two developments that are of great importance to those of us coming from Africa. The first is the marginalization of Africa from the emerging international economic system, and from the benefits of the globalization that we have been discussing in many speeches today.

The social and productive forces that are shaping this global economic system have generated economic growth in East and South-East Asia, they have stimulated intra-trade among the countries of the North but they have unfortunately bypassed the African continent. And that deteriorating situation calls for very special attention by the ILO to the pressing requirements of the national economies of Africa. It is a matter that should be discussed in great detail and solutions should be appropriate.

The second development is the corresponding declining national economies of the sub-Saharan countries in Africa which are also dealt with at length in the two reports. These countries have all opened up their economies of late; along with wide-ranging economic structure adjustment programmes they have launched export-oriented industrialization strategies. But these measures have had a very limited positive impact on this region. In fact, the combination of monetary policies and persistent droughts have increased the number of people without jobs and poverty is now widespread in sub-Saharan Africa.

As highlighted in the Director-General's Report, the sub-Saharan region has received very little foreign direct investment despite widespread moves to liberalize foreign investment regimes and to offer attractive incentives. Furthermore, growth rates in the region have considerably decreased since the 1960s, exacerbated by, among other factors, natural calamities, especially drought. The condition is fairly critical. Inescapably this has led to growing unemployment, underemployment and to deteriorating economic conditions in the region as a whole.

Consequently we believe that the ILO should play a significant role in efforts to alleviate the situation by providing technical assistance, enhancing the setting up of social safety nets to cushion the poor and

disadvantaged groups, and in general to assist in setting up appropriate programmes to usher in and sustain economic recovery. However, that does not suggest that we in the region are not doing enough about it. In fact we are doing a lot.

In Zimbabwe, as in other sub-Saharan countries, we do face the problem of rising unemployment, rising prices and limited foreign investments. Although we launched an economic structural programme in 1991 in an attempt to increase the rate of economic growth and to generate more employment and reduce poverty, the present levels of unemployment are not acceptable to the Government and to the organized employers' and labour organizations. The unemployment rate, which stood at 15.2 per cent in 1994, has increased over the last three years and continues to increase. While the levels of unemployment and underemployment are partly due to the tight monetary policies, attributed to the implementation of economic reforms, a significant contributory factor has been the vagaries of the weather to which I have already referred. The 1992 drought and the current drought have had a debilitating effect on economic growth and consequently on levels of employment in all sectors of the economy.

Due to lack of job opportunities in the formal sector, the micro and small-scale sector, to include the informal sector, provides a substantial amount of employment in Zimbabwe. It is estimated that about 38.8 per cent of the labour force is involved in this sector and we in the Government plan to do everything possible to expand this sector so that it can include more and more people if we can get the resources to do so.

To alleviate the suffering of the vulnerable low income groups and the poor, adversely affected by the impact of the factors to which I have already referred, the Government of Zimbabwe has introduced public works programmes and social safety programmes under the Social Development Fund. We are following very closely the report and the declaration that came out of Copenhagen. We intend to link with a number of organizations and institutions that will be working on that Declaration.

In addition, we have introduced a compulsory national social security scheme in Zimbabwe. It is our intention to extend this scheme to cover, inter alia, unemployment benefits. At the moment it covers pensions, basic pensions for all our working people. This is quite an innovation in a situation where there have been no pension facilities for the majority of the workers, except those who were in special professional and other programmes.

Furthermore, in February of this year the Zimbabwe Government launched what we call the Poverty Alleviation Action Plan (PAAP) which emphasizes the need to create self-employment and self-development through enhanced community participation in productive activities. Clearly the alleviation of poverty is going to be a major programme of the Government over the next two to three years as we face the problems of drought and the shortage of investments to which I have already referred. The first phase of the plan is already under way with the poverty assessment study being conducted to assess the extent of poverty in parts of Zimbabwean society and elsewhere.

The challenge confronting the Government of Zimbabwe and its social partners is the strengthening

of measures for the social protection of the vulnerable in the formal sector. Tripartite consultations have proved to be powerful instruments for fostering social dialogue, internal peace and stability as a prerequisite for national building, equitable growth and employment generation.

Another level at which we are attacking the problems of poverty, drought and lack of investment to which I have already referred is at the regional level. A dozen years ago we launched the Southern Sahara Development Community (CEDAC), which includes 11 countries in our region. With the democratisation of South Africa that has recently taken place and its emergence as a powerful state, we are now counting on rapid development of regional cooperation as a way of reducing both the effects of drought but also as a means of enhancing our capacity, not only for utilisation of our own resources but utilization of resources that may come from outside our countries. CEDAC is a thriving young organization which fits into the general plan of forming an African economic community, a plan which was agreed and signed in South Africa in 1992.

In southern Africa CEDAC is the regional block that will support the all Africa-wide communities and we have many plans for the development of cooperation in our region.

Finally, the ILO has always claimed that the social dimensions of globalization need to be given much greater weight by the international community and we support them in that endeavour. We also ask the ILO to continue supporting ELAC, which is the labour centre established in Zimbabwe to service the entire region. It enables the ILO to work with us to promote the development of good labour legislation and also management which is the root of some of our difficulties and we would like to request the ILO to continue the support it has been given to ELAC. It is an organization supported by the organized employers, by the labour unions, as well as the governments of the entire region. With this support we would be able to continue to strengthen and to improve the labour administration in our region. We make a renewed call to the ILO for continued support for this particular organization.

Mr. AHMED (*Workers' delegate, Pakistan*) – It is a great privilege for me to convey my sincere congratulations to the President and the three Vice-Presidents – including Mrs. Engelen-Kefer from the Workers' group with whom I have had the privilege of working for many years – on their election. We welcome the two new member States, Gambia and St. Vincent and the Grenadines, and hope they will make a positive contribution to this great Organization.

We also appreciate the work of the Governing Body, its Chairman and the Employer and Worker members. The Worker members are ably led by Mr. Brett, Worker Vice-Chairman, and I have also had the privilege of working with Mr. Ryder, Director of the Geneva Office of the ICFTU. I hope that the Director-General, Mr. Michel Hansenne, with his able team, will continue to further the cause of the International Labour Organization.

On behalf of the Workers' delegation of Pakistan, and on my own behalf, I also convey the greetings and good wishes to the distinguished delegates of this historic Conference.

In the Preface to his Report, *Promoting employment* Mr. Michel Hansenne has stated that the task of creating sufficient new jobs to overcome unemployment, underemployment and problems of low pay ranks as the primary challenge for economic and social policy in countries at all levels of development across the globe.

High levels of unemployment spawn a host of problems: growing inequality, social exclusion, the waste of foregone output, underutilized human resources, increasing income insecurity and human suffering inflicted upon the unemployed. All this is in striking contrast to a situation in which there is a high and stable rate of productivity and where job creation is linked to economic and social development.

We fully agree with the remarks made by the Director-General in his very well written Report and believe that in order to overcome the rising problem of unemployment, both in the industrialized and developing countries, both national and international action need to be taken. With regard to international action, resources should be transferred to the developing countries which are struggling under the burden of heavy debt; they also should be granted moratorium. Trade should also be boosted between the developing and developed countries which would enable them to raise employment opportunities; indeed, this would be preferable to direct aid.

We hope that protectionist measures will cease and that developing countries will have more access to the markets of industrialized countries which account for 69 per cent of industrial production. And if we are to have a better future for mankind we require an interdependent world.

Resources for the arms build-up should be also be allocated to social, economic and human development; and the transfer of commodities from the developed world should be made to the developing countries instead of building up mass armaments which constitutes a threat to the whole of mankind. Similarly the exchange rate should be stabilized as this runs counter to the economy of the developing countries. Basic human rights should be respected throughout the world; indeed the World Summit for Social Development, which adopted a Declaration and Programme of Action, stresses that the ILO standards are a prerequisite for economic and social development – and we fully support this.

Another way of helping developing countries to stand on their own feet is to step up technical assistance. At the national level we believe that there should be population control and that more resources should be allocated to the development of education and training facilities for young people and children. And the gap between the rich and the poor – which exists in many countries – should be filled. Efforts should be made to improve social and economic conditions in the rural sector since the rural poor are the main sufferers. The legacy of feudalism in the area should be eradicated, the peasants given both resources and land which would not only raise their standard of living and employment opportunities but also productivity. Similarly children – who are our future for posterity – should be provided with compulsory education; more resources should be allocated to them and they should not be left to the mercy of nature. It is the State's duty to come forward and fulfil its obligation towards the children

of the poor. Similarly, discrimination against women should be terminated and they should be given the opportunity mentally, physically and spiritually – to play an effective role in society.

Basic rights should also be respected – particularly the basic rights of collective bargaining and freedom of association of workers.

Given the globalization of the economy, we believe that the ILO should help to overcome the problems linked to structural adjustment and deregulation which confront the workers. We should also set out to strengthen the tripartism for which this great Organization stands. This message should also filter down to the grass-roots level because social dialogue helps to strengthen the political, social and economic stability of a country – which is vital for promoting productive, fruitful and freely-chosen employment.

Last year we celebrated the 75th anniversary of this great Organization and we in our country organized seminars, a workshop, and a national seminar, which was also attended by the Assistant Director-General of the ILO Asian-Pacific Region. Our country has also ratified two Conventions, namely the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

At the national level, we are glad to report that the workers have attained multinational unity by creating the Pakistan Workers' Confederation which defends the social and economic rights of workers. We held our Conference on 18 March and the Director-General sent us a fraternal message and his good wishes, for which we thank him.

We have also been having a dialogue with the Government for the achievement of progress in labour policy because the present Government committed itself in its election manifesto to bring labour policy into conformity with the ILO Charter. There have been two issues: our Mr. Lasi has spoken today about the recommendation of the labour task force. I was also one of the Worker members of that task force. We hope that the Government, while accepting the recommendation of the task force, will not come under pressure from employers who want the right to dismiss workers without giving any reason.

Another area in which we would like the Government to take the views of the workers into account is that of restrictions on the right of freedom of association of workers. Since many employers want to impose some restriction upon the Election of Officers Bill, we pointed out that it runs counter to the principle of article 3 of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). We hope that the Government, while finalizing labour policy, will take into account fully the principles enshrined in the Convention No. 87 and in the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), as well as the commitments contained in its election manifesto.

Another area is that of structural adjustment and deregulation. We are negotiating with the Government, an agreements whereby under privatization workers would receive a 10 per cent share of an enterprise and security of employment for one year. They would also have a "golden handshake" facility, namely five months' salary for each year in case they decide to leave. At the same time, the workers have a right to bid for the purchase of the enterprise and

their bid would be given preference. Some enterprises have been taken over by the workers, such as the Allied Bank. But in the case of public utilities, we have numerous differences with the Government because we believe that a public utility such as energy, railways, the post office and telegraphs, should continue to be deployed in the public sector because it will be easy for the rich and well-to-do to pay any price for these services. But what about rural areas, less developed areas and the people as a whole? What would be their share in the provision of these basic needs? I think it is the State's responsibility to provide for them, and we hope the deliberations we are conducting with the Government will take into account our viewpoint and that these public utilities will continue in the public sector. In case there is new investment in the private sector this should be on a competitive basis and not be allowed to remain a monopoly in the private sector since it would run counter to the interests of the less privileged class of society and also would most likely hamper employment of the workers. As has been pointed out by the Director-General in his ILO World Employment Report, deregulation policy has not created social cohesion and threatens social peace and reduces jobs. Therefore our apprehension is genuine and we hope during the dialogue these aspects will be taken care of.

One delegate has spoken today and made accusations about the situation of child labour in Pakistan. I must stress that we, as a poor developing country, have a problem of child labour, but to magnify it to such an extent I think is not fair because it arises in many countries, like the case of migrants. To take one incident and to magnify it is unfair to the developing country in question and to the working class

which respects the equal rights of the migrant workers. Similarly, as regards children who constitute our future prosperity, we stress to the Government the need to allocate more resources to reducing their employment. I think that the incident in question arose as a matter of abuse of human rights and not specifically of child labour. Therefore, I think that it needs to be verified by the distinguished speaker because the Human Rights Commission has also looked into these allegations.

Lastly, I should also like to point out that the Government has entered into an IPEC (International Programme for the Elimination of Child Labour) project, and we hope that with ILO assistance this problem will be tackled more vigorously. Similarly, we also support the ILO programme for international migration. We also appreciate the role of the ILO Office in Islamabad, and in the Asia and Pacific Region and we look forward to useful work being done in the ILO Office in the Workers' Relations Branch, the Workers' Education Branch, the Asian Regional Team for Employment Promotion (ARTEP), the Working Conditions and Environment Department, the International Labour Standards Department and the Turin Centre, so that industrial relations will continue to be strengthened. I also wish a good life to Mr. Dumont and a happy life after his retirement as the Director of the Working Conditions and Environment Department. He has done an enormous service for improving the working conditions of workers all over the world. I hope this Conference will bring improvements for the working man and women both in the quality of life and for the better future of mankind as a whole.

(The Conference adjourned at 7.30 p.m.)

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Sixth (special) sitting

Thursday, 8 June 1995, 11.30 a.m.

President: Mr. Rosales Argüello

ADDRESS BY HIS EXCELLENCY
MR. ZINE EL ABIDINE BEN ALI,
PRESIDENT OF THE REPUBLIC OF TUNISIA

Original Spanish: The PRESIDENT – This special sitting of the International Labour Conference is devoted to the visit of His Excellency President Zine El Abidine Ben Ali of the Republic of Tunisia. I give the floor to the Secretary-General of the Conference, Mr. Hansenne, to welcome the President.

Original French: The SECRETARY-GENERAL – It is now a well-established tradition for the International Labour Conference to listen to an address from distinguished statesmen who each time bring us a more global dimension and perspective to our work on questions concerning employment and the world of labour.

This is why today I have the very great honour of welcoming you at this Conference.

The International Labour Conference greets you as the Head of a State which has a remarkably rich past and which has, throughout its history, succeeded in assimilating a wide range of cultures and values.

To appreciate fully the results achieved by modern Tunisia at the political, economic and social levels, it is enough to recall the modesty of the means and resources at its disposal when it gained its independence and in the ensuing years.

Only last month, one of the most widely read weeklies in Africa wrote that Tunisia at the time of independence had 4 million inhabitants, of which 1 million made up the working population in 1966 – 94 per cent of them men and 6 per cent women working outside the home. The resources of the country were basically agricultural and the average income per capita was 74 dinars. One-fifth of the population was literate and life expectancy did not go beyond 50. According to the same source of information, population has now doubled and is now 8.7 million; illiteracy has been reduced by 80 per cent and, what is a very rare fact in this region, all children have to attend school because it has become compulsory. A Tunisian may now expect to live until 69 years of age and earns on average 1,850 dinars per year.

We all know that these few indicators do not give a full picture of the progress achieved in this country. Nevertheless, they do give us a glimpse of the tangible aspects of its dynamism.

The economic performance of Tunisia has won recognition by international financial institutions. It has gone progressively from an economy dominated by the State to an economy opened up to the world and diversified. It has logged a growth

rate of an average of five per cent over the last seven years.

From the political standpoint, Tunisia has now started to go down the path of pluralism. There are seven parties on the political scene now and they all participated in the last legislative elections; five of them are now represented in Parliament.

But as far as our Organization and its mandate are concerned, one of the major contributions our guest of honour has made has been to consider that the human and social dimension constitute a fundamental choice which has to be translated into practice in the daily life of the Tunisian citizen.

I could emphasize here that Tunisia has ratified six of the seven Conventions of the ILO dealing with fundamental human rights which is a clear demonstration of its attachment to the ideals of our Organization.

Responding to the call of President Ben Ali, the workers' and employers' organizations have signed a framework collective bargaining agreement and a protocol agreement governing negotiations concerning wages and working conditions.

I would also like to indicate, because I believe that this is essential, the very great importance attached by the Head of the Tunisian State to the problem of employment, which he considers as being a prerequisite for the dignity of the individual – as well as being the cornerstone of any future development efforts.

Activities undertaken by President Ben Ali nationally have been extended to the international sphere, particularly on the African continent. As the current President of the Organization of African Unity (OAU), he has spared no efforts in making his contribution to the establishment of stability and peace in Africa and the promotion of conditions which are conducive to greater cooperation and integration.

Amongst the words of appreciation addressed to him I would like to pick out those of President Nelson Mandela, who was one of his predecessors as a guest of honour at the ILO, and who said during a recent official visit which he made to South Africa: "The example which you have given over the last year in order to promote the organization, the OAU, on our continent, is a source of inspiration for us all. Your activities have traced out a path which others would do well to follow. I would quote in particular your initiative in order to create a central mechanism for the prevention of conflicts and the same thing can be said of your efforts in order to help the poor in your society. You are not just consigning yourself to professions

of faith but you have sent your own citizens in order to help the refugees in Rwanda.”

From the very beginning Tunisia has taken an active part in all phases of Israeli-Arab negotiations which resulted in the establishment of the Palestinian Authority in Gaza and Jericho and the signing of the peace treaty between Israel and Jordan.

Today you are attending the General Conference of the International Labour Organization. It brings together the representatives of governments, workers and employers of 173 nations who have come together in order to work and define preconditions for greater social justice. They are waiting attentively for your message.

I now have the honour, Mr. President of the Conference, to ask you to give the floor to His Excellency, Mr. Zine El Abidine Ben Ali, President of the Tunisian Republic.

Original Arabic: Mr. ZINE EL ABIDINE BEN ALI (*President of the Republic of Tunisia*) – In the Name of God, the Merciful, the Compassionate. Please allow me first to say what a pleasure it is to meet you at this 82nd Session of the International Labour Conference to which I have been so cordially invited by Mr. Michel Hansenne, Director-General of the International Labour Office. I should like to applaud here the skill and competence with which he is carrying out his important responsibilities.

I should also like to congratulate Mr. Francisco Argüello for the well-deserved confidence that has been shown him in his being elected President of this Session of the International Labour Conference, an expression of the esteem in which his abilities are held. I wish him every success in his task. I also pay tribute here to the heads of delegations and their colleagues who are participating in this important session. Their presence here and in such large numbers proves the attachment of the member countries to the ILO and their adherence to its noble goals.

I also take this opportunity of expressing to the International Labour Organization and to the International Labour Office, my compliments and my respect for persevering so remarkably in their unflinching efforts to deal with the problems of labour in the world and for promoting industrial relations among the social partners, the expansion of businesses and the improvement of labour conditions.

This event follows closely upon the celebration of the 75th anniversary of the International Labour Organization which has reason to be proud of the work it has accomplished in promoting labour standards, strengthening social and economic progress in the world and continuously acting to reduce social inequalities.

The fact that this prestigious organization has withstood the numerous upheavals and crises that humanity has faced throughout this century, and the continual advancement it has made, thanks to its tripartite composition, prove that dialogue is the ideal means for strengthening social relations and that forums for dialogue such as that offered by this Organization, are the most suitable and lasting.

Tunisia is proud to make its own contribution to preparing the approaches and programmes for dealing with the problems facing humanity in this time of rapid and far-reaching change in all domains.

I am happy on this occasion to express my great appreciation of the solid and fruitful relations that

have linked our country with this Organization ever since our independence. Tunisia has made a real contribution to the Organization's various activities and has honoured all its commitments. It has also strengthened its cooperation with the International Labour Office and has worked to incorporate international labour standards into the country's own legislation.

With determination and persistence, our country has worked to confirm the noble goals that presided over the creation of the ILO, goals that concern the achievement of social development, the realisation of human rights in the broadest sense, and the strengthening of dialogue, understanding and solidarity among all those concerned by labour and production.

The world situation at the end of the century now raises questions in all domains which are of deep import for the international community and for the world's conscience in general. These follow the great upheavals that have, in such a very short space of time, affected political balances and economic relations, and they arise from changes that the various societies are undergoing and from the amazing progress being made in technology both of which have had an impact on all aspects of life, particularly on the world of labour and production.

The question of human development with its social, economic, urban and environmental implications, is at present the greatest challenge facing societies, both developed and developing, though it faces them in different ways and to different degrees of acuteness.

The present session of the International Labour Conference is of particular importance from this standpoint. It follows closely on the World Summit for Social Development and comes only a few months before the Fourth World Conference on Women. Addressing problems of unemployment, exclusion, poverty and social tensions, among others, has become a priority for all, especially considering that their manifestations, particularly in developing countries, are increasingly affected by developments in the new world situation and by the nature of relations governing it.

I cannot, in this connection, fail to pay tribute to your Organization for its continued support of and active contribution to many of the realizations and programmes concerning the definition of international standards, with respect to labour and workers, the establishment of justice and equality of men and women in labour and the strengthening of social action in many regions of the world. In this way it has aided in propagating and confirming universal values which are inherent in human rights and in strengthening concord and economic prosperity.

We, for our part, maintain that the building of a better world during the coming century will require the establishment of international relations founded on the principle of human cooperation and solidarity and respect for the principles and rules that govern international relations. It is our conviction that the existence of poverty, exclusion, unemployment, social tensions and conflicts in any part of the world constitutes a danger for all humanity.

The Tunisia of this new era has defined an approach to its development which is coherent in terms of its civilization, and which is based on a close interdependence of economic and social reforms, and of democracy, development of human rights, consider-

ing the individual as both the ultimate beneficiary and the instrument of all real change.

However important the economic reforms undertaken may be, however great the effectiveness of structural adjustments, both will remain inadequate to ensure lasting growth and to guarantee stability, social balance and justice among people so long as they are accompanied by no more than what are called "related social measures".

Experience has shown that such measures have never provided an effective remedy for the negative consequences of economic structural adjustments. The immediate results of adjustment merit, it is true, momentarily obscure these consequences. But they come to the surface once they have themselves become structural in nature, and they are then difficult to address, particularly in an unstable world environment marked by declining international solidarity and cooperation.

In this approach, our viewpoint is that expressed in the final declaration of the Copenhagen Summit, which is to be analysed in depth here by your Conference. We have included among our priorities the establishment in society and business of a climate that will favour sustainable development and the improvement of the quality of life. We have also set up specific policies and programmes orientated towards the poorer categories of the population, designed to facilitate their integration into the circuit of development, and we have updated the texts which strengthen and protect their rights.

Moved by the spirit of solidarity and mutual aid inherent in our civilization and our people, we have created the national solidarity fund through which voluntary contributions made by citizens and businesses are collected. The fund serves to carry out programmes designed to promote regions and areas that are unable to benefit directly from the dynamics of economic reform, so as to raise them to a level enabling their populations to benefit from basic facilities. Through the generosity of our people we are working actively to raise all these regions to a minimum level for a decent existence by the end of this century.

Work is the fundamental condition for the human dimension of the individual, the cement of social cohesion, the essential basis of the individual's dignity and the *sine qua non* of citizenship. This is why we have put labour in the forefront of our national priorities within an overall strategy that responds to the requirements of economic efficiency. This strategy is based on promoting investment and distributing it rationally among the various sectors and regions; redistributing roles between the public and private sector; promoting the instruments of economic policy; modernizing the production apparatus and giving free rein to private initiative by eliminating the various obstacles lying in its path. In doing this we have invariably considered the promotion of human resources as one of our first priorities. Thus we have introduced basic reforms in the systems of education and vocational training. We have renovated the framework of laws and regulations governing the vocational training sector so as to break with outdated attitudes and to improve relations between the systems of education and training, and we have set up specific programmes to train young people and prepare them to enter the workforce, whether as employees or in independent employment.

The close relationship between the various reforms we have taken, and the resulting policies and programmes, has enabled our country to register positive results in a number of domains that enable us to look to the future with perseverance and optimism. We are working steadily to reform the structures responsible for employment, to revitalize the employment market and modernize its instruments in harmony with the specific nature of each sector, and to reinforce the role of associations by promoting the practice of contracts and partnerships so as to strengthen the role of civil society in this respect, and to establish a balance between the requirements of economic efficiency and social justice.

The importance accorded by Tunisia to human rights in their global dimension and to the value of democracy and concord is the basis upon which we have built social relations in our country. The method we consistently employ here is dialogue, both in society in general and in business. We have involved all social partners in the process of defining our country's important choices, considering consensus and social *entente* to be the basis upon which the condition of workers and business will develop and improve. We have in this connection prepared favourable conditions for defining the most advanced forms of trade union negotiation between workers' and employers' organizations. At the same time we rationalize the role of the Government, thereby ensuring legislative reform, improvement of working conditions, regular wage increases, the institution of social peace and the establishment of favourable conditions for labour and production.

As an element reflecting the values of our civilization, our decisions, and the respect of international standards with regard to all aspects of labour and production and the rights inherent in them, we have guaranteed the protection of children from economic exploitation, abolished the practice of re-education through labour, introduced mandatory free education up to the age of 16 and adopted, as one of our prime objectives, the affirmation of the child's right to constant protection. We consider children to be the future of the nation and the base for any action to promote human resources.

Similarly, we have guaranteed the protection of women from discrimination in employment and remuneration, and have ensured their full rights with respect to instruction, training, employment and vocational training in full equality with men.

Our country, whose civilization has for thousands of years been characterized by moderation and openness, works unceasingly to implement the human principles that presided over the creation of your Organization, and to promote civilized relations among societies. Tunisia has consistently brought a high sense of responsibility to bear in its efforts, particularly on the Mediterranean and African levels to identify means by which the phenomenon of emigration may be made an economic, social and cultural bridge between North and South.

It is within this framework that we have recommended the establishment of a Euro-Maghreb Charter, concerning the Maghrebi colonies living in the countries of the European Union, to preserve the rights of emigrant workers and safeguard the interests of all concerned. We have also contributed in the context of various regional and United Nations efforts to seeking solutions for the effects of the mas-

sive expulsions and forced displacements that have taken place in certain regions of our continent.

We pay tribute to the ILO for the active efforts it is making in its areas of competence to remedy the problems encountered by Palestinian workers on the West Bank and the Gaza Strip. At the same time, we take this opportunity to launch an appeal to those countries committed to establishing peace in the Middle East, and particularly the powers sponsoring the process, to give high priority to this social and humanitarian problem. The social and economic consequences of the pressures confronting these workers make them a factor of tension that is threatening the process of peace, security and stability in the region.

On the level of the Maghreb, and in coordination with its partners in the Arab Maghreb Union, our country has worked to establish an academic and economic forum in the region. This effort was given material expression in the 1994 Tunis Declaration, concerning the creation of the Maghreb free-trade zone, planned as the first step in the Maghreb strategy for co-development, the aim of which is to strengthen complementarity among the countries of the Maghreb, to stimulate employment and social development in general in our region.

We have also put problems of human resources, in all their dimensions, among our country's highest priorities in our relations with our international environment. The first illustration of this is the agreement for partnership and co-development which Tunisia is preparing to sign with the European Union, and we shall continue to work for the accomplishment of this same goal as part of the process of cooperation and complementarity between the two shores of the Mediterranean. We hope that the coming Mediterranean Summit of Barcelona will be an important step in its effective implementation.

The international community should give first place among their concerns to the problems from which certain regions of our African continents are suffering and should, through its organizations and institutions, support the African countries in the efforts they are, despite great difficulties, making to overcome this unfavourable situation.

We should like on this occasion to applaud your Organization's constant and remarkable efforts in this respect. Humanity cannot hope to achieve progress, development or stability when terrible suffering besets a vast part of our continent, as well as many other regions of the world. It is totally unrealistic to speak of development in general or of social development in particular in such regions, so long as the international community – and more especially the affluent countries – do not assist them in revitalizing and mobilizing their own potential. Precisely to make it possible to confront such situations we have advocated the definition of a global strategy founded essentially on settling the problem of foreign debt and on finding means by which to guarantee effective cooperation and confirm fruitful partnership and profitable complementarity which will serve the interests of all those concerned and be capable of reducing inequalities among individuals, categories and peoples.

The various international organizations, and more especially the United Nations and its specialized agencies, should help channel assistance from developed to developing countries, notably in Africa to benefit the sectors directly related to the elimination

of poverty, exclusion and abandonment and to employment, the creation of small businesses, individual projects, the promotion of sources of income and subsistence for poorer categories and accomplishment of the necessary reforms in the fields of education and vocational training.

Tunisia was recently the venue of the meeting of African workers' trade unions, having previously hosted a meeting of employers' representatives and a symposium of African farmers' organizations. Our country is working steadily and earnestly to confirm the formula of tripartite effort upon which the ILO is founded for the achievement of the noble goals to which we all aspire.

The overwhelming technological progress taking place in the world today has affected all aspects of life; in particular it has affected businesses and the world of labour, modifying forms and concepts of work, the conditions and organization of labour, the legislation governing it and the models of relations existing between the agents of production. It cannot be denied that this is a gain for all humanity and at the same time an essential factor in the accomplishment of universal progress. Under these circumstances the inclusion of technological partnership in international cooperation, particularly that between developed and developing countries, has become an essential factor in compensating for technological imbalance and its potential economic and social consequences, which may otherwise exacerbate the inequalities between these two groups of countries.

Our country has spared no effort to strengthen cooperation with developing countries with a view to seeing that all partners in production participate in dealing with the problems related to economic and social development and of stimulating fruitful cooperation on the regional and international levels.

This is the context of Tunisia's contribution to efforts designed to promote the specialized agencies of the United Nations further, to study further the new role that can be assumed by the various organizations, particularly the ILO, as the next century approaches, and to set up mechanisms for guaranteeing effective follow-up to the decisions and programmes adopted on the international level, and establishing the principles stated in the Agenda for Development and Peace, to confirm the close independence among the many problems facing humanity.

Tunisia reiterates here its commitment to providing active support for all efforts made to reach those noble objectives.

Allow me in conclusion to thank you once again and to express my wishes for the full success of your Conference.

Original Spanish: The PRESIDENT – In concluding this special session, on behalf of the delegates here present, I should like to thank His Excellency, Mr. Ben Ali, the President of Tunisia for his very interesting and substantial statement and refreshing analysis of the world situation. He presented the 82nd Session of the International Labour Conference with a precise analysis of the social consequences of adjustment and of the liberalization of the economy and markets.

In 1973 the Secretary-General of the Conference pointed out that one of the young Republic of Tunisia's first moves had been to join the International

Labour Organization. This showed then the cordial nature of the relations between Tunisia and our Organization.

The Director-General has stated, as did the President, that Tunisia has ratified 55 Conventions and that 53 of them are still in force. Since he came to power on 7 November 1987, President Ben Ali has presided over a nation which is in the midst of full economic growth and which has achieved an annual growth rate of 5 per cent over the last seven years. For this reason, many of us look with great interest at his country's experience.

Aware of the need to improve workers' protection he explained, in such eloquent terms that I do not need to go over it again, the package of legislative reforms introduced to eliminate occupational hazards. The Government, of which he is the Head, set up the Occupational Safety and Health Institute and the Higher Council for the Prevention of Occupational Hazards. He also informed us that new structures have been introduced and the new national employment agency created in order to reduce unemployment. I was also greatly interested in the part of his statement that referred to the solidarity

fund that will help to fight poverty more effectively and create productive and sustained employment opportunities.

It would be very interesting for us to hear, in the near future, the results of this initiative. I would not want to conclude this statement without pointing out that throughout Mr. Ben Ali's term of office he has always defended African and human rights' causes. As Chairman of the Organization of African Unity, he has worked tirelessly for peace and stability in his region. It would appear that he has made the four pillars of peace, development, democracy and protection of human rights a central theme of his government programme. Allow me to express to him and his country my best wishes for prosperity and justice in their efforts to promote the principles he outlined and may I also congratulate him on behalf of my country and this entire Assembly, which governs world social policy, and pass on our hopes that Tunisia will, as it has done in the past, continue to work with our Organization to ensure the success of its work.

(The Conference adjourned at 12.15 p.m.)

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Fifth sitting

Thursday, 8 June 1995, 10 a.m.

President: Mr. Rosales Argüello, Mr. Popescu

SECOND REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – We will begin with the second report of the Selection Committee. In addition to the information contained in this report, you will note that Costa Rica will now serve as a titular member of the Standing Orders Committee.

If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume the discussion of the reports of the Governing Body and of the Director-General.

Original Japanese: Mr. HAMAMOTO (*Minister of Labour, Japan*) – First of all, on behalf of the Government of Japan I would like to express my congratulations to the President on his election to chair this 82nd Session of the International Labour Conference.

At present, in many developing countries problems such as poverty and structural adjustment are becoming increasingly serious, and in the leading industrial nations problems such as sluggish economic growth and structural unemployment are appearing.

In these circumstances, it is becoming increasingly important to place employment as high on the macroeconomic policy agenda as trade and economic and fiscal policy. International cooperation to find solutions to these problems is urgently required. Against this backdrop, the ILO is expected to play an increasingly important role.

At the World Summit for Social Development, in March, under the themes of eradicating poverty, expanding productive employment and promoting social integration, Japan's Prime Minister, Mr. Murayama, who attended the Summit on behalf of Japan, stated that it is essential to promote the development of skills and expand employment; that in official development assistance, Japan emphasizes the fields of education and vocational training; and that the ILO has an important role to play in the follow-up to the Summit.

Entitled *Promoting employment*, this year's Report by the Director-General emphasizes the need to find ways to solve unemployment and related prob-

lems through international cooperation and promote complete and full employment.

In addition, tomorrow an Informal Tripartite Meeting at the Ministerial Level is scheduled to discuss a follow-up to the World Summit. Although there are some constraints, I hope that the ILO will play an active role in this field by making effective use of its budget and system.

I urge the participants in this session of the Conference to engage in earnest discussions about the specific ways in which the ILO can address employment issues in the future. In this regard, I would like to make three points.

First, the establishment of a good industrial relationship is extremely important for the maintenance and creation of employment. Workers and employers have a major role to play in this respect.

Second, we must show proper interest in and strive not only for a quantitative improvement but also a qualitative improvement in employment.

Third, it is especially important for the ILO, while respecting national conditions in member countries as far as possible, to formulate specific and effective measures that are directly related and relevant to employment, such as technical cooperation for human resources development.

I believe it is essential to promote technical cooperation, which is another main pillar of ILO activities. In particular, in addition to the expansion of technical cooperation for the solution of the employment problem, as I have stated, we should make further efforts to promote technical cooperation so as to enhance the application of international labour standards. I believe that it would be extremely useful for the ILO to provide technical assistance to member countries in order effectively to promote the application of international labour standards, especially the important Conventions concerning the basic human rights of working people. We should give consideration to this point when deciding technical cooperation policies.

I would also like to comment on technical cooperation. Looking at actual examples of technical cooperation in the past, cooperation programmes have, in many cases, gone no further than an analysis of the existing situation, or been limited to surveys and policy recommendations.

Speaking from Japan's experience of being involved in technical cooperation programmes, it can be said that cooperation at a practical policy level, such as the implementation of model projects, is more effective than theoretical surveys and research. I believe that this kind of practical cooperation should be emphasised from now on. Japan intends to

contribute actively to promote ILO technical cooperation, and emphasize efforts to solve the employment problem and promote the application of international labour standards.

I would also like to touch on standard-setting activities, which are another important pillar of the ILO. Through its standard-setting activities, the ILO has enjoyed considerable success in terms of protecting human rights and improving working conditions. Therefore, I would like to pay high tribute to the successful outcome so far.

In the sense of bringing about the actual realization of international labour standards in member countries, I believe that promotion of ratification is most important. Regarding the review and revision of the existing Conventions, the last meeting of the Governing Body decided to set up a Working Party on Policy regarding the Revision of Standards within the Committee on Legal Issues and International Labour Standards. I believe that such a review and revision should be carried out urgently to facilitate ratification by as many member countries as possible. Japan intends to participate actively in this process. Furthermore, Japan believes that it is important not to rush the process of drawing up Conventions, but to adopt universal and truly important Conventions that cover many industrial sectors and workers, and that take into account the differences in national conditions prevailing in member countries, and are flexible in their content.

Therefore, the Japanese Diet approved ratification of the Workers with Family Responsibilities Convention, 1981 (No. 156). In response to the problem of balancing working life with family life, Japan legalized a child-care leave system in 1991, and also introduced legislation on a nursing leave system.

The passage of such laws in Japan shows how our country is trying to upgrade its policies, and is proof of our country's interest in international labour standards and of how keen it is to engage in international cooperation. It is a source of great delight and pleasure for me that Japan will deposit the instrument of ratification of this Convention during this session of the Conference.

In concluding my remarks, I should like to finish by expressing my sincere hope that this session will produce fruitful discussions on the basis of the Director General's Report, and also by making it clear once again that Japan intends to cooperate even further to enable the ILO to execute its important duties and to work towards sound development in the future.

Mr. OTERO (*Government delegate, United States*) – At the very outset I would like to convey my Government's personal congratulations and mine to President Rosales Argüello, Minister of Nicaragua, on his election as President of this Conference, wishing him success in the performance of his responsibilities.

I also offer my congratulations to ILO Director-General Michel Hansenne, for the thought-provoking Report that he has presented to this Conference. It is a forward-looking document which provides a valuable framework for this debate concerning the promotion of employers.

I would like to begin by reaffirming the long-standing commitment of the United States to the ILO's cause and by applauding the Organization's

pragmatic efforts to improve conditions of work around the world.

I am proud to report that the Clinton Administration is firmly pledged to pursuing ratification of major ILO Conventions. In January of this year, we ratified the Labour Administration Convention, 1978 (No. 150) and we are engaged at the present time in tripartite discussions on the Discrimination (Employment and Occupation) Convention, 1988 (No. 111) with a view towards ratification early next year.

At a time when the Clinton Administration is seeking to assure that international trade expansion is accompanied by implementation of core labour standards, the ILO's role becomes increasingly significant. The ILO is the world's premier organization in the setting and monitoring of labour standards. I am pleased to note today that it was an American, Henry M. Robinson, representing the Employers' group at the very first Conference of the ILO, who initiated the idea of making labour proposals in the forms of Recommendations and Conventions.

Clearly the top priority among governments around the globe is employment – the lowering of unemployment and the creation of more new jobs. The major employment questions which are faced by industrialized as well as developing countries alike, concerning increased trade liberalization, technological advances, urbanization and structural adjustment are at the very core of the ILO's mandate.

The Clinton Administration has made the search for first jobs, better jobs and new jobs a top priority for the United States. In the course of this search, there is much that we have learned from the ILO. I believe that there is still more to be gained by us from the ILO's experience. Many times the ILO, working with its tripartite partners, has been able to rise above political difficulties and achieve its goals. But the current challenge to the ILO and all of us must be emphasized. We are trying to cope with an economic transformation as profound as any in economic history.

The core of our economies is shifting from the factory to the computer, from the production of large quantities of identical things to the creation, processing and distribution of information. Global trade and investment are quickening the tempo and enlarging the consequences of this fundamental change.

This has profound social and moral consequences for each of our societies. While some of our citizens are flourishing in this new environment, too many unfortunately are falling behind. Depending on how our societies are organized, those who fall behind are either unemployed for long periods of time and dependent on some form of government assistance, or they are in jobs paying even lower wages and benefits.

The first order of business is to resolve that we will not subject large portions of our populations to this diabolical trade-off. The goal must be to give all of our citizens an opportunity to share in the gains of economic change. We in the United States are proud of our record in creating jobs, but we must also admit that we have a serious issue and problems with continuing decline in wages.

Either condition – persistent joblessness or low and declining incomes – threatens the social fabric of our nations. We fool ourselves if we think that we can simultaneously rip apart social safety nets, allow unfettered flows of capital and trade, and at the same

time reassure those who suffer job losses that the resulting growth will more than make up for any temporary losses they experience.

It is in this context that I want to highlight three policy areas which are particularly important for world development and upon which the ILO should base its programmes of assistance.

First, investing in education and skills. The new economy bestows its top rewards on workers adept at identifying and solving new problems. The case for substantial public investment is strong as individuals cannot afford the full cost of education and training. Moreover, education is a "public good" whose benefits extend far beyond the person who obtains it. Nor, in most States, will private firms do as much job training in basic or industry-wide skills as is socially optimal. I note that many advanced economies already provide abundant tax incentives for investment in physical capital, but few allow similar investments in tax incentives for human capital. A re-examination of such priorities is in order.

In our search for solutions, simple changes in our accounting practices would be useful as a first step towards providing correct incentives for human capital formation. Investors tend to focus on fiscal deficits as an indicator of potential macroeconomic imbalances. Indeed, in the United States there are calls for massive cuts in education and training programmes. However, investors would be well advised to make distinctions between types of fiscal expenditure since some expenditures contribute to economic growth, yielding returns that more than offset the cost of borrowing over time.

Both our accounting procedures and our tax codes must be changed to reflect the tremendous social returns of human capital investment – increased productivity and labour force participation.

Secondly, we ought to focus on encouraging enterprise development. Even well-educated and trained workers may not thrive in new economies unless given wide leeway to develop new products and services. This often requires direct access to capital markets (through, for example, small business development banks); the easy creation of intellectual property (through patent, trademark and copyright laws); and protection against the predatory behaviour of large competitors (through, for example, anti-trust laws). In addition, public universities and research centres can all be breeding grounds for new small businesses, particularly if the inventors are given ownership of their inventions.

Which leads me to the third policy area: giving employees a share in the enterprise. Workers can share in the gains of economic growth through compensation systems enabling them to take part of their pay as a share of profits or as a share in productivity improvements. Research shows that when compensation is linked to performance, employees feel a greater stake in the success of the enterprise and thus contribute more. Such compensation systems also enable companies to maintain employment during downturns in business cycles. Public policies can encourage these and other forms of employee ownership.

I am not suggesting this as an exhaustive list. There are other ways in which labour markets can be organized to help all of our people across the great divide from mass production economies to information economies.

I note that in the United States many new jobs have been created in small and medium-sized businesses. I salute the work of the ILO's enterprise development programme. The thrust of the effort has been on the promotion of job creation in the informal sector, micro-enterprises and the development of cooperatives, all of which are alternatives to government job creation.

I cannot close without voicing a word of concern to the ILO and all its member States. Secretary of Labor Robert Reich is not at this Conference only because he is in Washington assisting President Clinton in defending the United States budget from severe reductions by the Congress. One of the areas of contention and criticism, is United States membership in multilateral organizations such as the ILO. I can today reaffirm the Clinton Administration's commitment to a strong ILO as an essential part of the multilateral system for the twenty-first century, and I want to assure you that the United States shares the principles and basic values of this Organization. However, governments are under unprecedented pressure to bring down expenditures including expenditures for international organizations.

The United States cannot vote in favour of the proposed budget only because we cannot in good conscience promise that we will be able to pay the full amount of our assessment for the budget currently under consideration in the Finance Committee. Therefore we have no choice but to work vigorously to reduce the budget within the realistic amount available to us. The ILO, the Conference and the Governing Body have all made great strides in this direction under the strong leadership of the Director-General. We understand that it is difficult to cut spending, but the ILO must continue to adapt to changing times. We are confident that the ILO can do this effectively as it has done in the past with the participation of all of its tripartite constituents in making the tough decisions that must be made.

My best wishes to all of you for a successful 82nd Session of the Conference.

Original French: Mr. KWIA TEK (Government delegate, Poland) – On behalf of the Polish delegation, allow me to extend to the President our cordial congratulations on his election to chair the 82nd Session of the International Labour Conference. May I also express our hopes that the results of our proceedings will meet the expectations of all the participants at this Session.

Last year, on the occasion of the 75th anniversary of the founding of the International Labour Organization, the governments of member States and their social partners took stock of the Organization's work.

We defined the role that the ILO should play on the eve of the twenty-first century, as well as the main directions of our work for the future. It is essential that our common efforts contribute to creating conditions favourable to harmonious and lasting social development. More so than in the past, this should also be the concern of other international organizations which are active in the financial and economic sphere.

The rise in unemployment levels is one of the most serious social economic and political problems that we face at the end of the twentieth century. The struggle against unemployment and its consequences

is the main concern of many governments. This is no longer solely a preoccupation of developing countries; it is also a problem for the most affluent. Unemployment was a major theme in the election campaign of Mr. Jacques Chirac, the newly elected President of France, as was job creation.

The problem of productive employment and the struggle against unemployment were also debated at the World Summit for Social Development which took place in Copenhagen. The documents adopted at the end of that Summit, the Declaration and the Programme of Action, emphasized that income should be derived from work as an essential prerequisite for the elimination of poverty and the strengthening of social integration.

The recent report by the Director-General of the International Labour Office, *World Employment 1995*, is entirely devoted to the promotion of employment. We would like to congratulate the Director-General on having prepared this valuable document, which has aroused keen interest in my country and will in the near future be discussed by the social and political committee of the Government.

In the light of the work done by governments and the initiatives undertaken within many international organizations, there is every reason to state that 1995 quite rightly be remembered as the year of employment promotion and the struggle against unemployment.

We are thus quite happy to announce that in Poland, for the first time in several years, the rate of unemployment has stopped rising. Recently, as compared with May 1994, there has been a decline of 200,000 in the number of unemployed people. We have also noted an increase in the number of jobs available. This, of course, is the result not only of the consistent pursuit of the Government's social policy, but also of a genuine upturn in the economy and a resumption of economic growth. Last year our growth rate was one of the highest in Europe.

Measures to maintain this positive trend which are to be outlined in a new government programme, will call for active collaboration on the part of our social partners.

Making it possible for people to have jobs which bring them a decent income is the main objective of social policy and a criterion by which economic policies are judged. Anyone who fails to promote employment risks weakening or bringing to naught those efforts which are made in favour of a society which offers its people dignity and economic development. It is our common duty not so much to mitigate the symptoms of social problems, as to eliminate their causes. Making various kinds of employment possible is an essential tool for effective economic policy. In this context, the discussion initiated in the course of this session on homework is of particular interest. Thus far, this form of employment has not been sufficiently regulated by international labour standards. No country which is trying to promote employment should be left to its own devices. In the age of economic globalization, to paraphrase an extract from the Declaration of Philadelphia, we may say that unemployment – wherever it persists – is a threat to the welfare of all. We need therefore to rethink the role of international institutions working the commercial, financial and social fields within the United Nations system, so as to help maintain con-

structive and lasting development in the world economy.

The globalization of the economy and the growth of transnational production can sometimes weaken the effectiveness of instruments traditionally used for employment and collective bargaining. International competition can lead not only to a depreciation of labour standards; there is also the threat of social dumping.

Poland is taking part with great interest in the discussion of this problem in the Governing Body. We hope that the November session of the Governing Body will be able to define the ILO's position on this subject.

In my view, measures taken to prevent the negative effects of globalization must not include the application of sanctions, for example via social clauses.

I am happy to offer my support to the proposal to broaden the scope of the Labour Inspection in Industry Convention, 1947 (No. 81), extending it to the non-commercial services sector. This will make possible more rapid and effective international monitoring of the observance of labour legislation.

I have pleasure in informing you that Poland recently ratified Convention No. 81 as well as the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

The Polish Government supports the procedure proposed by the Governing Body pertaining not only to the adoption of new documents, but also to the revision of already existing ones, in order to adapt them to current realities. This activity will strengthen the role of ILO labour standards and particularly those which, although ratified, have only had a limited impact on the situation of workers in the member States. We are in the process of discussing the Programme and Budget of the ILO for 1996-97. In making the appropriate choices, we should not forget the key role played by the ILO in promoting knowledge and disseminating know-how. The International Labour Office has become an enormous data bank which is at the service of all member States. We believe that this field of the Office's activity should be maintained and extended.

The Polish Government will make efforts more effectively to promote social development within the United Nations. Such a need has already been pointed out on a number of occasions, including at the Copenhagen Summit. This Conference should resolutely support this idea, all the more so as this year marks the 50th anniversary of the United Nations of which the International Labour Organization continues to be one of the pillars.

Original Arabic: Mr. KHALIL (*Minister of Social Affairs and Labour, Syrian Arab Republic*) – It is for me a very great pleasure, while attending this International Labour Conference, to congratulate the President – on behalf of the Syrian Arab delegation and on my own behalf – on his election. I hope that through dialogue our work will be as successful as possible.

I should like to take this opportunity to say how much the Syrian Arab Republic appreciates its constant cooperation with the ILO, its offices, its committees and officials. This cooperation has always been sincere and fruitful and is continuing to develop. We commit ourselves to trying to attain the Organization's objectives and to applying resolutions,

conventions and recommendations adopted at the International Labour Conference; this is in the interest of all the social partners. In our policies, we are giving priority to workers – and indeed this is reflected in the words of our President, Mr. Hafez al-Assad: “We pay tribute to work and workers, we are combating exploitation and those who exploit and we are increasing employment possibilities to bar the way to all those who exploit and other parasites.”

My country, the Syrian Arab Republic, under the leadership of the President of the Republic, Mr. Hafez al-Assad, attaches considerable importance to cooperation between the three social partners to promote global development in all areas of activity; it is setting out, by means of development projects, five-year plans and operational programmes geared to economic and social development, to increase job possibilities both in the public and private sectors.

In this context, we have done everything possible to attain political, social and economic objectives which contribute towards the prosperity of the individual, because we believe that human beings are more important than anything else in life.

I should like to reiterate my thanks to Mr. Hanne, Director-General of the ILO, for having prepared such a praiseworthy report, *Promoting employment*, in which he discusses globalization and employment and the various trends in developing countries. He also refers to the transition economies, economic growth in the industrialized countries and, in his conclusion, to the challenge of global full employment.

I cannot but agree with the conclusion in the Director-General's Report when he insists on the need to pay more attention to social questions, by making ministers responsible for employment and social affairs participate in economic and political discussions. This would counter the trend which has prevailed for some years now and which focused on political and economic issues at the expense of social problems – although these still threaten progress and social and material prosperity.

At this point I should like to discuss the promotion of employment in our country, where Act No. 91 of 1959 regulates the recruitment of the unemployed through employment offices and advisory committees. These committees participate in the drafting of national policy on employment and vocational training and take account of employment market needs; they also try to create the best working conditions possible.

The movement of reform set in motion by President Hafez al-Assad in 1970 has succeeded in stabilizing the political situation in the Syrian Arab Republic and creating democratic conditions which allow for a wider participation of the population in the economic and social development of the country. We have encouraged political and economic pluralism – thanks to the participation of the three economic sectors, private, mixed and public – opened up to the outside world and struck up close relations with the Arab States and other countries on the basis of mutual respect and common interest.

This movement has also created a favourable climate for Arab and foreign investors as many laws have been adopted on the private and mixed sectors – both Arab and foreign – to try and provide the best

possibilities of productive employment and eradicate unemployment.

Consequently, the number of projects regulated by Act No. 10 of 1991 on investment increased to 1,117 in 1994. These projects represent a total cost of \$4 billion and will create 83,328 new jobs – of which 42,291 will be in the industrial sector.

Thanks to the wise and courageous policy of President Assad, the Syrian Arab Republic has been able to analyse international issues and events in a rational and objective way, thus proving to the whole world since the beginning of the peace process in Madrid in 1991 that it supports any efforts to bring about fair and global peace. The Syrian Arab Republic is also trying to promote the progress of the peace negotiations because it believes in true peace based on international lawfulness, the application of United Nations Resolutions and the principle of land for peace, and if it has rejected all attempts to circumvent conditions vital for a just and lasting peace, it is only because it is convinced that partial or unilateral solutions will not bring about peace.

In his many speeches and statements, President Assad has asserted that the Syrian Arab Republic will never give away the smallest part of its territory and that it will never accept the infringement of its dignity or territorial integrity; he has also maintained that the principle of land for peace would mean the withdrawal of Israel from the whole of the occupied Syrian Golan, South Lebanon and other occupied Arab territories – including the Arab city of Jerusalem.

Furthermore, the Syrian Arab Republic condemns all terrorist action, irrespective of who carries this out and what their reasons and objectives might be; but we believe that international criteria should be established to distinguish between terrorism and the right of people to throw off the yoke of occupation. The whole world and the United Nations know that the Syrian Arab Republic was the first country to call for an official definition of the term “terrorism” so that the international community could draw a distinction between terrorist action and a fair patriotic war waged by certain peoples – in this particular case the Arab nation – confronted with Israeli occupation, aggression and terrorism.

We call upon the international community to pay heed to these realities and put an end to nuclear armament, which is a threat to peace, security and stability throughout the world, and to oblige Israel to give up this armament and join the Non-Proliferation Treaty; Israel should also accept the inspection of all its nuclear installations which are a threat to the Arab region and the whole world. Indeed, global peace is contingent upon security everywhere; and we must create in our region an area free from all arms likely to cause massive destruction which places the whole world under the threat of a disaster – the scale of which we cannot predict.

In concluding, I pay respect once again to your participation at the work of this Conference and hope that it will adopt positive resolutions and recommendations likely to consolidate the role of the ILO and its social partners, and strengthen cooperation between the members of the international community so that the peoples and nations of the world might benefit from a just, democratic and prosperous society.

Original Spanish: Ms. PIÑEYRÚA (*Minister of Labour and Social Security, Uruguay*) – On behalf of my delegation and myself, I would like to congratulate the President and the other Officers of the Conference on their election to conduct the work of the 82nd Session of the International Labour Conference. I wish them every success in their work.

We would also like to applaud the topic selected by the Director-General for this year's Report given universality of the problems highlighted in it. We particularly appreciate the depth of the information and analysis contained in the Report, which are the subject of the comments that follow.

We agree in general with the diagnosis of the global situation of employment in the world and in particular with respect to the region to which our country belongs.

We share many of the proposals for creating new jobs. Indeed, our country has been applying policies of this nature. We would like to highlight a point indicated in the document already discussed at the World Social Summit in Copenhagen, namely the still widening gap separating the wealthy from the poor countries.

There is a universal model in the world today which has been promoted in many international fora to be applied in the poor countries, and we can summarize it in four points: tax reforms; opening up borders to trade; state reform; attracting sufficient foreign investment.

It is said that this would lead to a balanced increase in production and exports; it would bring the trade balance into equilibrium and increase employment, among other positive results. In short, it is suggested that it would produce a take-off economic development.

Although this does offer a response to many of the points that were included in the overall diagnosis and which are indeed being applied in many countries successfully, it does raise at least the following questions: what would happen if all countries were to comply strictly with this model? is it really possible for this to be applied by all poor countries? and would these measures not mean that the gap between the rich and the poor would indeed increase still further? We feel that these questions cannot fail to be raised in the design and implementation of employment policies.

We agree that the employment/unemployment variable is very important in drawing up government policies in their country. For Uruguay the 10 per cent unemployment level is just as important as 4.5 per cent in Switzerland, or 24 per cent in Spain. Undoubtedly, each country will have its own emphasis.

It is difficult for the participants of the Conference to agree on whether employment is primarily a matter for social policy, economic policy, or a combination of the two.

The question of employment has economic, social, cultural and psychological dimensions which must all be taken into account, and we feel therefore that it is fundamental that we increasingly involve ministries of education and culture in the design and strategic planning of employment policies.

It is clear that when priority is given to economics then the focus is on the short term and on solutions that will balance the accounts. This cannot be avoided but we need to go beyond day-by-day pressures of and plan for the medium and long term.

Therefore, we need to include the subject of work in education programmes to make young people familiar with the nature and importance of the labour market, convey to them the fundamental value placed on work as a human activity, and on a range of different occupations.

We agree with the need to reform the State in order to make it a more efficient and effective manager, reducing its operating costs and doing justice to tax payers. This may imply that many of the tasks undertaken by the State should be entrusted to private sector management, monitored by state agencies, but that will only be possible once society has reached a level of development sufficient to take on such responsibilities.

There are, however, areas in which the State cannot be replaced by the private sector, and employment is one of these, because in addition to efficiency and efficacy there must be greater justice among all sectors of society. In this case our country has not yet done everything that it should, but it has managed to make people generally aware of the problem, and it is proposing specific actions to solve these problems.

In accordance with the spirit of the Employment Policy Convention, 1964 (No. 122), Uruguay has proposed and promoted an active employment policy. The challenge undertaken is to make this a State policy, that is designed and planned strategically so that it will transcend changes of government and be achieved by society as a whole.

We have set up a National Employment Directorate and a tripartite body to advise it and to administer jointly worker retraining programmes for the unemployed.

We are promoting tripartite relations among the social partners – government, employers and workers – as a permanent forum for solving the problems raised by training and employment throughout our country.

Our country like many others has embarked on a process of productive reconversion with its concomitant effects on the labour market, and naturally, we are also faced with the arrival of new technologies that require continual adjustment by our enterprises and among our labour force. We have also embarked on the consolidation of MERCOSUR with our neighbouring countries, and this raises completely new challenges.

In a constructive and tolerant spirit, together with workers and employers, we monitor the characteristics of the labour market and evaluate its various components.

In the design and development of active employment policies we take account of the specific relations with municipal governments believing that we must work together to bring about decentralization of our services supporting all initiatives based on development at the local level.

We support and defend each person's right to productive and freely chosen work. Until a few decades ago, Uruguay was a country receiving immigrants from the rest of the world and during that period there was no lack of work opportunities. But times have changed and we, like everyone else, have a problem of lack of jobs.

We would like to believe that full employment is a feasible project for all our peoples. However, it seems that in the current global context, with the

exception of some countries that have comparative advantages, this may not be possible.

We have adopted various economic and political measures that would promote economic changes to produce more tangible results than those obtained up until now. But the trade realities are not those promoted by the Uruguay Round: rather, protectionism continues to be the rule among the developed countries.

We are members of the regional trade bloc MERCOSUR, which is moving ahead, albeit slowly, in the agreed direction; we have brought about a fiscal adjustment which has reduced the fiscal deficit; we have encouraged production and investment; we are gradually reforming the State and results are encouraging in some areas.

We have also planned a "safety net" to mitigate the effects of the reconversion arising from new technologies and from our membership of MERCOSUR. Among other initiatives, let me point out the following: design and implementation of a four-year programme entitled "Strengthen the Social Area" with the support of the IDB; a cooperation agreement signed with those countries in order to promote "Dual Training" and to promote worker training through the "Labour University"; a major structural reform in the education system; a worker retraining programme and a reconversion fund to retrain the unemployed; a programme to promote youth employment.

The unemployment rate in Uruguay has changed very little in recent years, despite structural changes that are taking place in our economy, which means that while some jobs are being lost others are being created. It also indicates that the measures adopted as a "safety net" have begun to function relatively well.

In seeking ways of establishing new jobs, we have studied what is being done by other countries and concluded that it would be politically irresponsible to fail to ignore the social costs and cultural alienation that would result from certain development models.

Let us conclude by reaffirming that the ILO has a very important role to play in this area and needs to have a thoroughgoing analysis of possible incompatibilities between their standards and the commitments that underdeveloped countries quite often have to make with international financial agencies, whose effect is harmful to economic and social balances and which have a direct impact on employment.

Original Macedonian: Mr. SABRIU (Minister of Labour and Social Policy, The former Yugoslav Republic of Macedonia) – I am very pleased to take the floor in the name of the Republic of Macedonia and I hope the work of this Session of the International Labour Conference will progress successfully.

The problems relating to labour, unemployment and social protection that are prevalent in many countries, but particularly in countries undergoing transition, like the Republic of Macedonia, are very topical at present.

There have been major changes in recent years to our political and economic systems. In the Republic of Macedonia, as a sovereign, independent, democratic and social country, we have undertaken the processes of transition to a market economy, privatization and the restructuring of enterprises.

The process of transformation of the political, economic and social systems is being undertaken in extremely unfavourable and constraining conditions. Almost all the traditional economic and technological links which were very strong before the dissolution of the former Yugoslavia have now been cut; the international community has imposed an embargo on the Federal Republic of Yugoslavia; Greece has blockaded our southern border. All of this has led to the loss of traditional markets, the imbalance of the market, of finances and prices, a fall in industrial output, and in the national product and declining living standards for our people.

This trend towards stagnation and declining production, the ceasing of investments, the closing down of unprofitable enterprises and the increase of technical and structural unemployment means a continuing decline in demand on the labour market and a constant increase in the number of people unemployed. Thus towards the end of last year there was a 6.6 per cent fall in the number of people employed compared with 1993, while the number of unemployed people is rising continuously and has now reached 30 per cent.

In this connection, it should be borne in mind that during 1995, 16,000 people will remain without work as a result of the restructuring of enterprises, which will further exacerbate an already difficult situation.

Typical of this situation is that of the total number of unemployed persons, the percentage of those who are seeking work for the first time is very high (79 per cent), of these 60 per cent are young people under the age of 30 and 48 per cent are trained managerial staff; 66 per cent of job-seekers have to wait between three and six years to find employment.

The Republic of Macedonia, in its Constitution is defined as a social State, and within the financial possibilities of the budget and the economy, we are trying hard to provide the minimum living level for the unemployed. In conditions of rising unemployment the decline in the number of employed persons reduces the funds available for financing unemployment.

In 1994 and this year wages are limited by law and there is a considerable real fall which is limiting consumption. It should be emphasized that the percentage of persons receiving their wages on an irregular basis, sometimes two or three months late, is also high.

This situation means that the number of people needing social assistance in order to survive, or remain above the poverty line, is constantly rising.

Given this situation, my Government has for some years now been preparing social programmes, financed from the state budget, which, in accordance with fair criteria and procedures, seek to provide financial support to all families in need of social protection.

The Republic of Macedonia, as a democratic and social country, within the limits of its financial possibilities, is striving to provide a minimum social income for all its citizens.

Because of the unfavourable circumstances I have mentioned, the number of families receiving social assistance is constantly rising. About 60,000 families are now receiving such assistance and this represents 1.6 per cent of the national product.

We are aware of the complexity of the situation facing us in the Republic of Macedonia. However, we have set our course for development and we are making every effort to reach our aim of a country that will grant its people a democratic, stable and social environment.

What we now have to do is to overcome our current problems caused by the process of transition to a democratic society and a market economy. In doing so we need the understanding of others, and also financial assistance from the more developed wealthier countries. This is not an isolated process in Macedonia, but is part of a larger, more general process

which can have positive or negative repercussions on regional, European or global matters.

In our present and future meetings, as a European country, I hope that we shall be able to contribute to the drawing up of documents, the attainment of objectives and to the development of cooperation with the International Labour Organization.

I am sure that, with the collaboration of the ILO, we shall be able to make a real contribution to the drafting of the documents and the resolution of the problems we are concerned with here.

(The Conference adjourned at 11.15 a.m.)

Seventh sitting

Thursday, 8 June 1995, 12.10 p.m.

President: Mr. Rosales Argüello

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We will now resume our discussion of the Reports of the Governing Body and of the Director-General.

Original Russian: Mr. MELIKIAN (*Minister of Labour, Russian Federation*) – May I first of all congratulate the President on his election to this high office and wish him all success in guiding the proceedings of our Conference.

The principal theme of this session of the Conference, the problem of unemployment, as we all know, is not a new one. Nevertheless, it is extremely topical and it is very important to define the main lines of the ILO's activity in this area, as the world is undergoing a dynamic process of socio-economic transformation.

The Director-General's Report, in our view, offers a detailed analysis of current problems in the field of employment, be it generally relating to most countries of the international community or specifically to individual states. Of course, we are particularly interested in what he had to say about the transition countries which are undertaking profound reforms of their entire system of social relations.

In Russia, the cost of the initial stage of the reforms has been very high – much higher than expected – for a number of objective and subjective reasons. Over the past four years there has been a considerable decline in the level of industrial production as well as a fall in the real income of the population.

At the same time, there is today reason to believe that there have recently been some positive changes in the economy. The drop in production has virtually ended. In May of this year there was a two per cent increase in the gross domestic product. In various sectors, including metallurgy, the chemical industry, the petrochemical industry, and in a number of machine building sectors, production has definitely started to pick up.

As a result of strict control over the state deficit, inflation has fallen. The national currency is gradually being stabilized.

There has been a radical improvement of the situation in the consumer market. Shortages are becoming a thing of the past.

However, as regards the levels of the population's income, wages, pensions, benefits and various other social guarantees, as well as the problem of employment, the situation remains very difficult, although it

must be seen against the background of general economic and financial stabilization. Indeed, some social problems have even become worse.

The real incomes of the majority of our population at this time are only about 70 per cent of the pre-reform level. At the same time, we see widening disparities among different population groups as concerns incomes and living standards.

With income levels generally low, these widening disparities have led to a situation where about 30 per cent of the population are now living below the poverty line. That is to say their incomes do not even reach subsistence level.

The ranks of the poor now include not only traditionally weak groups with only limited access to employment, but also a considerable number of healthy and trained citizens who have work, but who are not receiving adequate remuneration for that work. About 25 per cent of workers receive wages which place them below the poverty line.

Overcoming mass poverty and curbing the growing differentiation in incomes is now one of the most important tasks of social policy in Russia. We are drawing up a series of measures aimed at increasing the State's influence on income levels. We are also trying to improve the system of taxation.

Against the background of these problems, the unemployment situation is extremely unusual in our country. The problem of unemployment has traditionally been of topical concern for most countries, but this problem was not so serious in Russia until last year. By and large, we have had a fairly high level of employment of the active population. Even now the number of people officially registered as being unemployed with the employment service is less than 3 per cent of the economically active population, although if the figures are calculated according to the ILO's methodology, then about 7.5 or 8 per cent of the able-bodied population could be classified as unemployed.

We are well aware that in the near future, for a number of objective reasons, the problem of employment is going to come to the fore, and not only for individual regions, as is the case today, but for the country at large. For this reason, we are already now paying ever greater attention to this problem.

The decline in production levels which has taken place in recent years has not been accompanied by corresponding dismissals of workers. As a result in many sectors and spheres of activity considerable surplus manpower has been building up for some time. Even now, with the imminent resumption of economic growth, it is still not going to be possible to provide work for everyone. With the market now sat-

urated with goods and services and competition on the rise, companies are going to be forced to take measures to cut costs and raise productivity. This will consequently lead them to reduce the surplus manpower which is now present in many enterprises. The tight monetary policy, which is quite necessary if we are to combat inflation and to balance our budget, will only accelerate this process.

Already today in a number of sectors and regions, hidden unemployment has become a considerable problem. The number of persons who are obliged to work part time or who are placed on unpaid or only partially paid leave is about 5 million people, or 6.5 per cent of the economically active population of the country.

In recent years, the problem of unemployment has been somewhat mitigated by the transfer of some of the working population into the so-called informal sector – this includes activities as street hawkers, work in petty services, and acting as middlemen in trade. However, there is now considerably less room for the expansion of informal employment.

Given the social and political situation that has arisen in Russia, any sharp increase in unemployment will be socially dangerous. Our policy, therefore, is to be as flexible and as cautious as possible, and to make full use of all available opportunities to influence the labour market in a reasonable way.

Various measures are planned, not only for the social protection of the unemployed, but also to revive and update our employment policy. These measures will be directed towards effectively maintaining posts and management potential, creating new jobs in sectors and industries with good prospects, and encouraging self-employment.

The policy is also intended to help provide state support for the transfer of workers from loss-making industries to other, more effective ones, with prior professional retraining.

In order to mitigate the unemployment situation in regions facing serious problems, there are also plans to launch a broad range of public works projects, to encourage companies to adopt flexible employment policies and, as a last resort, to make use of administrative measures, even including the imposition of an administrative suspension of dismissals or an administrative order to dismissals to take place gradually.

As you can see, much of what we are planning to do coincides with the recommendations made by the Director-General in his Report. We believe the discussion of this Report at the present session of the Conference and the analysis of national experience will be useful in this respect.

Russia is developing effective cooperation with the International Labour Organization in the field of employment and the improvement of national labour legislation. A new and important element of this cooperation is the ILO's participation in the solution of a number of regional labour market problems in our country. Thus, we have already started to implement a project to restructure the textile industry in Ivanovskaya Oblast. We are now examining the possibility of assisting a number of other regions of the country to tackle the problems of employment. With the assistance of the ILO, we are introducing a modular training system in Moscow and St. Petersburg.

In conclusion, I would like to emphasize that we fully concur with the conclusion in the Director-Gen-

eral's Report that the international community must take all possible measures to solve the problems of employment which have become global in nature.

We must have a realistic programme of action, both nationally and internationally, and the Russian Federation is prepared to make its contribution to organizing effective international cooperation in this area of the ILO's work.

Original German: Mr. BLÜM (Federal Minister of Labour and Social Affairs, Germany) – The world is in the midst of a period of change, and this is something we can all appreciate. World history really is in search of a new current. History has always progressed in surges and never in a smooth flow. We are now facing a giant leap forward.

A characteristic feature of this state of transition is globalization. The world is growing smaller. Communications networks are now enveloping the globe. In a split second, we can know what is happening on the other side of the world. For the first time in the history of mankind everyone is living in the present. Previously, the information you receive from a far-away country was already history by the time it reached you. For the first time in history, we are all living in the same time zone.

The world's major problems cannot be given a solely national solution. In fact, we no longer really have a national economy in the conventional sense of the term. We have financial flows, monetary flows which long ago became global. The global economy has changed and politicians need to adapt accordingly. Environmental protection and the hole in the ozone layer – these are national problems that can be dealt with at a national level. And if you look down at the earth from the moon – something we can actually do for the first time – the earth looks like a spaceship. But spaceship earth has but a single crew. If a leak occurs, everyone will suffer. There can be no individual, national rescue plan.

Wealth and poverty affect everybody. It is unimaginable that one person's gain, one person's profit shall be made at the expense of another. What type of profit is it, if it is made on the back of other people's poverty? If the gulf between the rich and the poor is not done away with or bridged, there is no way that peace on earth can be guaranteed. If the bomb of hunger explodes, the consequences will be more disastrous than the destruction caused by any atomic bomb known to us.

The diagnosis of the situation is a good one but what we now need to do is to decide the type of treatment to be given. For me, the ILO represents one of the approaches we can adopt to deal with this changing world. In this new situation of change, it is not just States that have to cooperate with each other. There may be some who will not like to hear this – but it must be said: this world of nation States is being transformed into a world of societies. Societies and groups of people must work together, and I know of no other organization in the world like the ILO in which the same symbiosis between States, governments, workers and employers has been institutionalized as it has in this organization. It just doesn't exist elsewhere. We have here the pioneers of a new form of development, the development of inner policies.

I therefore appeal to all States and to all governments to support the ILO in the work it is doing.

There is no denying that the world's major problems are ones which affect us all. Sustainable world peace can only be based on social justice. This is one of the main principles of the ILO – 76 years old and still young at heart. There can be no justice if every individual does not have the right to employment. No matter how enormous the allowances and unemployment benefits that are distributed, we cannot put aside this right to employment – the right to work with one's own hands and earn one's own living is thrice more important than just receiving hand-outs. This is something that everyone has the right to.

But so much is wrong in the world we live in. There are 800 million adults capable of working who are in fact unemployed or underemployed. Eight million adults! At the same time, 200 million children are being forced to work. The world is all upside down. Children are being forced to go out to work whilst their parents are out of work. This is the world really standing on its head. I see child labour as a vicious circle of exploitation and one we must put a stop to. We all have to work on this together. The vicious circle is that because children are being forced to go out to work, they cannot go to school. Because they don't go to school, when they grow up they will be unemployed, and because they are unemployed, their children have to be sent out to work. This is how exploitation has continued throughout the course of history, and it is for us to put a stop to it. There are places where children are sold to pay off the debts of their parents – a leftover from the old world of slavery. We all thought that we had done away with the horrors of slavery. But we have not. Millions of children are being held in slavery and – bought and sold. Does this not shame us! This is a social shame of civilized mankind. Perhaps what should be done is to appeal to the consumer. Is not the consumer King? I appeal to consumers throughout the world to boycott any product that bears the stain of a child's blood. I appeal to them not to buy goods that have been produced using forced child labour. You cannot allow anybody to gain a competitive edge by exploiting child labour. This cannot be the basis of a humane world economy.

We have all done a great deal to protect the environment. In my own country, people would be ashamed to wear jewellery made from ivory because they know that for ivory to be traded, elephants have to be slaughtered. But what we do for the environment we must do ten times over for the good of mankind. Nobody should tolerate child labour and goods produced using it. We must overcome our indifference. Children do not have strong organizations to defend their rights. Children do not have a strong voice. Children do not have the power to protest. But the world reacts only in response to large pressure groups. We have to do something about this. The ILO must do something about this. Injustice has always a human face behind it. We need to beware of living in a field of abstractions and not descend into a cloud cuckoo land of hollow slogans. We have to advance one step at a time. We have to point the finger of accusation at every perpetrator of injustice. Each one has a face, a name and an address. This is a large and esteemed organization which is in the vanguard of social progress.

I believe that national economies have no future. State-planned economies have proved that they are not the model for future development. Neither do I

believe that capitalism holds the answer of the future. An unfettered, beggar-your-neighbour economy has just as little future as a planned economy. The world is in search of a new model which will bring together economic progress and social progress – which brings together competition and social justice. You cannot do this without free trade unions. You cannot do this without responsible employers.

We are living in testing times. After all the mistakes made by planned economies, all the mistakes made by capitalism, can we establish some kind of order in which justice and prosperity are available to all, not just to the upper strata of society, but to all people on an equal footing.

Original French: Mr. BARROT (Minister of Labour, Social Dialogue and Participation, France) – It is most fortunate that, for his first international mission, the Labour Minister of the new French Government is able to come to Geneva and attend the 82nd Session of the International Labour Conference. I regard this as a privileged opportunity for meetings and contacts, but also an opportunity to place the problems of my own country in their historical and international context.

Here in this historic hall, Mr. President, we can see how far we have travelled since 1919 on the ruins left by the First World War. Since that time, despite so much suffering and so many reverses and wars, a prodigious process of economic development has led to the emergence of our present world, at once so varied and open.

Today we should be living in a privileged age. The end of the blocs and of ideological conflicts and also the successful conclusion of the Uruguay Round of trade negotiations have brought the free flow of trade and with it a general increase in wealth. And yet, as is so eloquently stated in the Director-General's Report, our world is not in good shape. It is beset by the scourge of unemployment and by its tragic consequences which can be so prejudicial even to peace itself.

Employment: the number one priority of the international community. That is the forceful message of the Report presented to this Conference. The French Government, which has placed the fight against unemployment and the effort to create new jobs at the centre of its action, can but welcome that determination.

Employment today is not just a right; it is a categorical imperative. It is not only an individual right, it is also a collective duty. Everyone in some sense has an interest in others also being employed.

This priority is also in accordance with the conclusions of the European Council meeting held in Essen in December 1994. The European Union too has emphasized dialogue between the social partners and the political world, in which each partner must shoulder its respective responsibilities. That is why President Jacques Chirac and Prime Minister Alain Juppé wanted the French Minister of Labour also to be known as the Minister of Social Dialogue. The European Social Conference held in March in Paris at the initiative of French Presidency on the subject of job creation pointed to a number of convergent approaches as to methods and objectives.

To methods first of all. For a long period it must be said that collective bargaining has not given as much attention as it might have to employment. The

Government to which I belong therefore wishes to give particular attention to discussions among the social partners on this particular subject. Beyond measures which are the responsibility of the Government, or initiatives which must be taken by management, the fight against unemployment requires the mobilization of the social partners so that the organization of work and resource management become more concerned with employment.

Now to the objectives. "Wanting employment" means acting in accordance with certain priorities, and in parallel in certain directions.

I will mention first of all the reduction of indirect labour costs, that is to say the costs of social and fiscal levies in the total wage bill. For companies work can sometimes cost too much, and one can easily see the risks which this brings about in a reduction of demand by the systematic recourse to automation instead of human work. This reduction in indirect labour costs has already been the subject of some initial measures and the French Government is now preparing further measures in the same direction.

Secondly, at the level of enterprise organization, improved management of working hours and in particular more use of part-time work or graduated early retirement. Here we must try to achieve if not a coincidence then at least a better balance between the aspirations of the needs of companies and the aspirations of the wage-earners. It is not always easy, but it is possible and the social partners have a central role to play in achieving it.

Finally, wanting jobs means encouraging new job-creating activities such as support services to save the daily lives of the elderly and of families, to support education, the environment and neighbourhoods. We are nevertheless creating fewer jobs than we need and we must therefore seek in an imaginative way to make of these new jobs a viable proposition.

I welcome the initiatives of our Organization in order to further strengthen the ILO's contribution to the elaboration of employment policy. The regular publication of a World Employment Report forms part of this effort. It will fill a gap which was already noted at the Copenhagen summit. The report will give us a better idea of the strategies adopted in various countries to promote employment. No one can doubt that these comparisons will enable us to have a more fruitful discussion in the ILO.

I also very much hope that we shall not lose sight of the prospects of organizing a second high-level meeting on employment and structural adjustment. If an item to this effect could be placed on the agenda for the 1996 Conference that would be a step in the right direction.

Alongside the ILO's role in the field of employment, the World Social Development Summit also pointed to the fundamental rights of workers. The French Government very much welcomes the fact that this dimension of human rights was also formally recognized by the Summit.

In this regard the ILO Conventions corresponding to those rights require the highest priority in the work of the organization. Emphasis must constantly be placed on securing the widest possible ratification of those instruments by member States and of course to ensure that they are applied in practice. The Director-General recently wrote to all governments to this effect and we hope that his letter will meet with

a particularly positive response. We also would wish that the Governing Body would endorse that appeal by giving priority to those standards. My Government continues to believe that the standards in question must constitute the necessary social dimension which should accompany the liberalization of international trade.

Among these fundamental rights, allow me to say a particular word about child labour. Mr. Blum has just made such an eloquent appeal on the subject that I can only add just a few remarks along the same lines. The Conference of Labour Ministers of Non-Aligned Countries held in Delhi in January of this year highlighted the dual consequence of child labour – its dual aspect, its atrocious moral character, and the fact that it places a severe burden on future generations.

The ILO must work to combat this scourge, which is a particularly cruel form of forced labour. Governments must be persuaded to apply existing legislation. France, for her part, intends to participate fully in the International Programme for the Eradication of Child Labour.

The Governing Body will be examining this subject at its autumn session. We believe that the Governing Body should take steps to draw up formal standards on the subject because, by contrast with other fundamental rights, as enumerated by the Copenhagen Summit, child labour is not the subject of any sufficiently general instrument with sufficiently clear provisions such as could attract widespread support. The Minimum Age Convention, 1973 (No. 138), which has not been widely ratified, could be supplemented or revised to this effect.

It seems to me to be highly desirable that the Working Group which is to take up the revision of standards should be given the broadest possible mandate to go beyond the purely technical aspects of this question.

This could strengthen one of the Organization's essential means of action. After all, the ILO's role, once again reasserted in Copenhagen, is to bring together governments, trade unions and employers' organizations and to guide labour relations and employment policy towards a pattern of development in which human beings will have their rightful place.

The ILO, on the eve of the second millennium, unquestionably has a major role to play in humanizing the economy and you may rest assured that France, with her wealth of social traditions, intends to play a full part therein.

Original Spanish: The PRESIDENT – I shall now give the floor to Mr. Tirumurti, Government adviser of India, who is exercising his right of reply to a statement made by Mr. Lasi, the Minister of Labour of Pakistan, on Wednesday, 7 June 1995, in the morning.

Mr. TIRUMURTI (*Government adviser, India*) – My delegation takes the floor to set the record straight in regard to the baseless charges made against my country by the delegate of Pakistan.

Jammu and Kashmir is an integral part of India and the reference made by him to it is a blatant and unwarranted interference in the internal affairs of my country and the suggestion of contravention of ILO Conventions is mischievous.

The present disturbed conditions in Kashmir are the result of Pakistan's support for terrorism. It is well documented that terrorists, armed, trained and sustained by Pakistan have been unleashed in Jammu and Kashmir. This gives the lie to Pakistan's famed concern for conditions of workers in Jammu and Kashmir. If indeed its concerns were genuine, then why has Pakistan supported terrorists and torturing and killing hundreds of innocent civilians in Jammu and Kashmir, in seeking to destroy the very fabric of democracy in the area.

Pakistan's concerns about the economic conditions of workers in Jammu and Kashmir rings hollow in the face of the enormous resources spent by India on developments in the area, and Pakistan's stepmotherly treatment of the area of Jammu and Kashmir

under its illegal occupation. This is borne out by the fact that while in the Indian State of Jammu and Kashmir the economy has been industrialized and diversified and every single village has access to electricity and clean drinking-water, Pakistan-occupied-Kashmir's economy remains stagnant and backward, hardly any better than it was half a century ago with less than a third of the population having access to electricity and clean drinking-water.

Pakistan appears to have got into this bad habit of raising Kashmir at each and every international forum where it has no relevance. I think they need to be told to desist from such a Pavlovian response, which only leads to the waste of valuable time.

(The Conference adjourned at 12.45 p.m.)

Eighth sitting

Thursday, 8 June 1995, 3 p.m.

Presidents: Mr. Halliwell, Mr. Popescu

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We will commence the afternoon with the discussion of the reports of the Governing Body and of the Director-General.

Original Arabic: Mr. AL-KHALIFA (*Minister of Labour and Social Affairs, Bahrain*) – In the name of God the merciful, the compassionate! It is my pleasure and privilege to head the delegation of my country, Bahrain, at this significant international gathering, the International Labour Conference.

I am also pleased to extend to the President our warmest congratulations on the trust that has been placed in him by all the participants at this Conference when he was elected President of the 82nd Session of the International Labour Conference. We wish him every success.

I am also pleased to extend our deep appreciation and thanks to the Director-General of the International Labour Office for the sincere efforts he has made in preparing his Report and for his successful choice of subject matter. The Report is characterized by scientific methodology, an integrated viewpoint and thorough coverage.

I am pleased that the subject of the Director-General's Report this year is how to promote employment. Certainly the selection of this topic is indicative of various trends and emphasizes the fact that the promotion of employment is no longer just a buzzword bandied around at international conferences and in international circles. Rather it has become an international, vital and pressing demand.

The selection of such a topic shows the firm belief of the International Labour Organization in making full employment a global priority objective of our socio-economic policies and in providing secure and sustained employment that will enable all people, both men and women, to earn their living through productive work.

You may agree with me that changes in the world's economy over the past few decades, particularly the change in the structure of production and the fall in growth rates, production and wages, have had a major impact on the rate of employment which, in turn, has led to serious problems, not least of which is unemployment. This crisis is now facing labour and economic policy-makers throughout the world. It has become a serious challenge to development efforts in many countries.

In his Report, the Director-General has identified the phenomena and reasons that have led to in-

creased unemployment rates throughout the world. He has also explained the framework of employment policies and the link with economic growth and labour market policies.

We believe that to minimize unemployment we will have to increase production, create more jobs, raise investment rates, improve basic infrastructures, plough productive energies into new activities, and establish a stable economic atmosphere and efficient markets. We will also need to set up new, effective organizations, improve economic regulations to attract more direct foreign investment, and establish proper channels between education and training labour market requirements.

The development and promotion of employment will require proper training for the labour force, increased efficiency and improved and varied skills that are compatible with the new industries that are trying to occupy a prime position in the world economy.

It is no longer possible at the present time to talk about socio-economic development without linkage to manpower, nor is it possible to create productive manpower without the basic requirements of training, skills and efficiency.

The International Labour Organization is currently required to mobilize procedures and establish mechanisms at both the national and international levels to improve the employment situation in the world and renew commitment to full employment. It is also required to find a corporate framework for international cooperation with the aim of attaining optimum solutions for the pressing problems of unemployment and related social issues.

We are confident that, with the tremendous resources it possesses, the International Labour Organization is capable of participating in measures and activities to ensure progress and help us achieve our socio-economic objectives. The ILO is qualified to fulfil the ambitions of the various nations of the world.

In conclusion, it is worth emphasizing that changes in the world make it necessary for us to look more carefully towards the future and move without delay to the development and implementation of appropriate policies to tackle the problems of unemployment, to promote employment, and to transform such policies into practical plans and programmes which aim to create well-trained professional staff who are capable of utilizing their innovative abilities in work and production.

Mr. SISOU LITH (*Minister of Labour and Social Welfare, Lao People's Democratic Republic*) – On be-

half of the delegation of the Lao People's Democratic Republic, I wish to congratulate the President on his election; I am convinced that with his competence and vast experience this Conference will most certainly be very successful.

I also wish to express my congratulations for the Report presented by the Director-General which contains important aspects and a wealth of information and emphasis on the promotion of employment, which constitute a common issue in the world.

The contents of the Director-General's Report indicate that unemployment does not pertain to the fact that a country is developed, developing or underdeveloped, but is related to the characteristics of each country's economic development process. In addition, this issue is also dependent on a State's calculation of and balance between economic and social development, between human resource development and industrial modernization. Moreover, it is also related to the disposition of sectors in line with the use of a country's labour force.

I agree with the Report that the threat to social stability originates from unemployment, as unemployment will occur at any time and place in the conditions of a market-oriented economy.

The growth of the world economy, the development of modern production in addition to the competition prevailing in market-oriented economies has not allowed the simultaneous development of the labour force. At present, various countries are all endeavouring to modernize and upgrade production and establish conditions for rapid economic growth. This process is accompanied by the failure of ineffective operations, followed by unemployment.

However, developed countries usually have the advantage of substantial social welfare funds to alleviate unemployment problems. But the potential of underdeveloped or developing countries is labour intensity, namely in the sectors of light industry, handicrafts, agriculture and services which help to absorb unemployment.

The Lao People's Democratic Republic is presently in a period of firm conversion to a market-oriented economy. The Lao Government is endeavouring to further promote foreign investment, and has outlined focal economic development plans with a view to keeping economic growth at the same pace as human resource development, and therefore ensuring social stability.

At present, urban unemployment in the Lao People's Democratic Republic totals 3.2 per cent due to lack of skills. In addition to unemployment, the Lao People's Democratic Republic is also faced with the issue of underemployment. Therefore, the Government is obliged to adjust labour importation to the development of local labour skills.

Promotion of employment is paid much more attention by the Government in the national socio-economic development plan to the year 2000.

Based on a policy of firm restructuring and promotion of foreign investment, economic sectors have known rapid growth and have made use of increased labour in new sectors which has helped to create new employment for the population.

In addition, the Government's attention is directed toward rural development to provide disadvantaged groups with opportunities to increase their income and to encourage self-assistance through continuous and focal small and medium-scale projects with the

objective of progressively reducing the difference between urban and rural areas and labour migration to new urban areas.

My Government emphasizes the development of labour skills, which is part of the human resource development plan. The various forms that labour skills development could take include the establishment of vocational training centres, the creation of conditions for Lao workers to work jointly with foreign workers in view of their replacement in the large projects taking shape or to take shape, in order to limit unemployment and ensure continued social stability.

The Government of the Lao PDR is endeavouring to efficiently apply the basic ILO principles and has closely coordinated with the regional ILO office. It has received useful assistance and support from the ILO. Any assistance and support from international organizations and friendly countries for labour development and the promotion of employment in the Lao PDR is beneficial to my country's socio-economic development.

I wish to take this opportunity to express my warm thanks and best wishes for the success of the Conference.

Original Portuguese: Mr. ALMEIDA PAIVA (Minister of State of Labour, Brazil) – It is for me and for my country a great privilege to be a participant of the 82nd Session of the International Labour Conference. On my behalf and that of my Government, I congratulate Mr. Francisco Rosales Argüello for his election as President of this Conference. Let me also praise the United Nations organization on the occasion of its 50th anniversary. My country is proud to be a member of an institution which has provided invaluable contributions to the well-being of mankind and world peace.

Let me state that Brazil regards the sustained growth of employment as an important goal on its development agenda. However, in order to achieve such an objective my country needs to maintain price stability. We have made much progress towards stabilization since 1994 when the *real* plan was initiated. We believe that unless inflation is brought under definite control, economic expansion and employment generation will be short-lived. Thus my Government is proposing to the National Congress a set of reforms whose aim is greater efficiency of the economy and a balanced budget.

However, we are not only concerned with economic prosperity, but also with social justice. As the text presented by the Brazilian delegation to the World Summit for Social Development in Copenhagen states, Brazil faces enormous challenges on the social front. Poverty and inequality and the lack of appropriate standards in health education, sanitation, housing and nutrition demand from the Government and society at large a series of urgent actions. We have already established partnerships with local governments, NGOs and the private sector to address these issues. Furthermore, we are aware of how closely some of these social maladies are interconnected with labour market results, particularly in terms of the level of earnings and the quality of employment.

Brazilian labour markets are facing the following major problems. First of all, labour productivity is rising fast and is well above the growth level of real

wages. Secondly, a few good jobs are being created at the expense of a large number of poor quality ones, particularly among unprotected wage-earners and the self-employed. In fact, the share of protected-wage employment declined from almost 60 per cent in 1990 to under 50 per cent in 1994, whereas the share of unprotected-wage employment and of the self-employed increased respectively from 17 to 24 per cent and from 17.5 to 22 per cent over the same period. Thirdly, there is an urgent need to improve the professional education of the labour force so as to increase its skills in order to gain access to better quality jobs.

Finally, in the urban informal sector and rural areas, particularly in the less-developed regions of the country, there are labour market mechanisms and structural traits of the production process which are intertwined with poverty.

These problems generate four gaps. One lies in the differential between productivity and real wage growth, leading to a decline in the share of labour in the national income. The second gap increases the cleavage between the workers holding jobs in the modern sector and the majority of labourers who are located on its periphery. The third gap is between the type of job being offered by modern competitive firms and the average professional education of the jobseeker, generating a mismatch between supply and demand and therefore structural unemployment. Finally, pre-market or market-generating poverty increases the gap between the destitute and the middle and upper-income groups, worsening income distribution.

In order to reverse such trends, Brazil needs to be successful in its development strategy which has as its main pillars the maintenance of macroeconomic stability, high rates of savings and investment, an increasing openness to world trade, attracting foreign direct investment, the privatization of state enterprises, growing investment in human capital and a steady programme to fight poverty and reduce inequality. We intend to achieve a successful integration into the global economy.

Let me now discuss some issues related to the impact of globalization on economic growth and employment. As stated in the ILO report *World Employment 1995*, globalization has triumphed but also has brought about some undesirable consequences. On the one hand, it has created new economic opportunities and has increased the chances that living standards will be raised. On the other hand, it has weakened the ability of States to manage their economies. President Fernando Henrique Cardoso has called the attention of the International Monetary Fund and the World Bank to the need to set up controls to avoid or minimize such troublesome outcomes. I am restating such a concern to this audience.

Another distressing consequence of globalization concerns the erosion of labour standards in the face of trade liberalization. We should not allow competitive pressures to erode the quality of employment. Brazil is committed to improving labour standards. We will not fail to enact measures to protect the well-being of workers, and we shall not tolerate violations of workers' rights.

We now turn to the issues of forced and child labour. Charges referring to the use of forced labour in Brazil have been brought before the ILO. Let me

assure you that all such charges are being fully investigated. Those responsible for such infringements of basic human rights are being brought to court and indicted accordingly. Brazil will not tolerate such abuses. We are developing new ways to deal with and dissuade such repulsive practices.

There have also been some reports to the ILO with respect to the use of child labour in Brazil. I would like to make clear that firms unlawfully hiring children have been punished. However, this is a much more complex issue. As a matter of principle, all children should be at school even when they are apprentices. However, economic necessity in the context of family survival strategies has led many children to either hold hazardous jobs or even to beg for money in the country's streets. This is an unbearable situation which perpetuates poverty across generations. Brazilian society is determined to confront this issue. However, it requires concerted action both on the educational and developmental fronts, which will take time to work out.

The Brazilian Government is engaged in joint efforts with NGOs, international organizations and with the ILO itself through the IPEC programme and the private sector to alleviate this problem in the short run, while the more permanent benefits stemming from development remove the sources of this regrettable social ill.

Brazil does not need to resort either to unlawful labour practices or to human rights abuses to lower labour costs so as to increase the competitiveness of its economy. We are a democratic society and as such we believe that the fair way to increase our ability to compete is by raising productivity.

Brazil will not accept, as has often been asserted in international fora, any attempt to link infringements of labour standards as a result of competitive pressures to commercial sanctions by the World Trade Organization.

The Brazilian Government sees a protectionist intention behind this argument. Any abuses of workers and their rights should be brought first to the Brazilian authorities for appropriate action and then, depending on the case, to the appropriate forum of the United Nations system, such as the Human Rights Commission or the ILO, and not to the World Trade Organization.

It has also been argued that labour market deregulation is a relevant component of structural adjustment programmes. Brazil needs to change its labour market and industrial relations institutions. The breakdown of the old model of growth has not only made explicit the rigidities in the functioning of labour markets but has also highlighted the inadequacies of current labour legislation to face the needs of capital/labour bargaining.

Notwithstanding these facts, labour institutions should not be blamed solely for unsatisfactory economic performance, which has also resulted from an inefficient industrial structure protected by high tariffs.

We agree with the principle stated in the ILO report *World Employment 1995* that the challenge facing the reform of labour legislation is to set up standards applicable to all segments of the labour force while imparting greater flexibility to labour market behaviour. We also share the view that international experience does not provide any definite support to the assertion that it is essential to have an unregu-

lated labour market in order to successfully integrate the economy into competitive globalization.

The adoption of policies to respond positively to globalization is the best way to sustain economic growth and to create modern-sector jobs in countries like Brazil.

Brazil is just beginning a new era with regard to employment policy, labour market regulation and capital labour relations. Our goals are to increase the welfare of our workers, to promote citizenship and to secure democracy. We have an unyielding commitment to fulfil such a destiny. In this endeavour we are open to discussing alternatives with all social actors. For such an undertaking it is also essential to have the support of the ILO.

Mr. SUNDSTRÖM (*Minister of Labour, Sweden*) – First of all I want to congratulate the President and his colleagues on their elections. The excellent Report prepared for this year's Conference addresses important questions and struggles in most parts of the world, and it suggests constructive means of dealing with them. There are convincing arguments concerning not only the myths regarding deregulation and wage cutting, but also about the need for positive adjustment. In addition, the point regarding the need for international cooperation to enforce basic labour standards is made quite clearly.

The Report presents a constructive vision of the future and makes a strong case for a new political commitment to achieve full employment. I do not intend to go into the details of the Report, but I would like to share with you five considerations connected to it.

The first aspect refers to the visibility of the ILO and the publication of *World Employment 1995*. The publication of that report is an initiative worth commending.

The ILO is, I am sorry to say, a fairly unknown organization, and it has had difficulties in finding its place in the international debate on economic policy. A yearly publication of such high quality would improve knowledge and understanding about employment-related problems. It would influence thinking on economic and social matters and on poverty.

The second consideration has to do with economic, versus human, development. For a long time a purely economic approach has dominated the debate on development. Economic objectives have taken such priority over other goals that one might believe that economic development is the sole purpose of all development. It is too often assumed that free markets and better incentives for private enterprises are alone sufficient to solve problems of employment and social problems. They are indeed necessary. But they cannot be a substitute for an up-to-date and effective labour market policy and social policy.

If, however, these policies lead to higher unemployment and more poverty, they could turn out to be very expensive, not only in respect of personal hardship and stress but also because of the indirect consequences they will have on health, crime, child labour and alienation – consequences which can lead to social conflicts and the rise of extremist movements.

In order to influence these discussions, the ILO therefore needs to enhance its analytical capacity, and deal more with economic policy matters. As was stated at the World Summit for Social Development,

economic, employment and social policies are closely related, and the ILO should participate actively in all discussions related to them. But convincing arguments demand continuous efforts, and therefore it is important to build up the necessary capacity within the Office.

My third consideration refers to the fact that national policies to increase employment no longer are adequate in a global economy. International coordination of policies is essential to increase demand, output, trade and employment. The present global system, however, is designed for national adjustments made by single countries.

This is not a suggestion to make any group responsible for the global economy. But there is, as has been suggested by the Commission on Global Governance, a need for an international forum to consider the overall state of the world economy.

Such a forum should provide an environment for a long-term policy to promote balanced sustainable development and to ensure consistency among the policies of the major economic institutions.

The ILO should take an active part in the discussions on a new policy framework which is adapted to the global problem, and it should bring its message to the international community.

Fourthly, I believe we must listen to women, and listen to the poor. The main point for the ILO's work is the support and protection of basic human rights in the world of work. This orientation towards the rights and well-being of individual men and women is the hallmark of the ILO. The tripartite method, where governments, workers and employers listen to each other and work together, gives the ILO its unique strength and provides the Organization with a better opportunity than many other organizations to assist those who are not present in the corridors of power. This often means women, and it certainly always means the poor.

It is fair to say that what is good for women is good for all of us. If women do not get the same rights and opportunities as men, we will not be able to overcome poverty, to stop the squandering of resources and to do away with segregation. Power for women is a matter of life and death. Our goal should be a world where free working women and men are able to make decisions affecting their own lives.

My fifth reflection refers to the most vulnerable groups in our societies, and in particular to children – the children who are forced to work under very bad conditions in order to survive. The ILO is doing very impressive work with regard to this difficult and complex problem. The difficult part is of course finding ways to provide alternatives in areas of extreme poverty. Education has to be the first priority. The Swedish Government believes that questions regarding the observance of core labour standards should be considered in all relevant international fora. The reason for this is that the question is not what we normally mean by economic or social conditions, but rather a question of basic human rights. There is at present a discussion within both the ILO and the OECD regarding these matters, including the possible link between trade and labour standards. Sweden attaches great importance to these discussions, as the aim is to prevent exploitation. The action initiated by the Governing Body to strengthen the ILO's role with regard to the protection of basic workers' rights, to promote the application of ILO standards,

and to fight against child labour, therefore, is of the utmost importance. The tripartite community, and all of us as individuals, need to express solidarity with the most vulnerable groups – and first and foremost, with the children of the world.

Original Spanish: Mr. PETERS ARZABE (*Minister of Labour, Bolivia*) – Reading the Report of the Director-General of the ILO, which was prepared to be examined during this Session of the Conference, the Ministry of Labour of Bolivia agreed with the document's conception, with the statistics contained in it, and with its observations on the structure of world employment. We were especially interested to read about employment effects of the Uruguay Round, and its impact on the Western labour markets.

With the globalization of the economy, world trade has grown, as has the trend to globalization in the flow of foreign investments in both developed and developing countries. We must stress that from the Report a trend which must be taken into account in long-term employment forecasts.

The Report of the Director-General shows that there is also a trend towards rising labour productivity, which encourages greater direct foreign investment, thanks to effective strategies of development which some countries have been able to implement, consisting mainly of maintaining macroeconomic stability, high levels of savings and investment, a liberal trade regime and the attraction of foreign resources.

These economic policies have tended, at the global level, to reduce unemployment, underemployment and poverty even if variations at the national level must be taken into account.

In Bolivia, obstacles to social and economic development have affected the country's search for quick solutions to the problem of employment.

This devastating problem of the end of the twentieth century calls for long-, medium- and short-term strategies and policies, and the country has responded through the modernization of its juridical, social, economic and political structures.

The philosophical and practical orientation entailed by these changes is guided by the need to find short-term relief for the unemployed and, in the medium-term, by the strengthening of the labour market.

In order to remedy the deficit of new jobs and, at the level of wages, to guarantee Bolivian workers a better quality of life, we have started a number of reforms which reveal the urgent need to modernize institutional policies of social development.

Of course, the solution to the problem is hampered by the constant unease of conservative economic sectors which try to neutralize the national or foreign investment policies which would open new horizons on the employment front.

Before taking office, the Government of President Gonzalo Sánchez de Lozada tried to find out exactly what the concerns and aspirations of the people were among all social strata, so as to discover what changes they wanted. Amongst these, some of the most serious have been met by the Popular Participation Law.

After 450 years during which the economic life of the area which is today Bolivia was conducted in a manner oblivious to those who constitute the nation's deepest roots, the economy of the Republic of Boli-

via is now looking again towards the municipalities of the interior, especially to the rural areas, and it is handing resources over to the people so that, through democratic and popular systems of self-management, they can determine the amounts to be invested in accordance with their own development priorities and short-term employment goals.

This exercise also revealed a broad consensus around the need for an educational reform changing fundamentally prevailing structures of education and technical and professional training. With wide participation from the sectors most closely involved – teachers, parents, professional and technical experts, and also of all the political parties represented in Parliament, a project was presented to the Congress which, after the relevant analysis and discussion, was approved and promulgated by the Government. The effects of this new educational reform on the labour market in the medium and long term will be the best possible.

Another innovative and very Bolivian idea is the concept of capitalizing state enterprises. Unlike other experiences where there was a privatization of state enterprises, whereby they are sold off in a single transaction together with their substantial income stream, but with a permanent loss of wealth to the State, Bolivia has retained state-ownership and to improve management so that, with the fresh investment obtained, new jobs will be created and a pension fund created to ensure a dignified old age for all Bolivians.

All these measures will ensure a better social welfare with jobs sufficient in quality and quantity for all Bolivians.

Although the people voted for change, opposition was raised by small politically motivated groups whose rhetoric clearly revealed that they represented spurious sectarian interests.

The country suffered from the effects of changes and transformation, because the interests in question, taking advantage of the peaceful and democratic climate prevailing under the current Government, tried to upset the country's institution life in 1994 and 1995.

An opposition alliance of extremist sectors of the teaching profession with coca-leaf producers drew up an irrational list of economic, social, environmental and regional demands, going well beyond the tripartite relationship observed in the ILO. The resultant permanent street disturbances forced the Executive, with the authorization of the National Congress, to declare a state of siege in April.

The current Government continues to apply the principle of harmony in company and labour relations, and I can, from this platform of the International Labour Conference, inform the international community that the broad-minded approach of the Bolivian Central Workers' Organization and the Confederation of Private Business will enable us to consolidate change with order, and order with social justice.

Once the structural obstacles to the development of a policy for the solution of the complex social problems of work had been overcome, the Government turned its attention to the design of a methodology for the programming of an employment strategy, which we will summarize later on.

The greatest difficulty, in designing employment policy in my country is that of combining a set of

strategies where political efforts and financial and administrative resources come together to respond to the problem of demand.

It is well known that there can be no employment without investment, and one priority in this respect is precisely to prevent a rise in unemployment, because the unrest it brings itself puts investors off, be their domestic or foreign, leading to further increases in unemployment. From the social point of view, this also leads to further polarization between the employed and the unemployed, and thus increased inequality in the distribution of income and an increase in the incidence of poverty.

It is in this context that the Ministry of Labour is studying strategies for solving the unemployment problem and creating jobs.

The jobs produced by investment arising in the capitalization process described above will enable the state-owned firms to modernize, to incorporate new technologies and thus to require an increase in the human resources at their disposal.

With the support of the Andean Development Corporation we have begun to draw up labour re-training and adaptation projects in each of the state enterprises due to be capitalized.

The improved distribution of resources and of investment in public works at the municipal, departmental and provincial levels will generate new jobs in the middle-sized cities and in small towns but above all in the countryside. This will act as a brake on rural out-migration and will optimize the use of labour on the spot.

With the help of the ILO it is proposed to provide support for productive units at the municipal level.

The State's social investment is carried out through various specialized funds. These mechanisms of social investment each have responsibility for particular tasks and in no case is there duplication among them, even though their function is to carry out public works of direct benefit to urban or rural communities. The Under-Secretariat of Labour is charged with the monitoring of social investment on account of its important role in short-term employment generation, and it is also responsible for overseeing conventional investment which is a natural creator of new jobs.

The cooperative system, especially in mining and agriculture, is exhibiting high levels of production which also translate into the employment of large numbers of people.

The action of the Ministry of Labour, through its Under-Secretariat for Cooperatives, is aimed at supporting the formation of production and service cooperatives which are likely to require large amounts of labour.

The great potential of the cooperative sector for development and employment has led to the creation, through a separate unit in the Ministry of Labour, of a Social Relief Fund, which is also an agency of the Ministry. It is responsible for the following: the operation of a rotating fund for people who have been marginalized or displaced; with the aim of providing a social capital for starting up units of production; market research domestically and abroad to open up market opportunities for these units; the creation of "incubators" to enable these activities to develop, providing the necessary finance and training.

Training has become an irreplaceable mechanism at all levels of productive activity. The classic ap-

proach states that for training to be profitable it must be directed at workers or unemployed people who are in a position to take on the responsibility of an improved job – and this leads again to the need for training for reconversion, for better jobs and higher wages.

The foregoing implies a series of operating mechanisms which can only be put into practice when applied at the regional or local level where the economic and social projects are actually undertaken.

Returning now to the overall analysis of employment as the object of truly intelligent but controversial economic policies in this time of crisis, Bolivia believes that a philosophy of social peace is absolutely essential for the achievement of sustained and sustainable development, be it in the economic, financial or social sphere, on the basis of a democratic stability which we must protect.

Bolivia therefore accepts the Director-General's call for the creation of an institutional mechanism at the international level which will find the optimal solutions to the social scourge of unemployment, as a solidary goal for States, Employers and Workers.

Ms. FITZGERALD (*Minister for Labour Affairs, Ireland*) – I welcome the emphasis given in the Director-General's Report on promoting employment and tackling poverty across the global economy. There is still a mountain to climb if we are to raise output and economic performance across the world economy and to ensure an equitable distribution of the fruits of economy activity so that everyone can enjoy work at a reasonable income.

Facing the unemployment problem at the top of everyone's agenda is an important first step in working together as a world community to tackle joblessness. Given the close interrelationship between social and economic policies, there is a good case for a new mechanism for international cooperation which would deal with social as well as economic challenges.

One recent hopeful pointer for the future was the World Summit for Social Development in Copenhagen. At that Summit the Irish Prime Minister committed our Government to the work of eradicating poverty, combatting social exclusion and promoting the goal of full employment.

We all live now in a global economy, an economy where inter-country trade and direct foreign investment is growing faster than GNP. It is therefore extremely important that governments and the social partners should increasingly seek to act together across frontiers through structures such as the ILO.

The increasing liberalization of international trade is a key to increasing world economic prosperity and employment and the implementation of the Uruguay Round GATT Agreement offers opportunities for growth.

As a country which exports over 70 per cent of its total output, Ireland in particular appreciates the benefits of increasingly liberalized trade. Opening up the home market to outside competition is often seen as a threat to jobs at home. I think we should turn that idea around and see the new market opportunities opening up in those countries which are experiencing fast growth.

The European Union in its Maastricht Treaty adopted economic targets to ensure greater coordination of macro-economic policies in preparation for

economic and monetary union. These targets aim at low inflation and reducing the overhang of public debt. The European Union White Paper on Growth, Competitiveness and Employment maps out a strategy for more investment and training, for more employment intensive growth, improved efficiency in labour market policies, reduced non-wage labour costs and special measures to assist those groups hardest hit by unemployment. The world of rapidly changing markets, of rapidly changing technologies, means that economic success is increasingly built on ability to adapt to change. The level of investment in education and training is a key factor in ensuring the flexibility of skills to adapt to changing circumstances.

Basic social protection and labour market flexibility are not intrinsic opposites. The partnership between workers and management, the long-term investment and training for a longer-term work force are important aspects of flexibility which tend to flourish in an atmosphere of good social protection, rather than in its absence.

I welcome in particular the emphasis of the Director-General in his report on tackling long-term unemployment. Increasingly we understand that economic fluctuations tend to leave some people permanently behind, that a rising economic tide of its own will not "lift all boats" and that special measures are needed to integrate long-term unemployed back into the mainstream labour market.

Ireland has had one of the highest unemployment rates in Western Europe – a problem which has been exacerbated by a rapidly growing young labour force. However, some significant progress has been made in recent years in raising Ireland's economic performance and growth rate and that growth is now being translated into additional jobs and reduced unemployment. It is forecast that our economic growth rate will average between 5 and 6 per cent to the end of the century. Last year total employment grew by 2.6 per cent and the number of registered unemployed climbed by 5.7 per cent – and these trends are continuing.

However, we recognize that these improvements in themselves will do little to eradicate the problem of long-term unemployment or arrest the drift into long-term unemployment. That is why we have adopted an active policy to retrain and reintegrate the long-term unemployed into the jobs market, backed up by an active placement service of those who would otherwise be at the back of the jobs queue. These policies have been designed with the help of the unemployed organizations themselves, and reflect practical experience with pilot initiatives.

In addition, we have developed a special focus on developing the economic potential of unemployment black spots harnessing the input of the local communities in these areas. Thirty-three of the worst black spots are now included in a specially funded local development programme which is being assisted by the European Union.

Finally, I would like to congratulate the Director-General on his Report and on the work of the ILO. I hope that this work will bear fruit in increasing the coordination of economic policies in the focus on tackling unemployment in our own country and right around the globe.

Mr. MELKERT (*Minister of Social Affairs and Employment, Netherlands*) – First of all, I wish to

congratulate the President and the other officers of the Conference on their election. It is good to know that the conduct of this Session of the International Labour Conference is in very able and highly experienced hands.

Winners or losers – that is what employment seems to be about. On the one hand are the privileged who have a job, and on the other hand are the jobless who are excluded from participation in society. In this context losers are not born but made, and a lesson of the recent past has been that the mere market mechanism alone has not been able to correct all the imperfections of the labour market. Consequently, we may have to reconsider and upgrade the role of government and the public sector in combating unemployment.

For this reason I am very grateful to the ILO for producing the two reports on employment this year; one for the World Summit for Social Development, held in Copenhagen, and one for this Conference. The first report was indeed a great inspiration to me during the Copenhagen Summit.

In my view a revitalization of the welfare state and the design of appropriate forms of social and labour regulation is crucial for economic success. Economic performance is the basis for employment creation, but growth just based on the elimination of both the welfare state and job security is economically short-sighted and strategically unsound. Like the Director-General I subscribe to the view that our aim is still full employment, but not at any price. Employment must go hand in hand with social justice.

The OECD in its Jobs Study has analysed a number of causes of unemployment in industrialized countries. On the whole, the conclusions of this Jobs Study are sound and useful. For instance, I find the qualification of the results of the globalization of the economy in that report very enlightening, in that it eliminates a number of fairy tales in this field. Imports from outside the OECD are almost negligible and hence cannot be responsible for the high rate of unemployment in Europe. However, it is not without reason that I have welcomed the reports of the ILO on employment for their added input. It has been more than a year since the OECD report was published and new insights are useful.

What is the additional scope of the ILO reports? In the first place these two reports do not uniquely deal with the problems of industrialized countries but also cover the problems of the developing world and transition economies. Moreover, I welcome the fact that the ILO, after some lapse of time, has embarked on studying the employment situation of the industrialized countries. The newly industrializing countries do not have the monopoly of the negative consequences of unemployment – in the industrialized world, being jobless leads to exclusion from society and all its related harmful effects.

What do we find in the Report entitled *World Employment 1995* that calls for extra thought? The Report takes the view that unemployment is not the inevitable result of general processes such as globalization of the economy and technological advance. On the contrary, it is the result of deliberate decisions on socio-economic policy and the way we want society to develop. Following up this line, the ILO concludes that the solutions propagated in the 1980s such as deregulation and the withdrawal of the public sector from the economic arena, have not led to a

fair deal for the unskilled as far as income and work are concerned.

The ILO regrets that the positive aspects of regulation are often neglected and points out that the evidence for the harmful effects of regulation is often thin. Existing dismissal procedures, statutory minimum wages and the extension of collective labour agreements should not be condemned out of hand. In fact, they may well contribute to stable industrial relations and the opportunity to upgrade skills, assets that employers with vision well know how to appreciate. It is striking that countries with a dissimilar extent of social protection have a similar rate of economic performance.

The ILO also points out that the McKinsey Global Institute has concluded that rigidities in the product markets are as important as those in the labour markets in explaining the slow rate of employment growth in Europe. So not only the labour market should be made the scapegoat for unemployment.

That being said, there is no reason to be complacent about the present state of the labour market, especially as far as the low skilled are concerned. It has been traditional Dutch economic policy to stress the importance of voluntary wage moderation. Although the ILO almost tends to discount the negative effects of excessive wages on creating unemployment, the Netherlands Government feels that wage moderation is sound policy in view of competitiveness and the necessary social equilibrium. Moreover, we want to realize a lowering of payroll taxes, especially for low skilled work. But this is not enough to create jobs for poorly qualified workers. For that reason, the Netherlands Government has initiated a new "social standard" in order to push back long-term unemployment by taking a number of specific measures. First, creating 40,000 new jobs in the public and semi-public sector; second, creating employment with the aid of social security funds, or allowing persons to retain benefits while holding a job; third, selective extension of collective labour agreements in order to encourage the social partners to create jobs at or just above the minimum wage level; fourth, temporary dispensation of the statutory minimum wage in order to favour the creation of jobs for the long-term unemployed. I know that the ILO deems the criticism of the harmful effects of minimum wages on employment not wholly convincing. Yet for initial entry into the labour market such dispensation can just give the extra push needed. And fifth, I would like to mention the issue of job vouchers. I realize that the measures I have just mentioned may well represent a specifically Dutch recipe. But I just want to illustrate that governments and the public sector have a more active part to play in the combat against unemployment than has been fashionable recently. Withdrawal by the Government and stringent macroeconomic policies have not in themselves resulted in making considerable inroads into the unacceptably high unemployment problem. The Netherlands has a good record in recent years on employment creation. We have seen growth in the distribution of work via the extension of part-time work, with the full support of the social partners. But this in itself has not been enough to solve the problem. We need inspiration to find new ways to arrive at full employment. I find part of that inspiration in the work of this Organization.

To conclude, I would like to reiterate my belief that the balance between the market and the public sector should be restored. The public and private sectors should cooperate in harmony. Thus, a redesigned welfare state will provide a sound basis for economic progress all over the world.

Mr. TREU (*Minister of Labour, Italy*) – The Government of Italy particularly appreciates the fact that the major focus of this session of the Conference and the major target set for our future commitments is employment policies, and more specifically policies aimed at promoting full employment. This is a clear response to what we consider a worldwide social request. Full employment is not only an economic good in itself, it is an economic good because unemployment is a waste of our most precious resources, human capital. But full employment is also a prerequisite for fighting poverty, social exclusion and all forms of discrimination and inequality. In fact, unemployment is in itself a factor of inequality.

These targets have been set at the international level. They have been the object of the G-7 meeting on employment and the Copenhagen Summit, but the specific responsibility must now be shifted to our States, governments and the entire United Nations system.

The market is global, and governments are local; we need, therefore, greater coordination to meet the challenge of employment throughout the world. In fact we need greater coordination in two areas: coordination between governmental, national, regional and world levels; and we need increased coordination between social and economic policies. Quite appropriately, this has been stressed in the Report to this session of the Conference.

Indeed, in the past, the institutions responsible for economic policies and the institutions responsible for social policies have worked too far apart. By setting the goal of full employment as the international community's top priority, we are trying to reinforce the role of the ILO as well as the role of labour ministers and the social partners at the national and international levels. The Report which has been submitted to this session of the Conference fully grasps the complexity of the issues and the difficulty of the challenge before us. The globalization of the world economy and the growth of the information society are both a great opportunity for the people of the world. But they are also a challenge and there is a risk that globalization and technology could place pressure on workers' fundamental rights, leading to a systematic deregulation of the labour market, which is why we have to meet this challenge. We do not accept the idea that technological progress is an enemy of full employment but, of course, we cannot take it for granted that it will promote full employment either. This is a basic issue of social policy.

The Government of Italy is fully committed to combating unemployment and to turning economic growth into jobs. Four basic measures have been implemented in line with the principles of the ILO and with European guidelines. First of all, encouragement for productive investment, particularly in depressed areas, aimed at providing the basic infrastructures needed to modernize the economy and at the same time to sustain labour-intensive sectors. In order to promote such investments in a difficult economic situation, we need, a climate conducive to in-

vestments, which means efforts to contain public deficits, which are a major problem in many European countries.

A second set of measures aims to make the labour market more flexible. We do not think that flexibility is the only measure that can promote full employment, but it is certainly an important aspect. We do not believe in all-out deregulation, we believe that flexibility is a policy which can be negotiated and sustained by active manpower policies; it is not an automatic policy.

A third set of measures aims to increase the quality and quantity of investment in human capital which is considered by everybody as a major target, but one which is not easily reached.

Finally, at this time, particularly in this area of the world, we need to keep an eye on wage dynamics and inflation. But more than specific measures, let me mention two basic principles which I think should be kept in mind at this level. One is that any policy of this dimension and difficulty needs the full agreement of the social partners in its shaping and implementation. This has been pursued in Italy through a series of tripartite agreements in recent years which have been the basis for the social and economic stabilization of the country.

A second major principle, let me repeat, is to marry macroeconomic policies with social choices. This is a principle which must be put into practice in national and supranational policies.

To give you a concrete indication of what I mean, let me stress another major problem. We need to believe in the linkage between workers' rights and development, between the globalization of the economy and trade and the preservation of workers' fundamental rights. No obstacles should be placed in the way of the globalization of trade but the same process of globalization must go hand in hand with suitable multilateral policies particularly aimed at supporting less-developed areas.

The apparent challenge is to reshape social economic policies, guaranteeing that the globalization of the economy and trade is matched by respect for fundamental rights at the universal level. We must pursue this path which again is difficult, but we have no alternative. There is no point in pursuing economic integration and development and at the same time turning a blind eye to the development of democracy and fundamental social rights. The history of mankind is filled with policies which have failed, even in economic terms, because they have considered social rights to be a luxury rather than the basis for development or because they saw trilateral agreements and consultations as an impediment to decision-making rather than as a resource for democracy.

Let me conclude by emphasizing again that this line of action offers interesting prospects for the ILO and for our Government both at the national level and regional levels. As far as Italy is concerned, let me mention in conclusion that the Italian Government is committed to supporting all action along these lines. The International Training Centre of the ILO, in Turin, will play a fundamental role in these efforts, thanks to greater integration with the rest of the ILO and with the United Nations system. Its activities are in line with the themes being dealt with at this session of the Conference, and should be given priority by the ILO as a whole. The Government of

Italy will continue to provide every possible support to the Organization which needs sufficient resources to be able to operate effectively.

We call on the ILO to maintain the rigorous approach and we assure both the Organization and the Director-General that they can continue to count on the full support of the Government of Italy.

Mr. HO (*Government delegate, Republic of Korea*) – I would like to begin by congratulating the President on his election to preside over this very important meeting. I would also like to express my deep appreciation to the Director-General, Mr. Michel Hansenne, and his staff for their efforts in producing this session's Report entitled *Promoting employment*.

This Report has done well to note that, with the successful conclusion of the Uruguay Round, the world economy has entered a new phase. At this watershed in history, I believe that our common employment problems require, more than ever, cooperation and joint efforts among the nations of the world.

Employment promotion, as discussed at the Copenhagen World Summit for Social Development, is a means of eradicating poverty and achieving social integration. The task of promoting employment is therefore a critical pillar in the economic and social structure of all nations.

I fully agree with the Director-General's opinion that labour and social concerns should not be secondary to economic growth and the promotion of employment.

As a result of high growth in the Korean economy, the unemployment rate has decreased to 2 per cent in the 1990s from 8 per cent in the 1960s. Improvements in the rights of workers have accompanied this economic growth. For instance, Korea embodied the protection of workers' rights within domestic institutions in the 1950s, when the Labour Code, the Trade Union Act and related laws were enacted. Since then, several revisions have been made with a view to ensuring a balanced distribution of the fruits of economic development.

Korean policy in this area has had many objectives. Efforts have been made to improve working conditions, to develop workers' skills and techniques and to promote employment security for disadvantaged employees such as women, the elderly and the disabled. Such concerns have been addressed through legislation, including an Act on the Promotion of Employment of the Handicapped, the Minimum Wage Act, the Employment Equality Act and the Act on the Promotion of Employment of the Elderly.

These efforts, along with Korea's steady economic development, have improved my country's structural income distribution. Wage increases have exceeded productivity gains throughout the development process, resulting in a remarkable rise in the ratio of employees compensation to national income.

Korea's labour laws and regulations have also improved, and now correspond to international standards. Labour rights have evolved in a positive manner, particularly since the late 1980s. Workers now have greater rights to unionization and collective bargaining. In the years following 1987, labour relations endured a crisis of acute conflict between labour and management, which led to explosive labour strikes. The significant reduction in the number of

labour disputes since this time demonstrates the improvements in labour-management relations.

I am quite certain that the expansion of trade and investment between nations, which is the expected result of the successful conclusion of the Uruguay Round, will contribute to economic growth and increased employment around the world.

The accelerated change in industrial structures as a result of trade liberalization, however, thrusts unprecedented challenges upon both advanced and developing countries. Though many advanced countries have serious unemployment problems to tackle, the problem of low growth and high unemployment within developing countries must also be urgently addressed.

Industrialized countries are expected to participate in this process by supporting the developing countries, and by helping to build them into legitimate partners for open market success, active investment and international cooperation. Korea endeavours to cooperate with the international employment promotion efforts by participating in manpower development programmes. These programmes offer vocational training based on Korea's development experiences.

Future plans include the extension of existing activities and further participation in international cooperation programmes.

Thanks to the sustained economic development, employment promotion efforts have created close to full employment in Korea. However, industrial restructuring may cause structural unemployment in our country in the future, as has been the case in other developed and developing countries. Rather than responding to such structural unemployment problems in a passive way, we will tackle the issue with active and comprehensive human resource policies, as suggested in the Director-General's Report.

In preparation for the expected challenge of structural unemployment, Korea enacted the Basic Employment Policy Act and the Employment Insurance Act in 1993. The Basic Employment Policy Act is aimed at balancing the supply and demand of manpower, and at preventing unemployment through the comprehensive implementation of medium- and long-term employment policies.

Embodied within the Employment Insurance Act is the Unemployment Insurance Scheme, which is a passive social security system supporting the livelihood of the unemployed through unemployment allowances. In addition to this passive measure, the Act also contains such active policies as the Vocational Competence Development Project and the Employment Security Project, which expedite re-employment through job placement services and facilitate support for vocational training.

The world is experiencing a deepening of interdependency among economies which has reduced the autonomy of individual government policies and actions. The Director-General's Report notes that in such circumstances, a fundamental requirement for restoring full employment is the creation of an institutional framework with which to address unemployment problems. I fully support the institutional changes proposed in the report.

It is my hope that the detailed plans may be established which can contribute to the solution of employment problems for all countries.

Mr. MASINDE (*Minister of Labour and Manpower Development, Kenya*) – On behalf of the Kenya Delegation, I wish to congratulate the President, together with the other Officers of the Conference, on their well-deserved election to guide the deliberations of this year's session of the International Labour Conference.

My delegation has noted that the central theme for this year's session of the Conference is on promoting employment. The Director-General's Report has given a very detailed account of the world employment situation primarily with the aim of stimulating discussion and the search for solutions among ILO constituents and the international community at large.

We also note that his choice of the central theme is particularly relevant, since the recent World Summit for Social Development had adopted a Declaration and Programme of Action which specifically committed the assembled Heads of State and Government "to promoting the goal of full employment as a basic priority ... of economic and social policies, and enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work."

The ILO's support in this regard will go a long way in assisting member States in the difficult task of translating the renewed commitment to the attainment of full employment as emphasized at the Summit. Despite the global economic progress since 1990, serious problems of employment, underemployment, widespread inequality and poverty still persist in the world today.

These problems are more critical in poor countries, especially those of sub-Saharan Africa which are grappling with a myriad of socio-economic, cultural and political problems that are not conducive for productive employment generation and growth. The effects of the world recession of the 1980s, the heavy debt burden and the decline of primary commodity prices has compounded the problem. The situation has been aggravated with the implementation of IMF and the World Bank structural adjustment programmes in the face of dwindling international donor support.

The adverse weather conditions, especially recurrent drought, and the high population and refugee problems, have further worsened the employment situation.

Global marginalization of the African region in trade and investment as a result of diversion of resources to Eastern Europe has further aggravated the situation and stretches the employment challenge even more.

Kenya is one of the countries suffering from these problems and I am convinced that these – combined with the incidence of declining real wages and informalization of the labour market – have led to low quality of employment, insufficient incomes, increased poverty and widespread abuse of labour standards among the population of the developing world.

In these circumstances, Kenya firmly believes that the issue of providing productive employment remains a critical core mandate of the ILO.

Generating and sustaining productive employment and income opportunities demands joint efforts of the social partners in the labour market through the spirit of tripartism, which the ILO upholds.

As the recent Summit clearly indicated, attaining high and sustained economic growth is the surest way of generating more productive employment and income opportunities to meet the needs of an expanding labour force, maintain existing employment levels, reduce unemployment rates and at the same time improve the earning and living conditions of the workers and the general population.

In the case of Kenya, a number of measures have – and are being – pursued further, with the aim of achieving the desired economic recovery, sustainable growth and social development. At the core of these programmes is the creation of an enabling environment conducive to attract and retain both domestic and foreign investors.

The Kenya Government has, since independence, upheld peace and political stability in order to create the right environment for development.

Constant consultations among the social partners in the labour market have ensured industrial harmony, a prerequisite for industrial peace, labour stability, improving efficiency, increasing productivity and generating additional employment as well as income opportunities.

It is therefore necessary that all developing countries should be given adequate financial and technical support by the international community to ensure that micro-economic policies rest on strong foundations which facilitate the efficient allocation of scarce resources.

Kenya is taking serious steps towards privatization and liberalization of the economy. It has created export processing zones and is currently examining the modalities for implementing an investment promotion code which will take into account the internationally accepted investment code and the country's interests.

The Government has, at the same time, striven to maintain and improve the infrastructure to provide the desired services for the promotion of investments, the needs of the people and the general economic growth.

As was reaffirmed by the Summit, improved education, health and shelter together with an increase in meaningful employment and economic opportunities, will significantly contribute directly to reducing poverty and its consequences in the rural and urban areas. Since independence, the Government has continued to allocate a larger portion of its budget expenditure to the development of the human resources through education, training, and health and has aggressively pursued a comprehensive population policy.

Kenya firmly believes that the ILO's contribution to the follow-up action to the Summit should mainly be confined to the implementation of commitment No. 3 to the goal of full employment. The ILO also has a crucial role to play in the area of social protection – focusing on the eradication of poverty as well as on improving equality of opportunity and human rights practices in order to facilitate social integration and to make structural adjustment programmes more socially responsible.

The ILO should therefore offer assistance to the member States at their request to help them formulate comprehensive strategies and programmes of action, define time-bound goals and targets, establish efficient monitoring mechanisms and regularly assess

progress towards the achievement of the overall outcome of the Summit.

The ILO should also aim at doing fewer things but doing them better by making full use of its comparative advantage. In order to maintain the organization's credibility, the ILO should conveniently desist from pursuing issues that are irrelevant under its mandate such as the recent planned linking of international trade and labour standards through a sanctions-based "social clause" mechanism which is not a "core mandate" area for the ILO – nor does it have any economic rationale to justify pursuing the linkage. It is a counter-productive move which would end up not only in destroying more jobs rather than creating any jobs at all, but also in bringing about disaffection with this distinguished Organization.

Finally, I would like to mention here that the ILO as a tripartite Organization has a very special and unique role to play towards the promotion of social justice generally in the world of today which has become so interdependent.

It is against this background that my delegation would like to make a special appeal to all peace-loving nations of the world to fully support this worthy Organization in the noble task of promoting social justice and improving the quality of life of all the peoples of the world.

(Mr. Popescu takes the Chair.)

Ms. NAMIR (*Minister of Labour and Social Affairs, Israel*) – I would like first of all to offer the President congratulations on his election to preside over this session of the International Labour Conference.

Unemployment is the central economic and social problem in Israel and we all know that countries all over the world are facing the same problem.

Recently I had the honour to participate in the World Summit for Social Development in Copenhagen which dealt with policies to reduce unemployment in order to promote social progress. I believe it is our responsibility to encourage employment and ensure decent working conditions which will provide an adequate standard of living and ensure a more equitable distribution of income and wealth, thus reducing dependency on the welfare system.

In Israel during the last two years we expanded employment by taking a number of important steps. The Government stimulated economic activity by investing in the country's economic infrastructure and intervened in the labour market. These measures were successful in reducing unemployment in Israel by one third, from 11.2 to 7.6 per cent. This is clearly no small achievement, particularly when you take into account the new wave of 650,000 immigrants from Ethiopia and the former Soviet Union, which increased the population of Israel by 12 per cent and the labour force by 4-5 per cent per year for the last five years.

Specific programmes have been implemented in Israel to promote employment. The Ministry of Labour and Social Affairs played a central role through the following steps: subsidizing wages in the agricultural sector, providing vocational training in the construction industry, tightening regulations on unemployment benefits and creating immediate jobs. These last two steps were most effective in reducing

the number of job seekers by 26 per cent within the past two years.

I have no doubt that you will agree with me that the success of labour market policies must be viewed not only in the light of their contribution to the economy as a whole but also in respect of their impact in advancing the weaker sectors of our societies.

A specific programme introduced in Israel in December 1994 was designed to reduce unemployment in 15 localities throughout the country where unemployment was over 10 per cent. Special attention was paid to supplementary education, vocational training and social support for the well-being of the families of unemployed workers. By April of this year, the rate of unemployment in 13 of the 15 localities had fallen by an average of 4 per cent.

As the Minister of Labour and Social Affairs, I believe it is my duty to protect the more vulnerable sectors of our workforce, such as low wage earners, women and foreign workers.

The issue of foreign workers leads me to the following subject. Repeated terrorist acts committed by extreme Palestinian organizations against the peace process and the people of Israel force the Government of Israel to take certain measures in order to protect its citizens. The number of Palestinian workers entering Israel was reduced dramatically. It is obvious that the standard of living, mostly in Gaza, has worsened as a result. To my regret and against my beliefs we permitted 71,000 foreign workers to enter Israel. He who thinks that a country can absorb so many foreign workers without there being any impact upon social conditions is simply mistaken. Therefore, we instructed employers to maintain proper salary levels, suitable housing conditions and national insurance for foreign workers.

This session of the International Labour Conference is taking place at a time when the Middle East is in the midst of an historic peace process. This is a difficult road we travel with many obstacles. However, the dialogue must move ahead. The sides must reach constructive compromises and replace distrust with a collective hope for peace. Peace means an end to agony, suffering and mourning. Peace means a promise to Israeli mothers and to Palestinian mothers that their children will no longer die in wars. Peace means that the countries of the Middle East will be able to divert their human energies and economic resources away from conflict and towards better education, improved health, economic development and mutual cultural enrichment. We should not forget that peace is the future of our children.

It is our hope that the international community will continue its support for the success of these efforts for regional stability, with the ILO playing a significant role towards a better future for us all.

Ms. WIDDECOMBE (*Minister of State for Employment, United Kingdom*) – The Government of the United Kingdom welcomes the focus of the Director-General's Report to this session of the Conference. Global unemployment is the key issue which has to be tackled, and my department hosted an ILO anniversary seminar last September to explore some of the issues involved. In opening the seminar I emphasized the high priority which the Government of the United Kingdom gives to action to tackle unemployment.

The United Kingdom strongly endorses what is said in the Director-General's Report about the crucial importance of exploiting the Uruguay Round's potential for creating new jobs through trade liberalization. We also agree on the role of positive adjustment measures – including retraining. We believe this is a far more effective and forward-looking approach than the protectionist stance of opposing trade liberalization in misguided attempts to protect home markets.

We also welcome the support that the Report gives to the introduction of new technology as a means of creating new jobs.

We accept that full employment should be our goal. But that cannot be achieved in isolation from other policies – notably the need to achieve low and stable inflation. Increasing employment by raising demand beyond the capacity of employers to respond would inevitably lead to higher inflation, and the need to reduce inflation will in turn lead to higher unemployment.

We believe that the best way to ensure stable exchange rates is for all governments to maintain low levels of inflation. If governments try to use macroeconomic policies to create jobs, the financial markets will anticipate higher inflation. In that environment destabilizing factors are more likely to come into play – and it is employment which suffers as a result.

The United Kingdom recognizes the importance to developing countries of their comparative advantage in lower labour costs when competing in international markets, and it is imperative for us all to resist denying markets to developing countries because they have different labour standards from those that can be afforded in Europe and North America. The clear message from the majority of employers and governments in the ILO's recent debate on trade and labour standards is that any link between labour standards and trade sanctions is totally unacceptable. Nothing is more certain to depress labour standards than actually preventing countries from trading freely and expanding their economies.

Our experience in the United Kingdom shows that a properly functioning labour market is of the most fundamental importance both for economic growth and for reducing unemployment. The Government of the United Kingdom is committed to creating a flexible and an efficient labour market – one capable of providing jobs and rising living standards, while remaining competitive in the ever-changing international market-place. It is surely significant that many of those industrialized countries with the worst problems of unemployment also have the most regulated and most inflexible labour markets. The evidence of the OECD Jobs Study underscores the importance of labour market flexibility in promoting economic growth and employment growth.

I would now like to turn to the outcome of the World Summit for Social Development.

The Government of the United Kingdom very much welcomed the emphasis placed during the discussions on the need for concerted action to address the global problem of unemployment. The Summit offered a valuable opportunity for countries throughout the developing and developed world to share their experience in tackling this problem.

The outcome of these discussions was a Declaration which summarizes the long-term goals we all

seek to achieve and a Programme of Action which offers key signposts along the way.

It is for each member State to identify and pursue the approach most appropriate to its own national circumstances. But it is important to remind ourselves that there is only one way to reduce unemployment, and that is by stimulating growth and the jobs that go with it. It is the enterprise of individuals and the enterprise of companies which generate economic growth and new jobs. Governments cannot create lasting jobs – but what they can do and what they must do is to help create the economic conditions in which both business and job creation can flourish. Only through sustained economic growth and employment growth can there be a solid basis for lasting social development.

The Programme of Action invites the ILO to play a special role in contributing to the achievement of the Summit's employment and social development goals. The Director-General has already emphasized in his statement to the Summit in Copenhagen the ILO's commitment to the goals set out in the Declaration, and he has signalled very clearly the ILO's readiness to play a key role in their achievement. I welcome that commitment.

There are, I believe, three key areas where the ILO's expertise equips it to make a distinctive contribution. First, and perhaps most importantly, the ILO exists to promote improved standards and conditions of work and to encourage productive employment throughout the world. It needs to make better use of its existing voluntary procedures to produce simpler, more up-to-date labour standards which are suited to modern needs and which developing countries with limited resources can recognize as relevant and as constructive; it must also make better use of them to monitor the application of those standards systematically, but without becoming bogged down in unproductive technical detail.

Secondly, the ILO has a role to play in supporting national governments' actions – for example by providing appropriate technical expertise and assistance on employment matters.

Thirdly, the ILO provides a unique forum for the encouragement of international cooperation and for the exchange of information and good practice. There is a wealth of valuable ideas and experience amongst ILO member States and the ILO has a crucial role to play in exploiting that resource to maximum effect.

In taking forward its remit, the ILO – and indeed the United Nations system more widely – must avoid creating additional burdens for member States by setting up cumbersome new monitoring arrangements. The Summit's Programme of Action does not recommend any new structures or reporting arrangements. The priority must surely be to review and rationalize existing structures and systems so as to ensure that they respond effectively to new demands.

But there is, I believe, a further requirement which the ILO must satisfy if it is to play the role I have outlined. It must show that it is a modern organization in tune with the needs of the twenty-first century and capable of delivering practical results with real value for money. It must be flexible, responsive and clearly focused on achieving realistic objectives. Its structures, policies and programmes must be coherent; they must be up-to-date; they must be effective. In short, it must be able to adapt to the

demands of the future while drawing on the strengths of the past.

The process of review and reform is well under way. The Director-General and the ILO secretariat should be congratulated on the progress that they have already made. The past two years have seen significant and lasting reforms of the ILO's administrative procedures. New strategies and approaches are now being adopted in the fields of technical cooperation and sectoral work. These reforms are important and welcome. But to take forward the mandate, the ILO now faces the greater challenge of modernizing its whole approach to setting and monitoring labour standards. This is potentially the ILO's most distinctive contribution to the achievement of the goals set by the Summit. And this is where the need for modernization and reform is now most pressing.

To conclude, the most important and immediate step the ILO should take to respond to its new mandate is to increase its momentum for radical reform, transforming itself into an organization shaped by the needs of the future and not held back by the patterns of the past.

This is an urgent task and a challenging task. I believe the standing and the authority of the ILO in the twenty-first century will depend critically on its achievement.

Original Arabic: Mr. JASSIM (Minister of Labour and Social Affairs, Iraq) – In the name of God, the Merciful, the Compassionate! It is my pleasure, on behalf of the delegation of Iraq, to express my greetings to this Conference and to wish it every success in its work. I am particularly happy to congratulate the President of the Conference on his election – and am sure that his skill and experience will contribute towards attaining the noble objectives of the International Labour Organization.

The Conference, which is being held at an extremely crucial economic and social juncture, is being called upon to adopt resolutions and recommendations likely to have an effective impact on the bringing about of the aspirations of the social partners in the area of social justice, to enhance the role of the ILO in the drawing up of programmes and to achieve its objective – while consolidating the activities of parties to production.

This year, the Director-General has opted to discuss the topic of promoting employment in his Report. This is an extremely vital issue for societies which are facing extremely serious challenges because of unemployment, in all its forms, and its ensuing ills, such as inequality, insecurity and social exclusion – not to mention the loss of human resources vital for global development. The extension of working opportunities, improvements in the situation of workers and their increased participation in programmes – all these constitute the most urgent objectives faced by the world because they would help decisively to deal with unemployment and "hidden employment". This objective implies the strengthening of manpower and an increase in productivity to extend the spheres of global development, reverse the trend of poverty and achieve social justice. The living conditions in the majority of developing countries, because of widesweeping changes in the international arena, must be considered seriously with a sense of responsibility, be-

cause there is a danger that they might result in new regions of poverty and famine.

The experience of my country in this area is an example for modern times; indeed, our overall national development programmes, initiated after the Glorious Revolution of 17-30 July 1968 up to the end of the 1980s and the beginning of the 1990s, made optimum use of human resources; consequently job opportunities were created.

Iraq suffered from a lack of manpower and it welcomed Arab and foreign manpower from other countries who worked in exemplary working conditions. But now we are suffering from the scourge of unemployment, because of the odious aggression of 30 countries which has led to the total or partial paralysis of essential services and the stoppage of many production projects. In addition, many workers have been dismissed as a consequence of the blind unjust blockade which has been imposed on Iraq since 1990 until the present time.

Iraq, which has contributed to the enrichment of civilization and whose history goes back over 5,000 years, is now living in extremely difficult conditions because of the blockade which has been in force for five years against Iraq; this has caused the deaths of hundreds of thousands of children, old people and women because of a lack of food, medicine and other basic services – following the iniquitous application of the Security Council resolution against Iraq and the freezing of Iraq's assets in foreign banks, as a result of the influence of those who exert their hegemony on the Security Council – in particular, the United States. In fact, Iraq has respected its obligations in accordance with these resolutions and this implies that the Security Council should also respect its obligations; in particular, it should apply paragraph 22 of resolution 687 (1991) which authorizes Iraq to export its petrol once it has fulfilled its commitments under Security Council resolutions.

Iraq's constructive cooperation with the Security Council has been rewarded by the adoption of resolution 986 (1995) which threatens the unity, security and sovereignty of Iraq, is leading to interference in its internal affairs and is at variance with United Nations resolutions. In view of the positive stance adopted by Iraq, and of the opposite position taken up by certain members of the Security Council who are calling for a continuation of the embargo imposed on Iraq, and in view of the grave problems facing Iraq, namely, food, in its health and social spheres, the immobilization of numerous factories, not to mention increased unemployment and protracted death for many of its citizens, we beseech you to speak out in support of Iraq and demand the complete lifting of the embargo against us, in the spirit of paragraph 22 of Security Council resolution 687 (1991) which authorizes Iraq to export its petroleum and use its assets frozen in foreign banks, which total more than \$4 billion, for humanitarian purposes, and so that Iraq may participate alongside other countries in political, economic and humanitarian spheres, and to enable its people to live in dignity, security and peace with the peoples of the world who cherish freedom and peace.

The agenda of this session of the Conference includes subjects of the utmost importance if we are to improve working conditions, raise working levels and adopt international labour standards which give ex-

pression to the concepts of justice and equality and establish progressive working methods which may help boost economic and social development.

With regard to the item on safety and health in mines, we endorse the study carried out in this area with a view to establishing safety and health regulations.

With regard to home work, we believe that this is an important area because this kind of work is becoming increasingly common and because of its role in generating national income. For this reason, we must look at this issue carefully and draw up international labour standards to iron out the difficulties inherent in this kind of work and afford the necessary protection to home workers.

With regard to the extension of the Labour Inspection Convention, 1947 (No. 81), the Government of my country has ratified this Convention, which covers labour inspections in industry and commerce, because it believes that it includes important labour standards. We should discuss whether to extend its scope of application to include activities in the non-commercial service sector on the basis of national requirements.

The other topics on the agenda of our Conference are in accordance with the needs of the labour and production sectors. The conclusions arising from the discussions held during this session will help to provide the appropriate legal instruments to deal with the problems and issues before this Conference. They will allow the ILO to play a greater role in the field of technical cooperation, and to provide support and assistance to the three partners to production in accordance with the aims of the ILO and with the Declaration of Philadelphia.

In conclusion, I would like to congratulate those countries which have recently become members of the ILO. I am certain that through their tripartite representatives they will contribute effectively to the work of the Organization and will support it in its quest for progress and development. I would like to wish every success to our Conference in achieving the aims to which the ILO aspires in relation to promoting social justice and achieving lasting world peace based on justice which would make it possible for the children of Palestine to return home and establish an independent State, the capital of which would be Jerusalem. Long live Jerusalem! I express the hope that the embargo will be lifted and that there will be no further interference in the internal affairs of Sudan.

Original Portuguese: Mr. REIS (Minister of Labour, Youth and Social Promotion, Cape Verde) – First, let me convey greetings of my country and my own personal greetings to this assembly, expressing the wish that the work of this the 82nd Session of the Conference will go smoothly and that all the goals which have been set will be attained in full.

I should also like to congratulate President Rosales Argüello on his election. We are sure that under his guidance our work will go well and that our Conference will be crowned with success.

I should like to take this opportunity to express our gratitude, which is amply deserved, to the Director-General of the ILO for his commitment and involvement with our Organization and for the position he has taken on fundamental issues such as unemployment and poverty.

It is always an honour for a country such as Cape Verde to be able to participate in a forum such as this. This is yet another opportunity to compare and share our experience and common concerns with other countries regarding current trends which can be observed in the world and to add our contribution, albeit a modest one, to the quest for solutions to the current problems of our planet.

It is no secret that our States are currently undergoing an extremely difficult period marked by phenomena such as unemployment, poverty and social exclusion. In developing countries these phenomena often go hand in hand with population growth, debt servicing and economic stagnation which render these phenomena far more difficult and tragic.

Although it is true that there is a growing awareness of the problems which threaten the future of mankind, it is no less true that a great deal remains to be done in practice if we are to fulfil our natural and legitimate aspirations.

The expectations generated by the World Summit for Social Development in Copenhagen still remain and in spite of commitments and compromises the results are yet to be seen.

However, the fact that Africa is increasingly marginalized is of grave concern to the Governments of our continent, and the persistence of this attitude indicates a trend which is not in keeping with the prospects inherent in globalization.

The globalization of international relations will only become effective and beneficial to the majority of the countries of the world if it includes the globalization of the problems of our planet and sharing of the burden by all.

From this inevitably results the need to establish a new type of international relationship based on foundations forged in solidarity and complementarity.

Our world today is witnessing and experiencing one of the worst periods of unemployment of this century. This phenomenon knows no borders and has the same impact on both rich and poor countries, on young people and adults, on men and women. Moreover, the persistence of long-term unemployment affecting large numbers of people has introduced additional data that further complicate the issue and render the situation even more worrisome.

The relationship between long-term unemployment and the spread of poverty is making itself increasingly felt by all. However, we must stress that this phenomenon has a greater and more serious impact on developing countries.

The level of poverty in Africa has reached a dimension and scale which are deeply disturbing to the human conscience and which have turned our continent into a world apart, marginalized and forgotten.

The ILO's concerns with problems of employment, and in more general terms with development and social justice, show that this Organization is well equipped to deal with the problems I have described. We hope that the members of this community will recognize this fact and that the ILO will obtain greater authority to intervene at various levels.

Cape Verde is a small island State, one of whose main features is that it is an archipelago and thus broken up into islands. Our country is in the Sahel region and is greatly affected by drought and desertification; like other countries, it also suffers from ills such as unemployment and poverty.

Cape Verde has a rate of population growth which is considerably higher than the rate of economic growth, and it currently has an unemployment rate of approximately 26 per cent. This rate gives cause for concern and must be reduced to an acceptable level by means of specific measures and policies.

Although unemployment in Cape Verde is structural in nature, the Government has been actively seeking to attract foreign investment, particularly in the production sector, while minimizing the effects of unemployment and creating a foundation for sustainable development. We are convinced that the problem of unemployment can only be resolved within the context of the global development of the country. For a country such as Cape Verde, this is a challenge to us all, Government, employers and workers. We should consequently like to point out that the Government of our country favours dialogue and consultation with social partners in order to rally the forces of the nation and concentrate resources on development efforts.

We would like to express the wish that Portuguese be added as an ILO working language. This would be a positive step, especially if documents were also produced in Portuguese, and it would help in the application and implementation of ILO policies.

In conclusion, we would like to express our hopes that our work may be productive and that new avenues may opened up and new instruments identified, so that we may deal successfully with our problems and overcome our barriers.

Mr. BRETT (*Workers' delegate, United Kingdom*) – I wish to congratulate the Director-General on the invaluable service the ILO has performed for the entire world of work in publishing first *World Employment 1995* and this shorter version we are discussing in these days. The defeat of mass unemployment is the top priority for the Trades Union Congress, my own organization in Britain. It is a top priority for our world organization, the International Confederation of Free Trade Unions. It should be the top priority for all of us and all other men and women of goodwill. The reason is that unemployment at present levels, which show no sign of abating, is eating away at the social and moral fabric of our societies. It is rearing monsters of racial hatred and aiding would-be tyrants. It is destroying social cohesion, fomenting conflict and threatening peace. It is killing in squalor and misery 40,000 children every day through hunger and preventable disease.

World Employment 1995 offers the hope of putting an end to these unendurable evils. It identifies the causes of the increase in unemployment in the 1970s and the factors which have sustained it since. For we should never accept that high unemployment is part of the natural order. We should never accept also that the autonomous operation of market forces, or the vain effort to establish perfect markets, even in labour, are anything more than pursuit of an illusion. It is in fact a shameful abdication of responsibility and act of abject cowardice to suggest that mass unemployment cannot be vanquished.

The Director-General's Report goes on to sketch out the remedies to which the British trade union movement wholeheartedly subscribes. Together, trade unions, employers and governments can defeat unemployment. There are difficult technical problems, particularly in respect of reforming the inter-

national monetary system. Workable ways of ensuring that adjustment policies serve the needs of the poor rather than the balance sheets of the rich must be found. But the central message is not that technical solutions are difficult to find, it is that the international community has not had the will to search for them. How many more children will have to die before we generate that political will?

The key to the solution lies in our hands, in our hearts and in our minds. It requires global cooperation which embraces employers' and trade union organizations as well as governments and, collectively, governments have failed us in the last 20 years.

The ILO came into existence at a time of war and revolution. It developed its role as a faithful proclaimer and support of human rights after another devastating world war. It would be a terrible betrayal of those who gave their lives so that a just and prosperous world could be built, and of working people everywhere if the lessons learned from the bloodshed and suffering were to be disregarded or forgotten 50 years after the end of the war, 50 years after the world rededicated itself to fighting for rights, justice and economic development, and 50 years after the founding of the United Nations. It is our view that the ILO is more relevant than ever in solving the world's unemployment problems. The Report shows that. We should now go on to act upon it.

The Social Summit in Copenhagen was a good beginning and it entrusted to the ILO a special role and responsibility in the field of employment. That role must be fulfilled and governments must ensure that the ILO has the resources to meet the challenge.

I would like, in conclusion, to refer to one of the more controversial aspects of both last year's International Labour Conference and the work of the Governing Body over the past year, namely the protection of the basic human rights of workers through a link with trade, the so-called "social clause". Much has been said about it and it has been raised yet again by many speakers at this Conference. It is right that the issue remains one of concern, but I am saddened that the workers' position remains misunderstood by so many governments and employers. They rightly voice opposition to protectionism: the workers also share that view. All that the workers seek is the right to freedom of association and collective bargaining, freedom from discrimination and forced labour and the eradication of child labour. These do not represent protectionism but the rights of freedom and dignity due to workers everywhere.

Any country, whatever its state of development, can afford those rights. No country that calls itself a democracy could deny them.

The Workers' group of the Governing Body has sought to engender a debate on the merits and conditionalities of a multilateral social clause and that task continues.

We invite all at this Conference to join that debate. All we ask is that they examine what is really being sought, and set aside the myths and fears of international minimum wages, of closed markets which prejudice the thinking and yet form no part of what we seek.

Mr. MOGULTAY (*Minister of Justice, Turkey*) – I would, at the outset, like to congratulate you, Mr. President, and the other members of the bureau, on your election to your respective important positions.

We are fully convinced that our deliberations will progress successfully under your wise and able guidance.

I would also like to welcome the Gambia and Saint Vincent and the Grenadines as new Members of the ILO.

The 82nd Session of the International Labour Conference is convening at a time when not only labour and employment matters but also the whole spectrum of social issues are being addressed with increased attention throughout the world and taken up with fresh vigour by the world community.

We highly commend the Director-General for his excellent and stimulating Report. We consider this Report as a turning point with regard to the ILO's functions. Henceforth, these functions cannot and should not be confined to working life. Indeed the ILO and its tripartite structure can serve perfectly as an ideal medium for improving both economic and social development.

Although international trade development, increasing capital and labour mobility, astonishing technological progress, increasing labour productivity, greater economic interdependence and market economy expansion – all elements of globalization – may indeed lead to increased and more equitably distributed wealth, they may also cause increased unemployment, a decline of the welfare state, disruption of social integrity and greater inequality.

The social improvements and changes called for by the economic restructuring initiated in the 1980s have not really materialized. A more balanced approach attributing to social development the role it deserves has, however, emerged in the 1990s. Consequently, the holistic nature of development and the interdependence and interaction of economic and social factors are now becoming more apparent in the world.

The nature of economic development is presently undergoing a radical transformation which may even, in some respects, be compared to the Industrial Revolution. The most effective force leading this transformation is technological progress which is changing fundamentally the physical and social parameters of production, practically defying the limiting factors of time and space and reflecting the most advanced qualities of human intellect and creativity.

Let us not forget that technological progress is, in essence, not merely a technical but also a social process, the driving force of technological progress being investment in human capital. In this respect, the reference to the "new growth theories" made in the Director-General's Report deserves particular mention. Similarly, the importance attached in the Report to macro-economic stability from the viewpoint of achieving and sustaining high growth rates is very significant.

In a process in which the market mechanisms and the internationalization of economies are expanding further, technological progress is creating extraordinary opportunities for economic and social development. However, it may not be realistic to expect these extraordinary opportunities to automatically come to life sheerly by the play of market forces. The new development process requires determination of a number of orientations that reflect society's interests. Consequently, one of the most important targets for the new development process must be to ensure that the market functions according to fair rules.

Equality of opportunity is therefore a major driving force in the functioning of both the market and society as a whole. In this context, equality of opportunity in education is at present as important a target as fair income distribution.

The same applies to employment. A process in which competition creates continuous higher unemployment would not ensure the benefits expected from economic development. Multidimensional innovative policies need to be applied so as to increase productive employment, unleash the creative potential of the labour force and reduce unemployment. It seems that, unless the technological and economic progress we are experiencing is really accompanied by proportionate social development, it may inevitably result in unemployment. This is why the development of a socially oriented services sector appears not only a social preference, but also an economic essential. In our view, unless this occurs, the sustained advance of globalization will be in jeopardy.

As pointed out in the Director-General's Report, high unemployment means exclusion and the danger of a breakdown of society. The recent comprehensive reports published by the ILO, the multidisciplinary study undertaken by the OECD and the relevant documents adopted at the World Summit for Social Development demonstrate that great efforts are being made on a global scale in this area. The emphasis on the target of full employment in the Director-General's Report gives added impetus to our hopes regarding these efforts. Furthermore, a globalization process in which international disparities would grow could actually reduce the very opportunities created by globalization. Therefore, at the international level of globalization needs to be oriented in a way which ensures the sustainability of the dynamism of this process which, in turn, requires stronger international cooperation in macroeconomic policies aimed at achieving objectives such as the stability of financial transactions which are disconnected from real sector investments. In order to prevent unfair competition among States for short-term interests in a global environment of merciless competition, we believe we should also opt for a "Common Social Tariff".

Another issue which we must absolutely address is the question of the transfer of technology. The process of globalization is accelerating the flow of capital, through copyright and patent revenues, from developing countries to developed ones. It is anticipated that this process will further accelerate and constitute a new source of imbalance in the distribution of international income. The fact that countries not capable of developing new technologies may freely gain access to them by paying the due cost is indeed a welcome development. Nevertheless, it is crucial for globalization and sustainability that this should take place in a way that does not cause great revenue losses for developing countries.

One of the most effective factors required for employment growth is the stable development of world trade. Improving the infrastructure of international transport and communication and reducing the costs of these services will contribute to the swift enhancement of world trade, production and employment. In particular, the integration small local markets with international ones will significantly enhance production and employment. This is why we see decentralization as an important goal for employment growth.

Another very important area for international cooperation is the protection of migrant workers and their families against the threats of xenophobia and racism, and their integration into the industrialized societies in which they live. There is certainly a need to increase cooperation in this field.

The ILO and its work have probably never been so relevant in view of this new phase of the economic and social development process. As pointed out by the Director-General, full employment is on the agenda, and the most important factor for employment growth is undoubtedly the maintenance and improvement of industrial peace, coupled with the strengthening and increased efficiency of tripartite dialogue. In this context, it is vital for ILO standards to be adopted and implemented by the social partners. We are pleased to be able to inform the plenary that Turkey is rapidly making progress in this respect. In recent years, Turkey has ratified ILO Conventions Nos. 59, 87, 135, 142, 144, 151 and 158. There are currently bills before the Turkish Grand National Assembly which have the aim of giving public service employees the right to organize, regulating unemployment insurance and job security, and restructuring the Turkish Employment Office. Another bill which revises the legislation on social insurance and guarantees state financial contribution is awaiting discussion at the relevant parliamentary commissions. Meanwhile, I would like to note with pleasure that our Parliamentary Constitutional Commission has concluded its deliberations on how to improve 21 articles of the Constitution. Among the amendments under consideration are some aimed at improving trade union rights, reinforcing legal guarantees for trade union activities, and granting trade unions the right to political participation. Likewise, comprehensive improvements have been recently introduced in our labour legislation, particularly through the elimination of some provisions which restrict freedom of election, and with the extensions of the scope of eligibility for membership in trade unions. Penalties linked to certain trade union activities have also been removed. In the same vein, our Government has signed a Decree on the establishment of an "Economic and Social Council", in order to institutionalize and reinforce the tripartite dialogue. All these tireless efforts continue, and Turkey will achieve full harmony with the standards of the countries of the European Union. I would also like to observe with pleasure that our productive exchange of information and experience on industrial relations is continuing productively with the newly independent countries of Central Asia, the Caucasus and the Balkans.

Original French: The PRESIDENT (Mr. POP-ESCU) – The last item on our agenda today is a right of reply. Mr. Khan, Government delegate of Pakistan, would like to take the floor to reply to the speech made by Mr. Kearney yesterday afternoon. Is Mr. Khan here? As Mr. Khan is not present, I give the floor to the Clerk of the Conference.

THIRD REPORT OF THE SELECTION COMMITTEE:
SUBMISSION AND ADOPTION

Original French: The CLERK OF THE CONFERENCE – We should like to submit the report of the Officers of the Selection Committee which only

contains changes in the composition of committees. To allow the Committee to continue with its work tomorrow, although there is no Plenary, and to enable all those who are now asking to be titular members to be able to vote, if the case should arise, the Conference is asked to approve the report of the Selection Committee.

This report only contains nominations. The list will be published tomorrow morning. It is already available for all those who would like to read it. If

everybody agrees, Mr. President, you can submit this report for approval.

Original French: The PRESIDENT (Mr. POPESCU) – If there is no objection, I shall take it that the report is adopted.

(The report is adopted.)

(The Conference adjourned at 6.45 p.m.)

Credentials

First report of the Credentials Committee

1. The Credentials Committee of the 82nd Session of the Conference is composed of Mr. Björn Jonzon, Government delegate, Sweden, Chairman; Mr. Daniel Funes de Rioja, Employers' substitute delegate, Argentina; and Mr. Charles Gray, Workers' delegate, United States.

Composition of the Conference

2. Since the signing of the brief report made by the Chairman of the Governing Body of the International Labour Office (Provisional Record No. 5, p. 5/26), a number of modifications have occurred in the composition of the Conference.

3. The number of member States of the International Labour Organization represented at the Conference is at present 159. To date 14 member States (Armenia, Belize, Djibouti, Equatorial Guinea, Gambia, Grenada, St. Lucia, Sao Tome and Principe, Solomon Islands, Somalia, Tajikistan, Turkmenistan, Uzbekistan and Yugoslavia) have not sent a delegation.

Accredited Delegates and Advisers

4. The total number of accredited delegates is 605, comprising 302 Government delegates, 151 Employers' delegates and 152 Workers' delegates.

5. There are 1524 accredited advisers, comprising 710 Government advisers, 366 Employers' advisers and 448 Workers' advisers. The total number of accredited delegates and advisers is therefore 2129.

6. With regard to the resolution concerning the participation of women in ILO meetings, adopted by the Conference at its 67th Session in June 1981, the Credentials Committee wishes to inform the Conference that there are 69 women among the 605 delegates accredited to the Conference and 268 women among the 1524 accredited advisers. The total number of women accredited to the Conference is therefore 337 as against 320 last year.

Registered Delegates and Advisers

7. The following is the present situation concerning the registration of delegates, which (in accordance with practice, approved by this session of the Conference) is the basis for determining the quorum for voting.

8. At this time the number of registered delegates is 503, comprising 262 Government del-

egates, 121 Employers' delegates and 120 Workers' delegates.

9. In addition, the number of registered advisers is 1165, comprising 599 Government advisers, 236 Employers' advisers and 330 Workers' advisers. The total number of registered delegates and advisers is therefore 1668.

Quorum

10. Thirty-three advisers, who are substitutes to delegates who have not registered, are taken into account in calculating the voting strength of the Conference.

11. Since 22 States¹ represented at the Conference are in arrears in the payment of their financial contributions to the Organisation so as to come within the terms of paragraph 4 of Article 13 of the Constitution, these States may not at present participate in the voting in the Conference or in its committees. The 52 registered delegates designated by these States are hence not taken into consideration in fixing the quorum. In addition, one registered Employer' delegate and one registered Workers' delegate are not taken into account in the calculation of the quorum because of the provisions of article 4, paragraph 2, of the Constitution.

12. At the present time the quorum required to give a vote validity is 241.

13. The Committee notes that the quorum calculated on the basis of the number of accredited delegates would be 264. The difference between the quorum calculated on the basis of the number of delegates registered and that which could have been calculated on the basis of the number of accredited delegates is due to the fact that some accredited delegates have not yet registered. The Committee urgently appeals to delegates present at the Conference to register so that the quorum will be as nearly exact as possible and that their presence can be taken into account in its calculation.

Incomplete Delegations

14. The Committee notes that, at the present time, the delegations of six countries (Afghanistan, Republic of Bosnia and Herzegovina, Dominica, Ethio-

¹ Afghanistan, Angola, Antigua and Barbuda, Azerbaijan, Cambodia, Chad, Comoros, Dominican Republic, Guinea-Bissau, Haiti, Iraq, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Madagascar, Republic of Moldova, Rwanda, Senegal, Sierra Leone, Togo, Yemen.

pia, Liberia, Rwanda) are exclusively governmental. In addition, The Former Yugoslav Republic of Macedonia has nominated a Workers' delegate but not an Employers' delegate and Lesotho has nominated an Employers' delegate but not a Workers' delegate. Georgia has, to date, only nominated a Workers' delegate. The Committee wishes to affirm once again the necessity for governments to comply with the requirement of Article 3 of the Constitution that a complete tripartite delegation be sent to the Conference. The Committee recalls that pursuant to a decision of the Governing Body, the Director-General each year requests the governments of all member States which did not send complete tripartite delegations to the Conference to indicate the reasons for their failure to do so, and that the information received in reply to that request is duly communicated to the Governing Body.

15. The Committee also notes that there is some imbalance between the number of advisers to the delegates of each group and also between the number of Employers' and Workers' advisers. It once again urges governments to take greater account, when nominating delegations, of the proportions in the composition of the Conference envisaged by paragraphs 1 and 2 of Article 3 of the Constitution. The Committee further recalls the request contained in the resolution concerning the strengthening of tripartism in the overall activities of the International Labour Organization, adopted by the Conference in 1971, and expresses the hope that Governments will accord equal treatment to each of the groups when appointing advisers to their country's delegation to the International Labour Conference. The Committee recalls in this connection the obligation of Members under Article 13, paragraph 2(a), of the Constitution, to pay the travelling and subsistence expenses of their delegates and advisers and trusts that this obligation will be respected for the whole duration of the Conference.

Observers

16. Since the Brief Report of the Chairman of the Governing Body, the Government of Vanuatu has informed the Secretary-General of the Conference that it is unable to send the envisaged observer delegation, and the Government of the Democratic People's Republic of Korea has nominated an observer delegation.

Organizations and Liberation Movement Invited

17. The Conference is also being attended by:
- representatives of the United Nations and some of its organs invited by virtue of Article II, paragraph (1) - relating to reciprocal representation of the Agreement between the United Nations and the

International Labour Organization, which came into effect on 14 December 1946;

- representatives of specialized agencies and other official international organizations, invited in conformity with Article 2, paragraph 3(b), of the Standing Orders of the Conference.
- representatives of non-governmental international organizations with which consultative relations have been established, invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of other non-governmental international organizations also invited in conformity with Article 2, paragraph 3(j), of the Standing Orders of the Conference;
- representatives of a liberation movement invited in conformity with Article 2, paragraph 3(k), of the Standing Orders of the Conference.

18. A list of these representatives is appended to the List of Delegations published as a Supplement to the Provisional Record of the Conference.

Objections²

19. To date, the Committee has before it a number of objections or communications concerning the credentials of certain delegates and advisers. The Committee considers it important that governments utilise the suggested form for credentials of delegates, enclosed with the letter of convocation and the Memorandum communicated to governments every year prior to the session of the Conference. In order to comply with article 3, paragraph 5 of the Constitution, it would be necessary that Governments provide exact information on the employers' and workers' organizations consulted in nominating Employers' and Workers' delegates and advisers as well as on the organizations which have agreed to such nominations.

20. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 8 June 1995

(Signed) BJORN JONZON
Chairman

D. FUNES DE RIOJA.

C. GRAY

² In accordance with the usual practice, the texts of the objections which the Credentials Committee has before it, together with the replies of the delegates concerned (in cases where the Credentials Committee has requested such replies), can be consulted in the office of the secretariat of the Credentials Committee.

- 1) Government delegates
- 2) Government advisers
- 3) Employers' delegates

- 4) Employers' Advisers
- 5) Workers' delegates
- 6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	2	-	-	-	-	-	El Salvador.....	2	2	-	-	1	-	Malaysia.....	2	7	1	2	1	2	Sudan.....	2	5	1	1	1	3
Albania.....	2	2	1	-	-	-	Equatorial Guinea.....	-	-	-	-	-	-	Mali.....	2	1	1	1	1	1	Suriname.....	2	-	1	-	1	-
Algeria.....	2	6	1	2	-	3	Eritrea.....	2	-	1	-	1	2	Malta.....	2	3	1	4	-	1	Swaziland.....	1	-	1	-	1	-
Angola.....	-	-	1	1	-	1	Estonia.....	2	1	1	-	1	-	Mauritania.....	1	1	1	-	-	-	Sweden.....	2	4	1	3	1	4
Antigua and Barbuda.....	1	-	1	-	1	-	Ethiopia.....	2	-	-	-	-	-	Mauritius.....	2	3	1	-	1	2	Switzerland.....	1	5	1	2	1	3
Argentina.....	2	4	1	6	1	8	Fiji.....	2	-	1	-	1	-	Mexico.....	2	6	-	4	1	-	Syrian Arab Republic.....	2	10	1	2	1	3
Armenia.....	-	-	-	-	-	-	Finland.....	2	4	1	4	1	4	Republic of Moldova.....	2	1	1	-	1	-	Tajikistan.....	-	-	-	-	-	-
Australia.....	2	5	1	3	1	3	France.....	2	13	1	5	1	8	Mongolia.....	1	2	1	-	1	-	United Republic of Tanzania.....	1	3	-	1	1	-
Austria.....	2	5	1	1	-	3	Gabon.....	-	1	-	-	-	2	Morocco.....	1	4	-	3	1	4	Thailand.....	2	12	-	8	1	5
Azerbaijan.....	1	3	1	-	1	-	Gambia.....	-	-	-	-	-	-	Mozambique.....	2	-	1	-	1	-	The Former Yugosl.Rep. of Macedonia.....	2	1	-	-	1	-
Bahamas.....	2	-	1	-	1	1	Georgia.....	-	-	-	-	-	-	Myanmar.....	2	8	1	-	1	-	Togo.....	2	-	1	-	1	3
Bahrain.....	2	4	1	-	1	2	Germany.....	1	7	1	6	1	6	Namibia.....	2	4	1	-	1	1	Trinidad and Tobago.....	2	3	1	-	1	-
Bangladesh.....	2	4	1	-	1	1	Ghana.....	-	2	1	5	1	2	Nepal.....	1	2	1	-	1	-	Tunisia.....	2	5	1	4	1	5
Barbados.....	1	-	1	-	1	-	Greece.....	2	13	-	1	1	8	Netherlands.....	2	13	1	3	1	5	Turkey.....	2	12	1	8	1	8
Belarus.....	2	1	-	3	1	3	Grenada.....	-	-	-	-	-	-	New Zealand.....	2	4	1	1	1	1	Turkmenistan.....	-	-	-	-	-	-
Belgium.....	1	6	1	3	-	5	Guatemala.....	2	6	-	1	1	-	Nicaragua.....	2	3	1	-	1	-	Uganda.....	-	1	1	2	-	-
Belize.....	-	-	-	-	-	-	Guinea.....	2	2	1	-	1	1	Niger.....	2	-	1	-	1	1	Ukraine.....	2	1	-	1	1	2
Benin.....	2	-	1	-	1	-	Guinea-Bissau.....	1	-	-	-	-	-	Nigeria.....	2	16	1	1	-	-	United Arab Emirates.....	1	5	1	-	1	1
Bolivia.....	2	-	1	1	-	1	Guyana.....	-	-	-	-	-	-	Norway.....	2	3	1	6	-	7	United Kingdom.....	2	13	1	6	1	7
The Rep. of Bosnia and Herzegovina.....	2	-	-	-	-	-	Haiti.....	1	3	1	-	1	-	Oman.....	2	4	1	-	1	-	United States.....	2	13	1	6	1	8
Botswana.....	2	2	1	-	1	-	Honduras.....	2	2	1	-	1	-	Pakistan.....	1	3	1	-	1	-	Uruguay.....	2	4	-	1	1	1
Brazil.....	2	7	1	7	1	4	Hungary.....	2	7	1	3	1	7	Panama.....	2	4	1	1	-	1	Uzbekistan.....	-	-	-	-	-	-
Bulgaria.....	2	4	1	1	1	1	Iceland.....	2	2	1	-	1	1	Papua New Guinea.....	2	-	1	-	1	-	Venezuela.....	1	6	-	2	1	3
Burkina Faso.....	2	3	1	-	1	-	India.....	2	7	1	4	1	5	Paraguay.....	1	1	1	-	1	2	Viet Nam.....	1	3	1	-	1	1
Burundi.....	2	3	1	-	1	-	Indonesia.....	2	15	1	8	1	8	Peru.....	-	3	1	1	-	-	Yemen.....	2	2	1	-	1	2
Cambodia.....	1	-	1	-	1	-	Islamic Republic of Iran.....	2	7	1	1	1	4	Philippines.....	2	7	1	5	1	8	Yugoslavia.....	-	-	-	-	-	-
Cameroon.....	2	2	1	1	1	1	Iraq.....	2	1	1	-	1	-	Poland.....	2	8	-	5	1	5	Zaire.....	1	1	-	1	-	3
Canada.....	2	5	1	3	1	8	Ireland.....	2	5	-	1	1	1	Portugal.....	1	7	-	5	1	7	Zambia.....	2	3	1	2	1	-
Cape Verde.....	1	-	1	-	1	-	Israel.....	2	1	1	-	-	-	Qatar.....	2	2	1	-	1	-	Zimbabwe.....	2	4	1	3	1	-
Central African Republic.....	2	2	1	-	1	-	Italy.....	2	6	1	4	1	4	Romania.....	2	5	1	3	1	5							
Chad.....	2	-	-	-	1	-	Jamaica.....	2	2	1	-	1	-	Russian Federation.....	2	8	1	2	-	6							
Chile.....	2	7	1	4	1	8	Japan.....	2	16	1	5	1	8	Rwanda.....	1	-	-	-	-	-							
China.....	2	15	1	3	1	5	Jordan.....	2	2	-	2	1	2	Saint Lucia.....	-	-	-	-	-	-							
Colombia.....	2	8	-	5	1	5	Kazakhstan.....	1	-	-	-	1	-	Saint Vincent and the Grenadines.....	-	-	-	-	-	-							
Comoros.....	1	-	-	-	-	-	Kenya.....	2	-	1	-	-	-	San Marino.....	2	3	1	1	1	1							
Congo.....	-	1	-	-	-	-	Republic of Korea.....	2	12	1	4	1	6	Sao Tome and Principe.....	-	-	-	-	-	-							
Costa Rica.....	2	2	1	-	1	1	Kuwait.....	1	8	1	2	1	3	Saudi Arabia.....	2	6	1	-	1	1							
Côte d'Ivoire.....	2	4	1	1	1	3	Kyrgyzstan.....	1	-	-	-	-	-	Senegal.....	-	4	-	-	-	2							
Croatia.....	1	4	1	-	-	-	Lao People's Dem. Rep.....	2	-	1	-	-	-	Seychelles.....	2	1	1	-	1	-							
Cuba.....	2	2	1	-	1	-	Latvia.....	-	-	1	-	1	-	Sierra Leone.....	2	-	-	-	-	-							
Cyprus.....	2	3	1	-	1	3	Lebanon.....	1	2	1	3	1	2	Singapore.....	2	3	1	1	1	6							
Czech Republic.....	2	8	1	2	-	2	Lesotho.....	2	2	1	-	-	-	Slovakia.....	2	9	1	5	1	6							
Denmark.....	2	6	1	1	1	3	Liberia.....	-	-	-	-	-	-	Slovenia.....	2	2	-	1	-	1							
Djibouti.....	-	-	-	-	-	-	Libyan Arab Jamahiriya.....	2	3	1	-	1	3	Solomon Islands.....	-	-	-	-	-	-							
Dominica.....	1	-	-	-	-	-	Lithuania.....	2	1	1	-	1	-	Somalia.....	-	-	-	-	-	-							
Dominican Republic.....	2	2	1	4	1	3	Luxembourg.....	2	6	1	1	1	3	Republic of South Africa.....	2	5	1	5	1	7							
Ecuador.....	2	2	1	-	3	-	Madagascar.....	2	3	-	-	-	-	Spain.....	1	9	1	8	1	7							
Egypt.....	2	6	1	3	1	3	Malawi.....	2	1	1	-	1	-	Sri Lanka.....	2	5	1	-	1	4							

	1)	2)	3)	4)	5)	6)
Total	262	599	121	236	120	330

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Ninth sitting

Saturday, 10 June 1995, 10.15 a.m.

President: Mr. Rosales Argüello, Mr. Popescu

RATIFICATION OF CONVENTIONS BY POLAND AND TRINIDAD AND TOBAGO

The PRESIDENT – First of all, I should like to inform you that the Director-General of the ILO has noted ratification of the following international labour Conventions. Poland has ratified the Labour Inspection Convention, 1947 (No. 81), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147). Trinidad and Tobago has ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The total number of ratifications of international labour Conventions is now 6,204.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT – We shall now resume our discussion of the reports of the Governing Body and of the Report of the Director-General.

Mr. PARK (*Workers' delegate, Republic of Korea*) – Allow me, on behalf of Korean workers, to congratulate the President on his unanimous election to preside over this session of the International Labour Conference. I would also like to extend my deepest appreciation to the Director-General who presented the analysis of the current world employment situation today, and the policy and the way in which the international community should work together to resolve these problems.

According to the Report of the Director-General, the high rate of unemployment in the industrialized countries and widespread unemployment and poverty in the developing and least developed countries, resulting in idle human resources and suffering workers, are causing social exclusion and inequality within and between countries. The challenge before us demands even closer international coordination and cooperation for it to be solved.

Since globalization is the salient trend in the world today, it is no longer possible for a country to maintain an isolationist attitude, and only to pursue its own national interests. It would appear that the famous phrase from the Declaration of Philadelphia, "Poverty anywhere constitutes a danger to prosperity everywhere", is more relevant than ever in the era of globalization.

In this respect, it is imperative for workers to have productive jobs. National economic policy should set as a priority the attainment of full employment as

advocated in the Declaration of Philadelphia and in the Employment Policy Convention, 1964 (No. 122). It is also important to ensure an even distribution of costs and benefits, and to define a policy which can make the global economic system function effectively under stable trade and financial institutions.

Korea, one of the newly industrialized countries the Director-General mentioned in his Report, has achieved persistent economic development since the 1960s, and at present the situation is that some industrial sectors are in labour shortage. However, Korea is also partly going through employment insecurity.

Firstly, even though the development of labour-intensive industries had significantly contributed to employment creation, over the past ten years there has been a steady improvement of wage levels, and through rapid industrialization the pool of low wage labour has run dry. This change in the labour market has led to the bankruptcy of some small and medium-sized companies, and domestic capital flight to low wage countries.

Secondly, the introduction of new technology has also been affecting the employment situation. These new trends have led to unemployment. Workers have had to be retrained for their adaptation to new technology, and those who lost their jobs have had to participate in vocational training in order to find alternative employment.

Thirdly, as we now see it as an international situation, Korea is reaching the stage where it will prepare protective measures for part-time workers, and also for home workers – a subject which is on the agenda of this year's session of the International Labour Conference for its first discussion.

Fourthly, management rationalization and privatization of state enterprises as a part of structural adjustment programmes in line with economic liberalization are also causing workers to be apprehensive about redundancy, which is becoming a present and potential cause for labour disputes.

Given the importance of employment, the effectiveness of a unilateral effort by one party to address this problem will not be enough. The Government should exert its full commitment for the improvement of employment policy, and should invite the tripartite parties to combine their efforts to resolve the problem through consultation and cooperation based on tripartism.

In this vein, in February 1990, the Federation of Korean Trade Unions proposed to the Government and to the employers' organization that they should form a tripartite body to deal exclusively with economic and social issues. However, our initiative could not achieve the full success we had wished, as

the Government remained reserved in its participation. The National Economic and Social Council was established with the participation of the representatives of labour, management and public interests. Without the participation of the Government in this Council, the conclusions of the Council were often limited in terms of being adopted as policy. However, the role of the National Economic and Social Council cannot be underestimated, since it made remarkable contributions to various policy-making processes by providing relevant viewpoints on such issues as legislation relating to the employment insurance scheme, the reform of the taxation system and workers' housing policy. It is believed that the firm rooting of the tripartite consultation system and its extended application can contribute to the enhancement of workers' economic status and social development.

Next I would like to touch upon the Korean experience, the situation of foreign workers and foreign direct investment. Up to the late 1980s, Korea was a typical labour sending country. However, at present, it has become a labour sending and receiving country. As the Director-General pointed out in his Report, most foreign workers come from neighbouring low-wage developing countries, and many of them are either undocumented workers or foreign vocational trainees. As the foreign workers are, by their very status, very vulnerable to any form of exploitation and violation of human rights, protective measures should be taken so that they can be treated equally with appropriate compensation for their work. In reality, however, maximum profit is generally sought by focusing on the use of the low-wage labour force, or the discrimination and labour exploitation of foreign workers, the inflow of foreign workers began to appear as a new labour issue in Korea. As a result, trade unions for the protection of foreign workers are very much in demand.

Regarding direct foreign investment, Korea has been heavily dependent on such investment. This flow of investment is, however, also changing as Korea has begun to invest its capital in other countries, particularly in dynamic Asian economies. As foreign investment increases, some Korea-based investment companies are reportedly infringing on workers' rights, due to their unchanged labour practice. It is time for foreign investment countries to change their attitude towards the respect of internationally recognized labour standards and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, rather than resorting to the maximization of short-term profits by way of labour exploitation.

The problems in the world today, that is unemployment, poverty, uneven distribution of wealth and social exclusion, need to be addressed at both the global and national levels. I believe that this is in keeping with the Declaration and Programme of Action of the World Summit for Social Development held in Copenhagen earlier this year.

In concluding my remarks, I would like to express my expectations for the role of the ILO for through its mandate, tripartite structure and expertise, in the search for the global resolution of employment promotion. I also sincerely hope that the fruits of the discussion in this year's session of the International Labour Conference will be conducive to the employment policy of each country and will contribute to

the achievement of international coordination and cooperation.

Original French: Mr. DIARRA (*Minister of Employment, Public Service and Labour, Mali*) – It is a great pleasure for me, on behalf of the Government of Mali and of my delegation, to join with the speakers who preceded me to congratulate the President on his election to steer the deliberations of the 82nd Session of the International Labour Conference. We are convinced that under his highly competent guidance, the work of the present session will be crowned with success and will constitute a new milestone in the attainment of the social objectives which are part of the terms of reference of our Organization.

My congratulations are also addressed, obviously, to the other Officers of the Conference on their election. I would particularly like to congratulate the Director-General as well as his collaborators on the quality of the Report which he has submitted for our general discussion.

The subject dealt with in the Director-General's Report, *Promoting employment*, is more than ever a permanent challenge for all the member States of our Organization. As the Director-General has rightly recalled, promotion of employment is the major economic and social challenge today which has to be met by all countries, no matter what their level of development. Therefore, real commitment on the part of all States to achieve together full employment has to be undertaken and the necessary policies drawn up so as to attain this ambitious objective.

My Government, aware of the fact that the present level of employment at national level is a factor of exclusion, has spared no effort in trying to find with the means available to us solutions to resolve unemployment and underemployment. In addition to the consolidation of the activities undertaken in the past, since the national consultation days on employment which were organized by the Government on 28, 29 and 30 September 1994, we have decided to implement a number of measures so as to come to grips better with the problem in the long term. In line with this thinking, we are soon to set up a service to monitor employment and training with the technical support of the ILO and the financial participation of some partners.

This is considered, quite rightly, to be necessary if we are to draw up a national employment policy. And this structure will try to promote a better regulation of the labour market and to establish a link between training and employment through the promotion of the private sector, self-employment and income-generating activities.

My country is also resolutely trying to harness all its economic potential to ensure that all its sons share in the benefit. In order to attain this noble objective of increasing income and productivity, a daring national policy of readjusting the economy, aimed at diversifying agricultural production, the promotion of export crops, and the judicious use of mining resources, has been undertaken. We are aware that this liberalization policy will not be painless because of the structural weakness of our economy.

The introduction of a macroeconomic discipline, which is allowing us today to channel public resources towards priority development sectors such as education, health, rural development, environmental management, industry and energy and the private

sector, will mean in real terms that we will have to create productive jobs even at the expense of social tensions however – which, as we well know, have a negative effect on overall economic growth.

We therefore feel that, in order to be able to consolidate any national programmes, the reduction of the debt burden would help to direct financial flows towards our country, and thus promote investments which is a *sine qua non* condition for economic growth.

It is with particular satisfaction that we have seen on the agenda a second discussion of the subject of safety and health in mines. Mali is a mining country, and we also have problems as regards the safety and health of the workers working in this sector. Unfortunately, matters might become worse following the discovery of the gold mines of Sadiola which are considered to be some of the largest in the region.

The Labour Code and the Social Security Code of Mali certainly do provide some protection, but they could greatly benefit from new international standards. That is why in our opinion, the instruments which are submitted to us are a satisfactory basis for discussion. However, it is necessary that emphasis be placed among other things on the protection of vulnerable categories of workers such as children, on the medical supervision of the workers concerned and the strict identification of existing risks.

The placing on the agenda of the question of home work and the extension of Convention No. 81 to activities in the non-commercial services sector shows the will of our Organization to improve the well-being of workers and to promote the efficient application of standards by expanding their scope. This is something that we must welcome because it is the very quintessence of the standard-setting activity of our institution.

My delegation has noted with interest the Programme and Budget proposals for 1996-97. To a great extent they have taken into account the aspirations of the member States in connection with the fight against poverty and unemployment, the promotion of democracy and human rights, freedom of association and the protection of workers.

However, may we express our concern regarding the reduction of about 10 per cent of the extra-budgetary resources for technical cooperation. This reduction of resources is a worry for our developing countries. We must take this into account and try to find new ways of reinforcing technical cooperation.

In concluding my statement, I would like to express the hope that the conclusions and recommendations of this Conference – which is being held just after the World Summit for Social Development – will in a significant manner take into account the pre-occupations expressed at this important forum.

Our Organization has been entrusted with new responsibilities in the fight against poverty and social exclusion. In this context we must, thanks to a new surge of solidarity and generosity, ensure that our activities will bring us ever closer to one of the fundamental principles of the ILO laid down in the Declaration of Philadelphia which states that "Poverty anywhere constitutes a danger to prosperity everywhere".

Original Portuguese: Mr. MAVILA (Minister of Labour, Mozambique) – This session of the International Labour Conference is being held three

months following the World Summit for Social Development which, inter alia, considered such issues of crucial importance to this Organization as the problem of full employment and social integration. This means that the importance of these issues and the decisions taken by the Summit fall within the mandate and attributes of the International Labour Organization, whose objectives are briefly to promote progress and social justice and to enhance human dignity.

It is a particular pleasure for me to congratulate the Director-General, his colleagues and members of the Governing Body, because I am convinced of the ILO's determination and steadfastness of purpose to implement the commitments assumed and the Programme of Action adopted at the Summit with regard to development, peace and the social progress of mankind.

May I extend to the President and Vice-Presidents in my own name and on behalf of my delegation my warmest congratulations for their election to their respective posts.

The Director-General's Report, which focuses on promoting employment, contains excellent ideas and proposals that will enable us to tackle the major challenges of this the latter part of the twentieth century.

Unemployment, extreme poverty and the consequent social disintegration are grave problems in my country, which has already been debilitated by the aftermath of a long and devastating war and by its dependency on foreign aid and investment. Thousands of demobilized, displaced and repatriated soldiers have no means of facilitating their social reintegration. Thousands of disadvantaged families and unemployed youths are suffering from poverty. There are few human and financial resources available to meet the enormous challenges of national reconstruction. There are persistent weaknesses and shortcomings in the functioning of national institutions created after the multiparty elections held last October.

Efforts aimed at peacemaking and democratization of the country must be continued. Political stability, which is crucial to the renewed economic impetus that peace has now made possible, can only become a reality in the future if and to the extent that the nation and people of Mozambique can count on the generosity of the international community. Given the unwavering determination and the desire for peace of the people of Mozambique, a successful outcome to the complex and tortuous process is now a possibility. The functioning of the democratically elected Parliament and the constituted Government following the recent elections are now a reality in my country.

Following the enactment of important legislation on fundamental rights for workers and employers and the ratification of relevant ILO instruments, a Forum for Social Agreement and a Labour Advisory Commission have been established to judge the mood of the nation and to obtain the most widespread consensus among leading development institutions concerning our country's major issues such as the functioning of the economy, promoting and defending socio-vocational interests, and economic and social stability.

Among the items on the agenda of this Conference we have such topical issues as health and safety in mines, the situation of workers in the non-com-

mercial services sector and the protection of the rights of workers against unfair dismissal.

These issues, linked as they are to the problem of employment and poverty, can only be successfully dealt with if all nations seek consensual solutions among governments, employers and workers. This is because development of the future economic and social order is increasingly becoming a question of regional and international interdependence and relations between rich countries and poor countries, between developed and emerging economies.

International cooperation and the processes involved need rethinking and perhaps reformulating so that the idea of a global village will not be betrayed by selfish interests pursued to the detriment of the weakest.

The ILO should issue an unmistakable call to its partners in technical and financial cooperation so that their involvement in development assistance results in projects and programmes with visible social impact. Any one of our countries or its people acting alone would be incapable of meeting the challenges of the future.

In conclusion, I should like once again to repeat the very best wishes of my Government and my delegation for the success of the work in this International Labour Conference.

We feel that the new cooperation through multidisciplinary teams will undoubtedly be of benefit to governments, workers and employers of the countries of African Portuguese-speaking countries.

We all hope that this Conference will help to bring about the freedoms that all ILO member States are anxiously awaiting.

Mr. HERMINIE (*Government delegate, Seychelles*) – It is a pleasure and a great honour for me to address the 82nd Session of the International Labour Conference, which is taking place at a time when the world is undergoing significant economic, social and environmental changes which affect individuals all over the world.

These changes translate into employment problems which are so common in all nations, whether developed or still developing. Unemployment is a common scourge which none of us can eradicate in isolation. It is this vision that Mr. Hansenne, the Director-General of the ILO, has so eloquently elaborated in his Report, *Promoting employment*. Seychelles fully supports this vision in that the time has long since passed when any nation could solve its employment problems without interaction with and the cooperation of fellow countries.

In this context, the Republic of Seychelles has embarked upon a bold process of socio-economic transition which has profound implications for all aspects of life of our people, and more specifically for the field of employment.

In a small society, the implications of any policy changes do not affect a faceless mass of humanity relatively far removed from decision-makers, as is typically the case in larger social and economic structures. Rather, they affect a collection of individuals with whom we interact on a daily basis.

We face other severe constraints when looking ahead on this path. As a small island developing State, with limited opportunities available for sustainable development, the options to diversify our economy are restricted by such factors as our small

internal markets, lack of natural resources and distance from external markets.

In spite of these constraints, the Government last year launched a bold and ambitious economic plan with the aim of achieving the following objectives: sustaining strong economic growth and high employment; creating national wealth and ensuring its equitable distribution to all Seychellois; achieving a higher standard of living, a better quality of life and greater integration into the international economy.

The strategy we have adopted to implement our economic plan is encompassed in our vision of "Seychelles Incorporated", in which we are committed to see "a nation at work, a nation creating wealth and a nation enjoying the merits of its hard work". A dynamic partnership is being forged between the Government and the private sector, between employers and employees, between leaders and the people. The role of the Government is changing to that of a facilitator and a catalyst, while the private sector is expected to take the lead in development.

What are the details of this strategy?

In order to encourage local and foreign investors to join in the partnership, a gamut of incentives has been introduced.

We have enacted investment promotion legislation which rationalizes the eligibility for and administration of incentives for investment. The principles enshrined in the legislation have caused it to be described as legislation to guarantee investment incentives. On the fiscal side, significant reductions were introduced in employer contributions under the social security legislation, and modifications were made to the business tax laws, all in keeping with the Government's policy of using taxes as a means to encourage investment.

Employment legislation has been reviewed to make it more flexible and to better contribute to the new economic climate and to changes in the labour market, always ensuring that workers' rights are protected.

We have done more. With the rapid transformation of both the political and the economic international scenes in our region and elsewhere in the world, we have decided to look outward and spread our wings in the new world economy.

While tourism and fisheries continue to remain the mainstays of our economy, the Government has undertaken to create the necessary environment for economic diversification, through the development of a "third pillar" of the economy. Most important in this respect is the establishment of the Seychelles International Business Centre (IBC) which is the pivot of our strategy for the future.

The four essential components of the IBC are: the development of an International Trade Zone; the incorporation of international businesses in Seychelles; the development of financial services to support international trading and international business; and the promotion of the registration and licensing of certain activities in Seychelles.

In order to manage the planned development, we have established an International Business Authority to coordinate our efforts in this direction. The legislation for the Seychelles International Trade Zone is expected to be debated in our Parliament later this year. This is a comprehensive bill governing the trade

zone. It emphasizes facilitating foreign investment in our economy and creating, directly and indirectly, employment opportunities for Seychellois.

We are actively participating in the negotiations on the Indian Ocean Rim, and will soon join the World Trade Organization.

Whilst the economic plan I have outlined is designed to ensure economic growth, the underlining purpose is to create more and better employment opportunities for our people and in particular for our youth. We hold as noble the principle that all our citizens who wish to work should be able to do so. This is the best way to ensure prosperity for our people and stability in our country.

The new economic strategy and increased international competition also create new challenges for our labour force. Henceforth, Seychelles will require a highly productive and qualified labour force. This question is being addressed through a systematic and aggressive training and retraining programme. We are fortunate to be receiving the ILO's assistance and can face the challenges ahead with confidence.

It would not be right for me to conclude my address without making a brief reference to the new international trade regime and the recent establishment of the World Trade Organization. As a small island developing State, we are concerned that our specificities and vulnerabilities as a group may not have been sufficiently taken into account.

While we recognize and support the need for a comprehensive multilateral trade agreement, we are nevertheless persuaded that ours is a special case. At the international level, the impact of free trade will undoubtedly be uneven. In small island economies, indigenous industries are especially vulnerable to dumping, particularly in view of their small internal markets and lack of economies of scale. We fear that many countries in the group of small island nations will be severely affected if the new trade agreement is allowed to be implemented unscrupulously and without restraint.

The international community must seek to ensure that any negative impacts are addressed, in order that free trade can become a mechanism for the development of humanity in general, and not just for a privileged few.

There is yet another challenge facing the international community – that is to strike an equitable balance between technology and the needs to create more jobs for more people. Whilst we must resist any attempt to stifle progress and place unnecessary impediments in man's quest to improve the quality of life through the use of technology, it is also of paramount importance that we find the right equilibrium between the two. I am persuaded that this approach will help avoid mass redundancies and social unrest resulting in inevitable social disasters. This challenge will take us a step closer to implementing the pledges we made at the Social Summit in Copenhagen earlier this year.

I am of the view that the ILO must assume a leading and decisive role in search of this balance. This is a new challenge for the International Labour Organization. It may, however, require the ILO to review its role so that it can adequately respond to the realities of today.

Last but not least, it is only through a spirit of international partnership, solidarity and cooperation that mankind can realistically address and find solu-

tions to national and international problems. And we know that to survive, we must succeed.

Original Portuguese: Mr. FALCÃO E CUNHA (Minister of Employment and Social Security, Portugal) – May I begin, on behalf of the Portuguese Government and on my own, by offering my congratulations to the President on his election and on the excellent way in which he is managing the work of this session.

The excellent Report of the Director-General demonstrates that in recent decades growth of world production has been higher than that of world population. However the distribution of the growth in production has not benefited all countries equally. Unemployment is causing personal and familiar difficulties for individuals and for families, and leaves untapped the productive capability of people of working age; it consumes large financial resources in social benefits and it can lead to serious social unrest.

The promotion of employment thus is associated with the fundamental rights of the individual and consequently should be a priority in economic and social policies of all countries, irrespective of their level of development. The solutions to be found must be durable and just, and will involve productive investment, with the consequent creation of wealth, and its distribution, through international trade and the changing regional population patterns, opening the way to ensuring well-being and peace.

Free trade is not an end in itself. On the contrary, the development of international trade should be a way of raising standards of living. We believe that it is desirable to combine liberalization of international trade with respect for minimum social standards. To this effect it is necessary to ensure compliance with the fundamental rights of people in the workplace recognized in many important standard-setting instruments adopted by the ILO.

Acceptance of the social dimension in international trade does not mean promoting protection by other means. Nor does it signify eliminating the competitive advantages of developing countries. Although human skills and social structures cannot be adopted as fast as investment can be shifted or as technology and productive patterns can be changed, it is desirable nevertheless that international trade between regions with different labour costs should allow a convergence between their different economic and social levels and should contribute to the promotion of the intrinsic dignity of the individual by ensuring the right to work, to social protection and to leisure.

In order to promote employment, it is indispensable that human resources be developed through systems of education and vocational training. Education is the most important way of ensuring that there be equality of opportunity irrespective of the social status of those involved, but it is also desirable to reduce inequality through a "second chance" provided by the system of vocational training.

The organization of the vocational training systems should ensure that young people do have an initial qualification so that they can gain access to the job market, and should provide all workers with the possibility of diversifying or re-gearing their qualifications throughout their working life.

To this effect the Portuguese Government has undertaken a medium-term programme which will

cover about 2 million people, that is one-fifth of the population of our country. We are also developing a programme of local development initiatives which supports specific projects with a direct job creation effect in urban and rural areas, to recover and preserve regional crafts to discourage emigration from less developed areas, and to support micro- and one-person enterprises. Support for craft activities are also an important way of affirming the cultural identity of our peoples at the same time as providing earnings from work.

This Conference will discuss two international standard-setting instruments on home work, the approval of which will certainly be to the benefit of craft activities.

May I offer a few further words upon one specific way of home work, namely the embroidery industry in the Autonomous Region of Madeira. This is an age-old art, which is providing a large number of jobs, and is of considerable economic and social importance, which is subject to regulation under national law and also by the regional authorities, and has been the subject of several international studies. This craft industry has received economic support, for marketing its products internationally and in the social sphere, it has attracted the attention of the authorities with respect to pay and social protection.

Over the last 22 years, earnings have increased in this industry by 26 times which is considerably more than the adjustments of the national minimum wage which was instituted 21 years ago and has since then increased some 16 times.

In general, in the fight to reduce unemployment and to promote employment, it is necessary to reduce the high non-wage costs of labour so as to increase the international competitiveness, of production to counter the trend to replace labour by capital, to combat the informal economy and to avoid redeployment of investment and economic activity.

Recently in Portugal we took certain decisions in this area in reducing, albeit symbolically, employers' social security contributions, balanced by an increase in the general consumption tax.

I do not wish to conclude these remarks without using this opportunity to report to you that we intend to request next year that the Portuguese language be adopted as a working language of the ILO. This objective, which is more than justified by the fact that today some 250 million people speak Portuguese, enjoys naturally the full support of the governmental representatives of the Portuguese-speaking African countries (Angola, Mozambique, Cape Verde, Guinea-Bissau, Sao Tome and Principe) and is also supported by Brazil, and of the Employers and Workers of these countries.

Original Spanish: Mr. ALEMANY (*Employers' delegate, Dominican Republic*) – May I begin by congratulating the Minister of Labour of Nicaragua for his election to the presidency of this 82nd Session of the International Labour Conference. We wish him every success in this high office and we should also like to extend our congratulations to his Vice-Presidents.

The Employers' delegation of the Dominican Republic extends a brotherly greeting to all delegations who are attending this 82nd Session of the International Labour Conference which, in view of

the issues it will be discussing, is bound to contribute to the progress of social justice in the world.

This meeting is taking place at a time of far-reaching change in economic and social and international relations, and particularly at a time when it is becoming increasingly urgent to ensure that standards governing labour relations are commensurate with the globalization of our economies.

We also congratulate the Director-General of the International Labour Office, Mr. Michel Hansenne, for his enlightening Report. On addressing the important issue of promoting employment in the world, he sums up developments in this area in the light of the implications of the conclusion of the Uruguay Round of multilateral trade negotiations of GATT, now the World Trade Organization.

The picture he gives of employment and its impact in developing countries, in traditional economies and in the so-called industrialized countries leads us to take a fresh look at our national policies for promoting labour force participation in productive activity.

In the face of these changes, the Dominican Republic has exerted tremendous efforts to follow such lines despite all the internal and external difficulties it is now having to face, such as the challenge of training our workers, increasing productivity and remedying the distortions created by inadequate provision of basic services, amongst other things.

Our economy is developing in a manageable balance-of-payments environment, though production for both domestic and foreign markets is clearly stagnating, and this does nothing for the creation of new jobs or the improvement of wage levels. We are making every effort to avoid deterioration of the exchange rate because, in view of the structure of our economy, this would mean real wages would have to fall to keep exports buoyant.

We concur with the reasons given by the Director-General for the success of the economies of eastern Asia based on well-devised development strategies in which the maintenance of macroeconomic stability, high levels of savings and investment, a liberal trading regime, an export-oriented industrialization strategy and the successful attraction of foreign direct investment are among the reasons for such success.

In view of all these changes, the Dominican Republic has adopted a model for the rapid creation of jobs which has proved extremely effective. This is the system of free zones and industrial parks which has generated 170,000 direct jobs in an economically active population of 2.8 million workers, of whom 2,398,800 are now in employment. A well-designed growth policy such as this could, in our case, be a highly effective solution; it would turn our country into a centre for the production of goods and services since our workforce is quick to learn new mass-production technologies. Our infrastructure is, in general, acceptable, and we are located close to the world's largest and most competitive markets. Many countries in Asia have used this growth model with a great deal of success.

We should also point out that in our country a new Labour Code has been in effect since 1992. In practice, this new Code has not significantly boosted job creation. What it has done, however, is to secure higher incomes for the minority that is employed. It has allegedly encouraged stability for those who have managed to find work, but it has introduced rigidities

into the labour market at a time when the globalization of our economies calls for flexibility in labour relations.

The problems of our economy cannot be solved by rigid and inflexible labour relations, but by increased productivity and growth in exports, by an increasingly open economy, by giving fresh impetus to privatization and by promoting competition. We must improve the purchasing power of our workers. This is a challenge to employers. We also need the participation of workers and the assistance of the Government in promoting the creation of more jobs and better wage levels. An adequate monetary and fiscal policy and the implementation of projects for the development of human and material resources would be of assistance in achieving these goals.

If it had adequate trade policies and policies to promote competitiveness, our Government could significantly improve the purchasing power of workers, who would then be able to buy more goods and services; this would increase the workers' well-being but not undermine the competitiveness of the economy. By reducing operational costs and improving wage levels, our exports, which generate foreign currency, would be more competitive. Exports would be increased and, as a result, so would the need for new jobs. The unemployment rate would thus drop and ultimately workers would have better purchasing power.

In this context, we are eager for the ILO to focus on debating and proposing concrete employment policies in accordance with the specific requirements of each country. We are eager for it to be a catalyst, bringing together the different social actors who constitute it and who also participate in other bodies in the United Nations. We look forward to it preparing initiatives that make it possible for the world community to join forces in mutual support to overcome the problems of unemployment and the scourge of poverty. Only thus will it be possible for social justice and lasting world peace to prevail.

Original Lithuanian: Mr. MIKAILA (*Minister of Social Security and Labour, Lithuania*) – On behalf of the Lithuanian delegation I would like to avail myself of this opportunity to congratulate Mr. Rosales Argüello on his election as President of the Conference, and to wish him constructive and productive work.

Having commemorated its 75th anniversary, taken a look back and determined the guidelines for the future, the International Labour Organization is ready to start solving the most urgent of the world's social problems.

This is clearly reflected in the Report of the Director-General to this session of the Conference which contains a profound analysis of unemployment problems and measures for the promotion of employment in the world. We are certain that this session of the Conference will further develop the ideas expressed earlier this year during the World Summit for Social Development in Copenhagen.

The economic situation in Lithuania, which has now been independent for six years, is similar to that in other countries in transition. Intensive processes of privatization and restructuring of the economy are taking place. At present, more than half the state capital is privatized. Sixty two per cent of all employees are working in the private sector which produces

approximately 64 per cent of the gross national product. The composition of the GNP is also changing. The share of services and commerce has increased whereas the contrary has happened in industry and agriculture.

Due to limited investment opportunities, the processes of restructuring and technical renovation of the economy are still very slow. Bankruptcies of enterprises are expected. Nevertheless, there are positive changes in the economy. In 1994, for the first time in five years, the GNP increased by 1.5 per cent. This year an increase of 5 per cent is estimated. Inflation has been drastically reduced and we stabilized our national currency; it has remained stable for more than a year. The above-mentioned economic processes have a direct impact on the situation in the labour market. A constant increase in official unemployment is common for Lithuania today. During the year, unemployment increased from 3.1 per to 5.1 per cent according to the statistics compiled by the state employment services and it reached 12 per cent according to labour market research data. Socially vulnerable groups of the population, including young persons and unskilled workers, are increasing in the ranks of the unemployed. The number of registered vacancies is constantly decreasing, partial unemployment and employment in the unofficial labour market are significant and have a negative impact on the development of normal labour relations. Lack of investment hinders improvement of working conditions. As a consequence, the number of occupational diseases and injuries is still high.

The Government of the Republic of Lithuania has set as a priority the development of the labour market administration system and has established a modern network of employment services, occupational training institutions and labour inspection services.

The employment policy of the Government is mainly directed towards social protection and prevention of the negative social implications of unemployment. Taking into consideration the changes in the labour market, emphasis has been switched from payment of unemployment benefits to prevention of unemployment, occupational training of the unemployed and measures to support employment.

It is very important for us to preserve jobs in the private sector. Therefore, we are trying to preserve jobs and promote the creation of new employment. The National Programme for Occupational Safety and Health, adopted this year, and the Employment Programme, which is in the process of being adopted, will contribute to more effective solutions of labour market problems.

It is also very important today to involve the Ministry of Social Security and Labour in solving economic problems and promote its active participation discussions of issues related to the strategy of job creation, privatization, restructuring and other economic policy questions which have an impact on the situation in the labour market. This would make the economic policy more social.

Tripartite cooperation among the social partners in solving labour market problems is functioning effectively. A network of tripartite councils, covering employment, labour protection and social insurance issues, has been established. In May this year, an agreement on tripartite partnership at the highest level was concluded between the Government, the largest employers' organizations and trade unions. A

National Tripartite Council has been established and all parties agreed to cooperate in implementing socio-economic and labour policy. We hope this cooperation will also strengthen our social partners.

We agree to the idea expressed in the Report of the Director-General that in order to seek full employment, international cooperation is necessary and that the ILO has a major role to play in this regard. Nowadays, the purpose of the ILO, set forth in the Declaration of Philadelphia, namely, to examine and consider all international economic and social programmes and measures is particularly topical. In the process of improving the network of social security institutions, the creation of legislation compatible with new economic relations to solve other labour and social policy questions, we enjoy a high level of assistance from the ILO, other international organizations and countries. However, consistent coordination of this cooperation is still a problem. We suppose that regional cooperation could be constructive too. Last year, the three Baltic States signed a memorandum on the establishment of a common social area and labour market. Agreements on labour migration with other neighbouring countries have already been signed or are being drawn up.

In June last year, the Parliament of the Republic of Lithuania ratified 23 international labour Conventions related to basic human rights and freedoms. The experience gained in the process of our preparations for the ratification of the Conventions and their implementation is important for us in the light of integration into the European Union.

We are certain that the cooperation promoted by the International Labour Organization will help us to solve the social and labour problems of the transitional period.

FOURTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – I would like to submit to the Conference the fourth report of the Selection Committee (*Provisional Record*, No. 4C). If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Mr. KORALSKI (*Government delegate, Bulgaria*) – Allow me, first of all, on behalf of the Bulgarian delegation and on my own behalf, to congratulate the President on his unanimous election to the Presidency of the 82nd Session of the International Labour Conference. I feel confident that under the able guidance of the President and the Vice-Presidents the fruitful deliberation of the Conference will produce the best possible results. I would like to assure them of the fullest cooperation of my delegation in the discharge of their duties.

I take this opportunity to join previous speakers in commending the excellent and thought-provoking Report of the Director-General *Promoting employment*. No doubt its topic and the ideas contained therein stem from the ILO core mandate and are

extremely opportune against the background of globality of the problem, its specific dimensions in the transition to a market economy, as well as in the context of the follow-up to the World Summit for Social Development.

For a third consecutive year the International Labour Conference is dealing with pertinent issues for my country – enhancing democracy, social security, employment promotion and labour-market adjustment are crucial for Bulgaria. In the initial period of transition a high proportion of the largest plants and factories in the country were halted or closed down. Unemployment growth rate led to unfavourable effects, such as expansion of the informal sector coupled with non-observance of the Labour Code and other labour and social insurance instruments and increased pressure on vulnerable groups.

To overcome these difficulties and negative trends, solutions in the following directions were looked for.

Firstly, macroeconomic stabilization. Control over inflation, a stable exchange rate, protection of incomes are fundamental priorities of the new Bulgarian Government installed this January. As a result of the consistent anti-inflation policy, the inflation rate during the first quarter of 1995 was reduced to one-third of the rate in the same period of 1994. In 1994 annual inflation was estimated at over 120 per cent. It is encouraging that the figure for the month of April 1995 was 1 per cent only.

Secondly, the stabilization of the exchange rate made it possible to decrease interest rates and stimulated economic growth. The decline in real incomes was curbed. For the first quarter of this year the decline was 1.5 per cent in the production sector compared to 30 per cent for the whole of 1994.

The above measures have produced positive effects and for the second consecutive month the employment rate has manifested an upward tendency. At present, the rate of unemployment is the lowest in the last couple of years, 12 per cent.

The structural reform in the Bulgarian economy, the measures to speed up privatization in industry and agriculture, the Government's support for small and medium-sized enterprises, and increased foreign investments will be conducive to economic growth in the short term (about 3 per cent for 1995).

We hope that through an Association Agreement with the European Union and other relations of partnership additional incentives will be created to speed up reforms in the economic and social fields and to harmonize the respective legislation. It is our conviction that integration of smaller nations in European and world structures should provide grounds for mutually beneficial cooperation and contribution.

I completely share the views of the ILO, reiterated from this rostrum, that market forces *per se* are not able to solve the social problems of the community entirely. The support of the largest social groups and especially the social partners – the employers' and the workers' organizations – is indispensable for resolving the sharp and deep problems which arise in the transition to a market economy. The ILO's values and traditions provide a wealth of experience to draw on and my Government favours the consistent policy of strengthening the tripartite dialogue and promoting law and social justice as a way toward the solution of social problems.

This philosophy of my Government is reflected in particular in the draft laws on protection of the un-

employed and employment promotion, and on the establishment of social insurance and health insurance funds independent of the state budget. Amendments are envisaged to update labour legislation and provide full guarantees for basic workers' rights, meeting ILO standards.

We duly appreciate the cooperation of the International Labour Office and its Central and Eastern Europe Multidisciplinary Advisory Team within the framework of active partnership policy, promoted by the Director-General. The present lively debate and yesterday's Informal Ministerial Meeting provide an opportunity to join my colleagues in reconfirming the leading role the ILO has to play in the implementation of the Declaration and Programme of Action adopted at the World Summit for Social Development in Copenhagen.

To conclude, I would like to extend wishes for successful and creative endeavours at the 82nd Session of the International Labour Conference.

Original Arabic: Mr. GAREEB (*Workers' delegate, Iraq*) – In the Name of God, the Merciful, the Compassionate! I am delighted to greet you on behalf of the workers of Iraq. I should like to congratulate the President on the confidence that has been placed in him by the Conference, duly merited confidence in view of his experience, his wisdom and his ability to ensure the smooth running of our work.

This session of the International Labour Conference is taking place after a long process during which the ILO has made considerable progress in promoting social stability, humanitarian relations based on democratic dialogue between the social partners, social development, decent working conditions and education and vocational training.

It is a great honour for Iraq to have participated in that process since 1932. The workers of Iraq continue to share the noble aspirations of the Organization and intend to pursue their role alongside the workers of the world in order to keep up with the rapid changes taking place in the world today. The aspirations of Iraqi workers are all the more legitimate in the light of their glorious past and their considerable contributions to mankind throughout history. However, the embargo now imposed on them has isolated them, has stopped them playing their role, and has plunged them into the torments of hunger, poverty and underdevelopment, at a time when everywhere people are talking about human rights, democracy and social progress. All this accentuates the flagrant contradiction between words and deeds and clearly demonstrates that economic regimes and international competition have become tools used by the powerful and their enterprises to further exert their control on the most destitute whose situation will thus deteriorate to an even greater degree. It is against this background that an unjust economic embargo has been placed on Iraq, an embargo with underlying economic interests which are no longer a secret to anybody, and which are based on the need of the United States Government to have the upper hand on Iraq's share of oil production in the area. This is the justification for that Government to seek any possible pretext to keep the people of Iraq at the threshold of death, or even to push it beyond that threshold. This drama, which is described in the reports of international humanitarian organizations, has caused the death of over a million children.

Moreover, surgical operations are being carried out without anaesthetics, there is no drinking water, diseases are spreading due to the lack of medicines, unemployment is on the increase, and prices are rocketing. This is the situation that the unjust embargo is causing in Iraq, and this is without having the opportunity to enter into more detail.

The Director-General was right to choose employment promotion as the subject of his Report. He has spoken constructively of the changing international situation; of our responsibility to help the ILO to take up the challenges that face it, and of the importance of social development as an essential factor of world economic progress. He also summed up the conclusions of the World Summit for Social Development held in Copenhagen and the problems related to poverty and unemployment, and set forth the conditions necessary to achieve full employment.

If this Conference really wishes to take up these challenges, we should refuse to allow Iraqi workers to be deprived of their resources and to have to suffer poverty and unemployment. I should point out that more than 3.5 million Arab and foreign workers who work in Iraq, and several other countries, are suffering as a result of this embargo.

Given this situation it is perfectly justifiable that we are concerned at the aggressiveness of the policy of hegemony and pillaging of wealth practised by the United States of America.

We think that this policy will widen the gap between the rich, who impose their conditions and exert their influence, and the poor, who are being crippled by debt, poverty and unemployment. We will all reap the fruits of this policy which is undermining social stability, nationally, regionally and internationally and which is causing tensions, conflicts and ...

(The President interrupts the speaker.)

Original Spanish: The PRESIDENT – Could I ask you please to stick to the item on the agenda.

Original Arabic: Mr. GAREEB – Iraqi workers call on the International Labour Organization to make every effort to ensure that the blockade is lifted, particularly as Iraq has fulfilled its obligations under Security Council resolutions ...

(The President interrupts the speaker.)

Original Arabic: Mr. GAREEB – Mr. President, I am talking here about the poverty, destitution and suffering of the Iraqi people.

(The President interrupts the speaker.)

Original Spanish: The PRESIDENT – I give the floor to the delegate from Kuwait on a point of order.

Original Arabic: Mr. AL-KULAIB (*Minister of Social Affairs and Labour, Kuwait*) – In the Name of God, the Merciful and Compassionate! I would like to see applied the provisions of paragraph 5, article 14, of the Standing Orders of the International Labour Conference. I would like to draw the speaker's attention to the fact that he is required to adhere to the agenda of the Conference. One cannot make

statements which are irrelevant to the subject under discussion make comments that are not true. Iraq has not fulfilled its obligations under Security Council resolutions. Moreover, resolution 986 ...

(The President interrupts the speaker.)

Original Spanish: The PRESIDENT – I must ask you all to confine your remarks to the item under discussion. Otherwise, I shall be obliged to ask the speaker to resume his seat. Mr. Gareeb has the floor.

Original Arabic: Mr. GAREEB (*Workers' delegate, Iraq*) – This is not a point of order. It is anarchy and a desire to keep the Iraqi people in suffering. It is not a point of order. I hope the President will put an end to practices aimed at maintaining the Iraqi people in a state of suffering. We are talking about medicines, disease, lack of water and suffering. The Director-General's Report does in fact refer to "poverty" and "hunger" and my statements are therefore relevant to the Director-General's Report. We are dealing here with people whose behaviour is anarchical, who do not obey the Standing Orders. I will therefore continue. The Iraqi workers call upon your Organization and the international community as a whole to put an end to this tyranny, particularly as Iraq has fulfilled the obligations imposed on it by the Security Council. The resolution recently adopted is one which, in appearance, aims at putting an end of Iraq's suffering, whereas in fact it simply maintains ...

(The President interrupts the speaker.)

Original Spanish: The PRESIDENT – This forum is not the place for this kind of statement. Please return to your seat. Your time is now up.

Mr. RAJAPAKSE (*Minister of Labour and Vocational Training, Sri Lanka*) – It is indeed an honour and a privilege for me, on behalf of the delegation of Sri Lanka and on my own behalf, to extend to you and the Vice-Presidents of the 82nd Session of the International Labour Conference, my warm congratulations upon your election. We have no doubt that your vast knowledge and experience will bring this session of the Conference to a successful conclusion.

May I also convey the warm felicitations of Her Excellency President Chandrika Bandaranaike Kumaratunga and of the people of Sri Lanka to the delegates present here today.

My Government which has consistently stood by the objectives of the International Labour Organization, will contribute its share towards promoting and strengthening social justice, nationally and internationally.

The Director-General of the ILO deserves our appreciation for the theme he has chosen for this year's session of the Conference, which is most timely and relevant. He must also be congratulated for the outstanding Report which he has presented; a Report which is thorough and replete with ideas on a problem that we all have to grapple with. As has been stated in his Report, "anxiety over employment problems, and pessimism over the prospects for resolving them, reign in many parts of the world today".

In many of our countries, employment, particularly youth unemployment remains a major problem. It is therefore appropriate that the theme of promoting employment is presented for discussion at this Conference. Measures geared to alleviation of problems of unemployment and poverty should be accorded the highest priority by the international community. In this regard, the need to promote self-employment as part of employment promotion policies cannot be overemphasized.

Productive employment is central to the alleviation and reduction of poverty. In many countries, high levels of unemployment have been accompanied by a significant decline in real wages. Another discernible feature is the jobless growth which is influenced by the prolonged period of economic retrenchment. Studies have revealed that of the 2.5 billion people who constitute the world's labour force, an estimated 30 per cent are not productively employed.

This global phenomenon has manifested itself in the employment situation of my own country as well. It is estimated that the rate of unemployment in Sri Lanka is currently between 12 to 14 per cent of the labour force. It is depressing to note that the educated youth constitute a large majority of the unemployed labour force in Sri Lanka. This trend has resulted in a build-up of an acute sense of frustration and marginalization of the youth.

Studies undertaken by the Government of Sri Lanka and other organizations have revealed that the primary reason for youth unrest in Sri Lanka was unemployment resulting from the mismatch between the goals of education and the demands of the economy. In view of this, the Government has decided that, although the education system should not be solely geared to job creation, it should, nevertheless, be reoriented.

The Government of Sri Lanka is, as a matter of policy, resolved to reach out to the youth of the country by providing them with technical education and vocational training. This new policy orientation will ultimately result in the effective participation of the youth in the mainstream of economic activity by joining the productive workforce. Towards this end, training programmes conducted by the public and private institutes will be coordinated, with a view to achieving maximum benefit.

As we are aware, the development of human resources is an important requirement for the promotion of employment. Vocationally useful knowledge, skills, work habits and attitudes, which are inculcated through education, contribute in no small measure to the improvement of the employability of human resources.

Past experience of the developing countries suggests that, in resource allocation for development, their social service sectors, particularly outlays on education, have been adversely affected. Bearing in mind that expenditure on education represents deferred revenue, and hence a long-term capital investment, it is important to constantly review the percentage of GNP allocated for education.

An alarming trend that may be observed in the South Asian region is the non-employability of those who graduate from schools. One of the reasons for this phenomenon lies in the fact that education is often found to be irrelevant to the world of work. This situation inevitably leads us to the conclusion

that education should be re-oriented towards meeting the requirements of the labour market. General as well as vocational educational systems should be based on periodic surveys of the employment market. Such systems should be undertaken with the active involvement of industry, and integrated with courses whose objectives are consistent with the demands of the economic forces. An industry-led education strategy should constitute the basis for human resources development in developing countries.

There is no need to overemphasize the necessity for human resources development. As we all know, it is a pivotal factor in the complex process of employment creation and improvement of social conditions. This process sets a new framework for the training of human resources as an investment for the future. To that end, it is important for the developing countries to re-examine not only the content, structure and the form of education and training, but also the costs and benefits thereof, and its direct linkage with industrial strategies and policies of individual countries. Let us, therefore, resolve to undertake such an endeavour in the interest of enhancing the employability of the human resources of our countries.

I would also like briefly to touch upon some of the items on the agenda of this Conference, which are of interest to Sri Lanka. In this respect, I must mention that the item on safety and health in mines is an important subject to my delegation. It is noted from the replies received from various countries that the proposed instrument constitutes a basis for a constructive exchange of views. It is heartening to note that a number of countries have indicated a strong desire for a Convention on this subject. My delegation is of the view that the proposed Convention should be founded on the principle of employer-employee cooperation.

Regarding the item concerning the extension of the Labour Inspection Convention, 1947 (No. 81), to activities of the non-commercial services sector, it should be pointed out that many developing countries, including Sri Lanka, may not be in a position to ensure full compliance with existing legal provisions due to resource constraints, shortage of trained manpower, lack of logistical support, etc.

On the question of home work, I wish to stress that reconciliation of social and economic objectives, reinforced through practical rather than regulatory approach is required. As our experience has shown, more often than not, regulation might prove detrimental to those it aims to protect. In most of our countries, home work is the only means of survival for an appreciable section of the labour force. It is widely prevalent in the informal sector which comprises the two vulnerable groups, women and children. On the positive side, it may be mentioned that it allows many housewives to supplement their income, while organizing their work in a flexible way to tie in with their family obligations.

I am glad to take this opportunity to inform the Conference that my Government has decided to fully implement the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). Necessary legislation will be framed shortly to make anti-union discrimination an unfair labour practice. We have also ratified the Plantations Convention, 1958 (No. 110), and have taken action to ratify the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

Among the several measures taken by me following the induction of the Peoples' Alliance Government to power in August last year, was the appointment of a Tripartite Committee to formulate a National Workers' Charter. I am pleased to inform this Conference that the Committee has concluded its work and produced a National Workers' Charter, which was developed with inputs from all interested parties. This Charter is meant for further guaranteeing the rights of workers in my country. It is my belief that, once fully implemented, it will ensure and strengthen industrial peace and harmony between the social partners.

The Government of Sri Lanka remains committed to the principles embodied in the Constitution of the ILO. In this spirit, we have established a Tripartite National Labour Advisory Council which considers all important matters concerning labour in my country. Tripartism and social dialogue inspire our policies at various levels of the decision-making process as they enable the achievement of progress in partnership, by giving those concerned a say on the decisions that affect their lives.

Alongside the numerous positive developments taking place in my country in the field of human rights in general, and the rights of workers in particular, I should not fail to mention the ongoing process of updating the labour laws of the country. This process has been set in motion, with a view to keeping pace with social evolution for the present and future generations. Its ultimate objective is to produce a single Labour Code which will codify provisions that are presently found in various Acts and Ordinances.

Finally, I wish to wind up my speech on a justifiably optimistic note. I am convinced that we have all come here – and will leave at the end of the Conference – with a strong commitment to strive to work with more vigour and zeal for the well-being of our peoples in peace, justice and equality.

I wish the Conference all success.

Original Arabic: Mr. ALAANI (Employers' delegate, Iraq) – In the Name of God, the Compassionate, the Merciful! Allow me first of all to convey to you my warmest congratulations and the warm wishes of my colleagues in Iraq and wish you every success in your work. I should also like to congratulate the President of the Conference on his election to chair this 82nd Session of the International Labour Conference. His competence and experience auger well for the outcome of this Conference and will help the ILO attain its objectives in the areas of development and social justice.

This 82nd Session is taking place at an important time of rapid and decisive change which has given rise to a serious deterioration in economic relations. This imbalance has led to an increase in poverty, unemployment and hunger in many regions of the world, while wealth and prosperity continue to be focused in certain other regions.

The International Labour Organization, through its tripartite system, is able to deploy the necessary efforts to boost development, create new job incentives and eliminate unemployment, particularly in the developing countries which are the most vulnerable.

The subject of the Director-General's Report, *Promoting employment*, is of cardinal importance. The proposals and ideas contained in this Report

are at the heart of the concerns of this Organization, whose aim it is to help create new jobs and to improve the employment situation as a whole. This requires a joint effort on the part of both the industrialized and the developing countries. The agenda of the Conference contains a number of items seeking to promote dialogue between the three partners in production and to provide adequate working conditions for workers so as to improve production and quality. In this context, the employers of Iraq would like to say that: first, we are in favour of international labour standards pertaining to safety and health in mines; and second, we are in favour of international labour on home work to protect home workers and encourage them to improve their production and quality.

The global development programmes introduced in our country in the 1970s and 1980s led to full employment in Iraq at that time. We even had to recruit foreign workers – from the Arab world and elsewhere. The private sector was particularly flourishing. Unfortunately, the economic blockade of Iraq, which has been unjustly imposed upon us, has taken its toll and resulted in factories almost coming to a standstill because of a lack of raw materials. This has meant that we have had to terminate contracts of Arab and foreign workers, who have had to return home. The blockade is thus one of the major causes of unemployment among the ranks of Iraqis and immigrant workers. It is for this reason that the international community should take a firm stand and lift the blockade to allow Iraq to pursue its development and achieve economic growth, as well as to renew trade links with countries throughout the world – and their enterprises.

Original Arabic: Mr. OULD MOHAMED VALL (*Minister of the Public Service, Labour, Youth and Sports, Mauritania*) – In the Name of God the Merciful and Compassionate. May I begin by congratulating the President on behalf of my country, the Islamic Republic of Mauritania, on his election to the presidency of this session of the International Labour Conference, and may I also extend congratulations to his country, Nicaragua, with whom we have deep-rooted and sincere friendly relations.

We are confident that thanks to his experience, he will lead the work of this Conference to a successful conclusion.

I should also like to extend my thanks to the Director-General of the International Labour Office and to his staff for their efforts in efficiently preparing the work of our Conference.

And I should also like to extend a welcome to all those countries who have joined since the last session of the Conference.

We have examined the Director-General's Report concerning the need to promote employment worldwide, taking an objective look at the reasons underlying this problem as well as its implications, bearing in mind the statistics on the current status of the world.

I should also like to point out that, from our point of view, this Report is a very rich point of reference and represents a major contribution and effort which will encourage States to consider how they can assist the international community in dealing with problems of unemployment and all related problems at the social level.

It is not by chance that this issue has been given an important place in our Conference only a few months after the World Summit for Social Development in Copenhagen. At that Summit, Heads of State and governments placed the issue of employment among the top priorities of their socio-economic policies.

Our Organization is the best possible forum to make the international community aware of the seriousness of the problem of unemployment and the need to improve working and employment conditions worldwide.

In Mauritania, we have of course not been spared from these problems. However, there is a very strong political will in our country to take up this challenge and to establish a political and social climate based on harmony, security and stability by the implementation of a series of development programmes, and by establishing machinery and special government bodies.

In this connection, the sectors considered to be the major employers have made investment plans one of their main priorities. Government agencies have been created to deal with training of young people.

Specialized agencies have also been created for the insertion of young people to the labour market by facilitating the creation of small and medium-sized enterprises.

We have also stressed the implementation of state-approved projects in order to employ large numbers of the jobless.

Human resources in our country have been given special attention. We have, for example, stressed handicraft, technical and vocational training in order to make them compatible with market needs.

We are naturally having to count on our own resources and redouble our national efforts in order to create job and work possibilities. However, the interdependence of today's world makes international cooperation extremely important.

For years now the world has dealt with political and economic issues to the detriment of essential social issues. Thus nowadays it is important to convince decision-takers of the need for cooperation, especially in extending help to developing countries implementing structural adjustment programmes or that are labouring under the burden of debt, which thus limits their ability to combat unemployment. This is also why they suffer even more from poverty and destitution.

We hope that at the international level we will be able to find the means which will enable these enormous social disparities between the different peoples of the world to be eliminated. The interests of all countries are closely linked, and our world is characterized by international relations that are both global and interactive.

(Mr. Popescu takes the Chair).

Mr. NACOLA (*Minister for Labour and Industrial Relations, Fiji*) – It is a great honour for me to address this 82nd Session of the International Labour Conference. Like other distinguished delegates who have spoken before me, I extend my very warm and sincere congratulations to the President of this Conference for his election to this high office. He has amply demonstrated a great ability and efficiency in the last few days, which I am sure will go a long way

towards ensuring the smooth running and success of this Conference. I also extend congratulations to the two Vice-Presidents and all those who have been elected to hold office this year.

I am very happy to guarantee the cooperation and support of the Fiji delegation in completing the tasks which face all of us here at this Conference.

This year's Report of the Director-General is devoted to a social policy theme. That is timely, for this is the first year after the 75th anniversary of the ILO, which has set itself the task of defending values and promoting change as its targets as we approach a new century. Towards that end, these words from the Preamble to the ILO Constitution will light our path: "Universal and lasting peace can be established only if it is based upon social justice".

I would like to reiterate, in a world characterized by change, that the compass that should guide the work of the ILO and its 173 member States is the pursuit of social justice.

We in Fiji believe that the ILO with its tripartite structure can help, can shape a world economy where freedom of association and free collective bargaining can flourish along with free unions, free employers and free governments.

This is the true path to peace, as well as to economic growth, social stability and sustainable development.

The Social Summit held in Denmark this year reflects the new challenges facing us in the post-cold war era – alleviating poverty, and fostering productive employment and social solidarity. We maintain that one of the ILO's responsibilities is employment, because we feel that the problem of unemployment implies not only national responsibilities and national policies but also those at the international level. The Government of Fiji strongly believes that we cannot have a successful employment policy on a national scale if there is not national as well as international debate on this topic, which must also involve both employers and unions.

Towards that end my Government has reactivated the tripartite forum where Government and the two social partners participate on an equal footing. While the old tripartite forum was most active in the areas of guidelines for wage-setting and industrial conflict resolutions, the new forum is intended to be an instrument for a strategic planning approach relative to an outward-looking trade policy. The four elements of this policy are trade deregulation, tax reform, labour market reforms and public sector reform. This policy is strategic, rather than comprehensive.

We in Fiji are very conscious of our size, with a population now approaching 1 million. A quarter of the size of New Zealand, and like other small island nations we are vulnerable to external shocks. In that regard our problems should be recognized and our shortcomings understood.

My Government is a party to the majority of the basic human rights Conventions, and we are now preparing to ratify the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87). In that connection we request that the ILO judge our observance of these Conventions in terms of our economic and social policies.

There have to be sacrifices from the Government, the employers and the workers. We have to resort to the so-called "pacific way" of solving crises, for we believe that taking into consideration our current ec-

onomic situation, we may not be able to fully observe the letter and the spirit of some of these Conventions we have ratified.

I appeal for a balanced judgement on the activities of my Government in regard to implementation of ILO instruments. We are now going through a very important time, a transition period when our economy is trying to grapple with the global changes in the last few years. We are pursuing the path we have mapped out for ourselves. We request the ILO to provide us with guidance so that when all is said and done every citizen of our country will enjoy a high level of social justice.

My Government is conscious of the needs not only of mine workers but other employees engaged in undertakings faced with such difficult conditions. We now have before Parliament the Occupational Safety and Health Bill which should provide the framework for Government and the social partners to work together in ensuring that safety and health are maintained in the workplace.

I should like to conclude by expressing the hope that the current session of the Conference will inaugurate a new era in the activities of the ILO, with the aim of establishing stable and extensive socio-economic relations in the interests of all member States.

Mr. MPAMBA (*Minister of Labour and Youth Development, United Republic of Tanzania*) – At the outset, allow me to express my sincere gratitude, on behalf of the people and Government of the United Republic of Tanzania, and on my own behalf, for the opportunity afforded to me, to address this august assembly,

I would like to associate myself with all the previous speakers in congratulating the President on his election to the Chair of this important session of the International Labour Conference which is taking place at a time when the United Nations is celebrating its 50th anniversary. In the same vein, I should also like to congratulate the members of the Bureau. I am confident that under their able leadership we shall have fruitful deliberations and conclusions.

I should like to pay a tribute to the Director-General of the ILO, Mr. Michel Hansenne, for his most comprehensive Report on the question of employment creation. This is the major and most challenging issue facing all of us today. The discussion on this subject is also timely since it is taking place soon after the recent World Summit for Social Development in which a Declaration and Programme of Action to promote the goal of full employment was adopted by the assembled Heads of State and Government.

Even though the situation of unemployment afflicts developed and developing countries alike, it is acknowledged that it is more serious in the least developed countries, especially those in sub-Saharan Africa, in which economic retrogression has been prevalent since the 1980s.

Tanzania is undertaking measures aimed at reducing unemployment and alleviating poverty in both rural and urban locations. In the recent past, public wage employment and the agricultural sector in Tanzania were the major providers of employment opportunities. Today, the private and informal sectors have assumed greater importance. About 1.8 million people are employed in the informal sector, constituting about 53 per cent of the urban dwellers. It is

estimated that the informal sector in Tanzania is growing at the rate of 3.5 per cent per annum, equivalent to 56,000 jobs annually.

My Government is very concerned that the most affected persons are the youth and women who are also the poorest of the poor of our society. Policy measures are therefore on hand to provide an enabling atmosphere for them to participate meaningfully in the informal sector in both the rural and urban areas and also to gainfully employ themselves in the key productive sectors of agriculture, small-scale mining, small-scale industry and fishing. Programmes and projects are being prepared to this effect in full recognition of the fact that the key to success would be to improve their access to land, credit, training markets and technology. We therefore fully share the recommendations of the Copenhagen Summit and the ILO Director-General's Report on this subject.

Providing skills, appropriate technology and financial services to the low-income entrepreneurs and producers is among the most effective means to promote job creation and self-employment in most African countries. It is for this reason that my Government lays great emphasis on formal and informal vocational training for both men and women. The main challenge for us is how to absorb these people after such training in order to avoid waste, and create jobs and incomes; that is to say, how to settle these trainees through self-employment. In these endeavours, we need urgent support from the international community, particularly technical assistance in designing and implementing job-creation projects.

Shortage of capital is perhaps a more crippling constraint in our job-creation efforts. We need to encourage the formation of very many grass-root savings and credit organizations capable of providing small loans to members and perhaps supported by a wholesale credit institution along the American idea of a small business development bank to service these institutional clients. There is enough evidence in the world to show that poor people, especially women, are bankable and that their repayment records as borrowers are as impeccable as any. What is required is a well designed institutional set up which stresses the full participation of beneficiaries with the support of government, local business and the international community. The ILO is, in my view, well placed to spearhead such a venture on a global scale. It is worth noting that, in Africa, a lot of money – especially in rural locations – is not in the formal banking sector and that, if well harnessed, it could provide much needed capital for micro-enterprise development. A way must also be found to prevent the outflow of funds from rural to urban areas, which leads to further impoverishment. Too often funds earned from cash crops end up in urban locations through trading and formal banking activities.

At this juncture, I should wish to make a brief comment on the current implications of the reform measures advocated by the Bretton Woods institutions for most of our developing economies. Available evidence continues to show that, in spite of the fact that many LDCs have undertaken profound economic reforms as advised by the IMF and the World Bank, it is a fact that the pace and scope of those painful reforms contrast sharply with the meagre results achieved so far. The main shortcomings have been the lack of timely resources to carry out the

reforms and the neglect of the reforms themselves on production and social services. Hence the reform process has neither removed the structural constraints in many LDC economies nor improved the social well-being of the people.

These reforms have, in most cases, caused social ills including unemployment, increased poverty and crime due to de-industrialization, exorbitant costs of agricultural input, inflation and credit squeezes.

We therefore call upon the Bretton Woods institutions to adopt a more flexible and realistic approach in which reform measures would be based on development strategies prepared by the recipient country in accordance with its own priorities. The purpose should be to build the capacity of the recipient developing country to sustainably help itself. It is well to bear this in mind in discussions about labour standards and foreign trade.

Finally, let me end by agreeing with those who see the need for flexibility in labour markets and employment creation, those who advocate a practical approach such as the use of model projects targeting the poorest of the poor, those who stress the imperative of removing the debt burden and ensuring a steady rise in commodity prices for developing countries. In all respects, we need to exchange information and experiences on success stories and technology sources – generally, what works where and why. And, in all our endeavours, international cooperation remains central to success in combating the scourge of global unemployment and poverty.

Original Spanish: Mr. JIMÉNEZ AGUILAR (*Employers' adviser, Spain*) – May I begin by congratulating the President on his election to the presidency of this Assembly and I also convey my congratulations to the officers. I am convinced that under their leadership this Conference will be the success that we all hope for.

The Director-General's Report with the evocative title of *Promoting employment* is a starting point for a thought process which I believe to be necessary not only at the level of this gathering but also in all those countries where, to a greater or lesser degree, there is concern regarding employment, expressed in both economic and labour market policies.

In recent years, the developed countries have been able to justify measures which, although inadequate, point the way clearly towards growth. However, in the coming years, critical phases of this process will persist as will continued problems associated with imbalance between countries and the transition towards a market economy, social injustice, and soon.

Without giving up the objective of full employment, its attainment in today's environment is far from being a short term prospect. This compels us not to turn away from those countries and social groups in the least advantageous circumstances, but we should not lose our sense of direction, and we must perfect the basic tools that will enable us to overcome these critical situations and move towards higher levels of employment.

Our societies are becoming ever more complex. While this should lead us to distrust any single overarching model or any centralizing of decision making, neither should preclude the shared concepts that underlies national decision making and policies.

The essential problem today is to try and learn how to tackle the problems at the global level. This

will call for a new culture and a new political vision, greater creativity in all fields of our activity and a joint effort by governments, employers, workers and society at large. Hence, the contribution that we can make to these shared concepts is to identify a series of general principles on which to base future action.

Firstly, in a market economy, action to promote job generation and wealth-creating initiatives falls to the employers. At the same time, the creation of appropriate conditions for the emergence of those initiatives should be the outcome of joint action by governments, employers and workers. Our experience of social dialogue has been generally very valuable because it has given new impetus to investment and has created a climate of confidence.

Secondly, in our present context the disparity of situations and of levels of development both economic and social between countries, is a clear indication of how difficult it is to identify universally applicable policies used. One need but think of the existing economic blocs and how difficult they find it to deal with this situation. However, there does seem to be a clear need for macroeconomic policy with structural reforms, though they by no means have to be homogenous, either in their priorities or in speed of implementation. Economic efficiency ought to facilitate social progress, and the two together should establish the necessary balance.

Furthermore, the implementation of trade liberalization agreements and the increasing mobility of capital is going to call for a substantial competitive effort by countries and by enterprises.

European employers, through the Union of Industrial and Employers' Confederations of Europe, have put forward a number of proposals to improve competitiveness stressing the need to make the economic and social framework more flexible than it is at present in the principle areas of the economy.

In the more advanced countries, the role of the public sector deficit has been questioned as an incentive to employment, and emphasis is now placed on the role of savings and investment. Possible counter-cyclical budgetary policies or the expansion of public in investment should be carefully analysed in the light of the level of development of the various geographical areas concerned. Promotion of savings both on a public and private basis is the best way to hold down interest rates, as an indispensable condition to stimulate economic activity, investments and employment.

To date labour market policy has been based on penalization of employment in the form of non-labour costs. For this reason reconsideration should be given, as indeed the Director-General's Report suggests, to other means of financing social protection systems to cover situations of unemployment or illness without in any way jeopardizing the viability or survival of the systems themselves. Administrative and tax burdens borne by companies in many countries are a clear disincentive to expansion of enterprises or the emergence of new ones. For this reason further thought should be given to simplifying these charges and keeping them to the strict minimum that will lead to a more dynamic industry.

One cornerstone of policy both in the developed countries and in the developing countries should be investment in human resources. Technological advance and the competitiveness of firms, both of which are highlighted in the Director-General's Report, re-

quire the establishment of permanent training systems to avoid unemployment, especially in the most needy communities.

A substantial effort needs to be made in the fields of education and training to prepare individuals for the reality of the labour market. The growing numbers of young people seeking employment calls for the adoption of specific measures in terms both of training and of their incorporation into the labour market.

If we wish to keep a healthy, society and an effective social benefits system for the future, youth unemployment must constitute a priority issue. In this context, I should like to announce that in December, in Madrid, in the context of the Spanish Presidency of the European Union, we will be holding a European Employers' Summit on youth employment, as proof that the European business community has a commitment to the young people and their access to work.

In a world of open economies and globalization there should be no resistance by any social partner to the speedy adoption by enterprises of technical progress and the most modern equipment, always in the awareness that this will imply changes in the labour force and will require new forms of work organization. Past experience shows that by preserving positions companies have been hampered or held back in adopting their technology. This situation has led to even greater unemployment through the disappearance of enterprises which have become obsolete and uncompetitive enterprises in technology, human resources and organization.

The long-term unemployed and socially disadvantaged groups should be the object of particular attention. Their situation stems from a general absence of training, rigid labour standards and inadequate levels of economic development.

Finally, an important challenge for employers and workers alike is the need to develop collective bargaining processes in which the role of administrative regulation is reduced, and a new culture of cooperation rather than confrontation contributes to raising competitiveness, employment, and the well-being of workers.

In my country, there is a deep-rooted concern at the high levels of unemployment we have compared with other countries of the European Union. There is, therefore, a widely shared concern to bring an end to youth unemployment.

With this in mind, we have recently, albeit partially, undertaken the reform of the labour market. This measure will not, however, be sufficient in the short term. We also need to undertake a further series of more structural reforms in such varied areas as the public deficit, the tax system and the deregulation of various sectors of our economy. I trust that these principles can be shared by all of you.

Original Russian: Mr. KOLMOGOROV (Employers' delegate, Russian Federation) – The delegation of Russian Employers too feels that the consideration of ways to stimulate employment is a priority. We should concentrate the attention of the world community on this priority as we integrate national economies into the world system. This process should be guided by the principles of the ILO to the effect that civilization cannot be the property of only a few selected States.

The Minister of Labour of the Russian Federation, Mr. Melikian, gave a detailed analysis of the labour market in Russia in his statement. This makes it possible for me immediately to mention certain assessments and make certain proposals regarding the problems which have developed and the situation we have now to face in Russia.

There is no need to prove that employment levels are determined by the economic situation as a whole. In the Russian economy, according to the experts, in the period from 1991 to 1995 the level of industrial production will drop by two-and-a-half times.

Of course, the period of transition to a market economy has not been easy. But who could have foreseen the dramatic drop in production which has taken place not only in Russia, but also in the other transition countries? it is indeed worthy of being put in the *Guinness Book of Records*. On average, the GDP of the CIS countries was in 1994 half of what it was in 1989. The reasons for this drop were mentioned earlier. What I would like to say is that the assessment of the situation and the conclusions in Mr. Hansenne's Report regarding the transition countries as a whole, are, we feel, justified and objective.

We believe that the decisive factor in overcoming this crisis is a correction of the course of economic reforms. The "economic pendulum" which swings from inflation, to a drop in production, to unemployment offers no future for Russia. We must now move to a corrective economic course, with the Government playing an active role in the transitional period, using non-administrative methods. It must do everything possible to play its part in the modern market economy – drafting and enforcing laws, conducting tax and credit policies which stimulate production, and supervising certain sectors of the economy, such as finance and natural monopolies.

A completely uncontrolled market economy apparently does not exist anywhere. The market can work perfectly and meet demand for consumer goods, but there are always some sectors in which it cannot work at full strength. This is true, for example, for education, basic research, health protection, infrastructure and quite obviously, for environmental protection.

Governments must concentrate on overcoming the depression by conducting a rational scientific and industrial policy, by providing support for certain competitive sectors, by stimulating demand and productive activities and by drastically reducing the tax burden.

Some of the sectors which should be considered as priorities for selective assistance are: food production, pharmaceuticals, products for children, housing and specialized technology. It is also important to choose for investment spheres which have a technological "echo" and will thus create a multiplier effect.

Another important factor in overcoming the crisis is, in our opinion, making optimum use of present economic trends in combination with the specific conditions and traditions of the countries of this enormous subregion. In this connection, it is necessary to first of all strengthen economic relations between the transition countries. The economies of these countries still have much in common; their economic crises have the same roots, one of which is the breakdown in traditional economic relations.

This breakdown in economic relations has accounted for more than half of the drop in production in these countries.

This was inevitable. For we may criticize the defects of the former economic system, but the fact remains that these countries, with the exception of China, represented an enormous and united economic unit. Experience has shown time and again that relations between these countries will always go from a centrifugal tendency to a centripetal one.

I would especially like to stress the conclusions drawn up by the Assembly of the International Congress of Industrialists and Employers, which brings together 28 employers' and industrialists' associations of 21 countries of Europe and Asia. The Assembly concluded that it is necessary to improve the economic cooperation among States, and that a multifaceted approach would be the best guarantee of effectiveness and stability. We need such a system. Mutually beneficial relations should be combined with the collective implementation of measures and actual projects in the scientific, technical and investment spheres. I would especially like to emphasize that Mr. Hansenne in his Report quite rightly spoke about the need for more investment at this key time of economic adaptation to the new conditions.

In Russia, for instance, at the beginning of 1995 investments had dropped by two-thirds. As a result, there are not enough resources even to restore capital funds, and many sectors are on the verge not only of moral, but also of physical, collapse. Capital funds have been depleted to such an extent – 60 per cent – that there has practically been a technical collapse.

This catastrophic situation has been compounded by the constant flow of productive capital toward consumer sectors and speculation. There is no need for me to explain how this complicates structural adjustments to the economy and the stabilization of production, and threatens future economic development. It appears to us that a similar situation is brewing in practically all the CIS countries and a range of Eastern European countries.

What conclusion can we draw from this? It is quite clear that the main emphasis should be placed on a goal-oriented investment policy to generate productive processes throughout the economy.

It is only logical to ask where we are going to find the money for our proposed rescue package, this active investment policy. In our opinion, the main problem is that of private capital. It was assumed that private capital would invest the large amount of money it had accumulated, but so far it has only done so in dribs and drabs.

That is why we are trying to strengthen the State's influence. Strong state support, and legislation, are essential for investment during the transitional period. In that way, foreign investors will also be tempted to invest in production.

During the past year foreign investment in production has amounted to 1 billion dollars but we need at least 10 to 12 thousand million dollars every year.

Of course, foreign investors are scared off by the lack of stability in Russia, particularly in the political arena. However, the threats and dangers in the minds of foreign investors do not exist. The political situation in our country is now slowly stabilizing and a modern standard-setting and legislative

basis is taking shape. Commercial risks of course exist but they exist everywhere, Singapore – that is business.

I am not dwelling on Russian examples just for the sake of it, but because Russia has vast and unique resources, bestowed on us by mother nature. Per capita, the resource potential in Russia is 2 to 2.5 times greater than in the United States, six times greater than in Germany and 18-20 times greater than in Japan.

Russian employers' associations are now turning their efforts toward finding solutions to these problems. They have joined forces to find and implement general and coordinated approaches to social and labour relations. They have also set up a Coordination Council for Russian employers' associations which I

have the honour to represent at this session of the Conference.

In conclusion, I would like to say that the problem of employment in the world economy, as has been discussed at this session of the Conference once again shows convincingly that ILO member States should not weaken their support for the International Labour Organization, which is a time-honoured and strategically important instrument for "tuning" international labour relations throughout the world. They should apply common sense to the task of defending the interests of their populations and humanity as a whole and strengthen the capability and role of the ILO.

(The Conference adjourned at 12.45 p.m.)

CORRIGENDUM

Replace the list of registered delegates and advisers published in *Provisional record* No. 8 with the attached list.

List of registered delegates and advisers

[illegible]

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Tenth sitting

Monday, 12 June 1995, 10 a.m.

President: Mr. Rosales Argüello

FIFTH REPORT OF THE SELECTION COMMITTEE: ADOPTION

The PRESIDENT – We start this morning's sitting with the adoption of the fifth report of the Selection Committee, which you will find in *Provisional Record* 4D.

If there are no objections, I shall consider that the fifth report of the Selection Committee has been adopted.

(The report is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume the discussion of the reports of the Governing Body and of the Director-General.

Original Arabic: Mr. BETTELMAL (*Secretary of the General People's Committee of Planning and Finance, Libyan Arab Jamahiriya*) – In the name of God, the Merciful, the Compassionate. Allow me first of all to congratulate the President on his election to chair this session of the International Labour Conference. I am quite convinced that under his enlightened leadership our discussions will be crowned with success.

The subject of the Director-General's Report, *Promoting employment*, is of vital importance: indeed our Organization should attach even greater importance to this issue because employment has considerable influence on the daily life of individuals and the destiny of peoples. It is relevant to recall at this juncture the figures and data contained in the Report, particularly those concerning the economic reform policies carried out by the various countries. These figures reveal imbalances in most of the cases and clearly show that failing to take account of the human factor – which is the *raison d'être* of any economic activity – is bound to lead to disaster. The member States of the ILO, irrespective of whether they are industrialized or developing, should therefore step up their cooperation in order to establish an order based on equality and social justice – thus guaranteeing the well-being of every one. They should increase their cooperation in the area of employment with a view to offering decent living conditions to their citizens and increasing their industrial production; this would allow them to cut down on their imports, which weigh heavily on the finances of the developing countries, and to earmark the funds thus saved for education, health and social security.

During the past 20 years, my country has adopted many economic and social policies and measures allowing it to improve considerably the living standards and conditions of all its citizens, who have been provided with high standard accommodation and improved health, education, and social security services. In spite of the difficulties it has been encountering during these past few years, my country has made great efforts to draw maximum benefit from the resources at its disposal to improve the economic and living conditions of all its citizens; in so doing it has created a balance between the needs of the individual and those of the community and ensured respect for human rights in our society – which is based on the participation of each and everyone in decision-making in the economic and social spheres.

The Great Jamahiriya has however suffered as a result of measures taken against it – particularly United Nations resolutions which have considerably slowed down its efforts to guarantee the well-being of its citizens and to create employment.

These unjust measures have also hampered our projects in the agricultural and industrial sectors and in the general services, as well as our efforts to improve the infrastructure of our country (electricity, roads, bridges and airports). I should like to give a number of examples.

First, we have had to slow down the implementation of our projects for economic and social transformation because of a lack of specialized labour and difficulties of access to the necessary new technologies – both equipment and tools. If these projects were to be carried out, they would create 134,000 jobs, of which more than 45,000 would go to foreigners.

Second, the number of foreign workers employed in the Libyan Arab Jamahiriya fell from 161,000 in 1992 to 72,000 in 1994 in the high technology sector.

Third, the embargo imposed on the Great Jamahiriya has considerably slowed down the flow of foreign workers to and from our country and reduced the possibilities of regional and international cooperation between the Libyan Arab Jamahiriya, on the one hand, and its neighbours and other countries on the other – and this is true in all areas, including the area of labour.

Fourth, the Great Jamahiriya has participated in the quest for a solution to the problem of unemployment, which is one of the greatest problems besetting the world during the past ten years, by providing quality jobs to foreigners on its soil. But the fact remains that the embargo and its negative repercussions are not only a threat to the jobs of foreigners but also to those of our citizens who find themselves

unemployed – in the same way as all those starting out in the labour market. This situation may be attributed to the fact that many economic projects have been discontinued and that it is difficult to obtain the necessary spare parts required for any projects.

Fifth, the movement of labour between countries is positive in so far as it allows for a transfer of funds. During the three years preceding the embargo, for example, foreign workers in the Libyan Arab Jamahiriya transferred some 427,800,000 Libyan dinars to their home countries – i.e. some US\$1,459,906,000.

Sixth, the increase in road traffic, which has become the main means of transport, has caused a great number of road accidents – 10,200 – resulting in 1,622 deaths, 4,220 seriously injured and 3,124 lightly injured.

The unjust sanctions imposed on my country and other countries under iniquitous resolutions are, despite their economic nature, dictated by purely political considerations. And political differences, which may arise between countries at any moment, are no justification for the adoption of measures with economic and social consequences.

We believe that economic sanctions, which consist of freezing funds and assets, are a serious blow to development and economic systems. It is for this reason that many countries will revise their trade, economic and investment policies, particularly those concerning the import of equipment such as airplanes, because these countries might one day find themselves on a black list and be unable to procure the spare parts they need to operate their factories and aircraft; this is the case in my country where commercial airplanes have been grounded because of a lack of spare parts. These are some of the items covered by United Nations Security Council resolutions. In the future, therefore, we shall ask partners in whom we have confidence to provide us with our airplanes, factories and desalinization plants.

The problems I have just mentioned are due to the embargo imposed on the Libyan Arab Jamahiriya and we are thus calling upon the ILO, in its capacity as an agency devoted to helping its member countries overcome underdevelopment, poverty and unemployment by means of recommendations and labour standards, to do everything that it can to lift this embargo and remove all obstacles to international peace – so that more than 2 million people of various nationalities living and working in the Libyan Arab Jamahiriya are not forced into unemployment; indeed, this would have serious repercussions on the economies of their countries, especially since most of them come from African countries.

In concluding, I wish to point out that we are striving for real peace between nations in order to attain the objective of social development, especially in poor countries. We also hope for greater cooperation between developing countries and we call upon the rich countries to support this cooperation and to refrain from exerting political pressure on small countries.

Mr. FREELAND (*Government delegate, Antigua and Barbuda*) – My delegation and I would also like to congratulate the President and the Vice-Presidents on their election to preside over the 82nd Session of the International Labour Conference. We wish them every success. I bring greetings from the Government and people of the twin-island nation of

Antigua and Barbuda. This greeting is warm with optimistic expectations and aspirations for a world with fewer traumatic occurrences and situations in the coming year. Our optimism is fired by our dream of a new world order, devoid of the atrocities experienced by millions of people during the past year, such as in Rwanda. These are images we must all work harder to erase from the human experience.

The ILO has been the conscience of the world in the fight against the abuse of human rights and dignity since 1919; today, we may rejoice in this Organization's integrity and faithfulness to the ideals of its Constitution, as articulated by the 1944 Declaration of Philadelphia. The ILO, through its International Labour Conference, has positively enhanced the opportunity for the quality of life and the availability of employment for the world's people. This premise is now recognized as the possible panacea for the alleviation of some of the negative situations and occurrences which presently plague humankind.

As the Minister of Labour in my twin-island State for the past 19 consecutive years, I have witnessed and experienced the dynamism of the labour portfolio, especially in managing and creating effective labour relations and industrial policies which focus on and foster employment policies and in providing direction for policies based on the tripartite process, structure and expectation. It has been my positive experience that abiding by the principles of international labour standards results in positive, peaceful and productive industrial relations. The spin-off of such an environment is the mutual recognition that labour should not be perceived as a commodity. This recognition results in a highly attractive environment for the creation of employment.

Antigua and Barbuda agree with the Director-General's Report. In his Report to this session entitled *Promoting employment*, he states that: "These highly favourable outcomes were largely due to the successful development strategies followed by these countries. The main elements of these included the maintenance of macroeconomic stability, high levels of savings and investment, a liberal trading regime, an export-oriented industrialization strategy, and the successful attraction of foreign direct investment".

Our analysis of this conclusion of the Director-General reveals a close alignment with the vision of Antigua and Barbuda. Today, some of the elements in the Director-General's conclusions are already operative for us, and others are being considered for the future. In Antigua and Barbuda we recognize the correlation between rapid growth in labour-intensive activities and the realization of full employment. We further recognize the relationship between full employment and an improved socio-economic status of our people. In support of this recognition, the Government has encouraged and has attracted foreign direct investment in our main industry, tourism. In turn, the resultant creation of employment has over the years been beneficial to the people of the country, especially through the spin-off effect. We are prepared to accept the Director-General's timely advice, as it is relevant to local needs, infrastructure and applicability. It is important for the ILO as this century draws to a close to be ready to provide the requested technical direction as requested by national governments for the realization of full employment. The Government of Antigua and Barbuda now sounds its intention to achieve this goal. We be-

lieve this to be in line with the outcome of the recent World Summit for Social Development, as it was commented on by the Director-General in his speech at this session of the Conference. I believe this Conference must include the principles of the Summit's Declaration in its deliberations, especially in the context of the mandate of Heads of State and governments, and I quote: "to promote the goal of full employment as a basic priority of economic and social policies, and to enable all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work".

Recognizing the crucial role of ministries of labour in the governmental structure, the Summit decided that: "the International Labour Organization, which because of its mandate, tripartite structure and expertise, has a special role to play in the field of employment and social development, [is] to contribute to the implementation of the Programme of Action".

It is noteworthy that the Summit placed the creation of full employment at the centre of strategies and policies of governments, and that such goals and expectations must reflect full respect for workers' rights within the range of the tripartite system. We believe that the articulation of the Summit is laudable, and must be fully supported in the spirit of the Declaration of Philadelphia, which specifically declared the following three principles: labour is not a commodity; freedom of expression and of association are essential to sustained progress; poverty anywhere constitutes a danger to prosperity everywhere.

Antigua and Barbuda therefore understand the critical role of the ILO for the successful outcome of the objectives and goals of the World Summit, as outlined by the Governing Body in its March-April 1995 report. That report states: "The ILO should be prepared to assist countries in their request in formulating their strategies to attain the goals set by the Summit in the field of employment and labour policy, and in monitoring progress towards these goals. It would do so in cooperation with its tripartite constituency in member States, in the framework of its active partnership policy".

Our National Labour Board, the tripartite mechanism of our nation, was reactivated in 1994 after a short dormancy, in an effort to attain similar goals. We are therefore in line with the ILO's mandate and direction to alleviate poverty. On a national level, we have already implemented the following programmes to alleviate the woes of poverty: an all-out effort towards full employment; social programmes to assist the elderly and orphans at home; institutional social programmes to assist the elderly and underprivileged youths; skills-oriented programmes to prepare our citizens for productive employment; and social and employment-oriented programmes for disabled persons.

The 82nd Session of the International Labour Conference has special meaning for me, as it ushers in my 20th consecutive year as Minister of Labour in Antigua and Barbuda. It has brought home to me the fact that abiding by the principles of the international labour standards will be invaluable for my country if we are to experience development and social justice. Our Labour Code, Civil Service Act, Social Security Act and many other instruments of labour legislation reflect our firm commitment to

comply with these standards. As of this year, we are ratifying all relevant Conventions.

I take this opportunity to wish this 82nd Session of the International Labour Conference fruitful deliberations and productive conclusions. Let us work together so 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".

Original Portuguese: Mr. BALDE (*Minister of Public Administration and Labour, Guinea-Bissau*) – It is an honour for me to be able to take part in the work of this International Labour Conference and I should like to avail myself of this opportunity to congratulate President Rosales Argüello, on behalf of my Government, my delegation and in my own personal capacity on his election to the presidency of this Conference, in just recognition of his merits throughout a brilliant career. I should also like to congratulate the Vice-Presidents of the Conference.

The Director-General's Report reflects concerns felt by all members of the international community, and in particular it echoes the concerns felt by a citizen of one of the ten poorest countries in this world. Because of changes in our country's political and socio-economic fields, and because of institutional and legal changes which are helping to move the country closer towards democracy, we are able to meet the daily challenges facing our young democracy.

In spite of some progress which has been achieved, we are still faced with countless challenges in seeking the social justice to which all of us aspire. We nevertheless cannot speak of social and economic justice or fundamental human rights without ensuring adequate levels of training and employment for the citizens of our country.

Regarding these two issues, it would behove all of us, especially those of us who are attending this Conference, apply a constructive philosophy to the debates so that they might help our governments to find the most appropriate ways and means of reintegrating our people into global development strategies.

But there is no such thing as a single development model. It would be best to focus on the problems of our own continent and of all the more advanced countries as partners in socio-economic development.

Another important dimension of development is freedom, namely freedom to choose freely one's social model, freedom to choose one's orientation and strategies without any form of duress.

In that sense, development means strengthening the people's ability to give each citizen the chance to prosper and contribute to the progress of the country as a whole.

We should offer our heartiest congratulations to the contribution made by the Director-General in his work. We are confident that he will continue to deal with the problems facing humanity in an active and well-balanced way.

We recognize that the International Labour Organization has achieved a great deal for the developing countries, particularly owing to its technical cooperation programmes.

The Director-General has submitted a very comprehensive Report. Many of the concerns he referred

to were also discussed at length at the World Summit for Social Development in Copenhagen and we would like to recommend that the Conference adopt this Report.

I should also like to appeal to all Employers' representatives, urging them to diversify their investments in the lesser developed countries, helping them to create more jobs.

In conclusion, may I express the hope that my modest contribution and the contributions made by others to this Conference will be discussed to the fullest so that we can renew our partnership as together we strive for development and the consolidation of democracy everywhere. Long live solidarity and friendship among the peoples.

Original Spanish: Mrs. NAVIA VELASCO (*Minister of Labour and Social Security, Colombia*) – Allow me first to congratulate the President on his appointment and for the very fair way in which he has led our deliberations. I would like to state my appreciation for this opportunity to express some comments about the Colombian position on the Director-General's Report, on the extremely important subject of employment policy and measures designed to promote productive employment and thereby equitable social and economic development.

At various national and international fora, emphasis has been laid on the importance of employment in maintaining international order. Nevertheless, social tendencies have not always advanced together with economic results. World production and its internationalization, both in terms of quantity and in its regional distribution, have increasingly led to the paradoxical situation of a world economic system with a high long-run rate of growth; yet from the point of view of regional social development, this growth is accompanied by serious problems of unemployment, underemployment and poverty, especially in some Latin American developing countries.

Particular attention should be given to world trade liberalization. The commitments of the Uruguay Round should lead to more open trade, together with an increase in trade flows. However, merely reducing tariff barriers is not a guarantee that economic development is going to be transformed via employment into social development. Discriminatory tariff barriers, particularly against exports from recently industrialized or less developed countries, runs counter to the express purposes to improve social welfare in those countries through the benefits of trade flows.

While recognizing that the Uruguay Round contains important decisions designed to prohibit such practices, its future effect on employment and social development depends to a large degree on the implementation of their commitments by developed countries.

These new challenges posed by the new international order are now added to the problems we have been traditionally concerned with, on account of new forms of protectionism which, if they take root, would undermine the efforts undertaken by nations to internationalize their economies and make them more competitive, with inevitable consequences for employment.

In connection with international trade liberalization and its social dimensions, any link between trade and labour standards through the so-called social

clause, could represent the imposition of restraints on the free trade by industrialized countries afraid of suffering supposed comparative disadvantages due to their labour costs.

We do therefore agree with the Director-General's Report that trade liberalization will create a virtuous circle from which countries can obtain mutual benefits. Yet at the same time we are opposed to the erosion of labour standards as an incentive to attract foreign investment. On the contrary, we must always start from the principle of applying basic labour standards. In this sense the commitment we have to strengthen the fulfilment of labour provisions and to follow ILO guidelines is absolutely clear.

After the deterioration of the employment situation in the early 1980s, urban labour markets in Colombia have shown a positive trend. Economic growth has allowed for the absorption of the labour force generated by the increased population of working age and by women's participation in the labour market. At the same time there was also a qualitative improvement with the decline in the proportion of informal employment and a slight increase in job stability.

However, the same cannot be said of earnings among newly employed people, or of rural employment. The crisis of agricultural production led to a loss of jobs together with falling real incomes and a growth in rural poverty between 1991 and 1993. Furthermore an examination of labour income growth together with employment, shows that new jobs are badly paid, which is reflected in the fact that Colombia has a lower per capita income, but a higher educational level than the Latin American average.

While it is true that in the last decade economic, social and political reform has generated a satisfactory level of economic growth, we cannot ignore that at the same time social imbalances related to high poverty levels and glaring income differentials between the different segments of society have begun to appear.

In this context, our Government intends to pursue the successful economic and political reforms of recent years, but with the clear commitment to enabling the population's least favoured sectors to derive benefits from them. The President of Colombia has presented to the country a new plan entitled "Más y Mejores Empleos", "More and Better jobs", aimed at creating 1.6 million new jobs, thus reducing the unemployment rate, increasing labour market participation, and improving the quality of jobs.

The new Employment Plan is based on four basic strategies: a macroeconomic strategy designed to reach an average of 5.7 per cent GNP growth between 1994 and 1998, leading to an average employment increase of 2.8 per cent given an annual growth rate of the population of working age is about 2.2 per cent. The macroeconomic strategy is based on sectoral economic policies; a social policy designed to strengthen and develop small enterprises and the creation of human capital; a labour training policy to designed to help reduce structural unemployment, involving the restructuring of the National System of Vocational Training; and last, the establishment of a new culture of business and labour relations, based on cooperation, where both sectors will assume their responsibilities vis-à-vis the goals of economic and social policy, and where they will achieve an equitable distribution of the value added between factors

of production, recognizing the worker as a total human being and as a vital element of the economic process, and the enterprise as a community with social and economic objectives which must be pursued together to achieve growth, productive job creation, and the projection of those objectives in society.

Within this strategy the Social Pact on Productivity, Prices and Wages and the Agreement on the establishment of a Tripartite Commission on the Development of the Trade Union Movement, have been signed.

As our Government sees it, productive employment is the main reflection of balance between economic and social development. On the one hand the various manifestations of deterioration in the employment situation are the result of the underutilization of the labour force's productive potential. On the other hand, low incomes arising from unemployment or from insecure employment results in social marginalization and low living standards.

Our country considers that, in agreement with the Director-General's Report, economic policies, especially those related to world trade liberalization and positive adjustment will be major mechanism for the achievement of full employment at the world level. There is in addition a need to coordinate international cooperation for the implementation efforts of basic labour standards.

Within this framework, when Colombia next October takes over on the Presidency of the Movement of Non-Aligned Countries, it will seek to reorient the movement's policy and strategy away from conflict and confrontation towards cooperation through negotiations to find solutions to the problems of harmonious social development and to global questions arising from internationalization. Likewise, it will call for inclusion in the next Non-Aligned Summit's working agenda subjects of interest for all countries such as the environment, migration, drug trafficking, terrorism, international trade and social development.

An active employment policy, geared to training and retraining human resources, to the improvement of the system of labour relations, and to the extension of the benefits of development to vulnerable sectors of the population, is absolutely indispensable within this framework and should be a major element in the work of all Ministries of Labour and of International Cooperation.

Social policy cannot be conceived merely as a by-product of economic policy rather both should have equal priority. Consequently employment produced by means of macroeconomic policies, embodying the objectives of development and social improvement, but also contributing in their turn to economic development, should be the starting point of the social and economic policies to be adopted so as to effectively satisfy the needs of mankind.

Original French: Mr. TSOMAMBET (Minister of Labour, Civil Service and Social Security, Congo) – I consider it an honour to have an opportunity to address this august assembly on behalf of the Government of the Republic of Congo and the delegation accompanying me to this Conference. Above all, I should like to echo what previous speakers have said in congratulating the President upon his brilliant election to the presidency of this session of the International Labour Conference. My congratulations

also go to the three Vice-Presidents. May I assure you of our full trust and confidence, and I would like to say that you can count on the full and frank support of the Congolese delegation in accomplishing your noble task.

The theme dealt with by the Director-General of the ILO at this session, that is to say employment promotion, is of crucial importance and is very much in line with the concerns felt today by all member States of this Organization.

Today, unemployment has reached disquieting proportions in most of our countries. The situation is even more alarming in the developing countries, in particular the developing countries of Africa.

Recent developments do not give any room for us to hope for sustained growth in production or employment over the next few years. The economic forecasts of the World Bank for the current decade are particularly gloomy as far as our continent is concerned. Unless resolute remedies are taken, urban unemployment levels will go from 18 to 31 per cent of the active population by the year 2000.

This is a situation which should be given particular attention by the whole of the international community, and is indicative of a deep crisis in the economic systems of most of our countries, particularly because it is so persistent a crisis which has left its mark on the last two decades of this century.

We need to break with classical conventional ways of dealing with unemployment and invent new models which are more suited to the developments which are affecting the fields of science, technology, the economic and social fields, and the world of labour.

It is becoming more and more urgent to adopt vigorous economic policies which are oriented towards employment. Since the early 1980s most African countries have had to implement economic stabilization programmes and structural adjustment programmes under the auspices of the International Monetary Fund and the World Bank, with the ultimate aim of re-establishing growth and macroeconomic balance.

The relevance and effectiveness of the reform efforts thus undertaken are called into question by many. The restructuring and the privatization of public enterprises, the recent devaluation of the CFA franc, staff cuts in the public service and the absence of job prospects for young people have further accentuated exclusion, have led to the breaking up of the fabric of society and have increased unemployment levels.

This new poverty, a secondary effect of structural adjustment, is the main cause of the social agitation, violence and insecurity which are besetting many of our countries.

As the African employment planners said at their fourth biannual meeting held at Accra in December 1994, what we need is an appropriate employment policy combining the promotion of economic growth with an equitable redistribution of income among the majority of the population.

Promoting employment is one of the prime priorities of the Government of the Republic of Congo. A national mechanism for combating unemployment is currently being deployed. First of all, we are going to revitalize our economy and put it back on a sound footing.

To this end, my Government has adopted an economic and social recovery plan which provides,

among other things, for a restructuring of the public sector and of public enterprises. Unfortunately, implementing this plan will result in a net loss of jobs in these two sectors and will lead to an increase in the number of jobseekers, particularly among young graduates.

To cushion the detrimental effects of this restructuring, we have decided to adopt accompanying measures. We have thus opted for job creation and employment promotion.

A draft law to this effect has already gone before Parliament. As a basic component of our employment promotion policy, this fund will help to run a certain number of employment-creation support and assistance programmes, such as the national retraining programme which is aimed at taking care of the social reintegration of those who will be made redundant as a result of restructuring in the public service and in state enterprises. The careers guidance and vocational training programme is essentially based on apprenticeships and ongoing training. The self-employment and small enterprise programme is aimed at encouraging entrepreneurship among young graduates and young people who have been made redundant.

The draft bill setting up the employment promotion fund is one of a whole series of activities already developed as part of the necessary restructuring of our public employment service.

Because of the limited scope for job creation within the public service and within enterprises, the Government is now looking towards the opportunities afforded here by the informal sector. It is with this in mind that at the end of last year at Brazzaville, with the assistance of the ILO and UNDP, we held a first national meeting to discuss promoting the informal sector in the Congo.

The main objective is to establish an environment in this sector which would be conducive to setting up small enterprises and to other job-creating activities. This meeting, which enabled us to inform and alert the economic actors concerned, led to the setting up of a national committee for follow-up which is going to help to develop and implement strategies and policies relating to the national programme to promote the informal sector.

We know that there is still a lot left to be done if we are efficiently and effectively to combat unemployment and underemployment. We are delighted that the recent World Summit for Social Development held in Copenhagen adopted a Declaration and a Programme of Action in which it specifically invites the ILO to contribute to achieving full employment.

Thus the ILO is placed squarely before its responsibilities and must do everything in its power to mobilize forces at the national and international levels with a view to improving the employment situation, particularly in developing countries.

The African countries especially need to have the necessary resources to be able to implement the Declaration and Programme of Action. The 18th Session of the OAU Labour Commission which met recently in Tripoli asked if it would be possible to increase the budget appropriation and resources allotted to technical cooperation programmes for Africa by giving greater focus to employment issues, training and poverty.

The ILO must continue to exercise its influence with the Bretton Woods institutions to ensure that

these institutions really do take into account the social dimension when it comes to the structural adjustment programmes developed for African countries.

Particular attention must be given to training senior civil servants, especially those working in the ministries for labour and employment, when drawing up technical cooperation projects.

Liberalization of trade and globalization of the economy may have speeded up growth and promoted employment. Unfortunately, the beneficial effects of this liberalization have not been equitably shared out among countries. Given the over-indebtedness of most developing countries and given the persistent trade imbalances which thus penalize these developing countries' raw materials and export products, these countries have very little chance of finding sustainable solutions to problems of employment, unemployment and poverty.

After the fall of the Berlin Wall, now that the Cold War is over, now that we no longer have the fierce ideological struggles which for so long divided mankind, the world has to look for greater solidarity and a more human environment.

Should we really carry over into the third millennium all the disputes and handicaps which have so shamefully beset the past century – problems like poverty, destitution and famine? The rich countries must understand that they have an important role to play in taking concrete action to reduce or even forgive the debts of the poor countries, and to abolish protectionism against the countries of the southern hemisphere, especially non-tariff barriers which are built against products and goods coming from the developing countries.

Poverty anywhere constitutes a danger to prosperity everywhere. That is what the Declaration of Philadelphia proclaimed 50 years ago.

It is therefore imperative that the member States of the ILO and the international community as a whole should commit themselves fully to promoting full employment and to combating all forms of exclusion.

The Declaration and Programme of Action adopted by the Copenhagen Summit constitute an admirable act of faith in this connection. The ILO, whose mandate and tripartite structures give it a particularly important role to play in the fields of social development and employment, must assume its responsibilities and translate this important commitment into reality through its action and future programmes.

The Congo, like many other developing countries, has very high hopes for the future action of the ILO, and within the limits of our resources we are prepared to make our own modest contribution.

Original Farsi: Mr. KAMALI (Minister of Labour and Social Affairs, Islamic Republic of Iran) – In the Name of God, the Merciful, the Compassionate. Growth in employment creates income-generating opportunities, increases overall demand and leads to the growth of national output and investment, and thus to economic growth. On the one hand, full and productive employment improves the distribution of income and enhances social justice. It directly improves the welfare of society and lessens the need for government assistance. On the other hand, by improving the tax basis, it makes more funds available

for welfare and development activities carried out by the government.

There is also no doubt that full employment can afford better opportunities for the improvement of working conditions. We may thus conclude that employment is among the fundamental factors and also the basis for economic and social development.

World Employment 1995 and the summarized version of this report, which has been presented to the Conference, represent major steps in the right direction if we are to analyse the current employment situation. The ILO should pay more attention to the issue of employment. The report is interesting, but being the first report of its kind, it is naturally quite general and extensive. Any future report can address specific employment issues, and concentrate only on such analyses and details which are action-oriented and can serve as input for policy-making.

We agree with the report that the employment issue should be placed at the centre of concern for all governments. Increasingly, the level and the structure of employment in each country is affected by the external factors. The globalization of the economy, by opening new markets for international trade, and the flow of capital and investment among countries have made it necessary to study the problems of unemployment in both the national and global contexts.

The globalization of the economy entails both opportunities and hazards. The opportunities for developing countries would be increased access to export markets, and hence increased employment and income. One of the hazards would be the establishment of a new division of labour, where multinationals and large corporations with huge capital assets, high technology and economies of scale would be able to monopolize the production of some of the goods and services which otherwise could be produced by small and medium-sized enterprises in developing countries. To prevent this, there would be a need for strict regulations at the international level, similar to national antitrust regulations already in force in the industrialized countries.

There is also a need for better national macroeconomic management and policies capable of ensuring optimal use of local resources, increased productivity and an enhancement of comparative advantages in order to achieve balanced economic growth. These policies, which are part of economic adjustment, can only be fully implemented in the course of time. In the short run they can have disturbing economic and social effects. Thus, the social dimensions of such adjustment should be taken into account.

The management of adjustment, the choice of which steps are necessary and when, and the proper combination of policies, is an issue of extreme importance. It is true that precipitated and ill-designed programmes will inflict unnecessarily high social costs in the adjustment process.

May I add that the ILO should play an active role in the study of social policies. The Islamic Republic of Iran believes that economic growth and development are a means to promote material welfare and the spiritual development of individuals and of society. Therefore, social policy is an integral part of economic policy. The promotion of employment and social justice and the fight against poverty are of paramount importance.

In the field of employment the previous five-year development plan witnessed the creation of 2 million new jobs. A comprehensive scheme to support self employment is currently offering loans and credit, as well as training and marketing facilities. There are now programmes being prepared and implemented to increase labour productivity in industry. Investment is being encouraged and labour market institutions such as the employment services and labour market statistics services are being developed. Various other schemes are targeting rural employment. Further expansion of vocational training, the expansion of labour inspection and the continuation of privatization are also envisaged in the second development plan.

Tripartism has been adopted as a mechanism for constructive dialogue among the social partners. There are tripartite councils in charge of industrial relations, labour policy, occupational safety and health, social security and also arbitration.

I have to take the opportunity to add a few thoughts about some of the issues currently being discussed in the ILO. As regards the need to reorganize the ILO, we are against the use of financial pressures by single countries to impose certain policies on the ILO. ILO policies should be decided in the ILO itself. There is no doubt that there is a need for improvements in the organizational aspects and also in cost effectiveness. Further attempts are needed to redefine the roles of the Conference committees, the Governing Body committees, and the tasks of the Office. Some of the activities can be integrated and streamlined. Some of the sectoral activities can also be undertaken by the Conference technical committees. This session's Plenary can also carry out some of the decision-making and policy-setting that was supposed to be done at other sessions.

The Islamic Republic of Iran, as a major contributor to the budget of the ILO among the developing countries, gives great importance to the financial aspects of the ILO's activities. Nevertheless, as the Conference discussed last year, promoting change should only enhance the defence of values.

On the issue of technical cooperation between the ILO and the Islamic Republic of Iran, in spite of recent developments, there are some problems pending which need to be overcome. In order for technical cooperation, advisory services, participation in seminars and symposia, as well as regional and sectoral activities to be fully covered, further attention is required. We are looking forward to the forthcoming biennium, and are confident that through the activities of the regional office in Bangkok, full coverage of the Islamic Republic of Iran in various ILO technical cooperation activities will be realized.

My country was a founding member of the ILO in 1919. In drafting the Labour Code of the Islamic Republic of Iran, particular attention was paid to international labour standards. As a titular member of the Governing Body, we have supported the initiatives to strengthen this Organization. We would like to reiterate once again our justified request that the existing situation of the ILO office in Tehran should receive due attention, and that necessary action should be taken to revitalize this office. We are prepared to cooperate as necessary in this regard.

I would like to draw your attention to the injustice imposed on the people of Palestine and the people of Bosnia and Herzegovina. The international commu-

nity, instead of mere condemnation, should adopt the necessary action against occupation and injustice.

Ms. KLINAR (*Minister of Labour, Family and Social Affairs, Slovenia*) – First of all, on behalf of the Government of Slovenia and on my own behalf, I would like to express my congratulations to the President on his election to chair this 82nd Session of the International Labour Conference and I hope that, through dialogue, our work will be successful.

In its publication *World Employment 1995* the International Labour Office draws our attention to the burning issue of the growing number of pensioners. This may indeed be seen as a threat to the economic stability of numerous countries which will barely be able to carry the burden of pension and health-care costs.

Allow me to present the Slovene situation in the area of retirement, along with the related problem of unemployment, and our approach in tackling these issues.

In the Republic of Slovenia, we have set up a system of social security for virtually all permanent residents who are unable independently to earn their living owing to their age or physical or mental disability, or who have lost their jobs for reasons beyond their control, as well as for those without any means of subsistence. Most important in terms of their scope are the retirement and disability insurance systems and the unemployment benefit system.

Although the Republic of Slovenia has no national pensions system that would secure for every citizen or permanent resident a pension after reaching a certain age, or in the event of disability for work, the compulsory retirement and disability insurance system includes practically the entire active population, comprising employees, small business owners, farmers, artists and cultural workers, individuals in freelance occupations, priests, monks, nuns and other church officials and their immediate relatives who enjoy certain rights on their behalf.

The Retirement and Disability Insurance Act envisages a combination of the current income financing and capital cover systems, although it is the former which still prevails in Slovenia. This is the "generation contract" under which younger members pay contributions to cover the pensions of those already retired, knowing that once they themselves have reached pensionable age their children's generation will contribute to pay their parents' pensions.

The financing of the retirement and disability system is organized through the allocation of funds on a monthly basis for the payment of pensions and other benefits, and these are drawn from the contributions paid by insured persons and their employers during the preceding month. This financing method will operate without any serious difficulty only if the ratio between the number of gainfully employed insured persons and the number of beneficiaries is in equilibrium. In the Republic of Slovenia, the ratio is deteriorating year by year, even though the population covered by the scheme has been extended. In 1981, for instance, 3.3 active persons were insured for each pensioner, whereas last year the figure was 1.7.

This is causing increasingly serious problems for the Republic of Slovenia, with its population of only 2 million, since it is becoming increasingly difficult to maintain a level of contributions which would still provide a modest standard of living for approxi-

mately 454,000 pensioners. Obviously, the financing system must provide sufficient funds for social security, taking into account also full implementation of solidarity between the poor and the better-off, the healthy and the sick, men and women, wage-earners and those who are too young or too old to work. The result is that the retirement and disability insurance contributions paid jointly by the employee and the employer now amount to 31 per cent of the gross wage of the insured persons (15.5 per cent by each party).

Since no improvement in the ratio between insured persons and pensioners is to be expected, the legislation has introduced elements of the capital cover system to supplement the current income financing procedure. In Slovenia, a combination of the two financing approaches is realistic, due in particular to the fact that legislation has been passed to restructure ownership of and privatize the former socially owned companies, and 10 per cent of the value of these enterprises, either in shares or in cash, has been allocated to the retirement and disability insurance capital cover fund.

The current Retirement and Disability Insurance Act also envisages the possibility of optional complementary insurance.

Furthermore, the existing pension insurance scheme is currently being reviewed and we are now embarking on the creation of a new system whose elaboration will involve PHARE experts.

Slovenia is no exception to the problem of an ageing population due to a low birth rate. One of the key reasons for deterioration of the ratio between employed persons and pensioners is the early retirements brought about by our transition to a market economy and the resulting unemployment.

By the end of 1989, the number of people out of work in the Republic of Slovenia was slightly less than 33,800. During the transition period, their number grew by a factor of four to give a total of more than 137,000 by the end of 1993. Nevertheless, this number has been slowly falling over the last two years. It was slightly more than 123,500 at the end of last year and slightly under 120,000 at the end of April.

The average unemployment rate in the Republic of Slovenia measured according to the ILO method was 9 per cent last year, which is below European Union average. Both in the European Union and in Slovenia, the main feature of unemployment is "structural unemployment" with a "hard core" of unemployed, made up of persons with inadequate qualifications, insufficient professional training and women and the elderly.

The consequences of unemployment are direct as well as indirect, and the costs are both economic and social in nature; they do not involve simply unemployment benefits and lost taxes, but also costs incurred by social services, poverty, crime, ill health and non-completion of education.

In addition to providing cash benefits for the unemployed, the legislation employment and unemployment insurance in the Republic of Slovenia contains active employment policy measures which, since 1991, have proved of value in preventing, reducing or mitigating unemployment.

These measures give direct or indirect stimulus to job creation and maintenance and are especially designed for first-time jobseekers, the young, the hard-

to-employ and the disabled. In Slovenia, we are especially proud of the fact that we have succeeded in maintaining and preserving the levels of social security that had been achieved for the disabled despite the decreasing number of employed persons and rising unemployment.

One active employment measure that should be mentioned is the co-financing of the creation of new jobs and of the preservation of existing productive jobs, retraining, education and training for the disabled, public works and co-financing the employment of trainees.

In the years that followed our independence and during the period of economic restructuring, these measures have made an immense contribution to calming social tensions and to more rapid transition and economic growth.

Funding these measures from the national budget, together with other economic and social policy measures in Slovenia's development policy, have helped establish Slovenia as a country with economic growth, stable conditions and a relatively high level of social security.

This year, the members of the Economic and Social Council – the employers, employees and the Government – signed a social agreement for the current year, and we will continue to discuss the main issues of unemployment and employment in an environment of dialogue.

Allow me finally to wish you every success in your work at the Conference.

Mr. RANANAND (*Government delegate, Thailand*) – On behalf of the delegation of the Government of Thailand, and on my own behalf, I should like to extend greetings to fellow delegates and others attending this Conference. As in previous years, we appreciate this opportunity of meeting and exchanging views with delegates from all over the world.

I am pleased to add my congratulations to the President on his unanimous election to the high office of guiding this 82nd Session of the International Labour Conference. I am confident that his wisdom will ensure a fruitful and successful conclusion to the deliberations of this Conference. I would also like to congratulate the other distinguished representatives on their election.

The Conference has before it a full agenda. Accordingly I would like to confine my observations to specific suggestions on the agenda items, so that meaningful decisions can be taken.

The Director-General, as usual, has presented a thought-provoking Report. It discusses the global employment situation and recommends international action for restoring full employment. However, the role of the ILO in promoting such international action has not been elaborated. An indication has been given that the ILO will devote more attention to research work and policy analysis to deal with social dimensions of economic policies.

We, in Thailand, have succeeded in our efforts to avoid the more adverse impacts of high growth. The policy of dispersing economic activities to poorer regions of the country has been a factor in this, as have also special programmes for disadvantaged groups such as women, children and farmers. These two policy arenas have reduced rural-urban migration and boosted employment in hitherto

depressed regions. Inflation has remained low and domestic and foreign investment has been maintained at a satisfactory level. All this has been achieved without any "debasement of labour standards" mentioned in the Director-General's Report. In fact, significant improvement has been recorded in areas of collective bargaining, social security, labour inspection and labour welfare. Workers' unions and collective bargaining agreements have increased steadily. Labour disputes and industrial accidents have remained at a minimum level, while real income of workers has increased.

Our next efforts will be devoted to improving the income and working conditions of workers in agriculture, family enterprises and the informal sector. We request the Director-General to organize a technical cooperation programme to help us in devising and implementing appropriate measures for these sectors.

In this context, we particularly welcome the discussion at this Conference on homeworkers. We are pleased to see that provision of training to improve the skills and earning capacity of homeworkers has been included in the Proposed Conclusions of the report of the Office on home work. Careful study will be needed to identify the right type of training and to organize post-training assistance. I hope the Office will be in a position to organize a programme of assistance to the homeworkers in the Asian and the Pacific regions.

The proposed protocol on extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector deserves closer scrutiny. An information system on employment and working conditions in this sector will need to be organized. This is another area where the technical cooperation programme of the ILO can help.

On the question of technical cooperation I should like to point out that the Asian-Pacific region, being the most diverse in the world, lends itself to technical cooperation between developing countries (TCDC). The establishment of subregional multidisciplinary teams also facilitates such TCDC. We hope the Office will take advantage of this, particularly for programmes to assist skill upgrading and income augmentation of workers.

On the question of labour standards, I would like to reiterate that the Royal Government of Thailand attaches great importance to the principles underlying international labour standards. We are concerned that some developed countries and the International Trade Secretariat may attempt to use labour standards in the internal affairs of the developing countries through a sanctions-based social clause mechanism. We reiterate that such a linkage would be detrimental to the interests of developing countries. While reaffirming our commitment to the application of labour standards, we request the ILO to undertake a review of outdated labour standards as a follow-up to the discussion of the 262nd Session of the ILO Governing Body.

I conclude by assuring the Director-General of our wholehearted cooperation in supporting the principles and policies of the ILO. I thank him for the assistance received during the last year from the Bangkok area office and the Bangkok-based East Asia multidisciplinary advisory team. I thank the President and the delegates for their attention – and

wish them every success in achieving the objectives of the Conference.

Ms. HOZOORI (*Workers' delegate, Islamic Republic of Iran*) – In the name of God, the Merciful, the Compassionate! First of all I would like to congratulate Mr. Rosales Argüello on behalf of workers in my country on his election as President of the 82nd Session of the ILO Conference. I trust that this Conference will obtain valuable and useful results by making a complete and collective review of the Director-General's Report.

The Director-General has emphasized the fundamental and important issue of promoting employment – or, in other words, dealing with the unemployment crisis, which is an obstacle to the promotion of employment. By setting forth problems such as unemployment, under employment, inequality and poverty he has tried to suggest solutions for their eradication. By presenting many charts that show work output and per capita output growth he has given us a so-called “optimistic perspective” of investment, in particular, the miraculous effect of direct and indirect foreign investment. But the problem starts when, out of these discussions, the wrong conclusions are drawn and the only way for developing countries to be saved is to turn to foreign investment.

The International Labour Organization has always acted as a supporter of labour rights in developing countries, trying to make the destructive effects of international trade on developing countries clear. For instance, in the past year the reports indicate that international companies have earned six or eight times their investment in underdeveloped and developing countries. It is believed that with an input of US\$1 billion, 100,000 job opportunities are lost. It has been said that the right thing is provide poor countries with financial, educational and technological aid, among many other forms, but the Report of the Director-General is now following a trend different from what we originally expected from the ILO.

The Report has paid attention to the useful effects of foreign investment, unemployment and improvement of job opportunities. For instance, in the subsection “The importance of positive adjustment”, on page 15 we read: “Improvements in market access generally lead to trade expansion, and output and employment growth in the long run, even though the process of adjustment may entail losses in real output and employment in the short run”. It seems that the Director-General has forgotten this reality and particularly a characteristic of developing countries in that their products have no chance of competing with those of developed countries. This is a sort of fanciful view, when we present such philosophic preachings for countries that will undergo destruction of their domestic industries as soon as they open their markets to foreign products. Following this process, contrary to the Director-General's forecast, the world can only expect the destruction of industries and the increasing dependence of such countries on the industrialized world. This will entail increased unemployment and will endanger the natural employment infrastructure in those countries in the long run, and will even jeopardize their economic, social and political stability.

We are wondering whether, although the ILO has published many reports on the destructive effects of

this type of adjustment, now it is trying to promote this policy.

In the section on “Foreign direct investment”, on page 21 the Director-General says, “The total number of jobs directly created by MNEs [multinational enterprises] in the world as a whole is estimated at some 73 million, accounting for about 3 per cent of the whole world labour force.”

It seems that the Report has not specified what other measures Third World countries have to take. Following this idea, the Director-General adds that most of the concerns, fear of the future and doubts on investments have been put aside. He states that a total of 73 million jobs created in the world by foreign investment constitutes about 3 per cent of the whole world labour force. Thus the conclusion that each job created could produce one or two more additional jobs indirectly. It is interesting to note that the Director-General has transformed his beliefs into statistics. Finally, he concludes that total jobs associated with MNEs stand at some 150 million.

There is no doubt that this sort of one-sided approach towards foreign investment issues will once again result in more dominance of world powers over developing countries. It seems that this is a new world order in which imperialism wants a world of private ownership at any cost.

It is in this process that we witness an international organization which was the leader of the fight against oppressors and confronting the problems of capitalism, now changed into a means of following the same trend. In this circumstance, independent countries which oppose the dominance of imperialism are being boycotted in different ways. The latest economic sanctions against Iran by the United States is one of these baseless actions. I feel the necessity to assure the world community that the workers of Islamic Iran will continue on their path in spite of this misguided trend proposed by the United States.

I would like to request that the ILO try to lessen the differences between North and South by providing scientific and technological assistance and occupational training facilities.

We know that workers of Palestine are living in very tough conditions, so we request the ILO to assign a group to investigate unemployment of these workers.

Also, in Bosnia-Herzegovina workers are suffering because of the destruction of economic and industrial centres. The ILO must take appropriate measures in this regard.

Finally, before the Fourth World Conference on Women in Beijing I, as a woman worker, would like to request the ILO to condemn those economic policies of the great powers of the world which cause more poverty and unemployment, while depriving women of their rights and their families in developing and under-developed countries. Also, that the ILO present a plan at this Conference for social justice for women, since without social justice for women, development, peace and equality would not be achieved.

Original Arabic: Mr. ABOU-RIZK (*Workers' delegate, Lebanon*) – Let me begin by adding my voice to that of the preceding speakers, by congratulating the President on his election to this session, an election which confirms his diplomatic and personal talents. I likewise wish to congratulate the Secretary-

General and his staff on the technical reports submitted to this session.

Please allow me to draw your attention to the principal Report, *Promoting employment*, the subject of which is so vital and essential that it may become an obsession well beyond this session and indeed beyond this Organization. This obsession concerns labour relations in particular and social and economic life in general.

The Report offers an excellent analysis of economic and social developments, especially after the creation of the World Trade Organization. However, it does not present a clear or decisive enough vision with respect to the right to work, wage levels, the freedom of association and social and economic stability, and other questions of concern to us Workers.

The absence of the social factor from the Uruguay Round is a lacuna which threatens any economic progress which might arise from the liberalization of international trade. On the contrary, it is our view that the World Trade Agreement does not encourage the expansion of employment, but rather constitutes an attack on real wage levels and the labour movement.

Indeed, the danger goes further, threatening all the factors of production and even governments. I believe that the globalization of the economy is a challenge to small and medium-sized enterprises who are essential to economic recovery and development. It is also a challenge to all governments, especially those of small and developing countries who, without having recourse to any controls, will be unable to resist the pressures of multinational corporations.

For these reasons, we wish to insist on the role of a tripartite organization such as the ILO to resist this threat and guarantee stability and development in a climate of justice and freedom. It is the duty of this Organization to work for this objective. However, to do so, as you know, requires the revision of some of its rules, starting with the mechanisms of its own activities. The Organization must also implement the Conventions and obstinately defend the fundamental principles on which it is built, such as the freedom of association, tripartism, the right to dignified work, a decent wage and basic social security for workers.

Lebanon, indeed like other countries, has not a little experience in this area. For example, the delay in ruling on a complaint which we presented more than a year ago, the non-implementation of ratified Conventions, especially the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and our exclusion from a project of concern to us as the General Union of Workers, concerning the labour census in Lebanon. As for the complaint we presented, we have today written to the ILO withdrawing it, as a gesture of goodwill to the new Lebanese Government, to which we have held out a friendly hand proposing a project for the implementation of the Convention.

This project is based on principles which our organization has always supported, namely participation, tripartite cooperation and development in justice. It proposes a National Social Charter to be signed by us, the Government and the employers, with a view to ensuring long-term stability. We believe this project to be necessary to deal with the next phase of the

reconstruction in which we must take part, not only at the implementation stage but also in its elaboration. The project also looks to the solution to the everyday problems faced by the majority of the Lebanese people, of whom 70 per cent live just above poverty, and 30 per cent below the poverty line. Unemployment affects some 15 per cent of the population, and there is only partial and precarious access to essential services such as electricity, telephones, water and education, among others. This scarcity encourages certain people to bet on a continuation of the situation and lay their hands on the country's wealth.

Our ambitious project of active participation – the motto of our organization – deserves a wholehearted welcome from all the interested parties in Lebanon, just as it can revive hope for real support from our many friends across the world. We hope that the ILO can join in the launching of this project and its implementation.

The General Union of Workers would like to take this opportunity to express its pleasure at the recent reopening in Beirut of the ILO's Regional Office for the Arab States, and to thank the Director-General for his expressions of goodwill on the occasion of the opening of the Office.

The Lebanese situation constitutes a unique experience of firmness in the law, reinforced by our immense faith in the solidity of our national unity with the help and support of our sister country Syria. But this experience of goodwill and law must face up to the permanent challenge of our enemy, Israel, which continues to occupy a large portion of our beloved country in the south and in the West Bekaa, with their daily aggressions leaving hundreds of victims and thousands of people forced to flee their homes, not to speak of the tens of thousands of fishermen and farmers whose livelihoods have been destroyed by the blockade of our ports and the seizure of Lebanese resources. In the face of this situation, we have undertaken a legitimate national resistance against the occupation, and we call on the international community to impose the application of Security Council resolution 425 under which Israel is obliged to withdraw from occupied Lebanese territory and allow the State to reassert its sovereignty in it.

Lebanon, in total accord with its sister country Syria, is working tirelessly for an overall and just peace in the region, based on the principles of international legitimacy and on the liberation of Southern Lebanon, of West Bekaa, of the Golan Heights and of Arab Jerusalem.

Ours is a position based on law and justice and deserves full support from all our brothers and friends. Let me today reiterate, firstly, our call on our Arab brothers for a fulfilment of the material commitments they have entered into at numerous summit meetings on Lebanon's behalf, most of which unfortunately remain a dead letter to this day. I also renew my call on our friends to offer material and moral support for the reconstruction of Lebanon which, more than just a small State and a people, represents on account of its unique arrangements and the unity of its people and its territory, an essential condition for peace in the Middle East and in the world.

Constructive international cooperation is the quickest road to peace, justice and welfare. Let us join hands to consolidate its foundations, and let us

look with optimism to the guiding role which the ILO can play in this area on the threshold of a new century of hopes and challenges.

Together let us follow the road of law and justice.

Original Spanish: Mr. ARTHUR ERRAZURIZ (*Employers' delegate, Chile*) – Promoting employment is an ethical imperative for any human being and for any society, and in particular those who hold responsibilities at the various levels represented at this meeting, Government, Employers and Workers.

The Director-General's Report analyses the effects of a growing globalization of the economy on the output pattern of various countries and unemployment. A significant number of workers are going to have to switch from activities in decline to others that are expanding. To solve the problems of unemployment that the adjustment of enterprises to the new globalized markets will cause, the Report suggests adopting positive adjustment policies which consist in adapting to the new conditions through vocational readaptation, and to subsidize geographical mobility, at the same time as criticizing defensive adjustment measures taken by industrialized countries to protect themselves from competition from less developed countries.

The Report says that "economic liberalization which has characterized adaptation to globalization has, in some developing countries, also exposed weaknesses in national patterns of labour market regulation. This is to be expected, since, as in Latin America, labour market institutions which may have been appropriate to earlier development models and more closed economies have been slow to adapt to new economic regimes".

We fully agree with the Director-General in saying that national legislation has not adapted itself to the globalization of the economy. Furthermore, we believe that some legislation, including unfortunately that of Chile, continues to be guided by economic theories that the country left behind two decades ago. However, we wish to point out that international legislation has not adapted either to the new reality, and that the ILO, rather than spearheading changes required in domestic regulation through its standard-setting machinery, has very often obliged countries to cling to ideas that are at best outdated, at worst complete failures.

An example of this is the incredible opposition that has been shown to the new pension regime in Chile, on account of its non-conformity with Conventions that are more than 60 years old and which are completely inapplicable in our country, and in many others which are carrying out reforms as radical as ours. A change in the ratio between the working and non-working population (from 10 to 1 in the 1960s to 2.5 to 1 in the 1980s) made it absolutely necessary to replace a structurally bankrupt system by one based on workers' own savings.

It is true that the new system does not strictly abide by the ILO Conventions, but it is also true that the old system had collapsed. It is also true that the pension fund managers are profit-making concerns but the pensions contributions are now lower for the worker. It is true that the pension fund managers are set up as limited-liability companies, but it is also true that various groups of workers have set up their own. In fact, some members of the Chilean Workers' delegations at recent ILO meetings are directors of

such pension fund managers. It is true that the State only contributes indirectly to the system through the state guarantee, but it is also true that pensions are much higher than under the old system.

Nobody challenges the success this system has had in Chile. Old-age pensions are 43 per cent higher than under the old system, invalidity benefits 68 per cent higher, for widows, benefit is 42 per cent higher, and that for orphans 92 per cent higher, and they have all been funded with lower contributions from the worker.

The pension funds manage sums amounting to US\$22,000 million, representing 40 per cent of the GDP, and annual flows constitute more than 5 per cent of total savings. They have been invested in a broad range of instruments which have made it possible to have an annual real return of 14 per cent.

For all these reasons, the system is very well consolidated. Created under the military government, it has been deepened by the two governments that followed. In May this year, Law 10,389 was passed, extending the range of investments open to such funds, both in Chile and abroad.

In the light of these facts, we cannot hide our surprise that the ILO continues to insist on a policy which, at least in our country, only brought frustration and poverty for retired people.

We are quite convinced, especially having read the Director-General's Report, that we should carefully study new directions for labour legislation, confront new challenges, and look carefully at the Conventions in force, which at this stage of the modernization process have lost their *raison d'être* and only hamper reforms that will make our countries competitive in the world economy.

International labour legislation was born in 1919, along with the ILO, as a response to the terrible injustices and inequalities that were born when millions of men, women and children joined the labour market during the Industrial Revolution.

Those were the years of the "social question", in which the encyclical *Rerum novarum* denounced inhuman conditions imposed on workers, and proposed a new path that would diverge both from the unfair and untimely socialist solution of abolishing private property and from the absolute dogma of *laissez-faire* liberalism. Within this framework, it called for controls over contractual freedoms to protect the worker, so as to put an end to the violation of individual rights. This was the inspiration behind the first international labour standards, the justice of which made them very influential in the preparation of the first Labour Codes, while the participation of governments, employers and workers clearly ensured their viability.

But 76 years have gone by since the creation of the ILO, and these years have not been wasted. The advance of science and technology has given a completely new dimension to labour because now man can use these means to accelerate progress and contribute to the improvement of welfare, all of which has had a decisive effect on employment structures.

One of the most noteworthy changes over the last decades has been the rise in services and the declining importance of agriculture and industry. In the industrialized countries, employment in the services sector has grown from 41 per cent in 1965 to 67 per cent in 1991, while in agriculture it has declined together with industry.

The development of enterprises from primary activities to more complex ones, principally the provision of services, has been marked by a revitalization of the labour factor relative to capital. The inequalities that yesterday separated employers and workers, which fanned conflicts and made it necessary to establish protective standards, have given way to a situation in which the worker is identified with his enterprise, and as his principal measure of protection, calls for enough training so that he can work efficiently in it. To insist on a kind of protection which does not correspond to current reality in labour relations, far from protecting the workers, is detrimental to their interest, since it discourages job creation and thus restricts the right to work.

The social question is no longer what it was, and as a result, solutions can no longer be the same, either. The encyclical *Laborem exercens*, 90 years after *Rerum novarum*, calls for cooperation between capital and labour. If capital is the fruit of labour, it cannot be opposed to it.

We are quite sure that the ILO, under the wise leadership of the Director-General, will know how to direct its activities towards meeting the challenge of promoting employment, which brings us together here today, with the same lucidity that in the past has promoted justice in labour relations.

In the developing countries, one of the causes of unemployment is poor systems of formal education, whose content is completely divorced from the needs of the labour market, the world of work which young people must face. Aware of this situation, the Chilean employers' organizations, grouped in the Production and Trade Confederation, have implemented a set of measures designed to prepare young people for the world of work. These include 60 technical training colleges in the various areas represented by our organization: industry, mining, trade, agriculture, construction and banking. By this means more than 40,000 young people have been linked to firms in their preferred area and have received training which takes account of the latest technical advances in the sector. The result of this is that the percentage of students graduating from this training, employed in the area of their specialization, has gone from 12 to 60 per cent.

Another initiative to promote employment is the Small Enterprise Development Plan, sponsored by the relevant representative organizations. This programme trains small businessmen in the skills necessary for keeping accounts, improving marketing, calculating costs and prices, developing sales techniques, and other subjects so as to encourage the development of a truly entrepreneurial outlook.

The programme also provides credit for those individuals who cannot have access to such credit to finance their new activities. Through this programme, we have helped the needs of 12,470 small business people, who received 42,000 loans of an average of US\$446, constituting an overall expenditure of US\$19 million.

Throughout its many years of lengthy standard-setting work, the ILO created labour law. We should now push forward the most elemental of those rights which is the right to work. This will only be possible if certain legal impediments are removed which do not correspond to current realities, and which constitute disincentives to enterprises in creating new and productive jobs.

In undertaking such a task, we believe that the principles that inspired the creation of the ILO and its great contribution to justice, peace, healthy competition and fair and balanced development are immutable and fully valid today.

As in the past, countries need the support of the ILO. A forthright commitment to the principles behind the ILO's creation, rather than to the various instruments through which those principles were applied in different times and different circumstances, will make it possible for the ILO once again to lead the major changes that are taking place in the world of work, so as to ensure that those changes take place in justice and in peace.

If, however, the ILO renounces that role, and clings to Conventions and Recommendations that are no longer relevant, it will not have any influence on the changes which countries will in any case continue to make in order to fulfil their obligation to seek the welfare of all.

Original Spanish: Mr. ALBURQUERQUE DE CASTRO (*Secretary of State for Labour, Dominican Republic*) – At this point in time and particularly for the developing countries, including the Dominican Republic, the subject for discussion proposed by the Director-General, Mr. Michel Hansenne in his Report *Promoting employment* is of great interest. It is also our most important task as this century draws to a close for reasons of moral and social justice, and also to ensure the viability of the new economic order which can only fulfil the hopes of material progress for the majority of humanity if it can solve the problem of unemployment which divides society, causes unrest and jeopardizes universal prosperity.

Thanks to Mr. Hansenne's insight, we have already considered the changes in the world economy, which since the agreement setting up the World Trade Organization came into force is moving inexorably towards the liberalization of markets, which means that world trade will open up further and that the flow of trade will increase rapidly. The reduction of tariffs and of non-tariff barriers, the gradual phasing out of multi-fibre arrangements and the prohibition of market regulation are all rules that call for drastic changes in countries' production structures and, inevitably, reform of their legal standards.

The inevitable globalization and opening up of world trade call for corresponding measures so that we can reap the benefits of trade potential, possible export markets, new networks of world production and direct foreign investment, because this is the only way we will achieve economic growth, reduce poverty and increase the potential for increasing the number of jobs available. If we are to fight social inequality and promote employment, we must maintain macroeconomic stability, high levels of savings and investment, a liberal trading structure, a strategy of industrialization to promote exports, a clearly-defined policy for attracting direct investment and ensuring the dynamic and full integration of our countries into the world economy.

Therefore, we must promote more liberal trade structures in underdeveloped countries, which inevitably means the abolition of monopolies and oligopolies by establishing a legal framework which deregulates the economy and provides for free competition without neglecting, through these decisions, the manufacturing sector which can take all of

the time it needs for reconversion thanks to the safeguard clauses provided for under the GATT.

Of course, economic changes will only work if, at the same time, we implement new legal standards that can guarantee security for investment, unlimited respect for the rights of ownership, promote exports, compliance with contracts and stability with regard to regulations, alongside a competent and efficient public administration which is able to function effectively in a climate of stability and in tandem with a respected and reliable legal system. Without these institutional requirements, very little can be expected from trade liberalization and the market economy.

Furthermore, it should be pointed out that the market economy does not necessarily mean that the State can sit back and ignore what is happening in the economy. Apart from promoting the institutional reforms needed for this economic model to develop, the State will have to be involved in the creation of an infrastructure, in maintaining successful macroeconomic management, an industrial and trade regime which will allow enterprises to operate and be internationally competitive, correct market distortions and protect the fledgling economic sectors to increase their capacity and investment in human resources as a reliable way to improve performance and encourage growth.

These thoughts lead us to question whether regulating the labour market is an obstacle to transformation and restricts the promotion of employment. There has been no shortage of studies in this area whose conclusions show that a minimum wage policy, rules of stability in employment, the cost of lay-offs and rigid hours of work can reduce the number of jobs available. However, thus far these statements cannot be proved as empirical data does not confirm the theory that regulation of the labour market is the major obstacle to the creation of jobs and economic stimulation.

What I have just pointed out does not alter the fact that standards to protect wage employment can also be made flexible in terms of their adaptation, making it easier to balance the contrasting needs of economic efficiency and social protection, especially with respect to working time which is an area in which new concepts of organization and hours of work may be introduced to improve productivity, performance and the creation of new jobs. The same may be said of the establishment of *jus variandi* which allows heads of enterprises to rotate workers where and when needed by the enterprise, and of the acceptance of *in peius* negotiations to deal with the changing needs of the market, or of temporary suspension of contracts of employment because of a shortage or an excess of production which is not needed according to market conditions.

But this flexible adaptation to improve productivity and international competitiveness should not lead us to overlook standards to protect employment, because if we do this, as some are trying to do, we would be sowing the seeds of social and political unrest which could negate the changes we are trying to promote.

The Dominican Republic has undertaken these changes, trying to solve the problems of transition in the short term and at the same time trying to implement a new Labour Code in force since 1992. Although it includes mechanisms to make adaptation more flexible, it protects and strengthens the rights

of workers. The maintaining of mechanisms for regulating the labour market in the Dominican Republic has not been an obstacle to the recently initiated trade opening and liberalization of the economy, which are beginning to bear fruit. A recent Central Bank study of the labour market for 1991-94 shows that the formal sector, which provides fixed employment and protection under the Code, has increased with respect to the informal sector. The percentage of the economically active population (EAP) in the formal sector went from 36.2 per cent in 1991 to 61.6 per cent in 1994, while for the informal sector the percentage dropped from 63.7 to 38.3 per cent. At the same time, the EAP rose from 79.8 per cent to 84.5 per cent, with the number of women employed increasing by 8.6 per cent.

To these figures we can add that real wages of workers in 1991-94 increased by 12.6 per cent, while GDP rose at an annual rate of 5.3 per cent.

Two conclusions can be drawn from these figures: although the trade opening is only in the early stages, labour market indicators show signs of improvement, while the changes have not led to the sacrificing of labour standards. To the contrary, workers' rights have been strengthened and expanded.

I would like to conclude by congratulating the Director-General for his highly appropriate section of a theme for this 82nd session of the ILO conference, and I would like to express my congratulations to the Minister of Labour of Nicaragua, Mr. Rosales Argüello, for his election as President.

Original Arabic: Mr. AL JARWAN (*Minister of Labour and Social Affairs, United Arab Emirates*) – It is a pleasure and an honour for me to be able to convey to the President, the Ministers and the members of the delegations attending this session of the International Labour Conference greetings from His Serene Highness, Sheikh Zayed bin Sultan al-Nahyan, the Head of State of the United Arab Emirates and his best wishes for the success of this session of the Conference.

I should also like to congratulate the President of this session of the International Labour Conference on his election to this high office. I wish him every success in guiding the debates of this session and of achieving the results to which we all aspire. I would also like to congratulate the Vice-Presidents on their election, a sign of trust placed in them by the Conference.

I welcome to the fold the new States which have become members of the Organization in the course of the past year.

Let me also take this opportunity of thanking Mr. Hansenne, the Director-General of the International Labour Office, and his staff for their tireless efforts and for their excellent preparations for this session of the Conference. We are grateful to them for the many reports they have drawn up relating to the various items on the agenda of this session.

I would also like to thank members of the Governing Body for the various activities it has organized over the past year. These activities are reflected in the various reports submitted by the Governing Body to the Conference.

This session of the International Labour Conference is taking place shortly after the World Summit for Social Development which was held in Copenhagen and which entrusted to the International La-

bour Organization the task of ensuring the follow-up work to this Conference and assigned it an important role in view of the considerable progress it has made in this area.

The Director-General's choice of employment promotion as the theme for his Report to this year's session of the Conference is a wise choice in keeping with the concerns dealt with at the Copenhagen Summit. This choice expresses the ILO's serious intention to assure the follow-up work for the Copenhagen Summit. In his Report the Director-General deals with the main issues relating to the achievement of full employment at national and international levels. He maintains that it is necessary that a balance be found between economic and social development and he invites member States to find an appropriate framework for international cooperation in an attempt to solve the problems of unemployment.

We are grateful to the Director-General for his Report which was full of facts and very objective, but I would like to add the following comments: First, achieving full employment in all countries of the world is something which is closely related to levels of economic and social development. Jobs cannot be created out of thin air; they have to be the result of development projects. Therefore employment promotion will depend upon the potential and opportunities in the various countries, which in turn will depend upon those countries' development strategies. This being the case, we do not think that it would be appropriate to link world trade to international labour standards because they come within the exclusive jurisdiction of the International Labour Organization. To establish a link between international labour standards and world trade would mean that many countries would lose their specificity and more particularly their comparative advantage in economic and commercial terms.

Second, we are all today facing the same challenge, the challenge of adapting ourselves to international economic change. The international community has no option but to take the necessary measures to assist the less developed countries which are in the most need of assistance for their development. These countries must be given an advantage to enable them to increase their share of world trade.

Third, we must strike a balance between economic and trade policies so that economic issues will not take precedence over social issues. Persons in charge of social questions should also be involved in dealing with economic and financial problems at the national and international levels.

The United Arab Emirates' labour policy is based on the principle of creating employment opportunities for all citizens, providing them with adequate training, appropriate benefits and fair working conditions.

We also provide education and training opportunities at both primary, secondary and university levels. Technical colleges and technical and vocational training centres have also been set up.

The Government has undertaken a major architectural restoration project covering all sectors. This has meant a considerable number of jobs not just for nationals but also for migrant workers. We have set up enterprises to provide the necessary employment services for workers and to safeguard their rights.

The State has sought to adapt education and training to the needs of the labour market. By carrying out studies to identify the balance between supply and demand on the labour market. We have also tried to enhance the potential of our citizens in the fields of the production of goods and of services. We have made every effort to increase the number of civil servants working in all areas of the national economy and to formulate programmes in the framework of an economic and social planning programme.

However, the best proof that our State is actively engaged upon a course towards full employment is that our Serene Highness, the Head of State, Sheikh Zayed bin Sultan al-Nahyan, may God protect him, has entrusted to the appropriate bodies the task of ensuring that all citizens, men and women, whatever their age or specialization, have access to employment opportunities.

The labour market in the United Arab Emirates provides plenty of work both for nationals and migrant workers. Workers enjoy many benefits and equitable working conditions on the basis of our current labour legislation. The labour market in our country is considered as being an example of international cooperation to promote employment and to help solve the unemployment problems besetting many countries throughout the world. The workers in my country are allowed to export their savings to their country of origin or indeed to any other country without any form of restriction. We do not levy any tax on their savings, their wages, or on the property of investors who are resident in the Emirates.

There are many items on the agenda of this year's session and we are confident that there will be a favourable response to these items which will contribute to the smooth running of the future work of this Organization.

May I touch briefly on the question of the budget for 1996-1997. In this connection, you may rest assured that we lend our full support to reforms aimed at achieving active cooperation with the ILO; we consider such cooperation should not be concentrated on one single activity.

We would also like to say that we are in favour of training translators and of documents being translated into Arabic. We are also in favour of adding an article dealing with that part of the budget relating to technical cooperation. We would also like to support the project for an Arab centre in Tunis.

On the subject of the report of the Governing Body, we are surprised to learn that given the situation of the workers of the occupied Arab territories, we are surprised that this will be the last special sitting that the Conference will devote to this issue. We have certain reservations about this decision as the reasons for these sittings are still valid. We are, however, confident that the Director-General will continue to ensure that the Resolutions adopted by the Conference in 1974 and 1980 are implemented and we trust that he will continue to submit periodic reports in the years to come until the reasons for the submission of these reports are no longer valid.

This session of the Conference is coinciding with various major events at the international level. The international community and the members of this International Labour Organization are all too aware of the importance of these events. We must, during this session, react to events relating to the right of

peoples to life, to human dignity and to the non-violation of the rights of others. We must also seek to solve the problems of the world by peaceful means, in a spirit of justice, dialogue and in respect of the right of peoples to self-determination, independence and regional security.

Mr. MCAULEY (*Employers' adviser, Ireland*) – In addition to offering our congratulations to the President on his election, we wish him a successful outcome to the debate on the extremely important subject of *Promoting employment*. As he is on the podium at the moment, we would like as the Irish Business and Employers' Confederation, to offer our congratulations to Mr. Hans Hammar on his appointment as Assistant Director-General and the person now in charge at senior level of enterprise activities.

We are very pleased that the Director-General devoted his Report to this issue of promoting employment and that the ILO has accepted the challenge of the World Summit for Social Development to play a special role in this matter. The measures necessary to alleviate the employment crisis extend beyond the remit of the ILO. We trust however that the ILO will play to its strengths by concentrating its efforts on those areas where it has special knowledge. It should also coordinate its activities with those of other international agencies, and we support the Director-General when he says in his Report that there is a need to create "an institutional framework for cooperative international action in finding optimal solutions to the pressing problems of unemployment and related social ills". We also consider it appropriate for the Director-General to point to the value of closer collaboration between institutions and persons with responsibility for economic and financial issues at both international and national level and those whose special concern lies primarily in the field of social affairs. Such coordination of effort is essential for progress to be made.

The debate at last year's session of the International Labour Conference pointed to the need for the ILO to press ahead with a reform of its own policies, structures and methods of working. The task which the ILO now faces brings a new urgency to this process and a requirement that the ILO should mark out very clearly its priorities for the future. Many proposals about what these priorities might be were put forward during last year's session. We are particularly pleased to note the positive response of the Director-General to the demand that the ILO should take a much more active interest in matters concerning enterprise development and the creation of a more entrepreneurial culture both within the Office and externally. It is now clear and beyond question that enterprises large and small, private and public, are the principal vehicles for providing the higher stable rate of job creation which is necessary to reduce the level of unemployment in industrialized countries as well as those in transition or in the earlier stages of development. It is in everybody's interest that enterprises should be allowed to start up and grow without unduly onerous restrictions being imposed on them by either the State, international organizations or collective agreements.

The OECD has pointed out that policy can encourage entrepreneurship "by removing red tape, regulations and controls that discourage new and expanding enterprises".

In the ILO context, two comments seem appropriate. The ILO should speed up the process of reviewing its international standards and should not hesitate to eliminate or change standards which obstruct enterprise development or which do little to bring about greater social justice. Also the small enterprise work of the ILO in developing and transitional countries should receive a higher priority even if this means transferring resources from other programmes.

I am pleased to say that in recent times there has been a growing awareness among the public authorities and others in Ireland that non-essential restrictions and regulations should be abolished or simplified in order to encourage the establishment and development of business and especially small business.

Some progress has been made but much remains to be done. It has not been sufficiently recognized that employment regulations in their totality fall relatively more heavily on smaller enterprises and these can be a deterrent to their establishment and expansion. This in turn leads to a situation where these enterprises do not fulfil their job potential.

In an employment crisis such as now exists in many parts of the world it is essential for those responsible for legislation and collective agreements to have special regard to the needs of smaller enterprises. While it is neither desirable nor acceptable to distinguish between the position of employees in small and large enterprises in the matter of fundamental employment regulations, it is necessary to give special assistance to smaller enterprises by reducing the burden of other regulations which inhibit their growth, and by giving them preferential treatment through the application of tax and social security systems. We feel the section of the Director-General's Report which deals with labour market regulations understates the benefits for employment expansion which may flow from a review of obstacles in the way of introducing more flexible working-time arrangements, the hiring of employees, the rules relating to lay-offs and the impact of taxation and social security costs. The ILO, which seems to attach less importance to these issues than the OECD, should once again examine these matters objectively with a view to removing any significant impediments to raising the level of employment.

The information and general analysis of the problems of employment creation contained in the Director-General's Report are interesting and valuable but do not lead to a strategy for the future. This is understandable to the extent that macroeconomic policies which take account of trade, technology, social security, taxation, etc. fall largely outside the remit of the ILO.

Nevertheless, the ILO has an important role to play because the introduction of difficult and sensitive economic measures should be accompanied by arrangements for proper consideration of their social impact and by appropriate social measures which may facilitate acceptance of their consequences. The ILO has considerable experience in these areas and this should be at the disposal of member States and other agencies.

The relatively new problem which hinders employment creation arises from the fact that in industrialized countries economic growth is not reflected in a corresponding increase in employment,

although the relationship varies from country to country. In Ireland's case, as shown in table 12 of the Director-General's Report, the annual average rate of economic growth through the various cycles and oil shocks which have occurred since 1960 has been significant and considerably above the average of other industrialized countries. But, as table 10 in the same Report shows, unemployment, exacerbated by demographic factors, has increased from around 6 per cent in 1960 to between 15 and 16 per cent at the present time. The situation would be considerably worse except for the attraction of direct foreign investment, induced by substantial improvements in the scope and standard of education and training and the development of a consensus between governments and the social partners on the priorities and measures necessary to overcome the difficulties facing the country. Since 1987, three successive three-year economic and social programmes have been agreed by government, employers and trade unions. These programmes contained inter alia centrally bargained collective agreements providing for wage increases which, taken together with tax adjustments, compensated for price inflation but which were lower than the underlying rate of productivity improvement. The social stability and gains in international competitiveness which these agreements achieved have led to a modest increase in employment, and an improving standard of living.

We mention this because the Report before the Conference seems – unlike the OECD – to be less than enthusiastic about the employment benefits of pay restraint. Because the ILO is rightly concerned about employment it should be up-front in stating that pay increases below the average level of productivity growth are an essential precondition in many circumstances for reducing unemployment.

Irish experience would support the emphasis in the Director-General's Report on the contribution which education and training, and environmental and social investments can make towards realizing the conditions in which employment opportunities can develop. The financial and other incentives available to encourage direct foreign investment to locate in Ireland would not have been effective without the large human investment in education and training at all levels and particularly in recent times in computer and information technology. The continuous upgrading of standards and skills is a necessary prerequisite for attracting and retaining investments in both the industrial and service sectors. This again is an area where ILO expertise can be usefully expanded.

In conclusion, it is our view that the ILO will optimize its contribution to the promotion of employment by concentrating on the elimination of any barriers to job creation that it may inadvertently have erected through its standard-setting activities, and by developing those programmes, activities and services that are most relevant to the creation and expansion of enterprises. The ILO, with the active support and encouragement of countries in the developed world, should also concentrate its work in those regions where economic progress and employment creation is difficult to achieve without substantial external support. To the extent possible, Irish employers will, as in the past, encourage, support and assist the ILO in this important and commendable objective.

Mr. CHIBAMBO (*Minister of Labour and Manpower Development, Malawi*) – It is a pleasure for me to address you and the distinguished delegates for the first time in my capacity as Minister of Labour and Manpower Development. Mr. President, may I extend my warm and most sincere congratulations to you on your well-deserved election to the high office of President of this august Conference. I wish you and your officials every success in conducting the business of the Conference. From what has transpired so far since the opening of the Conference under your presidency, I have every hope that the deliberations will be successfully concluded. On behalf of the Malawi delegation and indeed on my own behalf, I wish you all the best in your task of guiding the proceedings of this Conference which, owing to your wisdom, vast knowledge and experience, has started on a very successful note.

This is the first time I have attended an ILO Conference and I owe this to the political changes that have taken place in my country where the people of Malawi opted for a multi-party system of government through a referendum in June 1993 and the subsequent general elections in May 1994. I therefore bring with me to this Conference warm and fraternal greetings from His Excellency Mr. Bakili Muluzi, the President of the Second Republic of Malawi and the entire people of Malawi. They all wish this Conference successful deliberations and hope that delegates at the Conference will come up with useful resolutions, particularly regarding the problem of unemployment and underemployment, which are getting worse each new day in Malawi.

I have thus noted with keen interest and deep appreciation that the Director-General has chosen as a theme for this Conference the global concern of promoting employment. Please allow me to congratulate the Director-General for the able analysis of the employment problem and also for putting at the disposal of delegates the relevant documentation that has provided an insight into a better understanding of the employment issue.

Turning to the theme of this Conference, I would like to support the observations made by the Director-General in his Report on Africa's growing marginalization in the world economy, especially Africa south of the Sahara. As a result of the poor economic performance in Africa during the past two development decades, the employment problem is reaching dangerous proportions. If the trend is not reversed in good time, we have a social bomb to face in Africa.

African countries south of the Sahara are facing negative development due to socio-economic upheavals such as protracted civil wars, economic mismanagement, dire poverty, increasing debt burden, natural calamities, environmental degradation and high rates of population growth, among others. All these socio-economic ills have militated against sustained economic development and the capacities of our economies to generate employment. It is sad to note that while our colleagues in east and south Asia have experienced dramatic economic growth, the opposite has happened in sub-Saharan Africa. Perhaps through South-South cooperation we have a lot to learn from the success stories of these countries.

Malawi is one of the smallest countries south of the Sahara and, as such, it has not been spared the negative development cited by the Director-General in his Report. Although the world has become more

unified than ever before, and although there is more globalization of trade and investment, Malawi seems to be one of the countries which has not benefited from these favourable developments. This small but potentially agriculturally rich country has, during the past 31 years under one of the world's worst autocratic administrations, failed dismally to attract foreign direct investment. The majority of the people, about 60 per cent, still live below the poverty line as defined by the World Bank. Population growth rate is one of the highest in the world, about 3.2 per cent. Inflation is now soaring at alarming rates due to the problem of foreign exchange. There was a lot of misuse of economic aid by the former government and there was no diversification of agricultural products to take advantage of the opportunities in the world commodity market. Our new democracy also inherited a huge debt burden of nearly US\$1.5 billion and a budget deficit, and many other serious social, political and economic problems.

With all these problems in mind, the new administration has devised a poverty alleviation programme that aims at promoting economic growth through poverty alleviation. The main purpose of this development strategy is to give economic empowerment to the people to safeguard their human dignity and develop the social and physical infrastructure. The poverty alleviation programme also aims at encouraging mass participation at a grassroot level so that the people themselves are involved in making decisions that affect their everyday lives as opposed to policies and programmes that are top down and thrown to the people as if the people themselves did not matter or did not know what their needs were. No wonder such top-down policies have failed to produce positive results anywhere they have been applied in Africa.

In talking about employment promotion and poverty alleviation programmes, the correlation is very clear. The new Government regards employment as a source of income, an empowerment of an individual to contribute to national development, whether it be through paid employment or self-employment. Thus one of the priorities of the new Government in Malawi is to create employment through encouragement of foreign as well as local investment in the country. The Government has seriously embarked on the development of a conducive environment for as many investors as possible to choose Malawi as a location for their business. I am pleased to inform this august house that our efforts seem to have already started bearing fruit. Many more investors, particularly from east and south Asia, have shown great interest in investing in Malawi. It is our motto to continue to remove all the barriers to investment in our country so that Malawi can join the world economy and benefit from the world's increased trade and investment flows.

In addition to promoting paid employment as a very reliable method of economic empowerment, it is the policy of the Government to encourage entrepreneurial spirit and self-employment. The Government has therefore established a rural finance company where people in the rural areas of the country can freely borrow money with which to start their own business. Mr. President you may wish to know that the Government established this rural finance company after considering that 81 per cent of Malawi's population is rural. In addition to this rural

finance company, the new Government has also set up a poverty alleviation fund where people from all walks of life are free to get loans for their projects, particularly those projects with an income and employment-generating capacity. Malawi believes that self-employment, if properly supported, is an important way forward to create employment. Thus the more people are self-employed the more the likelihood of bringing down unemployment, and therefore the more prosperous the nation becomes.

However, a small country like Malawi, which is landlocked and labouring under all sorts of social, economic and technological problems, cannot do without the world community. As the Director-General put it in his Report, employment creation is not just an intra-national effort. A nation has got to work with other nations in creating employment by ensuring symmetrical adjustment between deficit and surplus countries. Since the Director-General has already declared in his Report that the ILO is to collaborate with the other international agencies in order to create an institutional framework for cooperative international action on restoring full employment, I would like to urge the ILO to immediately consider starting research work and policy analysis of international agencies. I am sure that young democracies, such as the one in Malawi at the moment, can benefit from the findings of such research work and policy analysis and subsequently make informed policy adjustments, particularly in the field of employment creation.

Mr. President, I and my colleagues within the southern Africa subregion can do a lot to achieve full employment provided we can integrate, consolidate and dynamize our economic and social policies with particular emphasis on employment creation. The southern Africa subregion being a developing region shares quite a lot in common.

I cannot be complete in my statement if I fail to mention the important role being played by the ILO in reshaping labour administration in southern Africa, and Malawi in particular. The ILO is doing a marvellous job in assisting the new democracies in southern Africa to smoothly adjust labour administrations in order to suit the new political environment in the region. The ILO is providing assistance in human resources development and consultancy services through the ILO area office in Lusaka, Zambia, the ILO SMAT in Harare, Zimbabwe and the ILO ARLAC also in Zimbabwe. I must commend the ILO for having adopted active partnership programmes to deal with problems of member States at source. However, I wish to request the ILO to provide countries in our subregion with more technical assistance in the human resources sector. I would be very grateful if this proposal were seriously considered by the ILO.

Mr. SUNMONU (*representative, Organization of African Trade Union Unity*) – On behalf of all the workers of Africa and the Organization of African Trade Union Unity (OATUU), I congratulate the President and all the Officers of this session of the Conference on their well-deserved election. I also congratulate the Director-General for his excellent and lucid Report entitled *Promoting employment*.

Employment has become, for all countries of the world, developed or developing, the key to the doors of prosperity, development and social stability. It is

because of this that the World Summit for Social Development, held in Copenhagen, Denmark from 6 to 12 March 1995, made employment, the eradication of poverty and social integration its theme.

Also, the theme of the 6th Ordinary Congress of the Organization of African Trade Union Unity, held in Accra, Ghana from 22 to 24 May 1995 was "Employment, trade union rights and social stability: Challenge for African trade unions".

The Director-General's Report notes that, while the share in world trade of Asian developing countries has increased from 4.6 per cent to 12.5 per cent, that of sub-Saharan Africa has fallen. However, the Director-General's Report did not adequately analyse the factors responsible for the fall of Africa's share of world trade. Two of the major reasons are the continuous fall in the commodity prices of Africa's agricultural and mineral products and the orthodox structural adjustment programmes imposed on African countries by the International Monetary Fund and the World Bank.

Lower commodity prices and injustice in international economic relations, and particularly injustice against developing countries, are the major external factors responsible for the debt crisis. The neo-liberal economic principle of putting profits before the welfare of the people which has been developed by the IMF and the World Bank and imposed especially on the poor and heavily indebted developing countries has destroyed most of their infant industries and million of jobs.

According to the commandments of the "holy books" of the IMF and the World Bank, it is a "cardinal sin" for the State to subsidise education, health, housing, water, electricity, and fertilizers, etc. The people, most of whom are poor, must pay "user fees" for these basic needs, even when they cannot afford two square meals a day! It is also an inexcusable sin for the State to own, either fully or partially, any kind of business as only the private sector is ordained to engage in business.

The role of the State is to facilitate the "free ride" of the private sector by building the infrastructure, namely roads, electricity, water and telecommunications, with money borrowed by the State at high interest rates, which must be repaid from the tax contributed by hungry people, to maximize the profits of the private sector. The private sector referred to above in most cases is not the indigenous private sector. More than 50 per cent of the indigenous enterprises died under the hangman's noose of the orthodox structural adjustment programmes of the IMF and the World Bank. The actual "private sector" is the multinational enterprises (MNEs) which are the only "superpowers" that can make or unmake any country, big or small, developed or developing.

This has been our experience in the developing countries. I believe it has not been reflected very well in the analysis of the Director-General's Report. It is now evident that the orthodox structural adjustment programmes imposed by the IMF and the World Bank on countries in Africa and other developing countries have failed. To ask African and other developing countries to continue to implement the orthodox structural adjustment programmes is to ask them to continue to draw water with a basket in order to fill a water tank. They will never be able to overcome debt, massive unemployment, underdevelopment and social instability.

If a medicine does not cure a disease, but brings death and sorrow, then it should be abandoned and a better alternative should be used. In the case of Africa, as far back as 1989, we found a better alternative to the orthodox structural adjustment programmes. It is the "African alternative framework to structural adjustment programmes for socio-economic recovery and transformation", which is supported by all African governments, employers and workers. The IMF and the World Bank should therefore support the African alternative framework to structural adjustment programmes.

As regards the role of the ILO, we want the ILO to play a role in assisting in the development of human resources, of African workers and capacity-building of African trade unions, especially in the following areas: workers' education; entrepreneurship and small business development within the African trade unions; empowerment of women for development; labour standards; occupational health and safety; technical assistance to organize the informal sector; provision of books and equipment for trade union libraries; and the granting of more fellowships at the International Institute for Labour Studies and at the ILO International Training Centre in Turin.

We would also like to see the ILO take the centre stage in all issues concerning employment and social policy. This is a task which the World Summit for Social Development quite rightly conferred upon the Organization. Never again should the ILO play second fiddle to any other United Nations agency in these two important areas. In order for the ILO to play this key role, we appeal to all ILO member States to pay their dues promptly to the Organization.

As regards the much talked-about globalization of the economy, we do not accept the assertion in the Director-General's Report that "for countries with abundant land and natural resources, as is true for many countries in sub-Saharan Africa and Latin America, comparative advantage will continue to lie in primary production". On the contrary, comparative advantage in the short-, medium- and long-term for Africa and other developing countries will lie in the development of human resources, the transformation of primary production, the integration of their economies and the cornering of both domestic and foreign markets. That is where the comparative advantage will lie.

The creation of employment on a sustainable basis should be the concern and business of governments, employers and workers. Therefore, any economic or social programme leading to unemployment should be avoided. In order to generate employment on a sustainable basis, education and training, including vocational and professional training, should be prioritized, particularly in the developing countries, which still have high rates of illiteracy among their populations. The provision and satisfaction of the population's basic needs should form the cardinal objectives of all governments' economic and social programmes. Governments should continue to participate prudently and efficiently in all their countries' economic activities. Where the indigenous private sector has matured sufficiently in a particular line of economic activity, the government should abandon such areas and move on to others. Governments in developing countries should not submit to the blackmail of the right-wing economic ideologues of inter-

national financial institutions that request governments to leave economic activities to the private sector. Japan and South Korea both offer good examples of government initiative in industrial development. African and other developing countries should emulate this example.

The main conditions for the success of any economic, political and social programme are peace and social stability.

To secure peace and social stability, the welfare of all the people should be ensured through: strict observance of standards ensuring social and economic justice at the national and international levels; active

involvement, participation and empowerment of the people in all matters, economic, political and social, that affect their lives; respect for human rights and trade union rights; an end to all forms of dictatorship, and the restoration of popular, participatory and people-empowered democracy.

I cannot end this speech without appealing to all the tripartite constituents of the ILO to continue to give financial and moral support to the ILO in order to enable it to rise up to the challenge posed by the globalization of the world economy.

(The Conference adjourned at 1 p.m.)

Eleventh sitting

Monday, 12 June 1995, 3 p.m.

President: Mr. Halliwell

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We shall now resume the discussion of the reports of the Governing Body and of the Director-General.

Original Turkish: Mr. MERAL (*Workers' delegate, Turkey*) – At the outset of my speech as the Workers' delegate of Turkey, I congratulate the President on the occasion of his unanimous election to chair the 82nd Session of the International Labour Conference. I believe that this year's Conference, under his competent chairmanship, will bear fruitful results for the workers, all working people and our world. I also thank the Director-General for his excellent Report to the International Labour Conference on the most burning problem of our time.

The world is going through a globalization process under the control of and in line with the interests of transnational capital. Since the social aspect of economic issues is almost completely ignored in this process, the inequalities among and within States are increasing every day. The rich are getting richer at the expense of the poor getting even poorer. Unemployment, poverty and social disintegration are spreading rapidly. The working peoples of the developing world experience these difficulties even more intensively, especially due to servicing of the foreign debt and the austerity programmes imposed by the IMF and the World Bank, the representatives of international monopoly capital. However, the governments of the developing countries are more inclined to honour their promises and pledges to the IMF and the World Bank, rather than to the ILO, which is much more democratic.

Following the attack of pro-employer governments on the social welfare state and the trade union movement in the 1980s, in the 1990s we face a very systematic assault all around the world on protective labour legislation, which is either adversely amended or rendered ineffective. Privatization, subcontracting, deregulation, free trade zones, new sweatshops, child labour, lack of job security, union-busting practices, pseudo self-employment, precarious forms of employment, mass dismissals, clandestine, or hidden employment, suspension of concluded collective bargaining agreements, compulsory retirement and the request of "flexibility" in the implementation of ILO Conventions and national legislation are all practices and attempts aimed at increasing the oppression and exploitation of workers. The precondition of social peace is the procurement of humane living and working conditions for all people. There can be no

social consensus, partnership or social peace in the absence of democracy, social justice, bread, peace and freedom.

Heads of States and governments acknowledged the severely adverse social consequences of the unbridled forces of the free market, or actually, the unbridled forces of transnational monopoly capital at the Copenhagen Summit for Social Development in March 1995. We hope that the governments will honour their obligations as stated in the commitments of the Copenhagen Declaration and that the ILO will play a major role in following up the results of this historic event. We also urge the governments of the developed countries to contribute to solving the problems of the developing world, which they to a certain extent have aggravated.

Transnational capital, using the advances in information, transportation and production technology, is shifting production to the cheapest labour areas, where basic human and trade union rights are violated with impunity. Therefore, we urge that social clauses guaranteeing basic human and trade union rights with appropriate and effective sanctions will be included in international trade agreements. We also hope that the complaint mechanism developed in case of the violation of the freedom of association will also be extended to other Conventions.

The preconditions for the realization of the ILO's ideals are independence of sovereign States, social and political peace and democracy. However, increasing racism, xenophobia, fuelling of ethnic rivalries and regional wars all constitute major threats to these ideals.

On the other hand, we hope that the ILO will set international standards that guarantee basic civil and political rights to migrant workers who have resided and worked in a host country for more than a specified duration.

Whatever the motive might be, terror and all other forms of force and oppression are enemies of democracy and are being used as pretexts to destroy democracy, trade union rights and freedoms and the rights of the working people. On this occasion, I would like to draw the attention of all States, our brothers and sisters in all countries and employers to the threat to democracy represented by the activities of the terrorist-separatist movement in my country.

Another precondition for democracy is secularism. I would also like to draw your attention to the dangers for democracy, rights of working people and trade union rights and freedoms resulting from the strengthening of anti-secular tendencies in various countries.

The inadequacy of the United Nations when faced with the inhuman massacres that have gone on for years in various countries should be given consideration and is a source of regret for everyone.

In Turkey, the problems of the working people have been further aggravated since last year, following the new austerity programme that had been prepared solely in accordance with the requests of and in line with the interests of international financial institutions. As a result, the already unequal distribution of income and wealth has further deteriorated. The purchasing power of the unorganized sections of the working population has dramatically declined.

I regret to state that, in spite of all our efforts to democratize my country, the Government violated 19 ratified Conventions last year. The Committee of Experts, in its report submitted to this year's Conference, criticizes Turkey for having violated eight Conventions.

The 1982 Constitution, and the legislation promulgated in the military period and its aftermath, as a whole, violate many Conventions ratified by Turkey. The most recent Bill for the amendment of the Constitution is far from eliminating the anti-democratic essence of the Constitution; on the contrary, it proposes even stricter measures to curb trade union activities.

Amendments made in the Trade Unions Act in April 1995 are also far from meeting the requirements of the recommendations made by the ILO bodies on various occasions.

As a radical solution to this problem, I once again propose to bring labour legislation in Turkey as a whole in harmony with the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and the Labour Relations (Public Service) Convention, 1978 (No. 151) by a tripartite activity pursuant to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), and with the technical assistance and active involvement of the ILO.

Since the ratified ILO Conventions have not been reflected in our national legislation and implemented, workers and public servants are deprived of many of their rights. In particular, the obstacles which prevent the exercise of the rights to collective bargaining and to strike and public servants' rights to be involved in political activities, emanating from ratified Conventions, have not yet been eradicated. In addition, a related issue is that some negative verdicts of the judiciary concerning trade union rights constitute serious problems, especially for public servants.

I again regret to state that many trade union members and officers of trade unions and public servants' trade unions have faced administrative and judicial prosecution for having exercised their rights as stipulated in ILO Conventions, or for having been involved in peaceful industrial actions. But in spite of all these obstacles, the trade union movement in Turkey is carrying on its struggle for bread, peace and freedom and for democracy. The Government's plan last year to cancel the wage increase under collective bargaining agreements in the public sector has been altered successfully by the determined stance and struggle of TÜRK-İŞ. TÜRK-İŞ will proceed with the same determined stance concerning govern-

ment initiatives to curtail the social security rights of the working people.

In spite of all these difficulties we face, we are still full of hope for a better world in which social justice, full employment and humane conditions of work shall be achieved for all humanity.

Mr. CHAKRABARTY (*Employers' delegate, India*) – Let me at the outset convey my sincerest greetings to the President on his election and to congratulate the three Vice-Presidents elected at this Session.

The 1990s have ushered in an era of geopolitical and economic changes of sweeping dimensions. Yet, despite the growing symbiotic relationship for economic survival among nations and the world trying to come under a canopy of a single economy, threats of discrimination, disintegration and deprivation are still looming large over societies and nations. Despite commonality of interest, the concept of "haves" and "have nots" has resurfaced in a new form. Societies are plagued with new socio-economic maladies despite attaining pinnacles of economic prosperity. As a result, the dream of attaining universal and lasting peace based upon social justice, as envisaged by the ILO's founding fathers, has yet to be realized.

The global recessionary trend following slow economic growth, coupled with imperatives for technological upgrading and structural adjustment has slowed down the pace of economic growth and employment growth, which is the major concern of today. The chances for "freely chosen and productive employment" which the Philadelphia Declaration promised to further, has never receded before to this extent. To illustrate a few facts: an estimated 30 per cent of the global workforce is not productively employed, more than 120 million people are registered as unemployed and some 700 million are underemployed. It is widely feared that poor and underdeveloped nations might not survive these social pains even during the gestation period of restructuring, threatening reversal of policies. The role of the ILO, its programmes and policies should, therefore, aim at helping such nations so that the transition to a market economy is peaceful and painless.

India has also embarked upon its journey to a market economy. The transition has so far received wide support. Yet, the problem of unemployment and underemployment is equally baffling to us. We have targeted full employment by the year 2000. To fulfil our target, employment and the economy will have to grow by around 3 per cent and 7 per cent, respectively. Export performance has been progressing on the lines expected. If the trend continues, it is hoped that the Indian economy will gain substantially in terms of employment generation through structural adjustment.

Poverty is both the cause and effect of unemployment and it is estimated that 20 per cent of the global population lives below the poverty line. The ratio is 30 per cent in the case of developing countries. Eradication of poverty through sharing the gains of prosperity is the major challenge confronting the ILO. This is possible only through increased gainful employment opportunities and the ILO's role in this regard is perceived in the following three ways:

First, the ILO can gear up its technical cooperation machinery in poor and underdeveloped countries to speed up the process of economic develop-

ment so that economic growth accompanies higher employment generation. Secondly, the ILO can devise suitable social safety mechanisms in countries undergoing structural changes. This can be done only by launching more employment-generating programmes, entrepreneurship development and self-employment schemes. Third, the most important strategy would entail increasing the employability of the vast human resources available in these countries through strengthening education and training programmes, which may result in skill formation and skill upgrading.

Recently, the ILO has released *World Employment 1995*. This report raises several crucial issues. One of the basic issues is that wherever there are structural changes which world economies, particularly the developing countries, are undergoing, there is a significant shift in terms of output from agricultural towards industry and services. The structure of employment has also changed accordingly, posing serious problems to labour market adjustment and to human resource development processes. Some of the developing countries which could not reap the full benefits of globalization have experienced low productivity in formal sector employment. As a result, employment generation has had no significant effect on poverty alleviation and income generation. The Report, while advocating that the developing countries should maximize gains from continued globalization through higher output and efficiency, also justifiably recommends continuation of special employment programmes. Apprehension among the developing countries about the impact of new technologies on employment has also been noted but without indicating directions for solution. Some of these issues also bother the Indian planners. *World Employment 1995* requires detailed examination and in-depth deliberation.

The post-Uruguay Round development and formation of the World Trade Organization while on the one hand promising free global trade by reducing tariff barriers, seems to be a subtle attempt on the part of few countries to impose non-tariff barriers to reduce the competitive advantage available to poor and underdeveloped countries. In this connection, I refer to the last paragraph of the Director-General's Report relating to the social clause.

Let me assure this body that developing countries equally share the concern of the advanced countries about the slow pace of social development in their countries. They are committed to upgrading the labour and social standards of their people. They have shown a genuine concern by gradually strengthening social sectors and passing necessary supportive legislation. The Conference of the Ministers of Labour of the Non-Aligned Countries, concluded in India in January this year, has resolved to eliminate child labour and gender discrimination which is a living testimony of collective concern by a group of nations.

But let us not forget that nations pass through different stages in their economic development which necessarily precede social development. It would be wholly unjustifiable to compare their present capacity to spend on social sectors with the poor nations.

The developing countries have demonstrated a collective will against linking the social clause with international trade through the Delhi Declaration signed in January this year. Generally they have all spoken unequivocally in the debates of the Govern-

ing Body Working Party on the Social Dimensions of the Liberalization of International Trade. The ILO principle of voluntarism is the time-tested mechanism for deliberating social issues and evolving suitable labour standards to be ratified by nations, according to their socio-economic conditions. It has enjoyed a wide reputation and international acclaim over the years.

Now, at this juncture, any doubt over its efficacy would amount to a great disservice to this august body and its supervisory function cannot be taken away by WTO or any other institution.

I take this opportunity to express my concern over some of the prevailing social issues we in India are trying to eliminate. Child and bonded or forced labour are the two common forms of social abuse. India has taken progressive steps to identify and gradually eliminate child and bonded labour. We have enacted respective legislation making such employment a recognized offence.

It is also to be appreciated that child employment has been a social and economic sustenance or supplementary income to the parents where they do not have adequate means of livelihood for the family. Moreover, they are not able to provide quality education to their children owing to financial distress. Our constitution enjoins Government to ensure primary education being compulsorily introduced, which ideal should be achieved by 2000 if not earlier. As it is progressively and universally implemented, the engagement of child labour in hazardous employment avocations having been already banned by law, it will demolish the foundation of child labour employment and lead to the gradual elimination of this social evil.

In this noble task of social commitment, Indian employers are wholeheartedly with the government and international community. Withdrawing children from work must be integrated with arrangements for properly supplementing parents' or dependents' income, and also for their proper rehabilitation, education and development. Only then would the objectives set forth be fully realized, but this approach is time-consuming. I hope some of my friends in Europe and the developed world will appreciate this and would not lose patience on this score.

We are alive to the problem of bonded or forced labour and since the inception of the Bonded Labour System Abolishment Act, 1976, approximately 250,000 bonded labourers have been identified and released and rehabilitated up to 1993. The Government of India has accorded the highest priority to the total eradication of the bonded labour system.

The population explosion is contributing significantly to unemployment and poverty in developing countries. Unless it is checked through education and awareness, it may imperil future global prosperity along with its socio-economic development.

In the end, I submit that no economic development will be sustainable without the social dimension being attended to. It should be our endeavour to work for a world where there would be no illiteracy, hunger, social exclusion or denial of any basic need to the individual.

Mr. ITO (*Workers' delegate, Japan*) – First of all, on behalf of the Workers' delegation of Japan, I should like to congratulate the President on his election to chair this 82nd Session of the International

Labour Conference. It is an honour for the Japanese Trade Union Confederation with its 8 million members, and for myself, to be given the opportunity to take part in the discussion here – for which I express my sincere appreciation.

In view of the very severe employment situation throughout the world, and considering the role that the ILO should assume, the Report of the Director-General is a very timely one. Since the first oil shock, full employment has been set aside as an impossible objective in many industrialized countries. Today the ILO called upon its member States to consider full employment a priority objective – and this was accepted by the World Summit for Social Development. This acceptance is very important.

Yet it is regrettable that the Report of the Director-General is an abbreviation of *World Employment 1995*, and remains at the level of macro-analysis. In fact, a number of countries have rather good records of employment and I would have hoped that the Report would have analysed these countries; on this basis it could have advocated concrete proposals for activities to achieve full employment.

Japan has also maintained a rather good record of employment. The main reason for this has been, as already mentioned in this plenary by the Labour Minister and the President of the employers' organization Nikkeiren of Japan, the existence of a consensus to give employment the highest priority between management and union in many enterprises, as well as at national level between the Government, trade unions and employers. In the last ten years, the maintenance of employment has been a very difficult task because of the continuous rise in the value of the yen. In many Japanese companies, when a cut in employment became inevitable, serious negotiations were carried out to minimize the number of dismissals – and to take as much care as possible of those who had been dismissed.

Those countries belonging to EFTA, as well as the United States, merit deep analysis. Similarly, analysis at regional level seems to be important. The ILO, as the only tripartite international institution, cannot be satisfied with a global and macro-analysis of employment; it must look further, to the regional and national level, and propose concrete measures – for example in Africa where many countries are struggling under restructuring measures imposed by the World Bank and the IMF. Indeed, the result of assistance in Africa has been that the traditional economic basis of the continent has been destroyed and employment has been dramatically reduced. It is necessary that the ILO, with its tripartite constituency, elaborates concrete action programmes, and proposes them to the World Bank and IMF.

In some developing countries which have registered economic success, national wealth has grown but the people remain poor. This may be attributed to an unfair distribution of wealth. The ILO should play an active role to establish in each country a system of fair distribution of wealth, through discussion among the three parties – that is the workers, enterprise and managers, and the State. To bring about such a system, it is necessary to guarantee the fundamental rights of workers so that they are able to participate themselves in the fair distribution of wealth and solve the problem of poverty by themselves. This is, in fact, the objective of the “social clause”. The discussion on the social clause should be actively or-

ganized and concrete propositions made. The ILO should assume its responsibility in this field.

As regards the industrialized countries, the ILO requests them to make a greater contribution to the expansion of international trade and abstain from egoism. The ILO should also request industrialized countries to contribute actively to the establishment of a fair distribution of system through their development aids and technical cooperation to developing countries. It goes without saying that ILO technical cooperation to the developing countries is vital. Consequently, in view of the sharp fall of funds from UNDP, the industrialized countries, including Japan, should make a large increase of their voluntary contribution to ILO technical cooperation.

This year the Conference is examining the adoption of the Programme and Budget for 1996-97. As Workers' delegate of Japan, I support strongly the proposed budget. The Programme and Budget proposals are drawn up after a year of discussion in the Governing Body of the ILO, under the real zero growth limitation. This is the appropriate budget to respond to the necessary activities of the ILO. Yet, the fluctuation of exchange rate, and the move of some governments to reduce their contributions, create a fear that the income of the ILO may not be fulfilled, thus disrupting ILO activities.

The ILO, headed by its Director-General, should define more clearly its role, strengthen its efforts to contribute to the achievement of the objectives of the World Summit for Social Development – especially the expansion of employment and the guarantee of fundamental trade union rights – and demonstrate its capacity for achievement. On the basis of these activities, the ILO should persuade governments of the need for appropriate funding, the full payment of their contributions within the time-limit and increased technical cooperation contributions. On my part, I assure you that the Japanese Trade Union Confederation will participate actively in ILO activities and support the ILO.

Original Vietnamese: Mr. TRAN DINH HOAN (Minister for Labour, the Disabled and Social Affairs, Viet Nam) – At the outset, I would like to warmly congratulate the President on his election to his high office at the 82nd Session of the International Labour Conference, and to express to the Director-General and his colleagues, our great appreciation for the excellent preparations for the issues to be considered by the session.

The 82nd Session of the International Labour Conference is taking place at an important time, when the issues of social development, issues related very directly to the ILO's mandate on social justice, social security and social integration, have attracted more and more attention from all governments, international organizations and, indeed, all those living on our planet. This concern was highlighted at the recent World Summit for Social Development held in Copenhagen, the outcome of which ILO's contribution was very important. Hence, I believe that this session provides the most appropriate forum to exchange ideas and discuss the most effective ways and means to implement the resolutions on social development which relate to ILO's mandate and competence.

In Viet Nam, the philosophy of the paramount importance of developing all aspects of the human be-

ing has governed the whole course of the national liberation struggle in the past, as well as the course of the current national development process in the country.

The achievements of the Vietnamese renovation process during the last few years have helped the country overcome a serious socio-economic crisis and enter a new period of development. The annual average GDP growth is 8 per cent; the national economy is heading towards stabilization; inflation is gradually being driven back from 800 per cent in 1986 to 10 per cent on average during the last two years; poverty and backwardness are being reduced. All these endeavours and achievements are aimed at the goal of building up a prosperous country, wealthy people and a civilized society.

During the last three years, the government budget allocated between 26 and 28 per cent annually for social development. The Government has launched a number of national programmes for social development, such as the National Programme for Employment Promotion, the Programme for Poverty Alleviation, and the Programme for Prevention of Social Vices. Thanks to these efforts, significant progress was achieved in the field of labour and social affairs. For example, more than 1 million new jobs are created yearly; great impetus has been given to the implementation of the National Programme on Poverty Alleviation. More particularly, after many years of preparation with the technical assistance of ILO, the new draft Labour Code of Viet Nam was adopted by the National Assembly on 23 June 1994. This was a turning point in labour legislation of Viet Nam for the transition period.

During the forthcoming years, Viet Nam, will give greater priority to social issues. Efforts shall be concentrated on the development of human resources and job creation. The goal is to achieve harmony between two goals, that of building up an educated labour force with a high level of technological expertise and skill in order to meet the requirements of the industrialization and modernization of Viet Nam, and that of designing a policy to achieve full employment, a job for every person who wants to work, with a reduction in unemployment in urban areas and in underemployment in the countryside. We will continue to implement the Labour Code to carry out programmes on poverty alleviation with the objective of eliminating hunger in households and drastically reduce the number of poor families through establishing the poverty alleviation fund which provides loans and preferential interest rates to the poor. It also carries out policies of social integration, assistance and support to those affected by the reform (the disabled, orphans, war victims) in order to give them equal opportunities to be reintegrated in their communities. Viet Nam is preparing for the early accession to or ratification of ILO's Conventions dealing with basic workers' rights.

The need to strengthen the effectiveness of the ILO's Active Partnership Programme between the Organization and its Members is more relevant than ever before, at a time when the ILO is faced with budget constraints.

In this spirit, we firmly believe that the proposal put forth in the past by the Government of Viet Nam concerning the need for ILO to be represented in Viet Nam itself as soon as possible even at a modest level, to serve as a focal point and to coordinate its

cooperation with national constituents is aimed at promoting the above-mentioned effective cooperation. We consider it as the most economic and effective way to secure ILO's understanding of and timely response to the needs for member States with an economy in transition.

The delegation of the Government of Viet Nam realized that the biggest challenge for all of us here is to express the desire and determination expressed at the ILO's 75th anniversary last year, and the spirit of the World Social Summit in Copenhagen in practical and effective activities which will enhance the synergy of national and international efforts.

Mr. MUSSANHANE (*Employers' delegate, Mozambique*) – It is a great honour for me to have been given the opportunity to address the Conference. I would like also to congratulate the President on his election to preside over this year's session of the ILO Conference.

I represent the Employers' group of Mozambique, a country that after years of civil war has succeeded in permitting the peace process to prevail. This process was assisted by the holding of peaceful and democratic elections in October 1994. I thank the United Nations system and the International Labour Organization in particular for the support they have rendered us in the peace process. Currently there are a number of ILO-sponsored projects and programmes actively in place to support the reintegration of demobilized and displaced people throughout our country.

Political stability and the multi-party environment are the preconditions and vital ingredients for restarting our development process with the collaboration of both local and foreign investors.

The topic of employment promotion is a timely one as it is of the highest interest for Mozambicans. Through this topic, we can discuss ways and means to obtain the correct scenario for the promotion of employment.

There are a number of figures that I would like to share with you to demonstrate the very poor employment scenario in Mozambique. Unemployment is 7 per cent and underemployment is 52 per cent; illiteracy is 63 per cent; demographic dependency is 92.2 per cent; economic dependence is 146.5 per cent. And there are more than 1 million displaced persons and some 100,000 demobilized soldiers or other persons.

In addition to the above figures, there are also repatriated persons from the former Soviet Union bloc. One out of three families is considered to live in extreme poverty.

The causes of this bad scenario have been the macroeconomic policy and the massive destruction of the economic and social structure during the war. Control of business has gone berserk, since the war damaged not only the physical infrastructure but also the proper mind sets and good values that underscore proper management. The instability of the situation has also led to a decline in discipline and expertise among the workers.

The 1994 UNDP publication on human development characterized Mozambique as a country in crisis, because of the deterioration of development factors, such as unemployment, lack of infrastructural development, high military expenditure and a poorly skilled and undisciplined work force among others.

The Employers' group is prepared to join hands with social partners, the ILO and other members of the international community to develop an action plan on employment promotion.

We support the resolution advanced during the World Summit in Copenhagen pertaining to sustainable development and poverty alleviation. Thank you very much for your attention.

Mr. LUCHMAN ROY (*Workers' delegate, Mauritius*) – It gives me pleasure to congratulate Mr. Rosales Argüello on his election as President of the 82nd Session of the International Labour Conference. I have no doubt that under his able leadership the Conference will make fruitful deliberations to the satisfaction of all parties and delegates present.

I will seize this opportunity to express my satisfaction at the brilliant Report produced by the Director-General on promotion of employment throughout the world. The analysis about the developing countries, the transition economies and the industrialized countries provides a very clear picture about the present employment situation.

While going through this Report we can easily situate our own country which has adopted a very clear-cut strategy to promote and maintain a high level of employment. With a market-oriented economy and a liberal trading regime, our Government has chosen an export-oriented industrialization strategy. Mauritius has chosen a policy to attract foreign investors, and the overall strategy is to integrate the country's economy into the global economy.

However, we believe that this strategy should not aim at penalizing workers at all costs. We are happy that the Director-General has pointed out in his Report that it is possible to maintain economic growth with sound macroeconomic policies and ensure a good match between technologies, policies and institutions.

We believe that government should pursue a policy to promote confidence among workers. Workers should be made to feel that they play a central role in the process of development. We disapprove and condemn the policy which tries to justify the theory that this decision and the implementation of economic strategies is a matter to be finalized just by government and the private sector.

We noted with satisfaction last year the decision of our Government to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). This decision naturally gave rise to great expectations in the trade union movement in the country. However, we have noted that some of the tripartite structures set up by the Government are not functioning in the true spirit of tripartism as spelled out in the said Convention. We do not understand for which reason the Government hesitates to involve the trade union movement in the process of decision-making on vital issues.

Last year I had the opportunity to raise the issue of privatization. The privatization of the Central Housing Authority (CHA) has been a traumatic experience for workers in the country, and we in the trade union movement are against the privatization for specific reasons. No safety net was provided for hundreds of workers who were laid off in 1993. The service provided by the private company which has replaced the CHA, which was a public enterprise, is now much more expensive. The primary objective of

the public enterprise was to provide a service to the nation. It has today been replaced by a private enterprise whose immediate concern is nothing but profit.

While addressing the 81st Session of the International Labour Conference last year I had the opportunity to denounce the Mauritius Trade Union and Labour Relations Bill whose second reading in the National Assembly was expected in 1994. With the prorogation of the National Assembly, the Bill is, for the time being, no longer on the agenda of this same assembly. The trade union movement in Mauritius reacted violently against the Trade Union and Labour Relations Bill because it literally abolished the right to strike. It conferred excessive powers on the Prime Minister and encouraged union proliferation in the country. At the same time, the proposal to institute a National Pay and Productivity Council (NPPC) threatened directly the existence of the Pay Research Bureau (PRB) and the National Remuneration Board (NRB), the two bodies which are responsible for carrying out revision exercises in the public and private sectors on a regular basis. The NPPC Bill specified that the PRB, the NRB and the Tripartite Committee for the Determination of Salary Compensation would be declared redundant.

With industrialization, and compared to the past, the number of strikes in the country has diminished substantially. It is precisely for this reason that we believe that there is no need for industrial laws to become harsher for workers and unions. The decision to maintain the Trade Union and Labour Relations Act and the NPPC would mean for us that the Government harbours sinister motives against unions and that it is dictated by employers. Hopefully, this is not going to be the case and I must point out that we have appreciated the Government's decision not to proceed further with the Bill in the National Assembly.

We do not want the Government to have no room for manoeuvre and, in this context, we have proposed that the Garrioch Report should be used as the basis for new industrial legislation, and we are prepared to extend our full support and collaboration along this line. The Trade Union and Labour Relations Bill and the NPPC have indirectly had the effect of unifying the trade union movement in the country, and it is prepared to take real risks if the right and appropriate decisions are not taken in the days to come.

The issue of imported labour is today a matter of vital interest in Mauritius. The number of foreign workers has attained unprecedented proportions, and they are being used in agriculture, construction, industries, in brief in all sectors. We get the impression that there is the tendency to downplay their role and there are clear indications that these workers are being exploited with very low wages and, in many cases, very poor living conditions. Some employers are making real abuse of imported labour – treating them more or less like slaves. I must also add here that we have doubts about the real statistics concerning foreign workers.

I am happy that the Director-General has mentioned the issue of social protection in his Report. The Mauritius Labour Congress (MLC) has laid regular emphasis on this issue. Some two years back the Government removed subsidies on rice and flour which are the staple food for the popula-

tion. We felt at that time that pressure was being exerted by the World Bank and the IMF to dismantle the welfare state. We are happy to note that this year the Government has decided to reintroduce subsidies.

In spite of the substantial amount of economic progress achieved so far in our country, we are of the opinion that social protection is indispensable for the vulnerable sections of the population. There is still a significant section of the population which depends on the safety net of social protection to live a decent life and this is the reason for which we insist on the continued existence of the welfare state.

We have struggled for long years calling upon the authorities to introduce the five-day week in the sugar industry. We are happy that the Government has at long last taken the right decision. However, we consider that this should not be the final point so far as the five-day week is concerned. The MLC believes that the principle should be extended to other sectors of the economy like the civil service, the postal service, the banks, etc.

We are fully conscious of the constant effort being made by our Government to modernize our economy by setting up and operating a strong and viable service sector through the stock exchange, offshore banking, the free port, etc. We have always had the conviction that economic and social development should go hand in hand and that it should also promote workers' welfare. We are of the opinion that development should not infringe on workers' acquired rights and this is the experience that we want to live in our country and show to the world. So far there is nothing that proves that this is not possible.

On behalf of the MLC, I also have to acknowledge and express my deep appreciation for the significant and important role that the ILO continues to play in our own country to promote better understanding among tripartite partners and to sustain growth and development in the Indian Ocean region. The ILO has a vital role to assume to defend international standards, and there is no doubt that it will have to play its role more significantly.

We appreciate the initiative of the Government to ratify a number of international Conventions. After having dealt with Conventions on child labour and tripartism, it has now signified its intention to ratify the Convention concerning maritime environment protection. We have taken note of this good initiative and we believe that the Freedom of Association and the Right to Organize Convention, 1948 (No. 87), the Paid Educational Leave Convention, 1974 (No. 140), and the Labour Relations (Public Service) Convention, 1978 (No. 151), to be fundamental instruments whose objectives are not in the least way contrary to the pursuit of development strategies. We express our satisfaction on the ILO's invitation and solicitation to governments in this regard.

Finally, I reaffirm my organization's faith in and support of the objectives of the ILO. We hope the ILO will maintain its standard-setting activities which are, in our opinion, essential for the pursuit of economic and social development all around the world.

Mr. SANGMA (*Minister for Labour, India*) – May I join my other colleagues in congratulating the President and Vice-Presidents on their election.

World Employment 1995 is a timely and topical report. I compliment the Director-General in presenting a summary of it.

The crucial strategies projected in the report for meeting the challenge of full employment are sound macroeconomic management, trade liberalization, export-led industrialization, stabilization of financial markets and adjustment measures to improve labour markets. Most countries responding to the challenge of globalization have generally come to adopt them and are implementing them with varying degrees of pace and success. Variations in the pace and success of implementation of these strategies are due to the fact that economics in its application is not pure science but is political too.

The refrain of the Report of the Director-General would seem to be emphasis on international action. He advises: "If globalization is to proceed benignly, then it is clear that the loss of national policy autonomy has to be compensated by the development of an international policy". While international action could be in terms of global coordination, it cannot, and should not, detract from or substitute national policy autonomy.

In the context of globalization and international trade liberalization, one school of thought is strongly apprehensive that there will be job losses in the industrialized countries. Market competition from lower wage economies, social dumping and delocalization and transnational location of industrial enterprises are the factors on which this apprehension is based. These apprehensions and the consequent protectionist sentiments arising out of them are clearly misplaced. The developed countries continue to command over 70 per cent of world trade. They have virtually saturated their own markets. That the growth of an economy is limited by the size of its market is as old as Adam Smith. Unless they access new markets, they cannot enhance their output and sustain their economic growth and employment. It is the developing countries of the world which offer new markets. The practice of new forms of protectionism by developed countries will stand in the way of access to these markets which, in the final analysis, will adversely affect the former. Viewed in this perspective, the decision to suspend the debate on the social clause is only logical.

Other factors which need to be put in perspective in this context are: wage differentials should be understood in terms of purchasing power parity; higher wages in developed countries are linked to higher productivity and higher technology; a fall or stagnation in wages is also caused by lower growth rates of productivity and cannot be attributed merely to trading with lower-wage countries; about half of all foreign direct investment in developing countries is in the area of infrastructure or services which cannot be exported from the developed countries and hence involve little relocation of jobs; a substantial percentage of international trade occurs within the multinational corporate world itself and job losses are more than neutralized by the export of capital goods, intermediate goods and financial services; in many industries the ratio of labour cost to total production cost is rather low, hence, translocation will not be worthwhile; and, above all, according to UNCTAD, investment in developed countries continues to remain much larger though of late, in relative terms, foreign di-

rect investment in developing countries has more than doubled.

Much apprehension has been expressed about international capital movements in terms of "speculative currency flows". The argument is that portfolio investments are hot money and are volatile. But the degree of its volatility depends very significantly on national economic policies. Maintenance of exchange rate stability, channelling inflow of capital into wealth-generating investment rather than in consumption imports, pre-emption of hurtful levels of current account deficit in international trade and avoidance of unbridled free market policies like abolition of all capital controls, are the essential ingredients of sound national economic policy which will cool down foreign money. It should also not be forgotten that the very sale of shares could depreciate the investment of the foreigners. Given the right national economic policies, therefore, such value-depreciating sale of shares will not take place. The crux is the quality of national policy and not of foreign money. "Red hot policies will make even the coolest money evaporate. The temperature of money depends on the temperature of policies."

The global coordination in the area of international capital movements has to be complemented by sound national economic management and be within a coherent policy framework backed by a strong commitment of political credibility. Individually, the current economic cooperation groupings do not reflect adequate political representation. Hence, creation of politically broad-based economic cooperation structures is the need of the hour.

The growing significance of multinational enterprises has been rightly emphasized in the Report. But the argument that the "increased footlooseness" of multinational enterprises could lead to a debasement of labour standards, seems too categorical. Labour protection in the context of multinational enterprises cannot, of course, be overemphasized. But there is another side of the picture too. Instances of manpower in other domestic enterprises making competitive demands for parity with service conditions in multinational enterprises are also not wanting. In any case, as early as 1977, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy was adopted by the Governing Body. The ongoing surveys to follow up this Declaration should continue and their results disseminated.

As regards adjustment measures to improve labour standards, the various ILO Conventions and the national laws based on them largely provide for employment security, wage protection and social security. The obvious philosophy behind this configuration of Conventions and laws is that protective service conditions would be productive too. Theoretically, of course, this cannot be faulted. But in practical terms, correlation between protection and production does not always materialize. This is principally due to the inherently pervasive adversarial relationship between employers and workers that gets projected in the Conventions and the laws and in their practice. When economies are globalizing there is no place for class conflict, which is anachronistic. If this malady is not remedied, ILO Conventions and laws may seriously detract from employment generation. The principal task of the ILO while reviewing and updating these standards is

one of cleansing them of this adversarial orientation. The employers and workers should demonstrate a new bilateral solidarity amongst themselves and strengthen the hands of the ILO in this cleansing process. It is this solidarity which should be the propelling mechanism for labour market regulation and not the legislative might of the ILO or of its member States. Such a solidarity will assist the governments in playing their legitimate role. The ILO for its part should continue to play the role of the benign law-giver, resisting temptations to become the policeman.

In the area of social security, unemployment benefits would need to be necessarily contributory. Because of the sheer numbers involved, budget support may not be sustainable. In countries with millions of unorganized workers, budget support may result in inequitable transfer of income to the more privileged and protected amongst the working class. Group insurance could be tried out. Contributions could be channelled into payment of premiums for such insurance.

There is a suggestion in the Director-General's Report for subsidies to employers to hire low-wage workers. Such subsidies may become self-perpetuating. They cannot easily be administered and may not even reach the targeted beneficiaries. They also defy meaningful analysis of costs and benefits.

Finally, these are some of my observations on the issues before us. I conclude calling for vigilance and perseverance of national action supported by international coordination for achieving full, freely chosen and productive employment.

Mr. TEMANE (*Minister of Labour Home Affairs, Botswana*) – The time has never been so opportune for the discussion of the subject of employment promotion at this forum. The basic feature that makes this subject ripe for discussion is the readiness shown by the world to embark on the process of globalization. There are indications of commitment among countries towards trade liberalization as witnessed by the conclusion of the World Trade Organization Agreement. There is the consolidation of the democratization process that has just taken place in most countries in Eastern Europe and Africa, resulting in an attitude welcoming foreign investment based on the concept of free market competition. There is also a general openness towards new technology and appropriate practices. Countries that are embracing these open policies are reshaping the associated benefits in the form of high and sustained growth rates and the resultant generation of more employment opportunities, rising real wages and significant reduction in poverty.

The liberalization of world trade as envisaged in the World Trade Organization Agreement is of particular importance to the developing countries since it represents an intention to reduce a wide range of trade barriers. As can be imagined, the developing countries are interested in the removal of barriers which have a negative impact on their economies in order to enable full enjoyment of the advantages of liberalized trade. Admittedly, there has not always been a coincidence of mutual interest and gain between the developed and the developing countries, resulting in considerable strain in relations. It is helpful to remember, however, that poverty anywhere threatens prosperity everywhere. Those of our colleagues who are better off are encouraged to use

their extensive resources to eschew defensive and protectionist responses. This naturally flows from the momentum of the Copenhagen Social Summit.

This rare moment needs to be tapped if we are to harvest maximum benefits from our efforts to combat the global unemployment problem. An encouragement of open-door policies must form the foundation of our programme of action regarding employment promotion.

The unemployment crisis continues unabated in most countries and Botswana is no exception. Unemployment and underemployment are at their highest levels particularly among youth and women. It has been observed that women generally continue to be the last to benefit from job expansion and the first to suffer from job contraction. The increasing active working population tends to exacerbate the unemployment problem. The increase in the labour force far exceeds formal employment creation.

This situation depicts a timebomb because unemployment, particularly in urban areas and among the educated, provides a breeding ground for a host of political, economic and social problems if no efforts are made to attend to these problems. There is no doubt, therefore, that generating full employment is the wish of each and every society.

It is true that developing countries are the hardest hit by the unemployment crises for reasons advanced in the Director-General's Report, and many others that have to do with the choice of inappropriate technology, education systems that are not suited to the manpower development needs of the economies of those countries, and the unfavourable trading positions of those countries.

The challenges are indeed daunting for developing countries. A global solution, the objective of which is to facilitate the integration of developing countries into the world economy, is an absolute requirement. Strategies that do not take glaring inequalities between States and regions into account are not likely to provide appropriate remedies. Our plea is that developing countries in general, and Africa in particular, need the special attention of the ILO. The deliberations of this Conference must be centred on seeking ways to direct efforts by the world community to generate employment to the realization of equitable benefit by all countries irrespective of their economic position, location or status.

In Botswana our employment promotion policy is an outcome of our four National Planning Objectives for Rapid Economic Growth, Economic Independence, Social Justice and Social Development. The underlying assumptions behind these objectives are that improvement in the rate of economic growth would bring about a rapid expansion of employment opportunities which in turn would generate income for the majority of our people, resulting in the improvement of living standards as well as changes in the lifestyles of the people and the alleviation of poverty.

Our employment policy is a blend of an export-oriented industrialization approach, an import substitution strategy and an economic diversification thrust. Efforts to diversify the economy and to substitute for imports are embodied in the Financial Assistance Policy, the aim of which is to render financial assistance to businesses that produce or process goods which can either substitute for imported goods or be exported so that the economy can be diversi-

fied to avoid reliance on mining and the beef industry.

We acknowledge the significant role played by the ILO in assisting member States to tackle the major problems of unemployment and in the search for ways to generate employment opportunities. The ILO continues to render technical assistance in the fields of employment, manpower planning, labour market information studies and technical advisory services, to mention but a few. We also note that special attention has always been given and continues to be given to areas such as training, research and consultancy services through Regional Labour Administration Centres.

An examination of the role the ILO should play in the world, characterized by the economic restructuring that is under way, should continue. ILO activities must be geared to the promotion of the process of openness and globalization.

We recognize the importance of ensuring that workers share in the benefits of increased trade resulting from the dismantling of barriers to trade and other practices that hinder competition. Consequently, we believe in the good intentions of international labour standards. However, we do have concerns about the link between international trade and international labour standards as contained in the social clause. As we have stated on previous occasions at this forum and others, we strongly believe that the ILO is best suited to address issues concerning the protection of workers' rights, and those issues must be left to its exclusive jurisdiction.

The slow process of ratifying the amendments to the ILO Constitution as approved by the International Labour Conference in 1986 gives cause for concern. It is disturbing to note that the reluctance to ratify these amendments spreads right across countries of different economic standing. We would like to encourage those countries which have not ratified the amendments to do so as a matter of urgency. We also request the Director-General to use his good offices to encourage the speedy ratification of those amendments.

In conclusion, we commend the Director-General for placing at our disposal such a candid and informative Report. The importance and relevance of the item on safety and health in mines cannot be ignored by those of us involved in the mining industry. The recent loss of over 100 mineworkers in the South African mines is a sobering reminder of the risks associated with underground mining in particular, and further represents a challenge to our appreciation of human life. We all have a duty to work towards limiting human suffering to circumstances which are truly accidental.

Original Russian: Mr. KASKEVITCH (Government delegate, Ukraine) – May I first of all congratulate the President on his election to this high office and wish him every success in his work at this session of the Conference.

The Report submitted to this session of the Conference by the Director-General of the International Labour Office contains what we believe to be a fairly in-depth analysis of the employment situation and the proposed guidelines for future work of the ILO in this area to promote joint national and international efforts to solve current employment problems. We fully support the conclusion in the Report

that the task of creating enough jobs to overcome unemployment and underemployment and finding a solution to the problems of proper remuneration is a priority in the economic and social policies of countries throughout the world.

ILO activities are an integral part of the concept of stable social development enshrined in the Declaration and Programme of Action adopted by the World Summit for Social Development held in March this year. There is no doubt that the ILO will be called upon to play an important role in implementing the decisions of the World Summit, and in particular, ensuring respect for the obligations contained in the Declaration and Programme of Action regarding employment. In this regard, we support the decisions of the 262nd Session of the ILO Governing Body on the use of existing supervisory machinery to monitor progress in applying the decisions of the World Summit. We also welcome the Report of the Director-General, *World Employment 1995*, as part of the new practice of compiling regular reports on the status of employment in order to find ways to solve employment problems within the tripartite structure of the ILO.

We fully endorse the analysis in the Report on the employment situation and trends in countries in transition, including Ukraine, and we support the conclusion that the negative effects of economic reforms, in particular the growth of unemployment and an increase in the proportion of the population living below the poverty line, threaten political stability in these countries, raise the spectre of social conflict and will lead to increased social inequality.

We also agree with the Report that the crisis of mass unemployment can be overcome by expanding industrial output and creating jobs in new areas of activity based on the comparative advantages of the economies of the countries in transition. At the same time, the key in this element will be an increase in capital investment. In this context, we support the conclusion that problems of mass unemployment cannot be solved without increased direct foreign investment, whereas up to now, negligible amounts, if any, have gone to the transition economies of the former Soviet Union.

An important and positive feature of the Report in our view is the fact that it contains useful recommendations on employment and labour market policies. In this connection, we support the proposals in the Report for a gradual approach to trade liberalization, the introduction of privatization and enterprise restructuring, while dismissing the pointless practice of protecting state enterprises by giving them soft credits or applying binding import quotas. One cannot but agree with the conclusion in the Report that a labour market policy's primary aim should be to reduce unemployment, expand the labour market, improve the situation of the most vulnerable sectors of the population, promote geographical, occupational and industrial mobility in the workforce and raise productivity.

Unfortunately, the drafting and implementation of a strong social policy in the Ukraine has been extremely complicated because of its difficult economic situation, a fall in output, and the crisis in its financial and monetary systems. The situation of the Ukrainian economy compared with the data given in a report for 1990-94 has hardly changed.

Under the circumstances, the President of Ukraine, Mr. Kuchma, proposed, and the Parliament of Ukraine has adopted, a new social and economic reform strategy aimed at speeding up the most important economic changes and developing a strong social policy which includes measures to create jobs.

Obviously the acute economic crisis is having an effect on employment in our country. In addition, the peculiarity of this kind of dependence affects not quantitative but qualitative features and indicators of employment and the labour market. Unemployment has hit first and foremost young people and women.

There are certain features of the labour market in Ukraine during this economic crisis: low occupational and territorial mobility, an underdeveloped infrastructure, an excessive hidden labour market and a high level of underemployment. The most salient feature is the low level of official unemployment and the high level of hidden unemployment.

The situation, of course, has prompted us to react properly and to take steps to promote employment.

In Ukraine we are promoting employment using economic, organizational, standard-setting and legislative measures.

The aim of these methods is to achieve, one way or another, the main objectives of the employment and labour market policy, i.e. to reduce unemployment, to enlarge the labour market and to improve the situation and the social protection of vulnerable population groups. We are trying to promote the mobility of the labour force, to increase productivity by broadening industrial production and creating jobs in new areas of activity and also to transfer production away from non-competitive industries to labour-intensive branches requiring highly skilled workers.

In Ukraine we have developed yearly state employment programmes, with the help of which we are promoting employment and reforming the labour market by taking the necessary steps at both the national and the regional levels.

At present, apart from the state and the territorial employment programmes, there are also one-off programmes, including the following: the National Public Works Programme, the State Programme for the Promotion of Youth Employment, special branch employment programmes, the Regulation for the Promotion of Employment in the Event of Mass Dismissals, and so on.

For example, the state employment programme for 1995 has the objective of finding jobs for about 300,000 people, sending for vocational training and retraining more than 60,000 people, to involving more than 57,000 in public works projects and reserving about 230,000 jobs for special categories of the population.

We can now say that employment is shifting to the private sector. Private entrepreneurship is growing. Privatization is gaining pace. Non-governmental structures – which directly or indirectly should promote employment – are becoming more prevalent.

It is clear that because of the scale and particular nature of the problems of a country in transition such as Ukraine, the country's reforms require broad international support to ensure that the changes are irreversible and to integrate the country as quickly as possible into the world economy. This underscores the need to tackle the problems of the countries in transition, including the promotion of employment, as one of the priority areas for ILO action. In a num-

ber of other United Nations bodies and organizations, this has already been done, in accordance with resolutions 47/187, 48/181 and 49/106 of the United Nations General Assembly.

I would also like to stress that we are very grateful to the ILO for actively participating in carrying out reforms in Ukraine. In particular, I would like to note the practical value of the recommendations in the major study of the labour market and social security system in Ukraine, which was prepared by the ILO's multidisciplinary team in Budapest. At the same time, I would like to stress that we believe that the further development and increased activity of the ILO is necessary to improve social and labour relations.

Mr. MOLOPO (*Minister of Trade, Industry, Tourism, Labour and Employment, Lesotho*) – Allow me to congratulate President Rosales Argüello and his colleagues for their well-deserved election to guide the deliberations of this Conference. I equally commend the Director-General and his staff for the high quality of documents provided to delegates to enable them to participate effectively during the deliberation of issues before this Conference.

Unemployment continues to be one of the pervasive problems facing the whole world today and which many countries will continue to face in the foreseeable future. The Director-General of the ILO has made the timely choice of *Promoting employment* as the theme of this Conference to stimulate ongoing debate on what should be done to generate full and productive employment in all of our economies.

It is gratifying to note that the problem of unemployment is being addressed in many fora. The United Nations at the recent World Summit for Social Development held in Copenhagen, Denmark affirmed that unemployment is the root cause of hunger, poverty and social injustice and found it fitting to give employment issues a higher priority requiring urgent action, and we look to the International Labour Organization to contribute meaningfully towards the implementation of a programme of action to promote employment.

In Lesotho unemployment is estimated at about 45 per cent of the labour force, and this is rather high. Our unemployment problem is compounded by a number of factors. The first one is persistent drought, which has resulted in the lowest recorded rainfall during the past cropping season, the result being huge migration from rural areas to urban areas in search of non-existing jobs. Secondly is the retrenchment of our people from South African mines due to economic factors such as the fall in gold prices. Coupled with this is the cessation of recruitment of novices for the mines, which means South African mines do not employ new miners. Last but not least, Lesotho's population growth rate is relatively too high at 2.7 per cent a year, which means there are too many jobseekers as opposed to the rate at which jobs are created.

The International Labour Organization is uniquely suited to address this problem of unemployment because of its tripartite nature. Governments which are responsible for policy, economic and social development for job creation are here. Employers who create jobs are here and workers who take up these jobs are also here. There is consequently no

reason why we should not put our heads together to tackle this menace of unemployment.

My Government has already embarked on programmes and measures geared towards redressing this problem, both on a short- and long-term basis. Apart from adopting enlightened population policies, we have adopted an economy driven by market forces, and in collaboration with our donor partners, we have embarked on privatization and commercialization of government businesses (parastatals). The Government is actively promoting cooperatives and development of small and medium-scale enterprises, particularly in agricultural-based industries.

In order to address the drought-exacerbated unemployment, we have also embarked on labour-intensive public works, which also address environment degradation problems. The unemployed and destitute will be engaged in construction of rural access roads, soil and water conservation works such as dam building, tree planting and donga rehabilitation. We are grateful that donor agencies like the UNDP have agreed to get involved in these environmental protection programmes, which may create temporary jobs even for unemployed youth.

In addressing unemployment on a long-term basis, my Ministry, in collaboration with our neighbour, South Africa, has established a skills training centre, where the unskilled, the unemployed and returned miners are trained and retrained in basic skills such as construction, motor vehicle maintenance, joinery and carpentry, electricity, plumbing, sewing, welding, bartending, catering and food management. It is hoped that trainees will acquire skills that they can sell in the labour market or preferably equip themselves for self-employment.

In the same vein, we have also established a vocational rehabilitation centre aimed at the training of the disabled and mentally impaired. We hope that donor countries and agencies will show interest in these efforts so that they may be strengthened and extended to the rest of the country, particularly in the rural mountainous areas.

One of the topics of this year's Conference is safety and health in mines. We are aware that safety and health issues are as old as mankind and the International Labour Organization has a number of standards relating to safety and health problems, including mining safety and health, and yet horrific accidents bordering on disasters continue to occur. One such accident recently occurred on 10 May 1995 in a South African mine, in which 104 miners were crushed by machinery; 55 of the dead, or more than 50 per cent, were Lesotho miners.

As my brother and colleague Mr. Tito Mboweni, recalled in his remarks during this assembly, in 1960 a South African coal mine accident claimed close to 500 lives and a sizeable group were Basotho miners. Statistics show that apart from mine disasters other fatal accidents in South Africa claim about two lives a day. The incidence of fatal accidents in South African mines are an indictment of the South African Government and mine employers, who should leave no stone unturned in the quest for safety in mining. It is our hope that the recent accident is the last of its kind. As an interested party we look forward to the Convention under consideration by this Conference and pledge our commitment to cooperate with the South African Government, mine employers and

workers in creating a safe working environment for their mines.

Lesotho encourages the development of home work and other forms of informal economic activity which provide an alternative means of income given our high unemployment rate. We are of the view that this is a new area of work and we would have preferred to see it grow before we start restricting it with over-regulating such as by the proposed ILO Convention.

We are, however, not opposed to guidelines on the protection of workers in any sphere of economic activity. We would have consequently preferred a Recommendation rather than a Convention.

As I mentioned earlier, Lesotho experienced the worst drought in living memory during the past cropping season and harvest forecasts indicate the lowest yields in recorded history.

In the circumstances, the Prime Minister has declared a food emergency in many areas, especially the remote, mountainous and inaccessible ones. An appeal has been made to the international donor community for emergency food assistance.

Any assistance in this regard to help alleviate the effects of this adversity will be highly appreciated.

Allow me to conclude my remarks on the issue of the social clause, which is very topical within international fora. We want to reaffirm our commitment to protection of workers' rights, but we are apprehensive about the linkage of international labour standards and international trade. There is no doubt in our minds that the implementation of punitive measures will be very subjective and will invariably be used against small countries like our own. Our view is that countries who fail to observe workers' rights should be assisted through technical cooperation to enhance their capacities to observe and comply with relevant ILO standards.

Original French: Mr. MBILA (Minister of Labour and Social Security, Cameroon) – Like all of those who have taken the floor before me at this podium, allow me to congratulate the President on his election to chair the 82nd Session of the International Labour Conference. This competence, along with his lengthy experience, obviously guarantee the smooth running of our work which, from year to year, gradually shapes the social aspect of the world to come.

My congratulations are also addressed to the Director-General of the ILO for the excellent reports which constitute a good basis for discussion and, in particular, the report *World Employment 1995*.

Cameroon, as a Member of the International Labour Organization, has always worked for the ideals of our Organization in order to meet man's needs through productive work freely chosen.

For this reason, the Preamble to our Constitution stipulates that the State must spare no effort to help its citizens to find and keep employment.

Furthermore, Cameroon has ratified the Employment Policy Convention, 1964 (No. 122), and is endeavouring to apply it. Nevertheless, as is obvious, the employment situation in a country cannot be dissociated from the general economic situation prevailing therein.

Hence Cameroon, which is one of the most diversified of the African countries in terms of natural resources, experienced moderate yet sustained growth of the order of 7 to 8 per cent in nominal

terms in the first decade of its independence. In terms of employment this period was characterized by a sharp upswing in employment in the modern sector.

The second noteworthy period in the recent economic history of Cameroon was between 1970 and 1985, when it experienced accelerated growth of the order of 8 per cent on average in real terms. That period was also marked by an expansion in exports and the discovery of oil. The public sector and the parastatal sector peaked. The regular rise in budgetary income made it possible to support a high level of public expenditure in all sectors: production, communication infrastructure, social services (health, education, and so on). Over that period the unemployment rate, while not negligible, nevertheless gave little cause for concern. It was estimated at approximately 5 per cent in 1976.

Since 1986, a severe crisis followed that period of sharp growth because of the drop in the prices of the country's principal export products. That crisis was reflected in various ways and produced perverse effects, such as: first, negative growth in the gross domestic product; a deficit in the state budget; an excessive public debt burden; the shrinking of internal demand. In this context, the employment situation can only be deemed alarming. Retrenchments, factory closures and bankruptcies of certain enterprises contributed, along with the population increase, to a rise in unemployment from 8.6 per cent in 1987 to 10.3 per cent in 1993.

I have taken the liberty of describing the various phases in Cameroon's economic development in order to show how external factors may underlie the collapse of an economy. Today, more than previously, external factors are becoming more decisive with the globalization of the world economy.

We agree with the Director-General of the ILO when he affirmed that one of the principal economic policy objectives of a country such as ours should be to benefit as much as possible from the rapid increase in trade and investment flows.

For this reason Cameroon, which has been undergoing structural adjustment since 1988, has implemented a series of reforms to implement a more liberal economic policy likely to attract foreign investors and to increase exports.

These reforms include: the recovery of production and the redefinition of the State's role; disengagement from certain productive sectors and services and the promotion and facilitating of the private economic activity; the restructuring of the parastatal sector, through rehabilitation, liquidation and privatization, and the reform of the banking sector; the implementation of a new tariff system; the democratization of political life and the organization of pluralistic legislative and presidential elections.

The Government is convinced that with this series of reforms economic recovery is possible and, along with it, an improvement in the employment situation. Indeed there have already been several signs foreshadowing this recovery, such as in the steady performance of the primary and secondary sectors, whose exports have made possible to improve substantially the balance of payments in the course of the past financial year.

While awaiting fuller recovery, the Government will continue to lay particular emphasis upon the social aspect.

As to employment, more particularly, the Government has set up the National Employment Fund, to disseminate information to graduates of universities and specialized teaching institutes, seeking their first jobs, and also to workers made redundant for economic reasons. It is also helping to promote self-employment and micro-enterprises.

The National Employment Fund also participates in implementing the emergency social programme which consists in road cleaning, public health and rubbish-disposal work as well as emergency public works in urban centres, supplementary support for the procurement of medicines, teaching manuals and supplies in schools, as well as other target-specific initiatives for those social groups most affected by the structural adjustment.

While we consider that reforms must be made at the national level, it is also of primary importance for the entire international community to find solutions to certain crucial problems such as indebtedness and protectionism.

It is fortunate that the World Social Summit evoked the problem of developing country debt which nullifies all our efforts at recovery. Since the Summit was held, certain countries have taken initiatives to cancel out or to alleviate the debt burden. This is a gesture which we appreciate for what it is. We hope that this trend will continue in the course of the next few years.

As to protectionism, in the past this has taken the form of import quotas. Today there is an attempt to push this to an extreme, by including international labour standards and the respect thereof in trade agreements. We can but condemn this attitude, above all since it would deprive the ILO of its primary role, which is precisely to draw up and ensure respect for labour standards.

Now that the time has come to translate the spirit of Copenhagen into specific action, what will the role of our Organization be? As far as we are concerned this will be a role of awareness-raising on the international scene, among the member States, and also in financial circles in order that all of them launch programmes to promote employment and to help eliminate poverty. Carrying out these programmes will lead to an increased productivity of capital.

Allow me by way of conclusion to say a word or so about the programme and budget for the biennium 1996-97. I would like to congratulate the Governing Body of the ILO for keeping to zero budgetary growth despite the increasing needs throughout all countries in the world from year to year and particularly in developing countries.

Despite the crisis plaguing us today, we hope that all the member States which recognize the irreplaceable role played by the ILO will spare no effort to support the budget.

Original French: Mr. BAKEVYUMUSAYA (*Minister of Labour, Craft Industries and Vocational Training, Burundi*) – Allow me on behalf of the Government of the Republic of Burundi, the delegation which I have the honour of heading, and on my own behalf, to join previous speakers in expressing my sincere congratulations to Mr. Rosales Argüello and to the other Officers of the Conference on their successful election to preside over the work of this session of the International Labour Conference. Their wisdom, experience and knowledge of world

labour issues will no doubt enable us to achieve successful results.

I would also like to express my full appreciation to Mr. Michel Hansenne and his staff at the International Labour Office for the objectivity, topicality and importance of the topics so skilfully developed in the Report entitled *Promoting employment*” submitted to the 82nd Session of the International Labour Conference for its examination.

Before presenting to this honourable assembly my delegation's contribution to the discussion on the Report of the Director-General, I would like to mention that for nearly two years the Republic of Burundi has been undergoing a serious social and political crisis triggered by the assassination on 21 October 1993 of the first democratically elected civilian Head of State since independence.

The effects of this crisis have reached all areas of national economic life, and in particular, employment, the prospects of which have been somewhat bleak for the last five years. The public insecurity which characterized this period has had a negative impact on both public and private investment, thus rendering uncertain any attempts at economic recovery and a redistribution of income generated by employment.

However, this situation has been positively countered by the authorities of the Government of the Republic of Burundi which, determined to bring about a return to normal conditions, launched a major campaign three months ago to create an awareness of the need to re-establish peace and to rebuild the nation. This is a noble task, but as I said last year from this very same rostrum, it requires the support of the international community and of friendly countries represented here, and I hereby once again repeat my call for their support.

During the past ten years, there have been numerous changes throughout the world which have had a considerable impact on the level and structure of employment in all countries and particularly in the developing countries. Amongst these changes I would like to mention the widespread economic crisis, structural adjustment, democratization, the ensuing social and economic conflicts, etc.

The consequences have disrupted living standards and hampered access to goods and services that are indispensable to the population. These effects are, however, not all of the same degree depending on whether we are talking about developed or developing countries.

The Report of the Director-General draws an accurate picture of the developing countries, and in particular of the African ones, including Burundi. The Report reviews the problems of employment throughout the world and analyses the various political approaches that can be adopted to solve the problem at the international and national levels for the various groups of countries.

The World Summit for Social Development held in Copenhagen last March looked at three main issues: the eradication of poverty, the expansion of productive employment, and social integration. At the end of the Summit a Declaration and Programme of Action were adopted, clearly indicating that because of its mandate, tripartite structures and expertise, the ILO should play a special role in the implementation of the Programme of Action in the fields of employment and social development.

The delegation of my country fully supports the contribution that the ILO should play in relation to the problem of employment, as expressed by the Director-General in his address in Copenhagen, "the expansion of productive employment is of strategic importance for social progress. Enabling each person to participate, through remunerated work, in the development and welfare of society is beyond doubt the best means of combating effectively poverty and social exclusion".

Unfortunately, these problems have deteriorated considerably in a number of countries, such as mine, which for some time have been facing a political and social crisis triggered by the democratic transition whose effects are not under full control. Creating an economic, political, social, cultural and legal environment that will enable people to achieve social development is the first of the ten commitments set out in the Declaration of the Copenhagen Summit.

The action required in this connection will no doubt be difficult in view of the situation in countries where social peace has been compromised and public security rendered precarious as a result of events that have taken place there. A flexible system will therefore be required to take into account certain specific situations.

Following the celebration of its 75th anniversary, our cherished Organization is once again called upon by nations throughout the world to make available to its constituents its expertise and vast experience in favour of worldwide social development.

I do not for one minute doubt that the ILO will rise to the occasion. I would, however, urge it to instruct its regional offices, as well as the multidisciplinary teams currently operating throughout the world, to ascertain through extensive field work which concrete activities should be carried out in conjunction with the implementation of the Programme of Action which resulted from the recent World Summit for Social Development.

The Government of Burundi will spare no effort to contribute positively towards the commitments undertaken at the conclusion of the Summit, in particular efforts to build stable and just societies based on the promotion and protection of all human rights, tolerance, equality of opportunity, security and the participation of all people.

Before ending my statement I would once again like to express my gratitude to the International Labour Office for all the work done within the framework of this, the 82nd Session of the International Labour Conference.

Finally, I would like to make an appeal to the international community and to our friends represented here to keep a watchful eye on the social and political situation in our country in order to be able to continue to support us in the quest for a peaceful solution to the conflicts threatening the unity of our people and hampering our full economic and social development.

Original Russian: Mr. JANTSAN (Employers' delegate, Mongolia) – May I, on behalf of the Employers of Mongolia, associate myself with the preceding speakers and congratulate the President and the Vice-Presidents on their unanimous election to these high offices at this session of the Conference, and wish them every success in their work.

I would also like to congratulate the Director-General on his valuable Report, *Promoting employment*, which analyses the economic situation in the world, today's trends in industry and trade, the employment situation and the regulation of the labour market in countries with various levels of development.

In Mongolia, the problem of employment and unemployment has become one of the most serious we have to face.

Our association, which works to create favourable conditions for the development of private enterprise, considers it important to make a contribution to reducing poverty and unemployment in our country. In our view, the main way to do this is by creating small and medium-sized enterprises, thus increasing the number of jobs and providing everyone who can work with a real chance of finding a job.

For some five years now, Mongolia has been trying to cope with the transition to a market economy. We have met some success and some difficulties as well. As a result of the privatization of state property and a major transfer of industries to the private sector, small catering enterprises, public catering, trade, technical and material equipment industries and agricultural production enterprises have become predominantly private. This explains the need to set up an organization to defend the interests of private employers.

The organization which I represent, the Employers' Association of Mongolia, has from its inception worked to defend the interests of employers and to promote favourable conditions for private business.

Our association is a new institution; it has existed for four years. In the first few years, when the foundations of the market economy were being laid, the work of the organization was mainly aimed at promoting the development of private entrepreneurship.

There were at first some difficulties because of the lack of laws governing private enterprise. At this point, a whole body of legislation has been adopted.

In the beginning, as a result of the breakdown of the former economic relations, the economic crisis and a lack of consumer goods, private entrepreneurs concentrated on trade, the import of ready-made goods and the export of raw materials and natural resources.

In the past year, the economy has stabilized somewhat and the market has been saturated with goods. Employers have thus begun to pay more attention to the production of goods and services.

The true role and function of our employers' association is thus becoming more important. One of its main tasks is to train employers in business management, administration and social and labour relations of the enterprise.

In a context of growing competition, market laws gain importance, and only the most financially efficient enterprises can survive. This underscores the fact that business is not for everyone – it is only for those who are most capable at it. On the other hand, the shutting down of small enterprises entails a loss of jobs, and leads to unemployment.

Therefore, one of the main tasks of our association is to develop and strengthen small and medium-sized enterprises and to train their managers.

I should thus like on behalf of our association to express our great thanks to the Organization for its

help in organizing national and international seminars and in promoting an exchange of information on labour-related issues.

There is yet another area of activity of our association. It participates at the national level in tripartite negotiations with our social partners, with the aim of finding a social consensus, providing for stable economic development and preventing disputes. In respecting tripartite principles, the association is trying to carry out its work in ways most well adapted to market conditions. I would like, in this regard, to stress the importance of the help and support of the ILO, which provides us with its standards, the Conventions and Recommendations, and also has offered the assistance of experienced advisers and experts. With the help of the ILO our organization is also establishing close links with employers' organizations abroad and is exchanging information and sharing its experiences with them. I would like to take this opportunity to express our thanks to the Japanese employers' association for organizing training for members of our association, and for its technical help and all round support.

I would like to point out that in the cooperation programme drawn up for work within the ILO, Mongolia has placed a great deal of importance on the development of private entrepreneurship. This will lead to the growth of our association and strengthen its activities.

We consider the ILO to be one of our main and most reliable partners. We will spare no effort to further cooperate with it to solve the social and labour problems facing our country, and the world as a whole.

Original Russian: Mr. GONCHARIK (*Workers' delegate, Belarus*) – May I associate myself with the words of congratulation and good wishes expressed to the President on the occasion of his election to this high office. I would also like to wish the delegates to the Conference every success.

And now to the heart of the matter under discussion.

First of all, I would like to point out the topicality of the problems being discussed at this session of the International Labour Organization. Efforts to achieve full and productive employment are part of our humanitarian and social task. This provision has been reflected as you know in a special ILO Convention.

The guarantee of the right to work as a means of satisfying people's material and spiritual needs and the most fitting way to achieve self-fulfilment has been enshrined in the Constitution of the Republic of Belarus. The creation of conditions for full employment and a higher standard of living are considered to go hand in hand. However, one must admit that it is one thing to state this and another thing to put it into practice.

I would therefore like to welcome the attempt to give a detailed analysis in the Report of the Director-General of the situation in countries with transition economies. The assessment made to a great extent characterizes the situation in my Republic, too. In brief, the situation could be summed up as follows: against the backdrop of a sharp fall in output, unemployment, at 2.3 per cent of the economically active population, remains fairly low, as do wages, while the price of food and goods is comparatively high. In the

last two years, the standard of living of most of the population has fallen sharply. Clearly, there are grounds for social discontent, as seen in the mass protests by workers in January this year.

When analysing the reasons behind the situation, several conclusions become clear.

First, there is no doubt that the break-up of the Soviet Union has had a negative impact on the economy and standard of living, as has the rupture of traditional economic and other links between the former union republics. Hence the need, and we support this process, for economic integration in the framework of the Commonwealth of Independent States and with other countries.

Second, it is clear that there is a delay in structural reforms in the economy, and the privatization of state property. The creation of new jobs is taking time. The Federation of Trade Unions of Belarus has been forced to speak out against mass redundancies. In the General Agreement for this year between the Cabinet of Ministers of the Republic and the associations of employers and unions, provision has been made for regulation of the labour market if unemployment exceeds 3 per cent. This figure is what we have decided is a socially acceptable level of unemployment for this year. This has been reflected in the employment programme, in regional programmes to provide temporary work for the unemployed, and in other documents.

Experience has shown the economic and social dangers of hidden unemployment. Its level is considerably higher, and as a result, productivity has fallen, as have wages, which reflects badly on people's attitude to their work.

The way out, we see, is through correcting the economic process, namely through creating favourable conditions for production, selling and consuming goods, and developing the private sector. With our participation, proposals to reform the tax system, the credit and monetary policy and wages are being drawn up. Their adoption by the Supreme Council of the Republic would help to relieve social tensions. If the situation continues, it will be impossible to provide a decent level of social protection for the poor, for pensioners and for students.

Unfortunately, we are running into problems such as a failure to pay wages on time and attempts to revise the Act on unions and curb their rights. I think that strengthening the status of social partnership, and at our initiative, a draft presidential decree to this end is being prepared, would help the negotiating process, help us to reach legally sound compromises, and give all sides a certain amount of responsibility for respect for their obligations and agreements.

Third, the problem of training and retraining is becoming ever more acute. The fact of the matter is that the main increase in unemployment is among young people and women, on the one hand, and on the other, a further cause for concern to other sectors is that scientists are going abroad to work. I would like to remind you that my Republic has to spend vast amounts of money to cope with the aftermath of the accident at the Chernobyl nuclear power station, and find jobs for the displaced population. It is therefore obvious that there is a need to strengthen the employment services even further.

Here, assistance from the ILO and other national and international organizations is most opportune.

Of equal importance is support for the sciences, scientific research and the introduction of computer technology.

Finally, our Republic has to introduce a broad-based programme to convert the arms industry and promote disarmament in accordance with international agreements. In this connection, finding additional jobs for people living in towns that were centred exclusively on the arms industry is becoming a serious problem.

Projects have been drawn up. However, without external assistance and donors we cannot solve our problems. We are also counting on help from the ILO.

In its 75 years, the ILO has drawn up and adopted 175 international Conventions, many of which are working well and are of vital importance.

We believe that the standard-setting activities of the ILO should continue and be directed towards the establishment of universal and flexible Conventions. This would enable many states with varying levels of economic development to ratify and implement them.

In conclusion, I would like to express our gratitude to the Director-General of the International Labour Office, and his colleagues in the various departments and sections of the ILO, for their work and for holding a range of seminars in Belarus. We are counting on further cooperation with you and the advent of a real spirit of solidarity.

Mr. INTATHIRATH (*Workers' delegate, Lao People's Democratic Republic*) – On behalf of the Lao Federation of Trade Unions, I am extremely honoured to be participating in this 82nd session of the International Labour Organization which is examining globalization and employment. I am firmly convinced that we shall be able to contribute to its success and promote mutual understanding and friendship among the participants in this Conference. I would also like to congratulate the President on his election and the Director-General for his timely Report, *Promoting employment*.

The Lao Federation of Trade Unions is a firm believer in and promoter of tripartism because tripartism promotes healthy labour management relations and is the key to harmonious industrial relations. The government, workers and employers have an important role to play as partners in society and as participants in the social dialogue. Tripartism normally means a certain equilibrium between the government, workers and employers, with no one group exercising a particularly dominant force over the others; the most important function is to avoid conflicts and preserve social peace. This is evident in the role played by Lao labour legislation and Lao trade unions.

Section 2 of the Labour Code provides that: the Government shall ensure that employers and workers derive a mutual benefit from their relationship without discrimination on the basis of race, colour, sex, religion, political opinion or social status; workers shall respect and observe work rules and comply with all labour regulations; and employers shall provide workers with fair wages, safe working conditions and social protection.

The Lao Federation of Trade Unions believes that only when the social partners join together in a harmonious spirit to resolve employment problems, de-

velop the economy and promote social justice, will the livelihood of workers be constantly improved. The problem of mass unemployment will only be solved by expanding output and creating jobs in new activities in line with the comparative advantage of these economies. The world today is still afflicted by serious problems of unemployment, inequality and poverty. The structure of employment in the Lao PDR has also changed accordingly. In 1989 it had an active population of 1.9 million, distributed as follows: 88.7 per cent were engaged in agriculture, 5.6 per cent in the services sector and administration, 2 per cent in industry, 1.8 per cent in commerce, 1 per cent in transport and communication, 0.9 per cent in construction. At present, the labour force has increased in the construction, services, textiles and garment sectors; however, agriculture in the Lao PDR is still predominant and poverty is consequently concentrated in the rural areas. Luckily, the gap between rich and poor people in the Lao PDR is not very wide.

As far as the Lao Government's employment policy is concerned, experience has shown that the rapid growth of labour-intensive sectors such as manufacturing, construction and services is the key to achieving full employment and rising standards of living in the Lao PDR. This growth normally results initially in a rapid reduction of surplus labour in traditional agriculture – and subsequently to rising real wages once surplus labour has been eliminated. The Lao PDR has only recently embarked on economic reforms towards a more open and market-orientated economy. For example, in 1988 the Lao Government adopted a programme of structural reform known as the new economic mechanism – the main purpose of this reform was to accelerate transition and it has: removed restrictions on private sector activities; done away with the subsidy control of prices of goods and services; resulted in the adoption of a unified market exchange rate; liberalized domestic and external trade and foreign investment regulations; introduced tax and financial sector reforms and increased autonomy in the management of state enterprises. To achieve these objectives, the Government instituted various legal and administrative reforms.

The transition to a market economy has had a direct impact on the industrial relations system, employment and social status in our country. Ongoing reform in the Lao PDR is aimed at boosting the development of the social productive forces.

These forces are fundamentally beneficial to tripartism. However, such reforms inevitably create new problems – for example when the State turns over its enterprises to private ownership. They operate for better economic returns and, as a consequence, elderly and manual workers are dismissed and the Government administration is cut – with an ensuing loss of jobs. Fortunately the Lao People's Democratic Republic has plenty of natural resources and a surplus of land, compared to a population density of 17 inhabitants per square kilometre. When workers lose their jobs they can be self-employed or engage in agriculture, manufacturing, livestock and retail. Those who have had a high level of education can obtain jobs with foreign agencies and enterprises.

The Lao trade unions support the establishment of foreign-funded enterprises; at the same time we have set up trade union organizations to safeguard the le-

gitimate rights of the workers. The trade unions are responsible within their labour unit for promoting: the solidarity, training and mobilization of workers with regard to labour discipline; work performance according to production laws established by the labour unit; submission of any claims regarding compliance with labour regulations and contracts of employment by employers; participation in inspection and settlement of labour disputes; and consultations with employers on matters relating to salaries, hours of work, rest periods, working conditions and statutory social security systems.

The Lao People's Democratic Republic is a backward country; we have had many obstacles in our path. We therefore need assistance so that we can work towards renewed and broader international cooperation.

Original Spanish: Mr. HERNANDEZ VALLE (*Workers' delegate, Peru*) – Allow me to convey to you the greetings of the Trade Union Confederation Coordination Centre and in particular those of the General Confederation of Peruvian Workers (CGTP). Let us be positive and let us make a genuine effort to resolve labour issues – and not just run a marathon of sterile speeches. The central issue of the Conference is employment, and, in Peru, employment has become extremely precarious as a result of structural adjustment measures and requirements imposed by the international financial bodies. President Alberto Fujimori's Government has shown the world that it is a good payer, and, for this reason, the International Monetary Fund now considers us a model country. Ours is a country which submissively follows the recipes the IMF mercilessly imposes upon us. In Peru, underemployment has risen to 75 per cent and total unemployment to 9 per cent. Only 16 per cent of the adult population is in adequate paid employment. Social problems have grown more acute, even though more than 13 million people already live in abject poverty. There is no lying to the international community. Human rights are constantly violated. The CGTP and the trade union movement as a whole have clearly and firmly condemned every type of terrorism. Yet the Government, using its instruments of repression, is persecuting and imprisoning trade union leaders and social militants. Government party congresswoman, Ms. Marta Chávez, proposed that, because he had submitted a complaint to the ILO, the Secretary-General of the CGTP should be declared a traitor to the homeland and sentenced to life imprisonment. The Government has taken action in the national universities, and this will lead to widespread dismissal, thereby increasing unemployment. We denounce the expulsions of thousands of trade union workers and leaders in the mining, banking, breweries, ports, textiles and steel and electricity sectors, together with the dismissals announced in the national election supervision committee to distract attention from the serious irregularities committed to help in the reelection of Mr. Fujimori, and the intervention of the intelligence service which cancelled the CGTP Secretary-General's legitimate election to the Peruvian Congress.

The minimum wage is \$66 per month, whereas the basic shopping basket costs \$560. The big employers have had granted to them all the laws they could ask for. The Government is behaving like a dictator and

there is no dialogue with the workers. To survive people are working up to 18 hours per day in the informal sector. Powerful economic lobbies, with government support, are carrying out a plan to liquidate the social security system. Freedom of choice in the pension system is violated. Retired people wake up to find themselves with a pittance for a pension. In the Peruvian jungle, children are still being put to work as gold washers. Legislation has been introduced to permit unjustified dismissals. Employers have the right to sack 5 per cent of their permanent workers every year and active trade union leaders, past officers and those likely to hold office in the future are the first to go. In Peru, additional systems of exploitation have been set up through the institutionalization of private service firms which contract out workers without any rights. These services are owned by top-ranking officers in the military or persons with close government ties.

At the 81st Session of the ILO Conference the Government of Peru announced its intention to amend the Collective Labour Relations Law, and it has now done this. The recommendations and observations of the Committee on Freedom of Association and the Committee of Experts fell on deaf ears. Quite the contrary, the Chairman of the Labour Committee, who is also a prominent member of the ruling party, submitted a Bill which is far more seriously in violation of Conventions 87 and 98, the Freedom of Association, and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). We wish to alert you to these threats.

The proposed legislation envisages conditions imposed on the setting up of trade unions which are not required by ILO Conventions; there is an attack on the simplification of the registration of trade unions. There is an undermining of the freedom of trade unions to determine their internal rules; trade union immunity is denied; trade unions can be dissolved for reasons independent of trade union activities; the trade union is being replaced by employer delegates; wage agreements are considered not to have binding force; there is discrimination between permanent staff and contract labourers concerning the benefits of the Convention; there is again an attempt to hinder the freedom to exercise the right to collective bargaining; employers are empowered to ignore agreed benefits contrary to the principles of stimulating and promoting collective bargaining; causes independent of the action of the workers can be invoked to declare demands duly presented to be out of date; the ILO's observations on the exclusion of certain reasons for strikes, recognized in international instruments, are ignored; on the contrary, in defiance of the ILO's observations, the list of "essential services" is further extended.

The Government and the employers in Peru are against justice and equity. They are backward looking and are against employment promotion.

The "labour flexibilization" propounded by extreme neo-liberals and by those who oppose the existence of the ILO offers countless pretexts for worker dismissal. How many reasons can be invoked to take measures against the employers? When a worker does excellent work or brings ideas to benefit the firm, where is the prize? where is the incentive? The worker has more obligations than rights, more sanctions than incentives. There is neither democra-

cy nor balance. There is no promotion of employment with economic and trade blockades. The challenge today is to promote productive employment with dignity.

In expressing our solidarity with the workers of Bolivia, I wish to stress that the workers of Peru and Ecuador last February met at the border at the height of the armed conflict. Today we reaffirm that wars are not in favour of the peoples and the war which we should wage and win definitively is the war against hunger, poverty and unemployment.

From Geneva, I wish to send out a message of good news to the workers of my country. After a long time we have agreed this afternoon, Workers, Employers and the Government of Peru, to set up a tripartite labour dialogue. This is a good result and a fitting tribute to the anniversary of the CGTP (General Confederation of Peruvian Workers), and of the birthday of our founder, the illustrious Peruvian, José Carlos Mariátegui, both of which occur on Wednesday, 14 June.

The PRESIDENT (Mr. HALLIWELL) - That completes the list of speakers for this afternoon.

However, Mr. Toofany, the Government delegate of Mauritius, wishes to exercise his right to reply to the statement that was made this afternoon by Mr. Luchman Roy, the Workers' delegate from Mauritius.

Mr. TOOFANY (*Government delegate, Mauritius*) - I am very happy to be given this opportunity on a point of order. I wish to state that the Government of Mauritius denies and protests most strongly against an incorrect statement made by Mr. Luchman Roy, Workers' delegate of Mauritius, when in his speech this afternoon, he alleged that workers are ill-treated or exploited in Mauritius. This is blatantly not true. In fact foreign workers enjoy the same wages and the same conditions of employment as are stipulated in our laws which apply without any discrimination whatsoever, I repeat, to both Mauritian and foreign workers equally. This was made amply clear by the Minister of Labour and Industrial Relations of Mauritius, Mr. Offmann, in his speech to the plenary of Wednesday, 7 June.

(The Conference adjourned at 5.45 p.m.)

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Report of the Standing Orders Committee

1. The Standing Orders Committee, set up by the Conference at its first sitting on 6 June 1995, held a single sitting on 8 June 1995. It was composed of 71 members (36 Government members, 13 Employers' members and 22 Workers' members).

2. The Committee elected its officers as follows:

Chairperson and Reporter: Ms. Laura Thompson Chacón (Government member, Costa Rica);

Vice-Chairpersons: Miss Cornélie Hak (Employer member, Netherlands); Mr. Khurshid Ahmed (Worker member, Pakistan).

3. The Committee had before it the Note concerning Standing Orders Questions placed by the Governing Body of the International Labour Office before the Conference at its 82nd Session (*Provisional Record* No. 1). The Note proposed certain amendments to the Standing Orders of the International Labour Conference and derogations from the rules governing respectively the next Maritime Session of the Conference and the Fifth European Regional Conference.

I. Amendments to the Standing Orders of the International Labour Conference

4. The Chairperson noted that the Governing Body had referred to the Conference two sets of proposed amendments to the Standing Orders of the International Labour Conference, the first dealing with the use of electronic voting at the Conference and the second with the composition of the Governing Body pending entry into force of the 1986 Amendment to the Constitution of the ILO. She asked the representative of the Secretary-General, the Legal Adviser, to explain the proposals to be examined in relation to each point.

A. Electronic voting at the International Labour Conference

5. The Legal Adviser noted that the proposals to amend article 19 of the Standing Orders were designed simply to codify the ad hoc practice that had been followed, with satisfactory results, since the 80th Session of the Conference. As with manual votes, the electronic voting system permitted different types of votes to be taken (vote by a show of hands, a secret ballot or a record vote). The

amendment addressed the use of electronic voting only in the plenary of the Conference, but it would also be available on a voluntary basis for use in determining the priority of resolutions and in the electoral colleges if so desired.

6. The Chairperson recalled that the Governing Body had unanimously approved the proposed amendments to add two new paragraphs to article 19 of the Standing Orders. The Employers' Vice-Chairperson declared support for the proposed changes. She stated, however, that despite the savings achieved, the Employers still regretted that, contrary to expectations, the costly electronic voting system was not being used by any other organization; had this been foreseeable, the Employers might never have approved its installation. They were pleased that the system would not be used in technical committees, where they thought the results should be based on consensus so as to produce realistic instruments.

7. The Workers' Vice-Chairperson recalled the consensus in the Governing Body on use of electronic voting in the plenary of the Conference, with the possibility of employing it in the Resolutions Committee and the electoral colleges. They welcomed the savings in time and money the system brought to the Conference. They also hoped other organizations would use the system. The Chairperson noted that negotiations for this were under way with the United Nations.

8. The Committee agreed by consensus to recommend that the following two new paragraphs be added to article 19 ("Methods of voting") of the Standing Orders of the International Labour Conference:

15. *Unless the Officers otherwise decide in special circumstances, the Conference shall vote by electronic means.*

16. When the Conference votes by electronic means, paragraphs 7 and 12 above¹ shall not apply. In the case of a vote by show of hands, the individual votes cast by the delegates shall be accessible during the sitting at which the vote is taken, but only the final result of the vote shall be announced and recorded. In the case of a record vote, the individual votes cast by the delegates shall be recorded and published and the final result of the vote shall be announced and recorded. In the case of a vote by secret ballot, the individual votes cast by the delegates shall in no case be recorded or accessible and only the final result of the vote shall be announced and recorded.

**B. Interim proposals concerning the composition
of the Governing Body pending the entry into
force of the Instrument for the Amendment of
the Constitution of the ILO, 1986**

9. The Chairperson introduced these proposals by noting that they would result, on a provisional basis, in an increase of ten Government deputy members

¹ These paragraphs read as follows:

"7. Record votes shall be taken by calling upon each delegation voting in turn in the French alphabetical order of the names of the Members of the International Labour Organization. A further and final call shall immediately be made, in the same alphabetical order, of delegates who did not respond to the first call.

...
12. Votes by secret ballot shall be counted by the secretariat under the direction of three returning officers nominated respectively by the Government, Employers' and Workers' groups."

and five new deputy members each for the Employers' and Workers' groups in the ILO Governing Body. The proposed changes to the numbers in article 49, paragraph 4, and article 50, paragraph 2, of the Standing Orders would mean that there would be 28 instead of 18 Government deputy members and 19 instead of 14 deputy members for the Employers' and Workers' groups. The document serving as the basis for discussion had described the additional cost to implement the interim measures, which had been included in the proposed Programme and Budget for 1996-97 in the amount of \$225,000.

10. The Legal Adviser explained that the purpose of the amendments was to provide for a more representative Governing Body to reflect substantial increase in ILO membership in recent years. This could be achieved as from 1996 by an amendment to the Standing Orders, without having to wait for the entry into force of the 1986 amendment to the ILO Constitution. He noted that this interim arrangement would follow as closely as possible the 1986 amendment as concerns the composition of the Government group (which would, it should be recalled, no longer include a distinction between regular and deputy members). The 1986 amendment would distribute the 56 Government seats (including so-called rotating seats) as follows: 15 for Asia, 13-and-a-half for Africa, 12-and-a-half for the Americas, and 15 for Europe. Although the Constitution and Standing Orders did not now provide for geographical distribution, the intention was to apply the amended Standing Orders so that the total number of Government seats available to each of the regions could be the same as under the constitutional amendment.

11. In declaring the Employers' support for the proposed changes to the Standing Orders, the Employers' Vice-Chairperson said that they reflected two realities: the increased number of ILO Members and the unlikelihood of the 1986 constitutional amendment coming into force soon. The Workers' members recalled the lengthy debate on reforming the structure of the Organization that had culminated in the 1986 constitutional amendment. They supported the more democratic participation that the proposed changes to the Standing Orders would achieve.

12. The Government member of Spain supported the proposed amendments to increase the size of the Governing Body. Nevertheless, he wished to make several observations with regard to paragraph 8 of *Provisional Record* No. 1, according to which the Conference, in approving the proposed amendments, needed to take into account that the Government electoral college would have to establish a geographical distribution of the new total of titular and deputy members between the various regions identical to that foreseen in the Instrument of Amendment of 1986. In fact, the distribution by region of the new total of titular and deputy members, although numerically identical to that foreseen in the constitutional amendment, would not reflect the same situation as provided for in that instrument, taking into account in particular the fact that at present, and until the amendment entered into force, the number of elective members in the Governing Body was 46 rather than 56. Thus the geographical distribution would need to be different, especially for regions in which there were more Members of chief industrial importance, which would mean fewer elective members. In addition, the substantial change in the geopolitical situation since the adoption of the Instrument of Amendment only accentuated the differences between the

configuration of the Government electoral college as it would be under the constitutional amendment and as it would be under the changed Standing Orders of the Governing Body. For these reasons, and since it did not appear that there would be the requisite number of ratifications for the Instrument of Amendment to enter into force in the immediate future, it would be necessary to reach new electoral arrangements within each region and, where appropriate, within the subregion, with a view to reflecting the new situation and permitting a greater degree of representation.

13. The Legal Adviser recalled that the purpose of paragraph 8 in the document on Standing Orders questions had not been to apply the provisions of the 1986 amendment literally, which would be impossible. Rather, its intent was to follow the numerical goal of the constitutional amendment as closely as possible, particularly as regards the overall geographical distribution of seats between the regions in order to avoid a debate over the allocation of newly created deputy seats between regions in the Governing Body. That was in fact why the Conference was being asked to take note of the considerations sketched out in paragraph 8 of *Provisional Record No. 1*.

14. In reply to the Legal Adviser's statement, the Government member of Spain reiterated that the problem was not one of numbers, but rather one involving the situation in each region as regards abiding by the informal agreements that had been made. As from the next Governing Body election in 1996, it would be necessary to have a more equitable distribution based on criteria more appropriate to current circumstances.

15. The Employers' Vice-Chairperson expressed the view that this was an internal problem to be resolved by Governments, thus falling outside the scope of the document under discussion by the Committee.

16. The Workers' Vice-Chairperson recalled the unanimous support the 1986 amendment had had from the three groups. Currently, the more developed regions had a greater number of non-elective seats than lesser developed ones; this would be corrected once all seats became elective. If more Governments had ratified the 1986 amendment, the Committee would not be facing the problem raised by the member of Spain. They urged more Governments to ratify the instrument.

17. In the absence of further comments, the Chairperson noted a consensus to recommend to the Conference the following proposed amendments to two of the three figures appearing in article 49, paragraph 4, and article 50, paragraph 2, of the Standing Orders of the International Labour Conference:²

Article 49, paragraph 4: The Government electoral college shall also select [18] 28 other Members of the Organization, the governments of which shall be entitled to appoint deputy Government members of the Governing Body.

Article 50, paragraph 2: The Employers' and Workers' electoral colleges shall each elect by name 14 persons as regular members of the Governing Body and [14] 19 persons as deputy members of the Governing Body.

18. In approving this proposed amendment, the Committee observed that the Conference should take note that the ballot papers for the Government electoral

² Figures proposed for deletion appear in square brackets; proposed insertions are in italics.

college would have to be drawn up and dealt with by it in such manner as to guarantee an overall distribution of regular and deputy seats among the regions corresponding to that envisaged in the Instrument for the Amendment of the Constitution of the ILO, 1986.

II. Derogation from the Standing Orders for the next Maritime Session of the International Labour Conference

19. At the request of the Chairperson, the Legal Adviser explained that Maritime Sessions of the Conference, such as the one envisaged for January 1996, are governed by the Standing Orders of the International Labour Conference, subject to certain modifications that are reproduced at the end of the Standing Orders. To make savings, the Governing Body had decided to streamline the Maritime Session by forgoing reports from the Chairman of the Governing Body and from the Director-General and by making several adjustments in the procedure prior to and during the session, such as the deadline for the submission of resolutions and credentials. Since some of these steps involved preparations for that session of the Conference, they needed to be stipulated beforehand.

20. Expressing their support for the proposed adjustments, the Employers' members stressed the savings and slimming down that they would bring about. They noted the investment already made in holding a Maritime Session of the Conference. The Workers' members also supported the changes to the Standing Orders for the Maritime Session, since they would make it more efficient and would bring about savings.

21. The Committee agreed by consensus to recommend that the Conference adopt the resolution, reproduced as Appendix I(A) below, concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session.

III. Fifth European Regional Conference: Procedures

22. Turning to the last item on the agenda, the Chairperson observed that the proposal to adopt simplified procedures for the Fifth European Regional Conference was in line with earlier practice for other ILO regional conferences. It would mean a reduction in the length and cost of the event. The Legal Adviser added that this was the last in the cycle of conferences that had been launched, in 1990, with a view to reducing formalities and expenses.

23. The Employers' members favoured the simplified procedures for this regional conference, on the assumption that once the cycle had been completed, the changes would be formalized to avoid a need for further ad hoc decisions. The Legal Adviser confirmed that this was the intention the Governing Body had expressed. Observing that the reduced length and cost had made regional conferences more efficient and productive, the Workers' Vice-Chairperson joined the Employers in supporting the proposed resolution concerning the Fifth European Regional Conference.

24. By consensus, the Committee agreed to recommend adoption by the Conference of the resolution concerning the Fifth European Regional Conference that is reproduced in Appendix I(B) below.

IV. Recommendations of the Committee

25. The Committee, through its officers to whom it had delegated the task, approved its report and recommended the proposals contained in its paragraphs 8, 17, 21 and 24 for adoption by the Conference.

The sitting closed at 4.30 p.m.

Geneva, 9 June 1995.

(Signed) Laura THOMPSON CHACON,
Chairperson and Reporter.

Cornélie HAK,
Vice-Chairperson.

Khurshid AHMED,
Vice-Chairperson.

Appendix I

A. Resolution concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session

The General Conference of the International Labour Organization,

Noting the proposal to hold a special Maritime Session of the Conference from 9 to 23 January 1996,

Noting also that a number of adjustments need to be made to the plan of work and to the organization of proceedings at that session so as to enable it, despite the short amount of time still available and the limited duration of the Maritime Session, to complete its work in an efficient manner;

Decides that the following modifications of the Standing Orders of the Conference, as supplemented by the *Note for Maritime Sessions of the International Labour Conference*, shall apply to its 83rd (Maritime) Session, without prejudice to any measures which that session may have to take in accordance with article 76 of its Standing Orders:

- at the 83rd (Maritime) Session of the Conference, the Selection Committee foreseen in article 4 and in article 25, paragraph 4, of the Standing Orders shall not be constituted: the duties normally assigned to the Selection Committee in accordance with those and other relevant provisions of the Standing Orders and with usual practice shall be assigned to the Officers of the Conference, on the understanding that it shall be for the Conference itself, at the opening of its 83rd (Maritime) Session: (i) to confer on its Officers the powers necessary to enable them to take decisions on its behalf concerning the composition of committees as well as any other uncontroversial decision relating to the organization of its proceedings or the functioning of the session; (ii) to specify the conditions governing this delegation of authority (majority necessary for decisions and publication of decisions in an appropriate manner);
- article 12 of the Standing Orders (reports of the Chairman of the Governing Body and of the Director-General) shall not apply to the 83rd (Maritime) Session of the Conference;
- the deadline for the deposit of resolutions specified in article 17, paragraph 1, of the Standing Orders shall be modified to provide that only draft resolutions deposited with the Director-General of the International Labour Office by a delegate to the Conference by midnight, 11 December 1995, at the latest may be moved to the 83rd (Maritime) Session of the Conference;
- article 26, paragraph 1, of the Standing Orders shall be so modified as to require that the credentials of delegates to the 83rd (Maritime) Session of the Conference and their advisers be deposited with the International Labour Office by midnight, 11 December 1995, at the latest.

B. Resolution concerning the Fifth European Regional Conference

The General Conference of the International Labour Organization,

Recalling that, in the light of the reforms introduced on an experimental basis at the Eleventh Asian Regional Conference, the Thirteenth Conference of American States Members of the ILO and the Eighth African Regional Conference to reduce the length and cost of regional conferences, the Governing Body has decided that it is necessary to continue the experimental procedure for the Fifth European Regional Conference and that, pending revision of the Rules concerning the Powers, Functions and Procedure of

Regional Conferences convened by the International Labour Organization, authority should be given to the said Conference to derogate from them, as required, to implement these changes on an experimental basis before deciding on a revision of the above-mentioned Rules;

Hereby authorizes the Fifth European Regional Conference, by way of derogation from the applicable Rules:

- (a) to consider the business carried out at preliminary group meetings preceding the formal opening of the Conference as having been carried out in official group meetings;
- (b) to dispense with the appointment of a Selection Committee and entrust its functions (except in respect of resolutions for which a Resolutions Committee may be appointed under article 13, paragraph 3, of the Rules) to the Officers of the Conference;
- (c) to limit the composition of the Resolutions Committee to not more than five members from each group;
- (d) to authorize, in case of need, any drafting subcommittee or other subsidiary body set up by a committee of the Conference to report direct to the plenary of the Conference instead of through the Committee;
- (e) to suspend the requirement that reports concerning technical items on the agenda be dispatched by the Office so as to reach governments at least three months before the opening of the Conference if any such report is included in a single volume with the other reports of the Director-General, which would thus be required to reach governments two months beforehand;
- (f) to reduce the time-limit on addresses to the Conference from 15 to ten minutes.

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Provisional Record

Eighty-second Session, Geneva, 1995

Twelfth sitting

Tuesday, 13 June 1995, 10 a.m.

Presidents: Mr. Rosales-Argüello, Ms. Engelen-Kefer

SIXTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – We shall begin today's session with the examination of the sixth report of the Selection Committee, which you will find in *Provisional Record* No. 4E.

If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

FIRST REPORT OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original Spanish: The PRESIDENT – The next item on our agenda is the submission of the first report of the Credentials Committee, *Provisional Record* No. 8.

I give the floor to Mr. Jonzon, Government delegate of Sweden and Chairman of the Credentials Committee, to present the report.

Mr. JONZON (*Government delegate, Sweden; Chairman of the Credentials Committee*) – I have the honour, to present the first report of the Credentials Committee, which appears in *Provisional Record* No. 8.

The report sets out the position with regard to the composition of the Conference, as well as the quorum, as of 8 June (the date when the report was adopted). Because they are relevant to the calculation of the quorum, these figures are continually updated to reflect the actual situation as accurately as possible. It is therefore important that any delegates leaving the Conference early should inform the secretariat of their planned departure and of the name of any adviser they have appointed to vote on their behalf.

The table attached to the report sets out the statistical data of the delegations that had registered at the time when the report was adopted. Unfortunately, while the final figures are correct, the detailed data in the French and Spanish versions are incomplete. A corrigendum will appear in a subsequent issue of the *Provisional Record*.

The present report is similar to the first reports of previous Credentials Committees. I will therefore only refer to one or two points that seem to be of particular interest this year. One relates to the number of women accredited to the Conference – 337 this year. This number represents 16 per cent of the total of delegates and advisers. It is still low but it is a

significant increase in a percentage that has been steadily rising each year since 1988.

On another important point, the report stresses the obligation under the ILO Constitution for member States to pay the travelling and subsistence expenses of all their delegates and advisers. In the form for credentials that is sent to ILO Members, governments are asked to confirm that those expenses will be paid or to indicate any difficulties in this respect. Forty-eight governments have responded, stating that they are paying, or in four cases, partially paying the expenses. No information has, however, been received from the other governments.

Finally, the report notes that a number of objections to credentials have been received, and these are now under examination.

This then is the first report of the Committee, which is only required to be noted by the Conference.

(The report is noted.)

RATIFICATION OF CONVENTIONS BY JAPAN AND MALI

Original Spanish: Mr. PRESIDENT – I have pleasure in announcing to the Conference that the Director-General of ILO has registered the ratification of the following international labour Conventions:

By Japan:

Workers with Family Responsibilities Convention, 1981 (No. 156);

By Mali:

Workers' Representatives Convention, 1971 (No. 135);

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

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

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

This brings the total number of ratifications of international labour Conventions to 6,209.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume our discussion of the reports of the Governing Body and of the Director-General.

Mr. JORDAN (*General Secretary, International Confederation of Free Trade Unions*) – My congratulations go to Mr. Rosales Argüello, on his election to preside over our Conference, and to the Director-General for the Report that he has presented to us.

One year ago, the Conference took up the challenge of building an ILO agenda for social justice in a globalized economy. It was that task that took us to Copenhagen where the ILO's contribution to the World Summit for Social Development did so much to put the commitment to full employment back where it should be – at the top of the international policy agenda.

With its report, *World Employment 1995*, the ILO has renewed its standing and influence in the dominant debate of the day – how to secure jobs for all. The cold economic rationale for job creation is obvious enough. It is about getting rid of the criminal waste of resources that mass unemployment brings. But it must be sustained by the heat of our commitment to social justice that brings this message home, because the incalculable multitude of individual human tragedies behind the jobless figures is an affront to everything that this Organization stands for.

The ICFTU has no interest in idle posturing. We do not see Copenhagen's Declaration and Programme of Action as a "wish list" of goals that we know to be unattainable. If anyone is inclined to file them away as utopian they should think again. The international trade union movement will be pursuing them with all the means at its disposal. And we see the ILO as a key actor, where employers and governments join with us as partners in those efforts.

The Director-General has provided the perspective and the vision that we need in the fight for jobs, and I am conscious that any delegate in this hall could extract one quote or another from his Report to reinforce all legitimized long-established opinions or policy positions. But I equally hope that this debate will bring much more than a recital of preconceived ideas. Because, frankly, those ideas have not got us far over the last two decades. I doubt that they would win much applause from the millions of unemployed around the world.

Instead, we need to break out of the mind-frame generated by tried and failed policies; to grasp the overall message which is the need for a radically changed approach. Nothing less is going to be enough.

Received orthodoxies – even when they are demolished by the evidence of our own lives – can be a persistent and malevolent influence. Those of the 1980s – labour market flexibility, deregulation and the virtues of free market forces – have served their time and done too much damage. The particular merit of the Director-General's Report is that it submits them to objective scrutiny. And time and time again they are found wanting. The time has come to break with the need for them, and to construct an alternative that all must recognize is now needed.

Past periods of full employment were not unique and unrepeatable accidents of history. They were the fruits of deliberate policy decisions and grew out of the general consensus on basic values and priorities. Can it really be that today this is beyond our joint capacity to recreate that shared determination to beat unemployment? Are the champions of self-interest to prevail over the fundamentals of social jus-

tice and lead us to craven acceptance of the intolerable?

The answer is "No", because if it were to be otherwise let nobody underestimate the scale of our failure; but the answer is "No" and we will change things. The indispensable precondition for progress, however, is winning a global commitment to cooperate in an alternative full-employment strategy. In fact, that commitment already exists on paper in the documents that came from Copenhagen, but the acid test is putting them into action.

The key is cooperation. Cooperation between the three groups and the 173 nations that make up the ILO. Without trust between them, the type of positive adjustment that the Director-General rightly urges on us becomes impossible. Defensive and protective reactions may be damaging to the general good, but they can also be logical when it is "everyone for themselves" is the name of the game, and there is no basis of trust in the motives of others.

The case for tripartite cooperation between trade unions, employers and governments is as old as the ILO itself. But it has come under strain in recent years. A part of that has been the abuse of the quest for more jobs as a vehicle for advancing other less laudable aims. I deplore that. There must be an end to the fallacy that the price of new jobs must be the fundamental degradation of the conditions of workers and a reduction of the influence of their trade unions in the workplace, in the enterprise and in society more generally.

The imperative of worldwide cooperation is no less strong and is reinforced as every day as economic globalization proceeds. Globally coordinated policies for job-creating growth are more urgently needed today than ever before. Moreover, as the Director-General points out, there is now more scope for their successful implementation than there has been for many years.

This is the only way of filling the gap left by the shrinking effectiveness of national policy instruments. Only through a new institutional framework for international policy-making can the forces of the global market be brought under the collective control of nations; nations that are currently controlled by them.

There is real tyranny in the operation of massive speculative flows of money which condemn nations to high interest rates, slow growth and fewer jobs. It is a tyranny that can only be brought to an end by the concerted action of governments.

The task is to draw up the rules of the global market and to create the machinery to ensure that everybody plays by them. Among those rules must be international labour standards, particularly those on freedom of association, discrimination, forced and child labour. Guarantees of their universal application are the essential platform for realizing the opportunities of a more open economic system across the world. They are the indispensable safeguard against the threat of the erosion of labour standards that globalization also brings.

The ICFTU remains convinced that the compelling logic of the social clause requires decisive action by the ILO to link basic labour standards to international trading arrangements in the manner it has consistently advocated in this forum and in others.

We do not believe that the great majority of governments have any other than the firmest attach-

ment to respect of those standards. But I put it to them: can you really afford to allow the delinquent minority to undermine your good practice, to penalize your honouring of international obligations, by their abuses? Surely not.

And for those developing countries that commit themselves to these standards but are faced with the cost of their implementation, programmes to promote reform and improvement must be put into place with the backing of the industrialized world.

The ILO has brought us a long way in the fight for full employment. There is still a long way to go. This is absolutely not the moment for any party to loosen its commitment to our Organization whose value and worth is so evident in the issues before us. To do so would be a mistake of truly historic proportions and the world cannot afford that.

Mr. KUNANANTAKUL (*Employers' delegate, Thailand*) – It is a great pleasure for me to be among the honourable delegates to the International Labour Conference today to witness the commemoration of the 82nd Session of the International Labour Conference.

The ILO plays an important role in the social and economic development of the member countries, especially of developing economies such as Thailand. We therefore highly appreciate being a Member of this long-established and prestigious Organization.

The Uruguay Round, as we all know, has generated many major changes in the world economy. A major potential effect of the agreement is to reinforce the trend towards greater openness to trade and a rapid increase in trade flows, resulting from tariff reforms and a move towards reducing non-tariff barriers. This greatly involves major increases in market access to the industrialized countries, in particular for specific imports from developing countries.

Apart from that, new technology and information system development has also played an important role in the employment situation. It can create new and worthwhile jobs which represent regular employment with wages often significantly higher than earnings from alternative employment in the agricultural sector, resulting of course in a higher standard of living.

The economy of Thailand is now benefiting from globalization and trade liberalization. There is an expansion of employment in the production and service sectors which are labour intensive.

What we have not been able to avoid is the high rate of rural to urban migration that is a matter of concern to our Government which is trying to implement the necessary measures to provide suitable facilities to check any problems that might arise from this trend.

Also, to prepare for employment growth created by new technological development and trade liberalization, many training programmes have been organized in various institutions to prepare workers moving to new, more technologically advanced jobs.

At present, labour-market promotion in Thailand is more active and is proving favourable in reducing unemployment. Our education curriculum designed by the Education Ministry is now geared towards more vocational areas, rather than towards academic areas which was the case in the past.

Looking at the negative aspects of trade liberalization, it is clear that some forms of unemployment are due to its openness to new and highly technological positions, the necessity to change jobs and the requirement for new knowledge and skills. However, since these are unavoidable circumstances that all countries must encounter, it is much more appropriate that we should take full advantage of trade liberalization by preparing and implementing positive adjustment measures. It is our belief that well-adjusted measures can finally lead to trade expansion, and in the long run to output and employment growth.

The Employers' Confederation of Thailand is committed to working in conjunction with both the Government and the workers' institutions with the common goal of economic stabilization and social equality.

The Employers' Confederation of Thailand has policies relating to the protection of children and women's welfare, increased efficiency, environmental protection and development, the promotion of occupational safety programmes and of other policies to increase family and social stability. We strive to use and efficiently develop any useful new ideas that are presented to us.

The most important point is that developed countries should give developing countries a chance by not using trade sanctions and regulations to compel and take advantage of those countries and to thus allow them to achieve a better economic situation and hence further develop the standard of living of workers in their countries.

We hope that developed countries will pay attention and help to subsidize Thailand and other ASEAN countries which require these budgets to successfully promote and develop programmes.

Mr. DATO'LIM (*Minister of Human Resources, Malaysia*) – I wish to extend my warmest congratulations to the President on being elected to chair this august assembly. I am confident that under his capable leadership he will be able to steer the proceedings of this session of the Conference to a successful conclusion. May I also offer my congratulations to the three Vice-Presidents.

The first World Summit for Social Development convened last March in Copenhagen discussed core issues of unemployment, underemployment, poverty and social exclusion, and concerns were expressed about job security, retrenchment, falling real wages, acute labour shortages and the social clause. These concerns have attracted the ILO's attention, as explicitly reflected in the Director-General's Report. I appreciate the concerns and interests shown by the ILO at the Summit and especially during the three Preparatory Committee meetings prior to the Summit.

At the World Summit we declared our commitment to cooperate, and agreed on a Programme of Action. Now it is time for implementation. While at the national level actions are being taken by various member States, the ILO on its part, should now accept the challenge to provide the relevant assistance to its constituents, taking into account their different needs and their individual constraints. In this connection, we welcome the convening of the high-level meeting on employment and social policies during this session of the Conference. This will provide for an international discussion on ILO activities in the

follow-up to the Summit. With the limited resources available, the ILO should be committed to assisting member countries to launch programmes that would create employment opportunities. It is only through employment that the fruits of economic growth can be equitably shared, contributing to the alleviation of poverty.

The Western world which was once considered as the locomotive of global economic growth is currently saddled with double-digit unemployment and underemployment. The concept of development has changed from one of synthetic economic targets to that of real economic gain, securing human needs and optimizing human resources at the centre of development. Obviously the free market and selective human rights alone will not do the job. Despite the weakness of capitalism and the free market, only one western model is permitted. The obvious failures of the so-called locomotives of growth are now acknowledged. The time has come for the recognition of the successful economies of Asia and Latin America. The high growth that some of these economies are experiencing should not be construed as a threat to the North. These achievements should instead be seen as a progressive step nearer to a situation whereby the South can make rapid improvements in terms of fundamental labour issues.

Liberalization of trade and international cooperation have been widely recognized as the vehicle for global economic growth leading to the generation of employment. The inception of the WTO should be regarded as a mechanism to facilitate and a catalyst for such a process. Unfortunately, there are efforts to negate this effect through the inclusion of the social clause in international trade agreements. Labour standards may thus become yet another instrument for preventing the South from becoming internationally competitive.

The Malaysian delegation welcomes the decision of the Working Party of the Governing Body to suspend any further discussion on the link between international and social standards through a sanction-based social clause mechanism. ASEAN labour ministers unanimously endorsed this decision at the informal meeting held last April in Chiang Mai, Thailand.

While we recognize that workers' rights should be protected and that member countries should take measures to improve the working conditions of its workers commensurate with their economic development, we certainly would not agree to reflect those standards rigidly in our labour legislation, as this would stifle the economic growth of developing countries, resulting in the eventual displacement of workers. Labour standards should be construed as an agent to institute and promote changes in a congenial manner.

International labour standards are targets to be achieved progressively after taking into account the varying stages of development and the social and cultural values of the individual constituents. It should not be perceived as a mechanism to discipline the developing world on the basis of a western model that "one size fits all".

The harmonious industrial relations environment has provided the thrust for and further enhanced the growth process. These prerequisites, coupled with political stability are indispensable ingredients for the continued growth of any nation. Freedom of as-

sociation should be practised subject to local conditions. Each country has to set its own priorities when confronted with a multitude of challenges and opportunities unique to its own people. There is, therefore, a need to grant individual governments the right to determine their destiny and their freedom to choose appropriate strategies. I must say that, no government with a modicum of sense and responsibility would like to see its own people languishing in sweat shops.

Malaysia's economy which has gone from agriculture-based to export oriented over two decades (1970-90), has faced several challenges and tribulations posed either internally or by external sources. It is only the will of the Government and people of Malaysia that has elevated the country to its present status. The country's GDP has averaged 8 per cent for the past seven years which has created a situation of full employment five years ahead of the target date, the year 2000.

This was made possible through the innovative and visionary initiatives of the Malaysian Government which was instrumental in devising liberal investment and labour policies, laying down the necessary infrastructure and other framework for the big "take-off".

I wish to take this opportunity to thank the Director-General for his Report entitled *Promoting employment*. Its relevance and timeliness given the current global situation in which 200 million able-bodied workers are unemployed, provides a platform for further deliberations on this issue. In this regard, I would urge the ILO to look at labour market flexibility and human resources development as key elements in its programme of work in coming years. As human resources constitute valuable assets in any country, their potential must be enhanced and nurtured to increase productivity and ultimately contribute to national development. National development and prudent economic and social policies, coupled with industrial harmony are the key to resolving several of the social ills which are plaguing the world today.

I would also like to thank all those who have worked so hard to make this session of the Conference a success.

Original Arabic: Mr. AL DERHAM (*Minister of Labour, Social Affairs and Housing, Qatar*) – In the Name of God, the Merciful, the Compassionate. It is both an honour and a pleasure for me to convey to you the greetings of His Serene Highness Sheikh Khalifa Ben Hamad Al-Thani, the Emir of Qatar. It is also a great pleasure for me, on behalf of my delegation, to congratulate the President on his election to chair this session of the International Labour Conference and to wish him every possible success in his duties.

It goes without saying that the Director-General's Report, that has been put to this session, is vitally important because it lays stress on matters concerning employment and their impact on economic and social situations – both nationally and internationally. Through the Report all States are able to benefit from a clear analysis of the problems of unemployment, living conditions and economic realities in most regions – even if it does not in fact cover the situation in the Arab world and in the Middle East in general. The problem of unemployment is dealt with

realistically; indeed, solving this problem is viewed as *sine qua non* to correct economic situations nationally and internationally. We are invited therefore to prepare policies based on openness, free action and balance so as to improve everybody's lot in the various countries and regions.

We believe that such a vision does indeed correspond to the aspirations of the weaker countries and it ties in with our own ideas of relations between human beings locally and internationally. These relations should be based on common understanding and cooperation and respect basic moral rules. We believe that in the same way as autarchy which creates hatred, hegemony threatens international relations because it incites conflicts and hampers development. You are well aware that these tendencies have been a source of much suffering in the past and that their repercussions are still being felt; a feeling of injustice and fear of the future still prevail although the political changes that have taken place internationally are promising for the future.

Although we agree that full employment can help avoid a good many social conflicts and reinforce social cohesion, we believe that a considerable number of problems require extra efforts, complementary policies and substantial resources. Poverty for example, which is a relative concept, cannot be eradicated simply by providing everybody with their daily bread; it is much more a matter of satisfying essential needs such as education, health, housing – not to mention problems to do with marginalization, the break-up of the family and other problems which seem to be taking on very alarming dimensions in some societies.

Allow me to refer to our own experiences at home in this respect. We do not have an unemployment problem; but according to our Crown Prince employment must be a permanent item on our political agenda among the various bodies concerned in Qatar. Full account is taken of the needs of the labour market and development priorities – and all that these imply for education and training. We are constantly evaluating our human resources so that manpower can be distributed in the best possible way. We try and create jobs in new areas, ensure a greater participation of women in the labour market, increase productivity, encourage inventiveness and step up national production.

This employment policy is accompanied by a social security and housing system. Indeed, we aim to provide a vital minimum to those who have no income and no home to guarantee a social security system to workers that includes health, education and other services; this is designed to ensure material and psychological stability for our workers so that all members of our society can play a full and active role in the development process.

These policies are supported by various institutions because associations and private bodies, which are guided by religious and ethical principles and moral values, provide material and spiritual assistance to those who need it. In this way, national endeavours all tie in together to improve the social lot of our citizens.

The Director-General's Report stresses the globalization of the economy and the effects this is having on national policies. He also points out that international machinery cannot cope with the forces of change. We have noted that the role the State can

play – in particular in the developing countries – when it comes to economic activities, the protection of vulnerable groups and the improvement of their lot, is contingent upon the price of imported goods, raw materials and technology. The new situation calls for fresh initiatives to develop the kind of policies and machinery that would be likely to improve the position of human beings in our societies. However, this has to be done with full respect for international labour standards, as well as the values of justice, cooperation and fraternity; which, in turn, require investments to eradicate unemployment, poverty and underdevelopment.

In view of all this, we must strive to ensure that we support unreservedly the values defended by the ILO and its efforts to safeguard the social component in economic and trade activities. We should also reinforce and modernize the United Nations system itself, so that it can cater not only for political problems but also for social and economic ones and propose solutions at all levels.

This is not an easy task because we are confronted with a very serious situation. For example, we have only to consider the problem of indebtedness, which deprives developing countries of their revenues, condemning their efforts at development to failure. Their production is exported, which increases the incidence of poverty and undermines international relations.

Political and military conflicts which break out throughout the world also have a negative effect on economic and social development – and the repercussions are not confined to the countries in which they take place. Unfortunately the measures taken to solve these political crises are inadequate.

In spite of these efforts made by the Arab countries, the peace process is not advancing – which bodes ill for the future. It is for this reason that the international community should act with more determination to try and usher in a lasting and worldwide peace. To attain this, our people should regain their sovereignty over their land and their wealth and an end should be put to all forms of occupation, hegemony, expansionism and threat of arms and mass destruction. Our people aspire to peace and want to contribute themselves to their own development by taking part in international efforts to ensure the well-being of all mankind.

Original Spanish: Mr. FALBR (Workers' delegate, Czech Republic) – Firstly, I would like to begin by congratulating the President on his election and wish him every success. I am from a country that five years ago concluded an historical experiment with a planned economy and democracy. This was not successful and had serious economic and psychological repercussions. I am from a confederation that has a 35-member federation and two-and-a-half million members.

We very much appreciate the theme of the Director-General's Report to the International Labour Conference. The subjects of employment and social development are, without any doubt whatsoever, extremely appropriate if we are to continue the work set in motion at the World Summit for Social Development in Copenhagen. More discussion on these two vital topics is a matter that we all feel is vital.

When we expressed our wish to attend the Social Summit, the response of the Czech Government was

that trade unions were organizations like any other and that there was no particular reason to include members of our confederation in the Czech delegation. However, thanks to the intervention of the Public Services International, we were able to attend – and this is an example of solidarity in practice.

Before I turn to the domestic situation in the Czech Republic, I want to state that our confederation fully supports all the efforts made to promote the “social clause”. We support the ILO’s tripartite organization and its efforts to create a decent working world. Unfortunately, not all governments view tripartism with a friendly eye. My Government is one of such governments. Everybody knows that our confederation, from the very outset, supported the economic transformation of our country. We were inspired by the example of Portugal and had a tripartite body during the days of the Czech and Slovak Federal Republic. When the economic transformation came to an end and our Government was ready to embark on social change, we were not allowed to take part in the discussions and have any influence on the outcome of the ministers’ work.

Our reaction was to launch a protest campaign because when we analysed the project as a whole we saw that, behind the flowery words, the only reason to carry out the social transformation was simply to make cuts in our national budget.

Czechoslovakia – now the Czech Republic after the break with Slovakia – is one of the countries whose social traditions go back many years in history. And we do not therefore wish to be a party to a social transformation based solely on World Bank recommendations.

When we began our protest campaign we immediately understood what our Government’s attitude was to tripartism. We were penalized and for more than half a year now, our tripartite body has not met and there have been no discussions – on the grounds that organized a strike and protest campaign and held a major demonstration in the old square in central Prague.

We feel, however, that we should return to the negotiating table. Consequently, we have tried to negotiate to create a new system for tripartite negotiation, because the Government has told us that it does not want to play the same role it played in the first five years. But according to information we heard yesterday, there are new problems connected with the establishment of a tripartite body.

We do have other ways of defending our interests but we believe in tripartism and we believe that it is necessary to negotiate. But I do not wish to complain solely of my Government and acknowledge what they have done to bring the unemployment rate right down. The Czech Republic does have one of the lowest unemployment rates in the world – 3.5 per cent. Sometimes, unionists from other countries come to us and say: “Well, what more do you want?” However, apart from the very good work carried out by the employment offices account has to be taken of the favourable geographical situation of our country and the fact that under the old regime there was practically no services sector – either public or private. We want to negotiate because during the six months we have not been doing so, new disputes have arisen – with teachers and railway workers. And we believe that if we had negotiated, most of these disputes might have been averted.

I should therefore like to reiterate that, as far as we are concerned, the ILO is an Organization we believe in – if only for the type of work it carries out and the methods it uses. We sorely regret the fact that our Government does not appreciate tripartism. We shall do our utmost to work in a tripartite body – but we are not prepared to come begging. It is necessary therefore that everybody acknowledges the benefits of dialogue.

In three months’ time, the ILO’s European Regional Conference is going to be held. We are convinced that it will be successful and discuss the issues that have to be resolved on the European continent. But we do not believe that the problems can be solved without well-developed tripartism.

You may find it rather strange that I am repeating this word “tripartism” so often, but in our countries in Central and Eastern Europe, industrial relations are deteriorating rapidly and some of our colleagues are even talking about the Wild “East”. That is the reason why I say “Long live tripartism, and long live the ILO!”

Original Spanish: Mr. ANTONIOLI VASQUEZ (*Minister of Labour and Social Development, Peru*) – I would like to extend to the President on behalf of my Government and on my own behalf the most sincere congratulations for his well-deserved election to the presidency of this 82nd Session of the International Labour Conference. Personally, I consider that his election is also a recognition of the efforts of the Central American group to promote the integration of labour and society.

The central theme of this session is one that is of interest to all countries of the world, a major source of concern. It has been chosen in a very timely and judicious way by the Director-General.

We are actors and witnesses of the following changes going on in the world. We may now envisage the possibility of an international community governed by solidarity. The development and globalization of the economy with its profound structural changes, and the satisfactory growth rate of many countries shows us to look towards the future with great hope.

Unfortunately these profound changes, which could open the way to generalized well-being, have not had the same positive results in the social sphere. As has been said by the Director-General, “they have given rise to a new generation of social problems and reduced the effectiveness of current instruments of national and international economic and social policies. More people are out of work than ever before and there is widespread concern that these numbers will grow. The crisis is truly global in scope and nature. Few parts of the world have been spared and common causes can be identified.” These last few sentences, taken from the contribution of the ILO to the first substantive session of the Preparatory Committee for the World Summit on Social Development, show the seriousness of the problem of unemployment. In the same document we have suggestions for solutions to these problems. It is for this reason that we are here in this Conference, to try to find the most feasible solution to the problem of unemployment, if not in the short at least in the medium term.

In Peru, over these last few years, we have made strenuous efforts to try to resolve the very serious

crisis in which we found the country in July 1990. We have embarked upon a process of structural changes of varying intensity and mixed results due to the need to adapt to the new conditions of the world economy, as well as to renegotiate our external debt.

The main objective was to overcome economic stagnation, reduce rising inflation, increase our foreign exchange reserves, increase production and productivity, and thereby lay the foundations for sustained growth.

It is from 1993 that the country started to come out of one of the most severe crises of recent times. The liberalization of the economy, reduction of state control and the priority accorded to the market are leading the country to relative economic improvement compared with the chaos which reigned before.

We have brought the inflationary process under control, which was one of the main objectives of economic policy. From the inflation in 1990 of 7,649.9 per cent it came down by 1994 to 15.4 per cent, and the monthly inflation index to 1.2 per cent.

We have halted the steady decline in the purchasing power of salaries and wages. The policy for wages and salaries, in which the market is the regulating mechanism, had positive effects in 1994 where the real salary index reached 65.95, 18 per cent more than the previous year, while the real wages index reached 41.36 – 16 per cent more than the previous year.

It is quite clear that the economy is growing much more than employment. GNP has increased by 6.5 per cent in 1993 and 12.7 per cent in 1994, whereas employment levels in December 1994 were as follows: 16.9 per cent were adequately employed, 74.2 per cent underemployed and 8.9 per cent employed. Employment is increasing with respect to 1993, but not at the same rate as the growth of GNP. This growth gives us reason for optimism because we can, in the next five years, undertake a sustained social programme in education, health, basic legal arrangements, and the creation of productive employment, principally in the agricultural sector.

A lot remains to be done in the coming years. Sustained growth is not enough to create new jobs nor is it enough to reduce labour costs. It is repeatedly emphasized, in my country, that labour costs should be closely aligned with production and productivity, and in order to achieve this we have to undertake an energetic reform of the educational system as well as of professional and vocational training and education, so that in the short term we can have qualified personnel in the productive sectors. We know that in some countries wages are US\$2.65 whereas in others they are US\$4.30 and US\$5.30 and in the most developed US\$16.00 an hour. However, in order to produce a car, we need 40 to 48 hours in developing countries, whereas in the developed countries the same car can be produced in 17 to 25 hours, showing that high wages go with high productivity.

On the other hand, labour relations in Peru have substantially improved, as shown by the agreement announced by the distinguished representative of the Workers at yesterday's meeting. I am convinced that this time dialogue and tripartism will indeed be a reality. Most trade union and employers' organizations have finally understood that disputes within enterprises can only benefit the competition. Our indicators for strikes and work stoppages have dropped drastically from 613 in 1992, with 15,067,880

work-hours lost, to 168 in December 1994, with 1,936,647 work-hours lost. Obviously there are trade union leaders who do not want to recognize the fact that very often one has to take drastic decisions for the benefit of the great majority. Our people do recognize this and they have re-elected, with an immense majority, President Fujimori for another period of five years.

We think that we are on the right track, and are therefore in a position to have faith in the emphasis placed on our firm support of the independent workers of the small and medium-sized enterprises in the informal sector so that they need no longer be marginalized and can become integral participants in the national economy. Our greatest support will go to those workers who have been displaced by violence or by the economic crisis who were forced to leave their homes and now should return to their land with the support we must, as a Government, provide. Also, special support should be given to job creation in different parts of the country so that we can have "living" frontiers to protect the integrity of our territory.

Our labour laws have been deregulated and made more flexible so that they are compatible with the world economic transformation. However, we think that some of the ILO Conventions should be revised or adapted in accordance with contemporary economic and social change. We do not want to be the object of frequent observations by the Committee on the Application of Standards merely because we comply with letters of intent signed with the World Bank and the IMF. We also think it is important to have a uniform methodology to measure levels of employment. At present we are unable to compare the efficiency of our labour and social policies with those of the other countries of the region, which would also give us a welcome opportunity to exchange experiences and compare our problems of critical unemployment.

I would also like, on behalf of my Government, to thank the international organizations, and especially the ILO, for the support and advice they have given us. This support has enabled us to develop our intended programmes and thus to comply with the recommendations of the World Summit on Social Development and the Conventions of the ILO – an institution of which we have been a member ever since its foundation in 1919.

Original French: Mrs. GUILAO (Minister of Labour, Social Affairs and Employment, Guinea) – First of all I should like to express to the President, as well as to the other Officers, the warm congratulations of my delegation on their brilliant election to preside over this session of the Conference. My delegation hopes that under their experienced and wise leadership our session will be successful.

Before all else, my delegation would like to express its satisfaction with the topical and relevant nature of the items submitted to us for examination at this session, and to thank the Governing Body for its choice of theme, and the Director-General and his experts for the quality of the documents that have been drawn up and proposed for discussion.

We would in particular like to express our thanks on the one hand to the Governing Body for its excellent and informative report of activities, which demonstrates the vitality of our Organization for all to

see. We would also like to thank the Director-General for this year devoting his Report entitled *Promoting employment* to an urgent problem which is forever relevant to our work.

This subject is certainly a source of concern and anxiety for all countries, and especially the developing countries, which often must face an economic expansion rate which lags behind demographic growth. In these countries employment is endemic, and the economic slow-down of the past few years has paralysed the structures which would otherwise create new jobs.

My delegation would like to share its thoughts concerning the main ideas of the Report. These ideas can act as a catalyst and barometer in the approach to and treatment of joblessness and the creation of new activities.

Unfortunately, my country too has been affected by the tragic and sad reality of joblessness. Unemployment has been aggravated by the brutal transition from a centrally-planned state economy to complete economic liberalism, by the strict application of structural adjustment measures which involve the closing and liquidation of nearly all the country's state enterprises, by the streamlining of the public service, by the devaluation of the national currency, by the massive return of Guineans residing abroad, by a growing exodus from rural areas, and by chronic unemployment among new graduates, etc.

At the same time, the public employment services have lost the monopoly of placing jobseekers in posts, and are now facing serious difficulties in collecting information on the general development of the labour market, in an economy which is still giving us mixed signals.

Thus, with a view to efficiently finding lasting solutions to economic problems and employment, on 18 August 1994 the Government was restructured, and a Ministry of Labour, Social Affairs and Employment was established. Its tasks are to define and implement the policies and strategies of the Government as regards employment, social protection, and the improvement of human resources, as well as to integrate and promote the social and occupational status of the handicapped, displaced people and victims of war.

Since then, a plan of action covering several years has been drawn up, based on a definition of national policies for employment, social affairs and social protection, with the assistance of the social partners as well as other ministerial departments. A national integration and occupational rehiring plan is now being negotiated. A National Labour Consultation Commission has already been set up, with all the active trade union confederations participating.

The new department has participated most actively in the establishment of a Guinean human development initiative and in the creation of a new institutional and legal framework to promote private initiative. It has benefited from the assistance of the UNDP and especially the technical assistance of the ILO, particularly through its multidisciplinary team based in Dakar.

We should like to express our satisfaction with the quality of this assistance, as well as our wish to strengthen technical cooperation with the ILO in all our areas of competence in order to accelerate the social development which we are all so anxiously awaiting.

In particular, our priorities lie in consolidating a climate of social peace by strengthening consultation bodies with our natural partners, in training managerial staff and their partners on how to work together, and in disseminating national and international labour standards. Through these priorities, we hope to benefit from the richness of plurality and to strengthen the democratization of industrial relations within enterprises.

I would like to express our constant concern about the democratization of our Organization through fair representation of the various regions which make it up. In the composition of its staff, Africa has for all intents and purposes been left out, especially as regards high-level and intermediate posts. This is completely at variance with the universality of our Organization, which, as one of the oldest in the United Nations system, must seek to set the example in practice.

I would like briefly to express the position of my Government on other points on our agenda.

As regards safety and health in mines, my country, as a major mining country, is in favour of adopting new standards which are better adapted to conditions of operation and work in mines.

The study of home work is also of interest, especially in our countries, where not all sectors have yet been covered by affirmative law. Discussion concerning this theme will be of great usefulness in promoting the extension of social protection to the informal sector, which often makes use of home work, and in establishing conditions for a more sure way to combat unemployment.

Finally, my country shares the conclusions of the Office's study concerning the extension of the Labour Inspection Convention, 1947 (No.81) to the activities of the non-commercial sector.

My Government strongly supports the standard-setting activity of our Organization, which is a permanent source of inspiration. It will accept any opportunity to improve the national standards to bring them in line more closely with ILO standards, and will ratify such standards as necessary, as it has already begun to do for Conventions Nos. 144, 156 and 159.

In these standards we find ways to promote social dialogue and to improve participation in the development of both the economy and our human resources, which are the main wealth of our country.

The Republic of Guinea places great hope in the work of this 82nd session of the International Labour Conference, which is taking place three months after the Copenhagen World Summit for Social Development. It believes that partnership, solidarity and international cooperation will make it possible to alleviate poverty wherever it exists.

The International Labour Organization is the most appropriate organization to attain these objectives, in accordance with the Declaration of Philadelphia.

Original Arabic: Mr. HASSAN FULLAD (*Workers' delegate, Bahrain*) – In the Name of God, the Merciful, the Compassionate. I have the pleasure of greeting you on behalf of the General Committee of Bahrain Workers at this vital Conference which always strives for the attainment of peace, social justice and freedom of the whole of mankind, without discrimination or hegemony.

I have the honour to begin my statement by expressing my most sincere congratulations to Mr. Rosales Argüello for the confidence that has been placed in him, in recognition of his qualities and expertise, by his election to preside over this session of the International Labour Conference.

I also have the pleasure of expressing my esteem and appreciation to Mr. Michel Hansenne, the Director-General, for the scientific and technical efforts behind his choice of theme for this session of the Conference. The theme *Promoting employment* is a judicious choice that fully merits our appreciation. There is no doubt that the issue of employment and the attainment of full employment are the most important matters under discussion by the international community. Furthermore, developing human resources, increasing labour capacity, raising productivity levels, eradicating unemployment and creating opportunities to work constitute the major challenges for development and human resources the world over regardless of the characteristics of the individual countries and their levels of culture and development.

Convinced of the objectives and principles of the ILO and of its resolutions and recommendations which aim to encapsulate and unite the interests of governments, employers and workers in a single body in order to propose international standards for the treatment of workers and to propose international labour Conventions, we, as representatives of the workers of Bahrain, would like to reaffirm the following.

Firstly, our faith in the role of workers in the attainment of economic and social development and in the taking of vital decisions on the national, regional and international levels, particularly with respect to development policy and to their future.

Secondly, the real solution to the economic, social and political crises currently affecting us all resides in the workers' cause. Achieving the objectives of stable, global development is only possible by focusing on the human aspect through the attainment of full employment for national manpower by means of the effective development of human resources both quantitatively and qualitatively speaking to enable them to deal with development plans and the requirements of the modern world.

Thirdly, a study should be made of the new approach to development which consists of adopting the policy of privatization as a scientific method for development in future, and also doing away with the public sector, which will have serious social consequences, particularly on national employment levels as well as on most categories of workers.

Fourthly, the progress achieved by working women who participate in all areas of life should be reflected in labour legislation in order to ensure the freedom, position, independence and personality of women.

However, the question of the promotion of employment is first and foremost the responsibility of governments and then of employers. Workers represent the very soul of industry and will usher in the new dawn of society. Development and progress cannot be achieved without the participation of these three parties and the sharing of responsibility in decision-taking on an equal footing with no discrimination among the parties.

As workers concerned in the workers' movement on the eve of the twenty-first century, we are witnessing violations of international laws, of the most elementary rights, of humanitarian principles and of labour laws all over the world.

It is for this reason that we are lodging an urgent appeal to study these violations and to strengthen the role to be played by the ILO so that we may create the appropriate machinery to ensure that resolutions and national and international programmes are implemented, that the principles contained in international labour standards are fully observed and that the interdependence of all the problems facing humanity is brought into play.

May the peace, the mercy and the grace of God be with you.

Original Arabic: Mr. AL-FAYEZ (*Minister of Labour and Social Affairs, Saudi Arabia*) – In the Name of God, the Merciful, the Compassionate. I would like to tell you how pleased I am to have the opportunity to congratulate, on my own behalf and on behalf of my delegation, the President on his election to chair this session of the Conference. I hope that this session will be a success and reach the goals we are all working toward.

I would also like to thank the Director-General of the ILO for choosing the theme *Promoting employment* for his Report. This is a very important subject and the Director-General's Report analyses various aspects of it. He also considers the experiences of several countries and regions and gives the reasons for and consequences of unemployment. He also covers organization of the labour market and how to guarantee full employment on the basis of continuous development policies, the creation of productive employment, speeding up industrial development, increasing productivity in all sectors, promoting investment, and training. He also refers to the need for additional efforts with regard to vocational training and retraining, and additional measures at the national and international levels to solve the problem of unemployment throughout the world. In the introduction to the Report, he states that an increase in productive employment is the key to fair economic and social development. He also gives an explanation of the situation as it stands.

I am pleased to be able to take this opportunity to explain briefly the great interest Saudi Arabia has shown in promoting employment and how we have done this. I will also explain the measures my country has taken with regard to economic and social development. The development of human resources is one of our main aims and is reflected in the education and training programmes we have launched since our Sovereign became Minister of Education in the framework of five five-year plans. They were put into practice thanks to the interest shown and follow-up guaranteed by the Servant of the two Holy Sites of Islam. Thousands of schools have been established and the number of students has grown in a relatively short period of time. Higher education has made rapid progress. Seven universities and dozens of faculties providing specialized education have been set up in the Kingdom of Saudi Arabia.

With regard to concerns related to technical education and vocational training, offices have been set up to find employment for persons with technical qualifications. There are dozens of centres providing

vocational training, secondary institutes for industry, commerce and agriculture, and faculties providing technical education. Places are increasingly sought after. The increase in centres and institutes is the result of government efforts to cater to the need for specialized personnel.

The Government has also turned its attention to the capital of companies and enterprises that support the vocational training centres set up for their benefit. Emphasis has been placed on the role of Chambers of Commerce and Industry which have helped to provide training. While broadening general education, efforts have been made to link educational programmes with practical work in enterprises. Practical work is required before a student can graduate from these institutes and centres.

We are proud of the fact that in all sectors, and at all levels, education and training are free. In addition, students are provided with books and educational material free of charge throughout their education. Students are given financial support if they go on to higher education, technical training or vocational training. We are equally proud of the results of our considerable investment in education and training. These results can be seen in the growing number of graduates of our education and training centres. In their working life they may choose to work in the very centres that trained them or set up their own businesses. The State grants them interest-free loans at preferential rates.

Under the guidance of the Servant of the two Holy Sites of Islam, the policy of the Government of Saudi Arabia has gone beyond merely promoting employment. Saudi Arabia has been successful in developing human resources, and vastly improved other social spheres including health care, industry, agriculture and housing. Our country has developed significantly its electricity, water and telephone services. We have developed these services thanks to state support, and long-term interest-free loans at preferential rates and for social, industrial, agricultural or housing projects. Development plans include support for the private sector in Saudi Arabia so that it can help to promote development. The Government is making every effort to ensure that planning programmes are balanced in terms of rural and urban areas, and is expanding projects and services to include areas where people have been rehoused. This has led to the growth of these areas, and the creation of new jobs, and has stopped the rural exodus with all the problems it brings with it.

This vast development has had a knock-on effect in all areas of employment. The number of jobs available has increased, as has the number of persons looking for work.

Development in Saudi Arabia is not confined to generating employment for national workers alone. Our development has also helped development in other friendly developing countries. We have helped to offset the problems of unemployment by welcoming many workers from other countries who work alongside national workers. They enjoy stable employment and workers' welfare is our constant concern. All workers are covered by the Labour Code which the ILO helped us to draft and whose principles are based on Islamic law. Saudi Arabia does not tax the wages of foreign workers and they are at complete liberty to transfer their savings to their country of origin.

The agenda of this session of the Conference includes many technical subjects. We should discuss them at length and exchange points of view. The first subject is home work. The document before us sets out how we should work towards the standards needed in this area and explains the difficulties involved in their implementation. In this regard, it is difficult to find a satisfactory definition of home work because of the diversity of the activities it includes. It is also practically impossible to carry out surveys in workers' homes. This should be taken into account when we discuss the influence of home work on full-time employment.

The second technical subject on the agenda is the extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector. Different points of view have been put forward on this subject. It is of no benefit to state bodies if the Convention is extended to include them. All the workers in these bodies will follow state policy which guarantees the necessary protection for all workers.

The third technical subject relates to safety and health in mines. We have a Bill, and would like to make two proposals aimed at establishing new regulations for safety and health in mines. They complement standards which have already been established in other areas.

During this session I would like to reiterate the need to take into consideration the differences in development in various countries when we draw up these standards. Obviously, developing countries are less developed than developed countries and what may apply to one country may not be true for another.

Finally, I would like to conclude my statement by thanking the members of the Governing Body and the Director-General of the ILO for their considerable efforts. I hope this session of the Conference will enjoy the success it deserves.

(Ms. Engelen-Kefer takes the Chair.)

Original French: Mr. MBA ALLO (*Government delegate, Gabon*) – On behalf of the Minister of State for Labour, Human Resources and Vocational Training of the Republic of Gabon, allow me to join the preceding speakers in congratulating the President on his election to preside over our Conference. At the same time I should like to extend my congratulations to all the members of the Office and state that I fully share the feeling of satisfaction at the excellent way in which our Conference is being steered.

I also extend the congratulations of the delegation of Gabon to the Director-General of the ILO, Mr. Michel Hansenne, whose ability and competence are unanimously recognized. We welcome the relevance of the subject of his Report submitted to our discussion this year.

The World Summit for Social Development held last March in Copenhagen was the opportunity for the entire international community to concentrate for the first time on the major social problems the world is facing and to find solutions to them. The Heads of State and Government came to the conclusion that although unemployment, underemployment, poverty and social exclusion were problems common to all countries, they were felt more acutely

in the developing countries. The outcome of this situation is an ever-greater gap between the developing and developed countries. Africa does not occupy a very enviable position in this regard. Among the guidelines for future action proposed, the Summit formally stressed policies to eliminate poverty, to reduce inequalities and to fight against social exclusion in order to promote employment.

The creation of a sufficient number of productive jobs is the basic challenge the international community must take up to demonstrate its intention to improve the human lot; but the degree of urgency for devising solutions varies significantly from region to region. In this context, the Director-General's Report we are discussing here, does not leave unstressed the gravity of the situation in the developing countries in general and in Africa in particular which has become a marginalized continent which runs the risk of losing the benefits of globalization if more forceful policies to adjust to new world economic conditions are not urgently adopted and in particular, policies providing solid support for our problem-ridden continent.

Overcoming these difficulties depends on the ability of African countries to fulfil, along with the assistance of the international community, a number of preconditions, including transition to democratic rule, the mastery of technology, an efficient education and training system, and lasting regional integration.

In speaking first about transition to democratic rule, we must recognize that the institutional framework in which our States have developed for many a long year has not encouraged this necessary adjustment.

We note a definite ray of hope in the process of progressive democratization in Africa. There is reason to believe that the close association of all social partners at all stages of economic policies will give rise to a positive partnership for economic and social development of Africa – partnership which will guarantee for each of our countries the awaited advantages of globalization, including, *inter alia*, the promotion of productive and lasting employment, improved conditions of work, and a fair distribution of the fruits of growth for all social categories.

The example of young industrial countries teaches us that economic success is achieved first of all through the mastering of technology, that is to say, through training – the prerequisite for productive and freely chosen employment. We think in this connection that this transfer of technologies must no longer be considered the mere transposition of the techniques and results of studies devised in developed countries. Technology transfer must be achieved by establishing research institutes or rather institutes of experimental research in developing countries.

The advantages of this option are clear to see: first, it would enable better exploration and exploitation of our comparative advantages, using as a base our own realities, in greater respect for our environment. Next, it would promote high-level job and employment creation in our countries and halt the brain drain that Africa continues to suffer. Finally, it would facilitate the promotion of inventiveness in Africa, without forgetting the role that such institutes will be called upon to play to enhance our education and vocational training systems.

Gabon shares the belief that the international trade liberalization will produce, among other effects, a fair distribution, on a larger scale of the results and fruits that have been achieved. For workers, this would mean productive employment, better conditions of work and greater profits for investors.

The delocalization phenomenon, together with that of the multinationals, unfortunately tends to offer to the host country's labour force only jobs requiring a low level of skills. The high-skilled jobs tend to go to workers from industrialized countries. This situation may be justified at the outset, but thereafter it becomes embarrassing if it is prolonged, with the country maintaining a large imported labour force at the same time as it manages a difficult situation of its own young, skilled unemployed nationals.

It is in the interests of the international community to enable our own national labour force to react positively at any time to the differing staffing of undertakings. This is an essential condition for full employment in our developing countries. But to achieve this we need to develop training and human resource management facilities and to adapt to the rapid change of pace in the labour market.

The rural sector in our countries in general and in Gabon in particular continues to hold out hope both for investments of any size, and for self-employment. Training and better support systems for rural area youth, improved agricultural methods and foodstuff preservation, as well as organization of marketing routes, are all essential if we are to stabilize village populations. Here an international strategy is necessary.

For small and medium-sized enterprises, we wish to repeat here what the President of the Republic of Gabon, His Excellency Omar Bongo, stated at the Copenhagen World Summit: "The Government of Gabon believes in the dynamism of small and medium-sized enterprises, both for restimulating growth and for promoting employment. National policies have already been initiated to promote development of small production units. Of course they need to be improved. Alongside these policies, training for enterprise managers is necessary to awaken the entrepreneurial spirit and enhance the way enterprises are run."

Concerning regional integration, Gabon is convinced of the need to set up large regional groupings – this is a prerequisite in globalization!

We think, however, that political will alone is not sufficient for lasting success in integration. We need first get a grasp of certain factors such as, for example, human and structural factors. Progress towards regional integration must be gradual and unhurried to allow each State to prepare itself better from within.

In conclusion we wish to express our satisfaction that the Programme and Budget proposals for the 1996-97 biennium incorporate all the concerns we have just mentioned, in particular, democratization in Africa, training, promotion of the small and medium-sized enterprises, and improved support structures for rural populations.

As the Copenhagen Summit recognized, the struggle against poverty, exclusion and social disintegration will entail first and foremost, promotion of productive and lasting employment, that is, by the ability of the State, the entire international commu-

nity, to provide all and everyone the wherewithal to become self-sufficient in society.

Gabon, through the able leadership of its President Omar Bongo, shares this approach, and we can assure you of our country's commitment to contributing to the success of the Organization's in the follow-up of the conclusions of the World Summit for Social Development.

Ms. SIMPSON (*Minister of Labour, Social Security and Sports, Jamaica*) – I join fellow speakers in congratulating Mr. Rosales Argüello on his election to the presidency of this Conference. My delegation has complete confidence in his ability to guide us to a productive conclusion of our deliberations.

Our Conference theme is at once relevant, challenging and perfectly timed. We therefore congratulate the ILO for its foresight. We thank the Director-General for an engaging Report. We also recall with pleasure the Director-General's recent visit to the Caribbean, and in particular to Jamaica.

Reality does not permit several of us here to talk about full employment now or in the immediate future. We understand better the nature, impact and the challenge of mass unemployment, chronic unemployment and structural unemployment. This problem has always been the preoccupation of public policy in Jamaica since independence. The societal impact of this problem is social exclusion, unacceptable levels of human suffering, rising inequality and poverty, as well as the threat of untimely death.

The challenge of reducing unemployment always requires good policies and collective effort. But it is also a challenge for global partners. We agree with the sentiment in the Director-General's Report that to view this challenge otherwise would be "both morally unacceptable and economically irrational".

Jamaica has had to contend with a well known backlog of structural unemployment difficulties. So we know that the problems cannot be resolved all at once. We have been forced to recognize the changing character of the unemployment problem. It is now a complex mix of youth and rural unemployment, massive unemployment among our womenfolk and among those with deficits in education and skills. All of this experience leads us to appreciate that unemployment is more than a socio-economic problem. It is also political, such that it has now mobilized the international community in a joint search for solutions. Jamaica's search for solutions has had mixed results. Presently we are concentrating our strategy on structural adjustment policies and on others informed by the globalization movement. Government and its social partners have adopted and are committed to a programme of significant economic restructuring aimed at macroeconomic stability and growth.

We are implementing a wide and varied range of human resource development strategies. The Labour Ministry is fully identified with national policies aimed at labour market reform, administrative reform and reform of the State in general. Clear and transparent policies towards investors reflect our favourable attitudes toward private enterprise in general.

These and other policies fuel the search for efficiency and employment creation. Some of these policies do impose social costs. We minimize such social costs by government intervention, but not in a "market denying" manner.

What should be the character of the new international cooperation on promoting employment? There are at least three possibilities relating to the developing-country situation.

The first requires continued and concessional support for local efforts to raise productivity in the formal and informal sectors. There can, for example be no better investment in the developing states than support for improvements in human and physical capital, support for innovative facilitating schemes, targeted at relevant constituencies. In short, international support aimed at employment creation, poverty eradication and economic growth must now be a major agenda item. The role that debt forgiveness can play in easing the unemployment problems in developing countries should not be underestimated.

Second, new global strategies to create a better employment situation must draw on the experiences with structural adjustment in the developing world. There can be no uniform package for the whole world.

Solutions to unemployment must reflect a mix of policies and special timing considerations. Above all, global efforts to solve unemployment problems will require the strengthening of national policy autonomy, not a weakening of it.

Third, international efforts to promote employment will continue to contradict themselves in this age of globalization unless lingering protectionist practices are relaxed, unless aid flows are better targeted rather than arrested, and unless greater attention is played to the social aspects of economic policies. Clearly, the search for a better employment situation must now be guided by a new global consensus on a more equitable way of sharing economic power and a better approach to redistributing the benefits of globalization.

Employment promotion represents a big challenge. In this forum we are concentrating on strategies. But we must swiftly move to action, action which will yield benefits to all, especially to the less-developed States where unemployment remains a danger to social order.

The right to a job or employment, which translates to the right to decent, civilized living, is a right not even the all-powerful technology on the information super highway should deny. For the right to the dignity of work is at the same time the right to our innate humanity.

It must be our firmest commitment to work increasingly to ensure that education, training and employment become acceptable pathways from poverty and powerlessness to self-reliance and empowerment.

If we can develop the laser beam, if we can travel at top speed along the information highway, if we can discover the secrets of the ocean bed, and send spaceships to traverse the heavens, why can't we rid ourselves of the scourge of poverty and unemployment?

The Jamaican Government stands ready to cooperate with and contribute to any action strategy that would expand employment in our time. Let the twenty-first century find us actively struggling to promote global employment.

Let us remain on the right side of history.

Original Arabic: Mr. ELAMAWY (*Minister of Manpower and Employment, Egypt*) – In the name

of God, the Merciful, the Compassionate! Please allow me to congratulate the President on his election to preside over the 82nd Session of the International Labour Conference. I wish him and the other Officers of the Conference every success in guiding the work of this session, a session which is being held at a time when we are witnessing many changes in the international arena, and in the wake of two important international meetings: the International Conference on Population and Development held in Cairo in 1994, and the World Summit for Social Development held in Copenhagen earlier this year. These conferences tackled very important issues which have a direct influence on the activities of our Organization, the ILO. I would like to discuss the problems of poverty and unemployment. This session is also preceding the next meeting of ECOSOC and the World Conference on Women: Action for Equality, Development and Peace, which is to be held in Beijing in September.

We have studied with great interest the Report of the Director-General entitled, *Promoting employment*.

This Report analyses in depth the employment situation in the world, and we in turn would like to participate in this constructive dialogue on one of the most important issues of our time, which is unemployment in general and underemployment in particular. We consider that the achievement of full employment is the best way of overcoming unemployment and poverty. I am quite sure that this dialogue will prove positive for our Organization and will help it to draw up labour policies on the local and international levels.

This Report is an abridged version of the Report that the Director-General presented to the World Summit for Social Development held in Copenhagen in March 1995, and it was also discussed at the 262nd Session of the Governing Body of the ILO in March-April 1995. For this reason, we would have preferred if the Report before us included, even in a separate annex, a summary of the results of this discussion and the trends adopted so that the Members of the Conference could participate in the development of policies to be applied at a later stage by the International Labour Organization in order to achieve full employment, which is the main objective of the Declaration of Philadelphia, adopted in 1944, as the main objective of national policies.

We are particularly concerned because we note that this Report is based on statistical data issued by organizations and institutions other than the ILO. The question could therefore be asked whether the statistical data available to our Organization is sufficient enough a basis on which to build documents for future use. Therefore I would like to propose that this Organization should establish simplified models of reports which would be filled in by the member States themselves and which would constitute the principal source of data and information for the drafting of these reports. These models should also include a reference to the professional sectors in the various countries and regimes because unemployment is a direct consequence of an imbalance in these various sectors and not only of the economic activities on which the Report is based. In Egypt, we are fully prepared to cooperate with the Organization in this area so as to provide all necessary statistical data concerning Egypt so that this information

may be added to that of other countries and thus help in the preparation of future reports.

The Director-General has made a very pertinent analysis of long-term unemployment and of the causes of its growth in the transition economies (the East European countries) and also in the industrialized countries. Unfortunately, the Director-General has not adopted the same approach in analysing unemployment on the African continent which groups together no less than 53 Members of the International Labour Organization. He has looked at the issue in the chapter of the Report entitled "Reducing underemployment and poverty", although we all know that total unemployment is the number one problem facing the African continent. Thus this continent has not been given the attention it deserves and the Report has only vaguely referred to sub-Saharan African countries, and has not dealt at all with the other countries of the African continent. This is a trend of which we do not really approve. We are against the subdivision and the discrimination between the various regions of this continent. We are all members of one organization which is the Organization of African Unity.

The Director-General says in his Report that the attainment of full employment must be an objective priority of national policy, and stresses the importance of developing employment creation programmes. In Egypt we created the Social Development Fund at the end of the 1980s. It is one of the bodies responsible for remedying the secondary effects of economic reforms and for creating productive jobs by encouraging independent work in small enterprises. The Fund has been able to provide more than 250,000 jobs in the last few years. I would also like to say that there is full coordination between the Social Development Fund and the Ministry of Manpower and Employment because their employment policy is an integral part of the social and economic development of my country, and aims to accelerate economic growth, combat the poor use of resources, encourage savings and national investment and attract foreign investments in order to create jobs and reduce the problem of unemployment, especially among young people.

In Egypt we are trying to improve the working of employment offices, spread throughout all the governorates of the country, and to provide them with the means to play an important role in the field of employment. We are trying to establish links between these employment offices, the production enterprises and the employers' organizations so that they can provide the latter with the qualified manpower which they need, the necessary skills, and on fixed dates. These activities are occurring in the framework of a unified Labour Code, established in consultation with the workers' organizations and the employers' organizations which takes into account the rights and obligations of both sides and guarantees good occupational relations based on consultation and collective bargaining. We hope that this will have a positive influence on the working environment in our country, will enhance the stability of industrial relations and will increase production and productivity, leading to the creation of new jobs.

The Director-General in his Report refers to international labour standards and the liberalization of world trade. In particular, he states: "the growth of transnational production has undermined the effec-

tiveness of traditional instruments of labour policy and of collective bargaining. Competition for foreign investment and the increasing footlooseness of production tend to lead to the debasement of labour standards. This clearly needs to be countered by giving a fresh impetus to international cooperation to enforce basic labour standards."

We fully agree with the Director-General on this. In fact, Egypt is one of many countries that took a firm stand on international labour standards at the 81st Session of the Conference last year, as well as at Governing Body sessions in November 1994 and April 1995. We repeated it at the Conference of Labour Ministers of the Non-Aligned and Other Developing Countries, held in New Delhi in January 1995, at the Arab Labour Conference held in Alexandria in January 1995, and at the OAU Labour Commission meeting held in Tripoli in April 1995.

In short Egypt is one of many countries that promote the ILO's role in drafting international standards and we fully cooperate in their implementation. In fact we have ratified more than 60 international Conventions, including the seven Conventions which guarantee the fundamental rights of workers. Egypt calls on those States which have not yet ratified these Conventions to do so as soon as possible. We also believe that international standards should be revised to make them more applicable by every country.

With respect to liberalization of trade and international labour standards our position is very clear and consistent. We have affirmed this at every previous session of the International Labour Conference including the last one. We believe that the ILO should not establish a link between international trade and international labour standards, because it is an infringement of the ILO Constitution and contradicts the principles on which this Organization was founded. There was in fact never a consensus as regards this link at the 81st Session in 1994, nor at any of the sessions of the Governing Body. This could possibly hamper the process of ratification and even cause member States to drop out of the Organization, in light of the large number of Conventions which have not been ratified.

We say this because we feel that the ILO should not debate the subject of international trade or its liberalization, since to do so infringes the Constitution. There are several international bodies that deal with international trade issues: ECOSOC, the WTO and UNCTAD, which have been created specifically for this purpose, and they are comprised of the same member States as belong to the International Labour Organization.

Original Spanish: Mr. BUSTOS HUERTA (Workers' delegate, Chile) – As you know, I am from a very small country which, after many years of suffering, is now making tremendous efforts to leave behind it the dark night of military dictatorship and to look to a future, rich in the opportunities opened to it by democracy.

We agree with the statements in the Director-General's Report that "Adopting policies that respond positively to globalization is the key to achieving sustained growth and productive employment creation in developing countries". To fail to do so would be to close our eyes to change, and try to turn our backs on the future.

With the same conviction, we also agree that the commendable movement towards a more open economy and the successful integration of the modern sectors into the world economy "will not solve problems of underemployment and poverty fast enough". In this context, stepping up the fight against poverty and improving the quality of jobs must inevitably mean adopting redistribution measures in favour of the poorest in our societies.

Our much vaunted modernization should benefit all to ensure justice, the stability of our institutions and economic growth.

This is why we propose to this ILO assembly that a special committee be set up to promote and provide technical support for the adoption of social clauses in the discussion of trade agreements, so as to ensure that world trade expansion is accompanied by improved workers' rights throughout the world.

The trade union movement has been a key player in restoring and bolstering democracy. History bears witness to the proof we have given to our attachment to democracy. Our commitment to democracy is based on our profound conviction that it is the system that provides the surest channels for proclaiming and struggling for our rights, and it is the most promising tool to achieve our objectives of better working conditions.

We should once again like to remind this Conference that, as workers, we are prepared to contribute to any political vision that can combine democracy, growth and equity, that is capable of making due allowance for the differing interests of the various parts of societies, that is capable of understanding different sensitivities and that can ensure collective cohesion and bring about satisfactory results for all.

The country also needs employers ready to engage in tripartite discussion and talk about the labour reforms necessary to ensure adequate protection of trade union organizations and extended coverage for those involved in collective bargaining.

Finally, the country needs a government that is ready to implement fully the programme for which it was elected, to foster tripartite meetings, to consolidate political democracy with legal and economic machinery that display a common purpose and is respectful of the human person.

Our country has made significant progress in various fields – this is something we do not deny or underestimate. The country is growing at an average of 6 per cent annually. At 8.9 per cent, the inflation rate in 1994 was the lowest for the last three decades. Domestic savings and investment are still growing. This vision of Chile, however, contrasts with the fact that poverty is still a cause for alarm in the country and affects one-third of all Chileans.

At the same time as we are making economic progress, we have the sorry honour of being the country in Latin America with the second greatest inequality of income. The 20 per cent of the wealthiest part of the population receives income 17 times higher than the poorest 20 per cent of the population.

Recently, despite this terrible inequality, the business sector rejected a government proposal to increase the pensions of 1 million retired people by stepping up taxes on cigarettes and petrol, although 85 per cent of this tax would have affected the 20 per cent of the wealthiest families. To overcome these inequalities, the workers have stressed that we need more social dialogue. Of late, the employers have

systematically resisted such a development. They do not want tripartite discussion on a rise in minimum salary, expansion of trade union organizations, measures to prevent sackings resulting from anti-union practices; neither do they wish to establish machinery that would extend the cover of collective bargaining.

Unfortunately, my country still has many employers whose touchstone is exclusion. To Chile's embarrassment, *The Economist* recently quoted an employer who said that what Chile needed was strong enterprises and not strong unions – an unacceptable justification for persecuting unions and a veiled appeal for confrontation.

We absolutely condemn the way employers have rejected tripartism, even though this is a principle they indulge in each year as members of the Chilean delegation to the ILO. The employers' rejection of tripartism harms the principles of social understanding promoted by the ILO.

Genuine democracy should bear the stamp of participation and respect for labour and union rights, and fair protection for the weakest in society.

In Chile, employers are good business people but the vast majority side-step their obligations to their workers. To this end, they use a set of labour standards that reflect the authoritarian spirit of the dictatorship days; today, we workers have to form underground unions so as to avoid worker persecution by the employers.

To consolidate our democracy and avoid social conflict, the Government of Chile has put before Parliament various bills on labour legislation reform. These are designed to achieve greater equity in labour relations and arrive at a more just and fair distribution of revenues.

We believe that the proposals put forward by the Government are important but inadequate. We have, therefore, submitted to Parliament a whole series of ideas for correcting the injustices that taint labour relations in Chile.

At this Conference, we would like to denounce the intransigence of the employers who, with the political right-wing, shelter under their majority in the Senate, vote together *en bloc* with the Senators appointed by the ex-military dictatorship, and refuse to discuss labour reforms to protect union membership and give wider scope to collective bargaining.

We, as workers, consider it mere justice to have a stable and balanced democracy, and improvements in existing labour laws, and especially the provisions extending the right to bargain collectively to protecting inter-enterprise trade unions and casual labour. Collective bargaining guarantees civilized dialogue, and it permits agreements which make enterprises themselves work better. However, in our country, no more than 10 per cent of the workers can bargain collectively. This is just not fair or reasonable and it is, for us, a matter of great concern.

The workers want solutions to their urgent problems. We are very concerned about the type of society that we are currently building. We reject the materialist, consumer, individualist society. We want a society that is imbued with transcendent values rooted in justice and solidarity.

In that context, the commitment undertaken at the Social Summit to promote full employment as a basic priority of economic policy is very lucidly reflected in the Director-General's Report. The ILO, 75 years af-

ter its creation, is now in the vanguard of the struggle for human dignity and for a fairer and more compassionate society.

Mr. ATASAYAR (*Employers' delegate, Turkey*) – I have great pleasure in extending to everyone here on behalf of myself and of the delegation of Turkish Employers, my best wishes for a very successful session. I would also like to take this occasion to congratulate the President on his election to chair this session of the International Labour Conference.

First of all, I would like to express our satisfaction at the Director-General's decision to make employment the major theme of his Report to this year's session of the Conference. Employment and unemployment have indeed become issues of concern to all of us in this age of globalization.

In today's world where capital can easily move across national boundaries through simple computer transfers, technology can mercilessly take the place of human beings in production, and information can incredibly replace goods and services, it is not surprising to see that employment has become the focus of attention everywhere. Thus, the ILO has every reason to seek international solutions to this problem which cannot be adequately tackled by individual countries.

I should also like to take this opportunity to mention Turkish Employers' deep concern over the growing unemployment problem in our country and the adverse international business cycle and climate. The 1991 Gulf crisis and its aftermath, coupled with wrong and extremely populist policies pursued by successive governments have had a major impact on and created problems in Turkish working life. As a result, we see that enterprises in Turkey shrink in terms of employment. In addition, investment has decreased considerably and capital has started to fall. In consequence, the rate of unemployment has reached very high levels and the informal sector has grown enormously.

Recently, government policies have led to a crisis which resulted in a sharp fall in national output for the first time since the late 1970s. High rates of inflation and interest are major obstacles to recovery. Privatization has never reached the desired momentum.

Social legislation, and in particular, its rigidities have also contributed to the present bottle-neck. The Turkish industrial relations system which is highly regulatory has proved to be unable to cope with high rates of unemployment.

Today, the public sector is no longer able to create employment in Turkey, as in any other country committed to a liberal economy. The private sector is not as yet in a position to fill this gap simply because it is still hampered by the rigidities of existing laws. What is perhaps more important is the fact that the labour unions have so far failed to realize that they also have important tasks and responsibilities as far as employment creation is concerned.

Having said this, I must add that I do not intend to draw too pessimistic a picture here. We as Turkish Employers firmly believe that with appropriate policies and their determined enforcement, the Turkish economy can easily overcome its current difficulties thanks to its great potential. A rapid improvement can be made with the creation of a macro- and mi-

cro-climate conducive to new investment and growth.

After having very briefly talked about the employment situation in my country, I would also like to submit our views regarding ILO tasks and responsibilities in promoting employment all over the world.

We believe, as Turkish Employers, that we need new ILO strategies and approaches towards creating more jobs because in our opinion existing ILO strategies and even recommendations have proved to be ineffective vis-à-vis technological advances. This is one of the main reasons for the unemployment problem we face today.

A new and effective ILO employment strategy can best be worked out by taking into consideration the following points: (a) we need new formulae and recommendations to create an employment environment within which international capital movements will be sufficiently motivated; (b) labour organizations should be won over to an understanding that will induce them to support policies to increase investment; (c) we need more Recommendations and fewer Conventions; (d) the social partners should be offered more deregulation rather than regulation and solutions to conflicts should be sought through mutual dialogue rather than rigidly binding legal provisions. This approach should be embodied in Conventions and Recommendations; (e) existing Conventions and Recommendations should be reviewed and amended in light of this new philosophy; (f) we also believe that, in addition to this, there are certain things that the ILO should carefully refrain from doing. Employment can only be promoted through concrete measures. In putting such measures into practice, encouraging flexibility, rather than binding rigidity, should be the golden rule.

In today's highly competitive climate, ILO measures should not undermine the competitiveness of individual countries. The ILO should strike adequate balances between the interests of the industrial countries and the requirements of the developing countries.

Finally, ILO Conventions and Recommendations should aim to reduce the size of the informal sector throughout the world.

Before I conclude, I would like to reiterate the Turkish Employers' determination to go along with the international cooperation proposed by the Director-General. We are not pessimistic about the future. In the hope that the resolutions of the 82nd Session of the International Labour Conference will pave the way for the creation of effective international cooperation under the auspices of the ILO to promote employment, I extend, on behalf of my delegation, my best wishes for a very successful session.

Original French: Mr. LAICHOUBI (Minister of Labour and Social Protection, Algeria) – Allow me on behalf of the delegation of Algeria to offer to the President my sincere congratulations on his election to this session of the International Labour Conference. I should also like to extend my congratulations to the other Officers. I remain convinced that under their able leadership our session will meet with the success we all expect.

The Report submitted by the Director-General of the ILO to this session suggests a new approach to promoting employment in the context of a world economy undergoing changes in which increasing in-

equalities harm human dignity and therefore cannot leave us indifferent.

Our interest in this issue results from its crucial topical nature, internationally as well as nationally, and from that fact Algeria has given priority to it in its period of transition towards a market economy.

The search for full employment is, without any doubt, the best way to promote social progress in a world dominated by power structures which tend to exacerbate imbalances and accentuate poverty and marginalization, leading to social tension and instability, even violence, which could seriously threaten stability in the regional context.

The state of the world illustrates the fact that although unemployment and poverty spare no country, developing countries are most seriously affected.

Attempts to find a solution to this problem, despite arousing hope, have only had limited effects on the development and growth of these countries, in the absence of appropriate means and support.

In this atmosphere of uncertainty a large number of countries have the means to resolve many of the difficulties which hold them back. Algeria is one of these countries which, in spite of experiencing disturbances, has both the will and potential to achieve a satisfactory recovery.

In my country full employment is a declared policy objective despite a transition in which we support a heavy burden of unemployment. The search for full employment in Algeria is a phrase which reflects a concrete reality, in the knowledge that the low level of unemployment was dealt with in past decades without major difficulties thanks to the industrialization policy.

However, since the end of the 1980s an abrupt change in trends was to appear, characterized by a drastic reduction of income derived from exports of oil and gas, inevitably leading to a slowing down of the economy.

These unfavourable external factors were aggravated by the prevailing approach to development and by a high rate of demographic growth and its corollary, an increase in the labour force, leading to difficulties in the labour market, as unemployment reached 25 per cent in 1994.

Faced with this situation many initiatives have been undertaken in all areas conducive to facilitating the return to growth and investment. These include the management of the external debt, industrial restructuring, privatization, trade liberalization and the encouragement of non-hydrocarbon exports.

However, unemployment is often accompanied by a social decline. Thus employment policies are connected to social integration and to healing of society's wounds.

This is why the approach initiated in Algeria has three main elements, integration, insertion and employment itself.

The area of integration is directed towards the most vulnerable sectors of the population in their daily life. This area, based on the principles of solidarity, organizes community action and promotes the improvement of infrastructure, environmental health, etc. This has meant the establishment of 13,000 projects involving 400,000 individuals.

This approach offers a framework of solidarity in which neighbourhood support, such as remedial teaching, health coverage and health education, vocational training, etc. can be organized. It particu-

larly aims at promoting women and young people in general and re-establishes the relationship between the individual, the community and the State.

The second segment of the approach is insertion. It consists of a public works and renewal programme making intensive use of labour and providing vocational training to the participation.

The third segment includes activities concerning small and medium-sized industries and small and medium-sized enterprises, self-employment and home work.

The interest in micro-activity not only derives from a concern to upgrade existing economic potential and to occupy space left vacant by the change in economic policies which previously promoted large-scale industrial complexes, but also aims at including women and young people and reintegrating those who have lost their jobs, particularly in public sector enterprises. This segment thus constitutes a key element in promoting employment against a background of structural adjustment.

The various solutions initiated by the State to promote these programmes include, apart from incentives in the state and parastatal sectors, support for those responsible for employment promotion, additional technical assistance to acquire means of production, training to upgrade know-how, financial support according to pre-established criteria in order to complete the financing for projects.

It goes without saying that indispensable action with regard to labour market management and the search for balance between the supply and demand are also included in these programmes.

The logic of dealing jointly with employment and social integration is based on the conviction that unemployment does not only indicate economic incapacities but also, indeed above all, the limit of society's capacity to generate social cohesion, placing a question mark over civilization itself.

These ills obviously affect poor countries as well as developed countries, so that social cohesion becomes a strategic matter.

Algeria, with its economic potential and human potential, its geographic position, making it a meeting point between Europe, the Mediterranean and Africa, with its infrastructure and sources of energy, is in a position to take advantage of the economic and financial opportunities offered by globalization in order to enhance employment and achieve full employment.

For my country the social pact which has been supported in principle by all the tripartite partners, and would be also a covenant for growth and the creation of wealth, is an area of use to society, an area of responsibility whose role is crucial for societies undergoing fundamental change and almost at boiling point. It is also an area where young generations may emerge and contribute their sense of responsibility and economic efficiency. These initiatives deserve the support of the ILO, which must not cut back on its activities at a time when the mood it inspires is so necessary for countries in transition.

The effectiveness of the tripartite model should be measured precisely at times of crisis like these.

The pathologies of poverty should not be seen as shameful diseases from which one turns away when one sees their devastating effects which threaten the stability of entire societies, be the cause the development models followed by individ-

ual countries or the structure of international economic relations.

It is quite clear that poverty, unemployment and the failure to integrate young people and women in society are a threat to peace.

The international community should therefore pay more attention to the place of less developed economies in international trade, to the burden and distribution of international debt which gives rise to all the structural adjustment programmes, as well as to the aims of international aid.

The ILO must intervene more directly in the strategies devised by the international financial institutions and persuade them to redirect their policies in a direction more supportive of a return to full employment.

Indeed, this is one of the recommendations of the Declaration and Programme of Action adopted by the Heads of State at the World Summit for Social Development.

Evidently, the ILO should continue to promote labour standards and ensure that States respect them.

On the other hand, in the context of the consultations proposed with the Bretton Woods institutions, the observance of labour standards, already endangered by the fierce competition for foreign investment and market share, must not become a pretext for new types of conditionality or for the implementation of a much decried social clause.

In other words, international organizations and institutions must seek and maintain a balance between the competing demands of economic efficiency and social protection.

Mr. SALMENPERÄ (*Government delegate, Finland*) -- My delegation would like to join all those who have addressed this Conference before me in congratulating the President, as well as his Vice-Presidents, upon their election. I am confident that their experience and wisdom will bring this 82nd Session of the International Labour Conference to a successful conclusion.

Unemployment persists and degrades human dignity all over the world. It is our view that unemployment is the most urgent challenge the ILO is facing. Given its enormous proportions, unemployment already challenges the stability of societies everywhere. Recent discussions within the ILO are proof that this is a universally shared sentiment. The encouraging results of the Social Summit held in Copenhagen only a few months ago make it all the more clear that there is universal commitment to deal with the issue of unemployment. It is therefore important to keep the employment issue at the centre of the international agenda. This is why my Government welcomes *World Employment 1995* and looks forward to its continuation at regular intervals.

I take this opportunity to express, as many have done before me, my sincere appreciation also for the shorter version of *World employment 1995* the Director-General has presented to this Conference. It is clear in the light of this report that there still are many misconceptions about the underlying reasons to unemployment. Also, the effects of globalization have clearly been underestimated. No more is it, for example, possible to seek lasting comparative advantage through monetary or wage adjustments in the national level. This just means that these exist every-

where and will have to be resorted to if pressures arise, leading merely to a wider distribution of poverty.

The way out is, and I quote the report: "The crisis of mass unemployment will ultimately be solved only by the expansion of output and creation of jobs in new activities ..." The globalization of the economy and free trade have great potential in creating jobs everywhere. These jobs will not, however, appear if greater division of work based on national comparative advantages is not achieved. Linking trade with labour standards will not produce more work either. That is not the reason why we should go and discuss the social dimensions of liberalization of international trade.

What really is at stake here is human dignity and basic rights of workers. Free trade is not really free if it endangers the freedom of workers and their right to fair treatment. The Social Summit clearly established the content of these values and the common commitment to them. It also became clear that the ILO has a positive role to play in this field. However complicated the issue is, surely a way can be found that will not harm the trade of developing countries but would rather encourage them in a common struggle for a better life for workers. Missing this chance for a new approach would mean undermining the significance of the ILO and leaving the field free for other players who have less competence on the working life and industrial relations. In our view, the intent of the Summit participants is clear. It is for the ILO, together with the other UN agencies, to provide the missing ingredient of human development, human dignity and the rights of workers in order to create the right policy mix for the increasingly globalized world economy – free trade and sustainable development.

The ILO did not achieve this recognition spontaneously. The Director-General deserves to be congratulated for seizing early enough the opportunity presented by the Summit. After the Governing Body committed the required human and financial resources for the preparatory work in cooperation with other organizations, it is no surprise that the ILO now more than ever takes its rightful place among the international organizations dealing with economic and social issues such as the World Bank, IMF and WTO. The Summit statement on worldwide employment policies agreed at the highest political level is a significant recognition of the values the ILO stands for.

Although the critical mass of information about the reasons of unemployment and about the ways and means of how this should be tackled seem to be available, signs of improvement are still very scarce. It seems as though little could be done to deal with those reasons even if they are known. In the old times, when timber was floated down the rivers to the sawmills, it was well known that very easily a single log of timber which became stuck in the wrong position could block the whole operation. I am now suggesting that there is a similar blocking log in the world of work. All other efforts are nullified by this blockage. In this case, the blocking log is lack of innovation, or to be more specific, lack of opportunities to use it. Opportunities to employment are of course always direct or indirect results of innovations. It is not a question of huge technological leaps but rather a question of continuous search for small

improvements everywhere. When this search is blocked for one reason or another, monetary, public expenditure, education or other problems, stagnation follows. It is therefore of utmost importance to focus on a working environment which creates a supportive atmosphere for entrepreneurial initiatives and continuous learning. Without such an environment the skills and the abilities which form the basis of employment opportunities will not grow. Clearly it is a question of organizing work in a manner which respects human qualities far better than some seem to think necessary.

We thus find ourselves in a situation where employment issues cannot be separated from working conditions. The crux of the matter is that these conditions should intensively encourage workers to take initiatives and help them to build the confidence that is needed for this. If these possibilities are left as prerogatives for only a part of the workforce, we will have an immense waste of human resources which will certainly result in unemployment.

I have tried to demonstrate that good jobs will in time turn into more jobs. The history of labour standards shows that slowly we are able to advance towards this goal. The slow progress has also brought about voices of suspicion. Some suspect that it can be downright detrimental for employment to try to improve conditions of work through labour standards. It is claimed that such efforts will be justified only so far as the economic situation leaves room for them. Surely a balance must be struck. However, such a balance will not be at hand if labour standards are set aside, or if they are formulated with no real objectives of improvement.

In this connection, and as the new Governing Body Working Party on Policy regarding the Revision of Standards is about to begin its work, it is perhaps timely to voice a note of concern. The discussion has so far reflected more pragmatic questions of universal implementation than insight of the needs of the world of work. It would do little good to start producing standards which are applicable even in the worst of conditions. They would not set standards for anyone. ILO standards have proved their significance and value in the world of work. Let us continue upholding these values and the system that has been built up for supervision of labour standards.

Original French: Mr. MERTEN (Workers' delegate, Luxembourg) – The major issues that are on the agenda of this 1995 ILO Session must be examined in a constructive spirit by delegates and technical advisers, assisted by the devoted officials of the ILO. We must achieve specific results that will notably improve and adapt social protection, labour conditions and the treatment of workers in view of the new world employment crisis.

A worker who develops in a healthy social environment does not create extra-parliamentary opposition, nor revolutions, nor terrorism, nor wars, because a stable social environment is the objective that this Conference should set for itself, cherishing as it does peace, prosperity and justice – values which are dear to the ILO.

The ILO is widely called on for such a mission. As the President of the United States, Mr. Bill Clinton, recently pointed out, there is a challenge that we have to meet, to adapt our international institutions and to further cooperation among nations so as to

manage a new generation of problems that go well beyond national boundaries.

National leaders at the World Summit for Social Development in Copenhagen acknowledged that a world governed solely by the international market and by financial logic is socially unacceptable, politically dangerous and unproductive. Over the last three years there has been a real apocalypse. Wage-earners have been insidiously laid off, *en masse* or individually, as a result of trade competition. Eight hundred million of them have been sacrificed on the altar of competitiveness or abusive political power, as respect for the laws and regulations in force in the various countries continues to decline.

Mr. Jacques Santer, former President of the Government of Luxembourg and now President of the Commission of the European Union, has called for machinery to supervise employment markets and machinery, as well as to collaborate as an influential spokesman for the draft Green Paper, which has become a White Paper, a medium-term programme of action for the Commission.

I would also like to see the various ILO member States arrive at and sign an agreement on the insertion of the social dimension and the liberalization of international trade.

I would once again voice an appeal to our Conference that it should accept its responsibilities, as recently stressed at the World Summit for Development in Copenhagen. The Social Summit should not be limited to a media "scoop", nor should it become a costly enterprise to the detriment of social victims.

I would like to take this opportunity to congratulate our new Prime Minister, Minister of State of the Grand Duchy of Luxembourg, Mr. Jean-Claude Juncker, for having maintained the vital Ministry of Labour and Employment, and for his effectiveness in governing and his commitment to employment. I place my full trust in him and I thank him for his stringent policies to protect workers.

One of the subjects that we are looking at together is a consequence of a new era, a computerized society with information super-highways and worldwide data processing: the issue involves home work and the social protection of homeworkers. Progress in information and communication technologies is changing the way we live, the way we work, do business, educate our children, study, do research and learn. But it is not enough just to take note of the situation, we must nurture the social dimension of the information society, and of the technological revolution that it involves.

Homeworkers, working for one or more employers, even as "pseudo"-self-employed people, are burgeoning in the labour market, multiplying at a dizzying pace. Homeworkers are particularly vulnerable because they enjoy no legal protection, they are isolated and their bargaining power is weak. Very often they earn less than the minimum wage and work long hours. They have no job security and they are unable to ensure that the contractual obligations due them will be respected.

Most of them are women, either because they wish to juggle family responsibilities and paid employment or because they lack the proper qualifications. Home work is often the only source of income in areas where unemployment is very high.

New problems specific to this particularly vulnerable category of workers have emerged and there is

no appropriate protection either nationally or internationally for them.

On behalf of today's and tomorrow's ever-increasing ranks of homeworkers, I call on the ILO to grant absolute priority to discussing these specific problems for workers and employers arising from this new category of worker.

As an adviser to the Economic and Social Committee of the European Union I would like to voice this message: no to travelling at variable speeds; yes to the definition of a highway code for the information super-highway. Our permanent concern is for employment, though not at the price of stripping away all social protection.

The role of the ILO is to expand all social protection to everybody, and to avoid abuses due to the accelerated, uncontrollable globalization of trade. In the light of social disintegration arising from unemployment and poverty, it must dissuade employers from taking advantage of current uncertainties in order to exploit workers. It should play a dual role as monitor and job creator.

In order to achieve this, perhaps there should be reform of the United Nations agencies, at least creating synergies between the ILO, the WTO, the World Bank, the IMF and the United Nations.

Should we not try to create and institutionalize such a system based on trade liberalization, trade flows and investments?

It is our duty to approach politicians worldwide, calling on them to recognize the ILO as being the fifth pillar of such a system, that it is the only international institution in which civil society participates. Humanitarian work must go hand in hand with the ILO's machinery to bring an end to the massacres that range from Biafra to Bosnia.

I read the note for the workers' representatives on the subject of the social clause and the report of the Chairman of the Governing Body. I see that the social clause is not on the agenda of this 82nd Conference. It has been scattered among committees here and there. We are in a state of emergency, with 800 million unemployed people in the world. I say that the social clause should be on the agenda of this Conference.

In Europe we have made labour more humane, we have established laws which codify various fundamental values. As we stand on the threshold of the twenty-first century, the worker has been reduced to a material good, a thing, an object to be thought of solely in terms of output potential. It is unthinkable for the ILO to view this situation impassively.

Let me conclude by expressing my hope that this 82nd Session will respond to the appeal voiced at the Copenhagen Social Summit and achieve its objective of fostering greater solidarity, of creating a civilized and more reassuring world as we enter the twenty-first century, recalling that the purpose of being human is to serve other humans.

Original French: Mr. OMBA PENE DJUNGA (Minister of Labour and Social Welfare, Zaire) – On behalf of the Government and people of Zaire I should like to convey the warmest and most sincere greetings to the President and all the delegates of this august assembly.

I would also like to join all the speakers who have preceded me in congratulating the President on his unanimous election to lead the work of the

82nd Session of the International Labour Conference. I can assure him of the full cooperation of my delegation. I am certain that under his wise leadership, and with the help of the Vice-Presidents to whom I also extend my warmest congratulations on their well-deserved election, our discussions of the various items on the agenda will be crowned with success.

The theme of the Director-General's Report, *Promoting employment*, is a timely one. Indeed, it is one of the preconditions for social, political and economic stability in our countries.

My delegation studied this Report with care and interest. We are satisfied with the Report's quality and we are grateful for having received it. I am sure that it will serve to inspire us as we seek to tackle and solve the difficult problems of the world of labour.

My country is also confronted with the problems resulting from the pillaging of 1991 and 1993. We are still trying to restore the equilibrium that was broken in those times.

As a result of the mass departure of foreign entrepreneurs and the no less massive destruction of the tools of production, an extremely large number of people have found themselves on the street without a job.

It will not be possible to attract these entrepreneurs back to Zaire unless the Government can ensure that they receive just reparation.

My Government has therefore undertaken to renew relations with international financial organizations. As we see it, this is the most useful approach in the view of the present situation of my country.

As soon as a relationship of trust can be re-established, we hope to gain access to credit, which my country's economy will sorely need to resume the activities which have been interrupted and to start up new economic activities as well.

In the light of the present economic situation of my country and, as I mentioned earlier, the constant increase in the number of unemployed people, the so-called "informal" sector has grown to such an extent that it now employs more than 80 per cent of the active population.

This sector has also played a significant role in the

training of young people, who seek employment through apprenticeships.

According to a survey conducted in Kinshasa, training at informal enterprises is five times less expensive for students than it is in a technical training centre. According to entrepreneurs, 55 per cent of the apprentices who are currently being trained will subsequently be employed by the enterprise which trains them, whereas some 35 per cent might find a job with other informal enterprises.

This remarkable performance of the informal sector has taken place in the face of total indifference on the part of the authorities. Indeed, the entrepreneur is very often left to his own devices.

Today, in an effort to restore the equilibrium which has been lost, my Government has decided to take action to take care of this sector.

Indeed, we have begun two types of action: one as regards training, and another aimed at improving relations with the social partners.

With the support of UNESCO, my Government is now holding general congresses addressing the question of education, with a view to bringing training and employment closer together.

With the help of the ILO, my Government will be able to carry out a number of training programmes in the national institute for vocational training to improve the organization of the informal sector.

Tripartite consultations have been introduced in all decision-making bodies dealing with labour questions. The National Labour Council and the Economic Management Committee are currently implementing measures to give new momentum to national employment policies.

We believe that all these fruitful exchanges and experience from our 173 member countries will make it possible for this forum to propose, as was done in Copenhagen, bold solutions that can ensure economic growth in the developing countries and foster trade on an equal and fair footing so that we can progressively reduce poverty.

This is the cry of hope that my country's delegation is making in this 82nd Session of the International Labour Conference.

(The Conference adjourned at 1.15 p.m.)

Thirteenth sitting

Tuesday, 13 June 1995, 3 p.m.

President: Mr. Halliwell

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We shall resume the discussion on the reports of the Governing Body and of the Director-General.

Original Russian: Mr. KUNYAVSKY (Employers' delegate, Belarus) – To begin with, I would like to join the numerous other speakers who have congratulated the President on his election to this important post, and express my confidence that he will be successful in his work.

At this session of the Conference, the ILO has presented us with a very interesting and, as always, informative report prepared by Mr. Michel Hansenne, the Director-General of the International Labour Office. It has already become something of a tradition for the ILO and its Director-General to propose very progressive ideas of social development which are suitable for each of the various stages of the historical evolution of the world community. This certainly helps to bolster and enhance the authority of the ILO.

Full employment is directly or indirectly the aspiration of the overwhelming majority of people. In the context of the globalization of world production, the problem of full employment is all the more important in the social sense. Of course, the realization of full employment is extremely difficult, and there is a plethora of objective and subjective obstacles blocking the path, some of which are mentioned in Mr. Hansenne's Report.

This problem has become highly relevant for the so-called transition countries, including my own. Although our official statistics give relatively low unemployment figures, they do not take hidden unemployment into account. Hidden employment has resulted from the sharp decline of production and a large-scale suspension of activity in state-owned enterprises, which account for 78 to 80 per cent of production. The overwhelming majority of companies are running at no more than 35 to 40 per cent of capacity, while the number of persons employed has remained higher; at between 80 and 90 per cent.

When we consider that the decline of production is largely due to the loss of markets for our products and a dramatic drop in investment as sources of capital dried up, it is clear that there is a serious risk of mass dismissals and of massive unemployment.

That is why the Conference of Industrialists and Entrepreneurs of Belarus has consistently campaigned in favour of an acceleration of market reforms, and first and foremost, for privatization, a restructuring of enterprises, a renewal of the entrepre-

neurial spirit, the liberalization of trade, relief from a disproportionate tax burden, the creation of conditions conducive to savings and investment, the export of nationally produced goods and the stimulation of foreign investment.

Our economic analyses confirm that only such changes, if implemented by the Government, are capable of preventing massive unemployment by overcoming the economic slowdown and stimulating investment.

Nonetheless, we believe that in a number of sectors, we cannot maintain current employment levels, as far-reaching structural reforms are required. The nature of enterprises must change, and the production process must be restructured to increase the efficiency of these sectors.

The alleviation of the employment problem lies in the growth of small and medium-sized businesses. In the appropriate conditions – if such businesses are given access to unused resources; if the tax burden is reduced; if there is no risk that property and income will be confiscated – these businesses could, according to the most conservative estimates, create annually a number of posts equal to between 5 and 8 per cent of the country's active workforce.

I should note the important role played by the ILO and the UNDP in assisting our country in dealing with employment problems. They have provided assistance, including partial financing of a project for the social and economic revival of former military bases. The ILO, through its Enterprise and Co-operative Development Department and the Regional Office for Europe, and especially thanks to the work of Mr. von Muralt, Mr. Hidalgo, Mr. Louzine, Mrs. de Vries and Mr. Klotz, has helped draw up a national programme designed to provide in the next few years employment for some 150,000 people who were formerly in the military, by stimulating self-employment, small and medium-sized business and the establishment of the necessary infrastructure.

That is the task that our Government, employers' organizations and workers' organizations are undertaking. Part of this project calls for the transformation of former military bases into testing grounds for market reforms, in addition to employment and investment measures. Clearly, we are counting on entrepreneurship to lead the way.

The experience gained through these programmes, which can justifiably be considered as pilot projects, permits us to count on the ILO and other international organizations for further effective assistance on a wide range of problems. I am referring in particular to the drafting of legislation for economic reforms, for setting up an efficient labour market, for

social partnership and for many other questions, including, of course, employment promotion.

I have already mentioned and emphasized our agreement with the ideas contained in the Report of the Director-General of the ILO. The problem of employment is indeed a complex and difficult one, both from the point of view of macroeconomic management and as regards social and cultural experience and the mentalities of the various countries. We believe that it would be useful to develop several models which would concretely define effective ways of promoting employment. These could be used by Governments, employments and workers in their practical activities. The Conference of Industrialists and Entrepreneurs of Belarus is ready to work under the aegis of the ILO to help develop such a model for the countries of the former Soviet Union. I am sure that our Government would support this type of project. It would also be in line with the ILO's ideas as regards the practical application of theories for the social systems of specific countries. That is one of the main aspirations of the ILO.

By way of conclusion, I would like to express my hope and confidence that the Report of the Director-General of the ILO will serve as a powerful stimulus for the international community to adopt effective measures to promote employment in the new context of more open borders and a more globalized economy.

Mr. THAILUAN (*Workers' delegate, Thailand*) – On behalf of Thai workers I would like to take this opportunity to congratulate the President on his election to chair this very important session. Under his able leadership and guidance, I believe that this session will be very successful.

As the Thai Workers' delegate, I feel obliged to report the labour situation in Thailand to the Conference.

Let me begin with child labour. This subject has been widely spoken about by many people and the Thai Government has been blamed for not taking appropriate action against this practice. I would like to inform you that in fact the Thai workers' organizations took this subject as one of the major problems that needed immediate action. We therefore cooperated with the Ministry of Labour and Social Welfare in implementing various measures to resolve the problem including inspection and strict supervision to protect children and prevent employers from hiring children below 13. Through genuine and conscious actions and joint efforts, child labour is being reduced sharply, and is now nearly ended. One of the major policy measures that the Thai Government is now implementing is to extend compulsory education from 6 to 9 years. This means that the children will be at school until they are over 13 years of age, hence helping to reduce child labour problems in Thailand. I would like to confirm to you that the child labour situation in Thailand is now diminishing sharply and we are very satisfied with the situation.

The second subject I would like to touch upon is tripartism. The Thai Government has not ratified the Tripartite Consultation (International Labour Standards) Convention (No. 144). However, tripartism has been practised in Thailand for a long time. Several tripartite committees have been established such as the Labour Relations Committee, the Social Security Committee, the Wages Committee, the Workmen's Compensation Fund Committee, etc. The tripartite

concept is also applied in appointing the Judge of the Labour Court. However, the Government still hold the power to appoint the committees and there are many tripartite committees that have been unfairly appointed, for example the Labour Relations Committee. The Ministry of Labour and Social Welfare has changed the procedure for appointing this committee without informing the parties concerned. He did this because he wants to strictly control this committee. The representatives of workers appointed to this Committee came from small labour organizations, while the representatives from the large organizations who are the members of WCL and ICFTU were intentionally left out.

Although we have made protests against it the Ministry of Labour and Social Welfare pay no attention to our protests. As I have mentioned earlier, the Ministry wants to have close control over this Committee, so it appoints workers' representatives from small organizations to this Committee because these workers' representatives usually do not argue with the government officials but will follow the orders from the Government, while the workers' representatives from large workers' organizations would not be under the control of the Ministry of Labour and Social Welfare. So, in this respect I would like to inform you that although tripartism is practised in Thailand, the appointment of the Committee is still under the control of the Ministry of Social Welfare.

The third issue I would like to inform you about is safety. At present the rate of accidents and on-the-job injuries, causing workers' deaths and disablement is still maintained at a high level. This is because the lack of serious interest of the Thai Government in this area. The safety problem is a national problem, but in Thailand the organization responsible for this matter is still a very small unit called "safety institution". This organisation does not have sufficient manpower, budget or equipment to cope with the growing safety problems. So, I would like to state that the safety situation in Thailand has not improved.

The last subject I would like to mention concerns public enterprises. I am pleased to inform you that the Thai Government has shown sincerity in resolving the public enterprise problems by proposing a Bill to Parliament to allow public enterprise workers to establish a labour union. The Bill is now in Parliament and I believe that public enterprise workers will enjoy their right to organize their labour union very soon.

In conclusion, I would like to state that the Thai Government by the Ministry of Social Welfare has implemented several policy measures to improve the labour situation in Thailand except the appointment of the tripartite Committee which needs to be corrected as soon as possible.

Lastly, I would like to express my sincerest thanks to you for giving me the opportunity to have the floor and I will report to you again at the next session of the Conference on the situation and improvement of the performance of the Ministry of Labour and Social Welfare in Thailand.

Original Polish: Mrs. SPYCHALSKA (Workers' delegate, Poland) – As delegate of the Polish employees, I would like to congratulate the President on his election to chair this session of the International Labour Conference. We are also impressed by the Report of the Director-General of the International Labour Office, Mr. Michel Hansenne.

Allow me to share with you a few reflections at this most representative tripartite forum of the contemporary world – the first to be held after the World Summit for Social Development.

We believe that the documents adopted in Copenhagen are the expression of the will of the international society to solve the most burning problems of the world today, namely hunger, poverty, unemployment, child labour and all forms of discrimination. We would also like to refer to the Copenhagen Declaration adopted by the Trade Union Forum, and mainly to those entries which, on behalf of the International Trade Unions movement, make reference to the document of the Workers' group of the ILO Governing Body: *The ILO towards the twenty-first century*. We would like here to express our recognition of this Workers' group, the initiator of the Trade Union Forum which brings together representatives of trade union centres and organizations holding different viewpoints. Indeed, despite many differences within the international labour movement, we believe that it is possible to reach agreement on issues that are basic to the world of labour.

It is obvious that the matters discussed at the Social Summit concern also the region of Europe – and mainly the central and eastern parts of Europe. The working people of our country, as well as the unemployed, the elderly, the disabled and the most vulnerable social groups, are having to cope with many problems and difficulties. They do, however, cherish the hope that any further changes will be free of mistakes and settlements which are inappropriate to the reality of the situation today. Despite its difficulties, Poland is changing very fast. According to official data, particularly promising signs include: growth in industrial output, a considerable increase in exports, lower costs and growing profitability. We hope that these positive trends, apparent in many fields, will continue alongside increasing stability. We perceive the improvement of our economy as a basic prerequisite for bettering the social welfare of working people and curbing unemployment. At the same time, we are also aware of the burdens placed on the weaker social classes in our country during the present process of transformation. Despite all this, we, as unionists, support the process of systematic reform and understand the need for changes for the better. Our main discussion now is on methods of implementation and the pace of transformation – not on the essence of this change. Much, for example, hinges upon employment policy. This is why for several years now we have pressed the Government and employers to pay more attention to the human factor in the context of trade and economic relations. In 1993 we were forced to file a complaint against the Government of Poland in connection with the high unemployment rate, as we felt there was no programme to reduce efficiently this rate. However, we do appreciate the efforts on the part of the Ministry of Labour and Welfare Policy and the Confederation of Polish Employers to improve relations with trade unions. Nevertheless, I have to address certain important questions that influence the laying of the foundations for social peace.

There are some 12 million people working in the national economy and the same number of old-age pensioners, disabled and unemployed. This situation is worsening with respect to the working population. The former system of social insurance has been transferred to the state social insurance system. But the

State finds it difficult to shoulder the increasing burden of social insurance – and for some time now there has been a lively debate on the subject. A new concept of social insurance put forward by the Government is based on the experience of highly developed States where the pay and incomes of employees are several times higher than of those in Poland. Those who understand the need to develop systems for the pensioners of tomorrow are concerned that this category of the population will be poverty-stricken. In addition, the State is having to cope with the growing public debt which, although reduced, exceeds the state budget for the current year.

The All-Poland Alliance of Trade Unions (OPZZ) is supporting dialogue and negotiations within the tripartite structure. This is served by the appointment of an institution for social dialogue, the Tripartite Commission for Socio-Economic Affairs.

Given these circumstances, we feel that trade unionists must resort to the "final weapon" if they cannot solve their disputes by any other means. We are, however, firmly against abusing this solution which can undermine the economy. We are against strikes or street demonstrations, particularly when they become an element of a political game where the workforce becomes a mere pawn. We think that social dialogue should, among other things, favour the neutralization of trends to involve the economy in politics, since this can lead to destabilization and threaten the democratic order.

Negotiations on a pact for state enterprises and a charter of social guarantees resulted in a package of bills. Some of these have been passed by Parliament, thanks also to the activity on the part of the Members of Parliament representing trade unions. We try to draw upon experience gained during hard discussions to negotiate collective labour agreements. At present, there is a legislative programme linked to amendments to the Labour Code, to bring its provisions in line with ILO Conventions. In this context, we are interested in experiences of other countries – mainly in the European Union – in the area of occupational safety and health. The number of economic units has grown in Poland as a result of the privatization. The State and Labour Inspectorate cannot effectively monitor all these changes in many large firms. We attach great significance to these questions. We count on further support for our training, information and publishing activities by the ILO.

I have already said that Polish families are experiencing hard times. Over the past 12 years or socio-political and economic upheavals have added to the disintegration of the family. We are witnessing the growth of social ills. This is an international problem – and as such it requires coordinated efforts. What is also alarming in our country is the condition of the health service, education and culture. The indebted health service institutions, schools and universities are not able to solve their problems by themselves. They need appropriate programmes and financial support. We are holding negotiations with the Government concerning conditions under which these problems can be solved – though we know the difficulties involved.

I hope that the current session of the International Labour Conference will contribute significantly towards the implementation of priorities in the documents adopted at the World Summit for Social Development in Copenhagen. I would also like to express

great satisfaction at the decision to organize in Warsaw the Fifth ILO European Regional Conference. We are convinced that the problems which I have only briefly outlined here will be discussed in detail at that conference. We also hope that it will mark another step forward in our attempt to implement the decisions taken at the Social Summit. I am convinced that this subject will be addressed by representatives of trade union centres and organizations functioning in Europe – particularly those in Central and Eastern Europe.

Original French: Mgr. TABET (Apostolic Nuncio, The Holy See) – I should like to begin by extending our congratulations to Mr. Rosales Argüello on being elected President of the Conference. Our congratulations also go to the other Officers of the Conference.

The Holy See welcomes the fact that the Director-General has made the problem of employment the focal point of his Report to the Conference this year. Plainly, unemployment is spreading in the industrialized countries just as it is wreaking havoc in all countries of the world, bringing in its wake poverty and alienation. This is the challenge that is addressed to the leaders of our societies.

And this challenge, far from being a fatality, is a call for us to search for and find practical solutions which are not just short-term palliatives, but which pursue a long-term objective. That objective is to build societies in which the economic approach is purposefully thought out, targeted and implemented with respect for the human beings for whom States, heads of enterprises and trade union leaders share responsibility.

Three years ago, Pope Jean-Paul II, in his social encyclical *Centesimus Annus* recalled vigorously that it was up to civil society to implement reforms so that each man, each woman and especially each young person, would be able to exercise his or her right to self-fulfilment. In other words the right to live in dignity, in honesty and in humanity.

In the preface to his Report, the Director-General says it is necessary “to place the employment issue at the centre of the international agenda”. He also says that “developments in the world economy such as the liberalization of trade and investment flows and the globalization of production have created vast new opportunities for higher rates of growth and job creation”.

We do, of course, support that project. However, to ensure that this objective does not remain purely utopian and an unachievable wish, it would be useful to define what we are actually seeking to achieve and how. The fact is, there are jobs, even paid jobs, which do nothing to increase a person's worth, which do not encourage the creation of social ties. There are, however, a multitude of human activities that it should be possible to organize which are useful to society and enriching for the individual.

In other words, whatever technical measures might be envisaged and adopted to better organize the labour market, political and social intuition that can rally all the actors in society is still both indispensable and urgent.

Because of its mandate, the ILO has the heavy and difficult task of conceiving and instigating a social order based on equity, solidarity and sharing. The fight for social justice does not only mean encouraging growth in a globalized economy. The

struggle that the ILO has been called to lead is broader and more demanding. It means adopting a higher goal which can be summarized in the following question. Is the free market now developing throughout the world really in the service of mankind, of all men so as to ensure “their material well-being and their spiritual development in conditions of freedom and dignity” as the Declaration of Philadelphia so rightly states?

Thanks to its original and specific mission, namely, of achieving social dialogue through tripartism, the ILO is well placed to instigate amongst social partners throughout the world appropriate ethical discussion on employment promotion.

The questions that the delegation of the Holy See would like to take the liberty of placing before your Plenary Assembly do in fact draw their inspiration from the philosophy and pragmatism of your Organization.

Is it not now time for ILO Member States to ask themselves whether their Governments are employing sufficient means, enough measures to stimulate and encourage leaders in the world of labour to draw up and establish a framework suitable for the development of our citizens? Has not the time come to institute with heads of national and international enterprises a practical discussion on the negative effects of competitiveness now prevalent in modern economies?

It also befalls the ILO to encourage workers' organizations to duly consider the daily realities of the many millions of men and women in the world of labour who still have no voice – without, of course, forgetting the legitimate aspirations of those suffering from exclusion in the informal sector.

The social dialogue the world's workers are waiting for is, we would like to emphasize, not confined to defending the interests of a limited number of categories. It concerns all those men and women whose only aspiration is to become active players in economic and social life.

It seems to us that the ILO's mandate is specifically to facilitate this.

To encourage the framing of new social policies in the world of labour, we believe it is necessary to stress the following objectives.

In the current economic situation it is necessary first and foremost to examine employment issues and link them closely with real everyday working conditions. To talk about employment is to talk about man and all that he comprises including man's social integration. Work does exist today that does not respect all the dimensions of man.

Even though encouraging technical progress and rationalization of trade, I feel it essential to point out that the economy and competitiveness can be given pride of place only if they are for the purpose of employment promotion. To follow on the tradition of your Organization I wish to reiterate “labour is not a commodity,” labour still has priority over capital, and speculation without a social purpose is a serious threat to the world of labour. Without any doubt, social dialogue must maintain as its goal the human purpose of the production of wealth for the benefit of the greatest number.

Lastly, to ensure that this realistic approach is implemented internationally, the ILO has the mission to propose relevant legal instruments in order to establish a balance between the rules of international

trade and the social needs of countries and regions, and particularly the poorest amongst them.

Thanks to the ILO's well-known experience, many social difficulties have already been overcome in the world of labour. With the interdependence which now characterizes the world economy, another social logic is emerging; as a result, some will lose their advantages but only to allow others to gain in dignity and in humanity. In order to implement this new solidarity worldwide, there is a price to be paid and this price begins by a change in mentalities. May your Organization contribute actively to that goal.

Original Arabic: Mr. BOULOUIZ (*Employers' delegate, Morocco*) – In the name of God, the Merciful, the Compassionate. First of all, I should like to extend my heartiest congratulations to the President on his election to preside over the 82nd Session of the International Labour Conference. I wish him every success in his task.

I should also like to congratulate the Director-General on his Report, *Promoting employment*. This is a subject requiring the greatest attention by all countries, particularly now that we are experiencing the globalization of the economy. The ideas and proposals put forward by the Director-General in his Report make a positive contribution to the quest for effective solutions to the problems caused by the unemployment which is afflicting both developed and developing countries.

The problem of promoting employment is particularly important. We believe that the enterprise, as an institution generating employment, must have all the necessary encouragement and means so that it can contribute to improving production and thereby create new job opportunities. It is not possible to promote employment without preparing the necessary framework in which to develop an enterprise as an essential part of the job-creation process.

In this connection, the private sector in my country is satisfied to note that the Moroccan government is increasingly trying to create a climate conducive to the establishment of small and medium-sized enterprises as part of an organized liberal process.

In spite of the many advantages inherent in the legislation on investment in my country (namely simply administrative regulations, tax and customs incentives, tax exemptions and a special scholarship for job creation), our Government is about to make an important amendment to its legislation to facilitate investment even more. Furthermore, employment is one of the priorities of the Moroccan Government which is doing all it can to create new job opportunities. I would like at this juncture to refer with pride to all the efforts made by the National Council for Youth and the Future to bring education and training programmes in line with the needs of the labour market and to integrate young people into the fabric of economic production.

The responsibility for promoting employment lies as much with the employers as with the workers. Both parties must therefore step up their efforts to transform their traditional relationship into one based upon cooperation and dialogue in order to increase production and job opportunities and to improve working conditions.

The danger of unemployment is threatening countries the world over, irrespective of their governments, systems or size of their economies – as the

Director-General has pointed out in his Report. Although the present economic climate requires all countries to undertake domestic economic and social reforms in order to promote employment, it is also necessary to stress here the importance of international cooperation; this should take the form of programmes and assistance to those countries particularly hard hit by unemployment. We would also like to highlight the need for an active partnership at the international level and the need to adopt all practical measures to promote employment for the good of man and mankind.

In conclusion, I should like to reiterate my congratulations to the President and the Vice-Presidents and thank the Director-General for having made the excellent choice of promoting employment as the focal point of his Report.

Original French: Mr. OUEDRAOGO (*Minister of Employment, Labour and Social Security, Burkina Faso*) – Participation in this 82nd Session of the International Labour Conference with the theme "Promoting employment" is for me a great honour at a time when all representatives of Governments, Workers and Employers agree on the need to give thought to the action to be taken to promote the attainment of the goal of full employment – a goal which is so dear to so many different States.

Before continuing, may I, on behalf of the delegation of Burkina Faso and in my own personal capacity, convey my warmest congratulations to the President and to the other Officers on their election to head this august Conference. I should also like to congratulate the Director-General of the ILO, Mr. Michel Hansenne, who has given us a Report with a wealth of detail which is very relevant to the basis of our thoughts and our discussions.

The Director-General of the ILO in his Report to this session has not only focused on the problem of employment in its three-fold dimension: structural, institutional and economic, but has also proposed tentative solutions at a national and international level for developed and developing countries.

Needless to say, ever since the human communities became aware of the need to organize, the problem of employment has always been a source of concern to leaders of State. But today more than ever the growth of the world's population, and the deterioration of economic, political and social relations have made the question of employment more acute than ever. In Africa, in Asia, in Europe and in America anxiety over unemployment has given and continues to give sleepless nights to governments and populations.

Although in advanced countries efforts can be concentrated on this issue, and therefore it can be better tackled, in developing countries the situation is very different because they must wage war on all fronts at once.

In effect, food self-sufficiency, health, education, industrialization and environmental protection, to name but a few, are all priority issues in need of urgent solutions.

Burkina Faso is one of the most disadvantaged countries, with scant resources. We have 10 million inhabitants; 85 per cent of them depend for their livelihoods on agriculture; less than 60 per cent have access to health care; less than 12 per cent to sanitation; less than 40 per cent to education; and less

than 70 per cent to drinking water. This list, though long, is still not exhaustive.

Like very many other countries of sub-Saharan Africa, Burkina Faso is suffering the effects of a generalized collapse of the modern sector of the economy and the impact of rural outmigration. As proof, the Population and Health Survey carried out in 1991-92 showed that only 3 per cent of the labour force are wage earners, which means that the majority of our employment takes place in the realm of agriculture whose inadequacies are well known to all.

Furthermore, the joint survey by the National Statistics and Demography Institute and the International Social Studies Institute revealed a level of unemployment in of 25 per cent for the city of Ouagadougou alone.

In this context it hardly bears repeating that employment, in all its breadth and complexity, is one of the main concerns of my country's leaders.

Unemployment in developing countries, particularly in Burkina Faso, is characterized by its impact on young people, 65.3 per cent of unemployed in our country are under the age of 24 and a further 28.6 per cent are aged between 25 and 39.

Burkina Faso must deal with three categories of unemployed. First there are the victims of restructuring and privatization, on account of the absence of any safety valve in the implementation of the structural adjustment programme. Then there are thousands of educated young people who have not really been trained by the educational system. Finally, there are the young people who are drawn away from the rural areas towards the towns by underemployment.

As the Director-General has stressed in his Report each State must find its own solutions at a domestic level. In Burkina Faso our authorities have undertaken vigorous measures to offset the imbalance between the various sectors of the economy to promote gainful employment.

Thus, on a structural level, deep transformations are anticipated in the education and training system. Demographic factors, namely population growth and migration, are the focus of Government attention. Varied and complex actions have been undertaken within the framework of the six national commitments set out by the Head of State on 2 June 1994 which are as follows: protection of the environment and combating desertification; the establishment of production teams to enhance the quality and level of production; promotion of the private sector and the creation of small and medium-sized enterprises and industries; the development of gainful activities for women; the organization of and support to the informal sector; combating illiteracy and building vocational training centres.

The aim of all these actions is direct or indirect job creation. At an institutional level a certain number of structures have been set up. Following the creation of the National Employment Promotion Office, one of whose aims is to design, coordinate and follow up labour-intensive public works projects, other structures were set up: the Faso Baara agency, a key employer in major sanitation work in the cities of Ouagadougou and Bobo-Dioulasso and some medium-sized cities; the National Employment Promotion Fund which helps educated young people set up businesses; the Informal Sector Support Fund, to help the gainful activities in this sector; the Women's

Employment Support Fund; the National Programme for the Placement of Retrenched Workers which, as its name indicates, contributes to helping this category of workers regain a place in the country's economy.

On the legislative front the revision of the Labour Code, the Investment Code, the Trade Code, and the Code on Taxes and the Social Security Code is intended to encourage private initiative and to open the doors to foreign investment as has also been proposed by the Director-General in his Report.

Despite the impact of initiatives and actions that have been described we are still far from our goals, which shows to what extent we are in need of the contribution of the international community and of the industrialized countries in particular.

In view of the central role of the ILO in promoting economic and social development in Africa, the delegation of Burkina Faso knows that we can count on the support of the ILO in consolidating and extending employment initiatives. For we know well that national efforts alone are insufficient to attain full employment, unless we have technical and financial support from the international community.

We need the means to attain food self-sufficiency. We need assistance to develop our agricultural sector and our modern sector. We need funds to support education and health for all the Burkina-Be. We need the means to mobilize domestic savings.

This is the only way we shall be able to reduce the profound imbalance that exists in our economy and make ourselves a true partner in the international scene.

Even so, already now President Blaise Compaore of Burkina Faso and his Government, convinced of the need for solidarity between North and South, fully ratifies and endorses the international and regional programmes to encourage the free movement of goods and services between rich and poor countries.

Since the progress of liberalization and globalization of the economy is more or less a *fait accompli*, closer study is needed of the distribution of its fruits. There is a need for the most wealthy countries which are the principal beneficiaries of liberalization, to resist forms of protectionism with respect to the poor countries. In the framework of the implementation of the structural adjustment programmes which affect so many countries in Africa, I would call for international solidarity to raise awareness of the social costs involved. I should like to conclude by thanking all States and all those agencies that contribute to the development of Burkina Faso.

I should like to express the wish that these debates, which will certainly be marked by respect for the principles of tripartism and democracy, will also produce auspicious conclusions of value to sub-Saharan Africa in particular and which, need I say, has received very little in terms of foreign capital, despite the important measures taken towards liberalization in this area.

Original French: Ms. OSSENI (*Minister of Labour, Employment and Social Affairs, Benin*) – On behalf of the tripartite delegation of the Government of the Republic of Benin, which I have the honour to lead, allow me to congratulate the President most warmly and whole-heartedly on his election. I am convinced that under his leadership the proceedings

of the 82nd Session will be brought to a successful conclusion.

Once again we are assembled in Geneva, to reflect jointly on the problems which fall within the competence of our organization. In line with the traditions of the ILO, the Director-General of the International Labour Organization has brought before us a Report that focuses on the main theme of our session, promoting employment.

By selecting this subject the Director-General of the ILO has given a new impetus to a debate, the complexity and importance of which are self-evident. In the light of this analysis of this Report, I would like to express my gratitude to the ILO and congratulate him for his attachment to our Organization and to the values incarnated in it, as well as for the very positive innovations of the last five years.

With reference to the Report, I would like to say that the Director-General has drawn on a comprehensive study of employment thus producing a diagnosis regarding the impact of unemployment and underemployment, in both industrialized and developing countries.

The globalization of the economy, and its implications for employment; the marginalization of African countries, because of their small share in international trade and investment; the transition economies characterized by long-term unemployment; the worsening of poverty in the South; the deregulation of labour markets as a remedy to employment; and full employment as a policy objective, constitute the organizing themes of the Report.

Personally, I attach great importance to opinions expressed in this Report and the values defended therein.

But apart from these considerations, I am one of those who feel that the consequences of the employment crisis are imminently linked not only to the thematic and semantic context of the word itself, but also, and above all to the new problems which arise in our countries, i.e. delinquency, drug abuse, the drawing of young people into regional, ethnic and political conflicts, social exclusion, etc.

When the world's will is put to the test we can say that the employment crisis explodes the social fabric, culture, civilizations, to the point where the complexity and gravity of the resultant problems defeat any number of studies by distinguished international experts.

Faced with this painful employment problem, we do not have the right to give up and surrender, which is why I would like to think back over history and recall that this is not the first time that our Organization and mankind are confronted with such a cruel economic and political crisis. Yet earlier generations were able to forgo their privileges in order to overcome what seemed inevitable, accelerating the course of human history.

This is why today's generation bears a very heavy responsibility in seeking appropriate solutions to the scourge of unending unemployment, whose harmful manifestations lead to mental disturbance, institutional disorganization, family disintegration and the degradation of the human species itself.

In view of this crisis, at the end of this second millennium, when everywhere we fall under the sway of the "market", our Organization must do everything it can in order to establish fair conditions and economic and social balance.

The International Labour Organization will doubtless, of course, continue to show its ability and universal competence, and its willingness to adjust its structures and its working methods, to the aforementioned problems arising from the globalization of the economy.

This is why I believe that the International Labour Organization, in view of the present and foreseeable future situations, must promote more dialogue, more consultation and mediation between the social partners and governments, all protagonists of a new development, so that problems of employment, unemployment, and underemployment may be given top priority through joint programmes.

The employment crisis should be resolved at two levels; first of all, nationally, and then internationally.

Nationally, I think it is imperative to restore basic freedoms especially in the developing countries where consensus so far has not been reached. It is necessary to draft a development plan aligned to employment strategies. Governments, through coherent programmes, should promote small and medium-sized enterprises, encourage self-employment, set up labour-intensive public works programmes in the city and in the countryside in order to discourage rural out-migration and urban crime. The informal sector must be promoted, through easier access to credit; training programmes in schools and the relevant institutions must be rethought in order that their students will be more suited to the needs of companies; labour legislation and social protection laws must be revised in the light of the new structure of labour markets and employment; we must create national employment monitoring systems and study their extension at the regional level to act as a support for national manpower planning and labour market information systems; we must also take appropriate action by strengthening labour ministries and ministries of social affairs in order to enable them to act more efficiently in reducing social tensions.

Internationally, it seems vital, "in every structural adjustment programme", to attend to its social dimension so that they can help retrenched workers from enterprises and the public service to undergo vocational retraining, and likewise for the educated unemployed. It is also desirable that regional manpower planning programmes be drawn up.

It is in this connection also desirable that the ILO strengthen, both technically and financially, the multidisciplinary teams, as well as Regional Offices, to improve their ability in the fields of employment, labour and manpower.

Finally, the international community must give renewed attention to the need to set up an inter-regional labour and employment fund, for the benefit of developing countries.

These are some proposals which I believe are relevant, which should be given priority, which I thought useful to bring before you at this stage of our discussions, but apart from these proposals my country is one of those which feel that any national employment policy deserves technical and financial support. Generally speaking, we can say that developing countries, especially the African countries south of the Sahara, are heavily indebted and are confronted at the same time with the problem of economic growth and development.

In view of these conditions, how can we reconcile the requirements of the employment crisis with that

of chronic indebtedness? In view of the situation, the international community must reconsider the debt mechanism in African countries, not only for historical reasons, but first and foremost to curb the trend towards their pauperization. This is all the more true in the light of the words of the Declaration of Philadelphia: "poverty anywhere constitutes a danger to prosperity everywhere".

Thus, reaffirming the values of our Organization, we, the leading actors of today's history should, in the words of the Director-General in June 1994 in the magazine of the ILO, *The World of Work*, we must invent "new paths towards social justice".

I would like to express once again to the Director-General and his staff our appreciation for the technical and financial assistance extended to my country in recent years in the fields of occupational health and safety, labour administration, social security, employment and international labour standards. I also have in mind the financing of the Tripartite Meeting on the Socio-Economic Implications of the Devaluation of the CFA franc for French-speaking African countries in October 1994 in Dakar, Senegal.

These are the concerns of my Government, Benin, which I have the honour of bringing to your attention. I therefore hope that the ILO will continue to pursue its objectives, of peace, social and economic justice for a better future for all of mankind.

Mr. NALAU (*Minister for Labour and Employment, Papua New Guinea*) – It is an honour indeed for me, my delegation, my Government, and my country to be accorded this opportunity to address this distinguished 82nd Session of the International Labour Conference. Permit me first of all to congratulate the President on his election to the highest office of this Conference. Under his able leadership, this Conference will have no problem achieving its objectives by the time we conclude. I also offer my best wishes to the distinguished delegates from throughout the world attending this Conference.

As far as the ILO Director-General's Programme and Budget proposal for 1996-97 are concerned, I wish to congratulate the Director-General and his management team for a job very well done indeed. The programme and budget proposals for the next two years have certainly been framed taking into account the changing nature of our world of work. They have indeed incorporated the common views of ILO constituents, as expressed in the years leading up to last year, but more emphatically at last year's Conference, which also marked the 75th anniversary of the ILO.

The priority objectives of the biennium 1996-97 are most relevant indeed to the needs of our world today, including the ILO's continuing promotion of democracy and human rights, alleviation of unemployment and poverty, and the continuing protection of our working people. The ILO's achievements of such priority objectives, I believe, will no doubt contribute to the fulfilment of the United Nations agenda for development, including peace, growth, environment, justice and democratic governance.

Through the ILO's active partnership policy involving the continuing dialogue that is now firmly established between the ILO and its constituents, I note with appreciation that the ILO's programme and budget proposals have been defined and prioritized on what have emerged as common priority ob-

jectives of each region. Without doubt, the problem of employment, which is largely unemployment itself, has indeed become the common denominator or the number-one world problem that must and has rightly commanded renewed attention for the next two years.

I note with appreciation the dialogue that is being established between the ILO and international lending institutions such as the World Bank and the International Monetary Fund in the most important need area so that such international lending agencies can increasingly balance the interests of economics with those of social needs, within the policies they advocate at both the national and international level. At present, my country is having some difficulty with both the World Bank and IMF, as the social aspects of our national development efforts are not easily appreciated by the lending policies of such bodies, and the ILO's role in influencing such lending policies in years to come is a most welcome development for the better.

I also note with appreciation the ILO's continuing promotion of democracy and human rights in the next two years, including its continuing technical assistance to employers and workers in my country, through workshops, seminars and fellowships, which have certainly played an important role in getting our employers and workers to play their full role in the social dialogue so very much necessary for sustained economic growth within the framework of free markets.

Industrial relations, for example, are continuing to mature in my country because of the kind of exposures that are continually being made available to us by the ILO. The freeing of our labour market, for example, has presented our country with so many challenges, requiring our employers and workers to increasingly deal with problems of their various relationships, without the previous heavy reliance on government intervention.

I admit, however, that workers' rights and the specific role of labour inspection in ensuring equality in my country have not been effective in the last few years, basically for lack of resources, and I appeal to the ILO in the next two years to intervene by assisting us to formulate alternative, efficient and effective approaches to achieving the same goals.

The fight against poverty and unemployment in my country attracts and commands first priority attention by my Government today, and the new emphasis given to this same problem by the ILO in the next two years is a most welcome development indeed in supporting and supplementing our own national efforts in alleviating unemployment, which is the common enemy of our world today.

The alleviation of poverty is very much dependent on our success in alleviating unemployment, and this is where we look to the ILO in the next two years, bearing in mind its vast technical capabilities, to assist and advise on how best we can tackle the unemployment problem in our country and region.

In the fight against unemployment, we recognize that enterprise development has a key role to play in the generation of employment opportunities, through the development of small to medium-sized enterprises. However, in enterprise development, first preferences should be given to the owners of capital, land, labour and entrepreneurship from within national economies themselves, to properly

establish and consolidate firm national foundations and equal footings by indigenous people, upon which to promote and guarantee nationalistic economic ownership and participation.

Global economic interdependence in the area of enterprise development is a little too premature for my country. The fact that, during the first 20 years of our political independence, there has not been marked development in our small to medium-sized enterprises, while our unemployment problem has continued to rise, does not give both the World Bank and the IMF the right to insist as they do at present that my country throws wide open its doors to outsiders to exploit economic opportunities, particularly in the small to medium-sized enterprises in my country. If these two international lending institutions cannot anticipate the likely long-term adverse economic, social and political consequences of the economic policies they are imposing on us, then I would like to sound a word of warning to both that they are now planting the seeds for long-term strife in my country.

On the role of the ILO in the fight against unemployment and poverty, I look forward to the ILO's research, analysis and advice in the next two years, in the technical areas of employment strategy, labour market policies, social security, enterprise development, training policies, collective bargaining and labour administration.

I note with appreciation the ILO's moves in the next two years, to assist and advise ILO member States on the subject of privatization, which is a major aspect of national economic restructuring everywhere, and the need for such a major exercise to be based on economic democracy, which calls for the views, interests and aspirations of all parties involved to be taken into account to avoid national instabilities, and to secure commitments by all parties affected. I do look forward to receiving the ILO's guidelines for use by governments, employers' and workers' organizations on this participatory approach to privatization.

I also note with appreciation the ILO's other activities in the next two years, relating to the many social aspects of structural adjustment, including the ILO's research in response to the claim often made that labour regulations and worker protection reduce employment. On this subject, it was in 1992 that our national Minimum Wages Board abolished minimum wages for skill and experience, while drastically reducing the minimum wage for unskilled workers, under a strong lobby by the World Bank, supported by the then Government. In this regard I look forward to the results of the ILO's assessment of the costs and benefits of specific measures, including the actions of our independent national Minimum Wages Board, to increase labour market flexibility, as a precondition for increased employment creation.

On the subject of protection for our working men and women throughout the world, I note this is also one of the ILO's priority objectives in the next two years, although it is a continuing activity. Protection for our workers is of historical and fundamental significance and concern to the ILO's many technical endeavours, involving the development and application of the ILO's international labour standards, relating to safety and health in the workplace, and the continuing improvement of working conditions generally. Bearing this in mind, I also look forward to

the ILO re-enforcing its technical assistance programme to ministries of labour such as mine, to strengthen our capacities of labour inspection aimed at improving our workers' working conditions.

The ILO's international labour standards play a vital role and, in fact, they are the major tools the ILO has in promoting democracy and human rights in its fight against poverty and unemployment, and in promoting working people everywhere. Many of these standards are now becoming out of date in our continually changing world, and I very much welcome the ILO's intention to review and update many of these, making them more relevant and effective to our world today.

Simultaneously, of course, the ILO's intention also to continue to promote broader acceptance and application of a wide range of its existing standards is also another welcome move. We do have plans to review and update many of our labour legislations, and the ILO's technical assistance in these endeavours will be much appreciated in the next two years.

The ILO's intention to formulate international labour standards relating to contract employment is also welcome.

Last but not least, Mr. President, I agree with the ILO Secretary-General that the most effective way of combating poverty is through employment creation and social protection, based on the ILO's international labour standards. Bearing this in mind, I appeal to the ILO to make special efforts in the next two years to assist my country in particular, through its vast technical capabilities, in the field of labour, to ratify and apply many more of these international labour standards, although many of these could prove costly in our drive to create jobs for our people.

Mr. AHMAD (*Workers' adviser, Indonesia*) – On behalf of the All Indonesia Workers' Union (SPSI), I would like to congratulate Mr. Rosales Argüello on his election as the President of this very honoured Conference. I am confident that with his experience and ability he will be able to preside most successfully over all of the upcoming important sessions and lead them to a productive outcome.

I would also like to express the All Indonesia Workers' Union's appreciation to the Director-General of the ILO and his staff for their work, particularly for the Report which focuses on the theme of *Promoting employment*. The Report is both comprehensive and essential and has highlighted the strategic problems which both the developing and developed countries have been striving to address so far.

For Indonesia, the obligation to promote employment is a constitutional obligation and is clearly mandated by article 27, paragraph 2, of our Constitution, which says that "every citizen is entitled to employment which would guarantee decent living...".

Now that we are in our 50th anniversary year, while we are proud of the progress which Indonesia has achieved socially, culturally and economically as well as politically, we also have to admit that there are still many areas in our national development that need improvement. There are citizens of Indonesia who still live below the poverty line, and of all the problems we still face "promoting employment" is the most urgent. Every year, 2.5 million Indonesian jobseekers enter the labour market, and not all of

them by far succeed in finding employment which could guarantee a decent living.

The natural resources which have become the economic backbone of developing countries can no longer be fully relied on as a problem-solver for economic development, particularly for the optimal development of human resources.

Such conditions have caused an uneven distribution of the development cake and a wider gap in social and economic welfare, resulting in social tensions and instability as far as security is concerned.

The inability to create sufficient employment has resulted in strong competition among jobseekers. At the same time, they face employers who tend to use them as production tools, as "objects" to exploit, and this must be ended.

Therefore, all efforts and programmes for economic development in any country must be directed toward improving the welfare and preserving the dignity of workers.

The scarcity of employment, coupled with free market competition, requires that more attention be paid to the question of workers' rights and better protection provided in this respect. Within this framework, basic workers' rights as laid down in the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), as well as the Minimum Age Convention, 1973 (No. 138) must be upheld to eliminate exploitation at workplaces.

Therefore, the issue of pitting "protection" against "workplaces" shall not be pursued; the need for employment is as important as the need for protection and therefore efforts to create employment are to be accompanied by efforts to increase protection of workers' basic rights. Workers' rights in accordance with ILO standards must be taken into account in the development programme of every country.

The need to protect workers' rights in Indonesia – in line with the increasingly democratic approach to this question – has already been anticipated by the Indonesia Workers' Union by making the necessary adjustments to the structural organization. Consequently, my delegation is pleased to inform the Conference that the All Indonesia Workers' Union (SPSI) is now functioning as a federation, supported by 13 autonomous industrial unions and further strengthened by the establishment of some 800 autonomous local enterprise unions. Thus, the spirit of freedom of assembly has consistently grown of its own right within the basic framework.

Nowadays countries are increasingly interdependent. Therefore, the survival needs of a particular country must unavoidably take into consideration the survival needs of another country. For this reason, we strongly contend that the international order which governs the interests of all nations should put equality and justice for all ahead of all other considerations. Rich and developed countries must not take advantage of the weaknesses of the least developed and developing countries and seek benefit for themselves only.

Therefore, rulings which are protective to certain countries cannot be forced upon other countries since they will certainly become a burden and consequently impede the economic development of the countries concerned instead of promoting employment. This will inevitably exacerbate the already critical unemployment conditions in many countries on which these protective rulings are forced, thereby creating more tensions and injustice. In this context, I support the opinion that if the developed countries bring force to bear upon the developing countries, then the prospects for improving the welfare of the majority of people in the developing countries will be seriously threatened. Therefore, it is of the highest importance that we remind ourselves constantly of the Philadelphia Declaration "... poverty anywhere constitutes a danger to prosperity everywhere".

It is therefore expected that the ILO will play a more important and greater role than ever in assisting countries to promote employment, through more programmes in vocational training in order to bridge the gap between the different interests of developed and developing countries, for the purpose of creating a better world where workers can live decently as human beings.

Original Russian: Mr. SCHERBAKOV (representative of the General Confederation of Trade Unions) – May I begin by congratulating the President on his unanimous election to this lofty post. I am convinced that his masterly guidance of the debates will lead to fruitful conclusions on issues of such vital importance as those on our agenda. I should also like to thank the Director-General of the ILO, Mr. Hansenne, who has chosen such a topical subject for this session of the International Labour Conference in his Report *Promoting employment* which we have studied very carefully.

We also welcome the fact, first of all, that the International Labour Organization has again shown that it fully acknowledges the topicality and importance of this problem and secondly that it is ready to participate with those willing to work towards full and productive employment.

The dramatic employment situation is certainly one of the major challenges facing the world community today. This is why we want the ILO to play an active role and follow up the decisions on employment made by Heads of State during the World Summit in Copenhagen. In point of fact, who better than the ILO, in view of its traditions and long experience in tripartite activities, to deal with this very difficult problem.

I should like to take this opportunity to assure you that all constructive efforts deployed by the ILO will enjoy the support and understanding of the General Confederation of Trade Unions, and, I am sure, trade unions throughout the world.

Employers, trade unions and governments, if they are truly working in the interests of their people, must join forces to put an end to unemployment, underemployment and unacceptably low wages.

We very much hope that this will be given priority in economic and social policies in all countries.

The problems of social disintegration and unemployment are now very high on the agenda of the General Confederation of Trade Unions and its

member organizations. Our position today reflects the conclusions of the Copenhagen Summit.

The General Confederation of Trade Unions and national and independent trade unions feel that our priority to our economic policies should undoubtedly be to combat mass unemployment and find a fair solution to the problem of employment.

We should try to generate employment which will guarantee workers a dignified and fair standard of living. Furthermore, we welcome the fact that the Report emphasizes the situation facing what are known as countries with transition economies. By definition, the countries of my region belong to this group, and this is where the General Confederation of Trade Unions is currently operating.

Presumably, the ILO only has data relating to three European countries of the CIS, but this is enough to be able to draw certain conclusions on the incredible growth in unemployment. The convincing analysis contained in the Report shows that industrial output has fallen, working time has been reduced, many enterprises are no longer operating and that workers have been given long-term unpaid leave as a way of trying to camouflage the real unemployment situation. Attempts are being made to mask the truth by providing reassuring data on the growth of unemployment.

According to statistics compiled by the CIS there were 2 million more people unemployed in 1994 than in 1993.

The highest rate of unemployment is in Ukraine, Moldova, Armenia and Kazakhstan and Kyrgyzstan. The greatest problem facing our countries is hidden unemployment, which is considerably higher than official statistics would lead us to believe.

The Report of the Director-General rightly emphasizes the fact that many people who have lost their jobs see no point in registering at unemployment exchanges. They simply leave the labour market or move into the informal sector.

For this reason, we should take note of the judicious conclusion in the Report on the long-term growth of unemployment. We recognize that unemployment in our young country and the percentage of young people without jobs in the CIS is now over 30 per cent.

We agree with the Director-General. Like him we believe that we could offset the effects of unemployment through socially oriented works. However, this idea has not been taken up or developed in the CIS. Trade unions in the CIS and the General Confederation of Trade Unions hope to see the development of an economic union in the CIS and that economic ties will be restored so that we can stabilize the economic situation of the countries of the region and develop and modernize industry and agriculture and improve the employment situation.

For this reason, the Confederation has, since its inception, worked to establish and strengthen this kind of union. A union like this would only be viable if it included a social element. Work with regard to the rights and social guarantees of workers in the region is already being carried out at present by our Confederation.

To this end, we will make the best possible use of our observer status in several bodies of CIS countries. These include the Council of Heads of State, the Council of Heads of Government, the Interpar-

liamentary Assembly and most recently, the Intergovernmental Economic Committee.

The difficult employment situation, not only in CIS countries but also in most countries with a transition economy, calls for a special ILO assistance programme.

We have already put forward this idea in the report we submitted to the Summit in Copenhagen. We hope that the ILO will look carefully at this report.

The future of humanity depends to a large degree on development in this region. For us, unemployment is one of our most serious and potentially explosive problems. However, it is not too late to look at practical solutions to this problem.

The ILO's special programme for employment in this region should become a historic landmark.

In this regard, I would like to stress that the problem of unemployment undoubtedly deserves the priority attention of the ILO, as do the questions related to liberalization of the economy and the problem of providing social protection for workers.

This process should help to stimulate economic growth throughout the world. Economic development must help to improve the welfare of the population, promote social justice and protect the rights and interests of workers.

For this reason, I fully endorse the opinion put forward by the Workers' group with regard to the need to include a social clause in international trade agreements, thus making market access dependent on respect for the fundamental rights of workers guaranteed by ILO Conventions.

These are the principles we uphold in our Confederation. The Confederation is appealing to the ILO to listen to what workers have to say and to continue actively to work for the introduction of a social element in international trade. To this end, the activities of workers' groups with regard to ensuring a social element in international trade are essential.

To conclude, I would like to state, once again, that we fully agree with the conclusions in the Report of the Director-General with regard to finding a solution to the crises in the countries of our region.

With regard to the General Confederation of Trade Unions and its member organizations we fully intend to work together to this end. We hope that the International Labour Organization will provide real and effective assistance.

I am certain that this session of the International Labour Conference will be a step towards strengthening the ILO's authority and influence, because workers throughout the world are placing their hopes in this Organization.

Original French: Mr. PHINITH (Employers' delegate, Lao People's Democratic Republic) – On behalf of the Lao Chamber of Commerce and Industry, I should like to extend to the President my heartiest congratulations on his election to the preside over this august assembly.

Might I point out that this is the first time since it joined the International Labour Organization in 1964, that the Lao People's Democratic Republic has been able to send a tripartite delegation to the annual Conference of this Organization. It has meant a tremendous financial effort that our country has had to make in order to meet its statutory obligations.

I fully concur with the points of view expressed by the Director-General in his Report entitled *Promot-*

ing employment. The important role played by the National Chamber of Commerce and Industry of Laos as representative of the country's employers consists, among other things, in promoting employment in enterprises which are still in their infancy.

In order to cut down unemployment in the country, we have called on all enterprises in both the public and private sectors to make all the necessary sacrifices to extend the national employment market as widely as possible. Directives on the privatization of the public sector have been drafted to guarantee employment for the workers affected, either by keeping them in their jobs, or by redeploying them in the enterprise concerned.

Current legislation stipulates that dismissal of workers can only take place in cases of absolute necessity such as serious misconduct. The Lao People's Democratic Republic does not as yet have serious unemployment problems, but such problems could undoubtedly arise in the very near future. I fully agree with the Director-General in what he had to say about poverty and underemployment in southern Asia, and Laos, of course, is no exception to this.

As regards the other major points raised in the Director-General's Report, and particularly with regard to foreign investment, legislation in Laos stipulates that priority in recruitment must be reserved for nationals and that the introduction and employment of foreign workers will only be authorized in the event of necessity, when the skills in question are not available in the country. In addition, such foreign investment must be accompanied by measures for the transfer of the occupational skills to national workers.

Lao employers cooperate actively with the Government in implementing projects for training managers and production agents, particularly in the field of technology.

Although Laos is recognized as a country which has many natural resources, in fact it has very few human resources and consequently has a pressing need for skilled labour, which is essential to the economic and social development of the country.

This year the Conference has quite rightly included in its agenda the issue of home work which plays a very important role in the struggle against unemployment and underemployment, particularly in developing countries such as mine.

In conclusion, allow me to remind you that the National Chamber of Commerce and Industry of Laos is a young organization lacking experience both in the field of industrial relations and in that of job creation. We thus hope to benefit from the technical assistance of the International Labour Office in the areas of both organization and of the training of our managerial staff.

Original French: Mr. HIDOS (*Employers' delegate, Romania*) – First of all, on behalf of the delegation of Romanian employers, allow me to congratulate Mr. Rosales Argüello on his election to the post of President of this Conference. I should also like to convey my congratulations to the elected officers of the Conference. We are convinced that the work of this Conference under their leadership will be a great success. May I also take this opportunity to thank the Governing Body and Mr. Michel Hansenne, Director-General of the ILO, for the exceptional quality of the Report we have received.

Allow me to express my fullest satisfaction for this opportunity to participate in the Conference as a delegate of Romanian employers, represented here by the National Confederation of Romanian Employers (CNPR).

The CNPR, for the first time in my country's history, has brought together employers' organizations from all fields, and enterprises of all sizes, small, medium and large, without distinction as to the nature of their capital, whether it be private, public, joint, independent or foreign.

Romania has since the revolution undergone a period of transition which affects all sectors of economic and social activity. Outside the country we have noted the dismantling of the Council for Mutual Economic Assistance (CMEA) market, which has had serious implications on the level of trade, and hence on our production. Consequently, in the country increasing economic imbalances in the various sectors of activity have given rise to certain negative phenomena which have made themselves felt on the quality of life of our citizens.

As you know, until 1990, in Romania there was officially no unemployment. In general, enterprise staffing levels were much higher than were strictly necessary for a rational organization of labour. This contributed to consistently low productivity and low wages.

From 1990 onwards, the state of Romania's economy was characterized by a steep drop in production and in overall economic activity in the country for the period between 1990 and 1992.

In 1993-94, production picked up. There was a decline in the actively employed population with the number of wage-earners falling by 1.5 million, or 18 per cent. There was a continued rise in unemployment levels, from 3 per cent in 1991 to 11 per cent in 1994.

With GNP falling even faster than the number of actively employed, wage-earners began earning less in comparison to 1989, along with a substantial drop in working time, and a continuous low level of productivity.

The decline in economic activity was characterized in particular by a substantial reduction in real working time without any appropriate accompanying measures to boost productivity, the loss of major markets for Romanian products, and the sudden abolition of structures run by our centralized economy without any alternatives being set up to replace them.

At present the general picture for enterprises in Romania could be characterized as follows: a large number of private-capital enterprises particularly some 400,000 small and very small enterprises (these establishments pursue purely commercial activities and in general are fairly profitable); some 11,000 enterprises backed mainly by state-held capital and which employ a substantial number of the active population, and where virtually all of our country's production takes place (these enterprises are scarcely profitable, if at all); approximately 1,000 small and medium-sized enterprises which have been privatized; they have maintained or increased their economic potential and are more profitable than prior to privatization. There are also more than 200,000 individual and family associations authorized to operate commercially.

Despite the large number of enterprises, problems of employment are becoming increasingly acute.

The creation of new jobs is one of the key problems in development, restructuring and improving the efficiency of our overall economic activity. Such efficiency is directly linked to a substantial decline in staffing levels, which has implicitly led to an increase in the number of unemployed persons and all the repercussions thereof.

Therefore it is imperative to find efficient and long-lasting solutions to resolve these two problems – the high level of unemployment and the low quality of life.

Aware of the importance of these problems, one could say that solving them is a general aim of our national economy towards which all efforts should be devoted, within a properly structured framework and with specific strategies for each particular stage. In solving this problem, all three social partners are equally important, albeit each with its own special interests which require coordination.

So it is that the Government is more interested in ensuring full employment of the labour force; trade unions mainly are interested in reducing the levels of unemployment and improving the quality of life; while employers are mostly interested in increasing productivity, product quality, and the level of competitiveness.

From this brief listing of the priorities of the three social partners we can easily note the need for cooperation among these partners if they are to reach a common objective – the use of labour resources and improvement of the quality of life.

This can only be achieved within the framework of an efficient economy. This is why it is crucial, within a practical ILO programme of action, to assign priority to the command centre of an indispensable alliance for socio-economic development, particularly in those countries in transition towards a market economy.

All the questions that are before this session are of capital importance to our confederation. On the basis of some of these problems and the ways in which they can be resolved, in Romania we are counting on the understanding, support, advice and experience of the ILO, the international organization of employers. As for us, we are ready to take a full part in implementing the main task of the ILO, namely, to achieve a social partnership in a climate of peace and prosperity for all.

Original Arabic: Mr. IDRIS (Workers' delegate, Libyan Arab Jamahiriya) – In the name of God, the Merciful, the Compassionate. First of all let me join other speakers who have preceded me in congratulating the President on his election to preside over the 82nd Session of the International Labour Conference. I am certain that through his experience and expertise he will guide this session of the International Labour Conference to a successful conclusion. I include in my congratulations the other Officers of the Conference.

I would also like to congratulate the Director-General on his excellent Report on the theme of employment promotion. This is indeed a vital question at a time characterized by profound worldwide concern in the face of worsening unemployment and the resulting poverty, disease and human suffering, especially in the countries of the Third World. Unemployment is the chief challenge facing the economic and social policies of all the countries of the world,

irrespective of its consequences to which the Director-General draws attention in his Report, such as growing inequality, social exclusion, non-utilization of human resources and increasing economic insecurity.

This is indeed an important issue on the international agenda, as the Director-General said in his Report, and is in keeping with the Declaration and the Programme of Action of the World Summit for Social Development held in Copenhagen, whereby the policy-makers of all countries pledge to promote the achievement of the goal of full employment as one of their fundamental economic and social policies, which also commits the International Labour Organization, in its quality as a tripartite social organization with a wealth of experience behind it, to take decisive action in the fields of employment and social development.

Let me stress here that the Great Popular and Social Libyan Arab Jamahiriya accords considerable attention to the issues of employment promotion, job creation and support for full employment in view of achieving these objectives and of avoiding the problems mentioned in the Report, most particularly unemployment. We have encouraged the creation of small and medium-sized enterprises as well as individual and family economic activities, in particular in the fields of processing and in the craft and industrial sectors. This has resulted in the creation of new jobs, which has made it possible to establish new production cooperatives and enterprises and to voluntarily abandon public employment and marginal professions which in fact constituted hidden or partial employment and were an obstacle to the quest for development launched in the Glorious Revolution of 1 September 1966 AD.

Thanks to the popular, well-balanced legislation which we have adopted we have been able to eliminate all the factors contributing to unemployment. Our society was able to provide the necessary loans and assistance through its banking institutions. We have also introduced measures through our direct involvement in the National People's Council, the trade unions and various professional groupings which also form an important factor in the decision-making process, especially in relation to the economy. We have direct involvement in production with a view to bolstering the national economy; this has been achieved by introducing measures to overcome some of the barriers that are hindering the conversion of our economy into a high-production economy governed by social justice, equality, democracy and development. These measures include: simplification of tax procedures, better management of resource and commodity movements as well as other measures designed to reduce dependence in the area of wages and public services. This will help transform our society into a high-output economy able to guarantee freedom in our lives and worthy of all members of our society.

However, in spite of the successful policies launched in the glorious 1 September Revolution, thanks to the active participation of the masses – especially the workers – and which allowed us to put an end to exploitation, unjust and iniquitous social regulations in force prior to the AD 1978 Revolution. In spite of the enormous successes that allowed workers to take an active part in the economic life of the country, by becoming partners in production,

whereas before they were but wage-earners, our country is still confronted with a number of problems, which the Director-General omitted to mention in his Report. These form obstacles to our country's progress and are accompanied by numerous factors of regression that threaten to disrupt the national economy of the peace-loving country. These factors are not attributable to defective economic policies but are rather the outcome of an imperialist and colonialist plan hatched by certain Western States against the Libyan people, who exploit their hegemony over the Security Council to obtain the adoption of iniquitous resolutions to impose a blockade on a developing country and a small people whose sole desire is progress and well-being with the other nations of the world, aspiring only to liberty and development. These unfair measures of constraint are an obstacle to the efforts of our people which launched itself into the building of the Jamahiriya society and which extended its hand to all peace-loving nations desirous of progress so as to achieve prosperity for all.

The resolution calling for a blockade of our country has had adverse effects, not only for the workers of our country but also for hundreds and thousands of foreign workers and their families who have lost their employment.

I will say nothing here of the catastrophe brought about by this conspiracy which has produced numerous victims. We have had the opportunity in previous addresses to sessions of this Conference to present the figures on the losses and damage that we have sustained.

I need only say that the African Confederation of Labour and the Arab Labour Organization, and the African Trade Union Organization took note of a Report which describes the consequences of this conspiracy. They then adopted resolutions condemning this blockade and calling on the international community to work towards putting an end to it.

It can therefore be seen that underdevelopment, disease propagation and unemployment in numerous countries are not the result of governmental factors or poor national policies – rather they are attributable to an imperialist conspiracy aimed at extending the hegemony of certain countries intended to rob small States of their resources and to turn these countries into experimental sites for testing arms of destruction of all sorts.

Our population is limited in size, but has faith and considerable stamina and determination to stand up to the forces of evil in full confidence of its final victory to build its free and felicitous society. Our nation knows that the tyranny cannot last and that only the values of justice and peace contained in the "Green booklet" of human rights will prevail.

We know that all peace-loving peoples will support us in this endeavour. We shall under no circumstances stray from our principle of struggle for liberation, and we renew our statement of support for the Palestinian people until final victory is achieved and Palestine is fully liberated.

Original French: Mr. VERONESE (Workers' delegate, France) – We fully agree with the idea of full employment adopted by the heads of state and all the participants in the Copenhagen World Summit for Social Development.

Is this 82nd Session of the International Labour Conference going to be an immediate step forward towards achieving major progress for everyone, everywhere?

We can hear, all too well, all the moving pleas being made, as economies, trade and finance are globalized, for workers to join in a destructive race for competition. But what is it all about? In actual fact, large multinational firms are competing to conquer markets. They are in the throes of a relentless war.

The demand for capital yield, and world competition for capital investment, has led to speculative monetary policies which work against employment. They also have led to new kinds of exploitation of working men and women and for all of us, to more pressure on wage levels and collective guarantees of public and social spending.

In reality, the world is sick. There is a crisis of economic and social efficiency produced by a system which has seen profound contradictions.

It has long been clear that we cannot solve the world's problems for the benefit of the workers and the people by simply adopting mere palliatives, and above all, by making a mindless headlong rush into deregulation and generalized flexibility.

The Director-General says in his Report that all countries have tremendous human wealth. How can we do anything but agree, and devote the necessary means to ensuring that the ILO's Budget and Programme are renewed?

While the industrial revolution continues, we now see emerging a revolution of information technology which is responsible for very real upheavals in science, work and trade. This new reality whose implications for future generations we are only just beginning to see, requires unprecedented creativity in terms of democracy, transparency and the ability of workers and their trade unions to monitor what is going on and to intervene.

How then can we continue to tolerate a situation in which the introduction of new technologies inevitably leads to a loss of posts, debases the quality of jobs and makes unemployment and precarious work situations unavoidable?

In fact, this situation is the result of a policy whereby individuals are sacrificed for the sake of productivity and profit gains. It is a policy which refuses to place the social dimension and human development at the centre of its concern.

Yet it is from their very inception, when they are devised and first considered for use in production, that these policies must deal with social matters, so that these technologies may be used in such a way that the conditions of workers can improve. We must also address full employment on a basis of solidarity, namely by increasing the purchasing power of workers and reducing working time, without loss of salary.

The whole issue of multinational enterprises must be looked at again. While the *World Employment Report* stresses the positive side of the injection of capital and the subsequent creation of jobs, it also provides serious criticism of capitalist strategies and policies which do not necessarily bring any lasting benefits for the development of the countries concerned. In fact things are much worse. Financial flows are selective, according to rates of return. They sometimes bring with them relocation, which eliminates jobs. Multinational companies concentrate in free trade zones, where workers lack trade union

rights and social services, and are severely exploited. Not only do these enterprises not satisfy internal markets, but the countries where they set up got into debt to accommodate them.

Workers and their trade unions should be able to meet and to discuss matters, making use of their legal rights and means to support their own proposals and initiatives. Why should they not have prerogatives, just as the managers of multinationals do?

At this stage of the globalization of the economy, when it is necessary to set up new relations between peoples, we believe, contrary to those who advocate that the ILO should cut back or even abandon its standard-setting activities that, on the contrary, it should intensify them and introduce more effective means of operationalizing and monitoring international standards, conventions and recommendations with increased powers of intervention.

If we truly want a "High Level Meeting on Employment and Structural Adjustment" to be implemented as part of the Copenhagen follow-up, then the ILO, led by the Workers, must fight to eliminate the developing country debt and pursue a thorough and speedy reform of the international financial institutions so as to redirect their policies toward the objective of full employment and social development.

In this connection, would it not be a good idea to look again at the whole issue of the informal sector where increasingly entire professions, and even privatized public services are to be found?

Everybody knows, in fact, that the informal sector is in fact a highly structured environment where slave labour and child labour are to be found side by side with mafia-style rule, and where, in the absence of any state authority, the individual can count only on him or herself to survive. That is why employment must be governed by standards which impose respect for the dignity of men and women and which ensure that the rights and collective safeguards of all workers are protected in the name of social justice and the improvement of the lot of the workers.

This implies working for the ratification and especially for the universal implementation of fundamental social rights. More than ever what is needed is a single instrument which can be used as an effective sanction throughout the whole assembly chain and arrive at the end user without being covered in the misery of the workers.

The time has come to increase pressure to incorporate so-called informal labour into the documented sector.

Is it too much to believe that our world has the potential to enable our societies to live in peace, cooperation and progress? As trade unionists, in any case, we are fully committed to that belief.

A civilized society cannot let the law of the jungle prevail. The ILO's *raison d'être* in a creative effort of all its constituent parts and in awareness of all the contradictory interests within it, is to strive for a new type of development in order to produce appropriate responses to the tremendous needs of humanity.

Original French: Mr. SUY (*Secretary of State for Social Affairs, Labour and War Veterans, Cambodia*) – It is an honour for me to address this international gathering which brings together representatives of countries from all over the world.

First of all and on behalf of the Royal Government of Cambodia, I would like to express my sincere thanks to the International Labour Office for inviting my country to attend this important gathering.

On behalf of the Cambodian delegation and on my own behalf, I would like to express my sincere congratulations to the President on his unanimous election to chair this august gathering. We believe that thanks to his experience and clear-sightedness, this Conference will produce results which will help improve the living conditions of the working peoples of the world. Moreover we trust that under his able leadership we will succeed in adopting new approaches for the Organization, which will be in step with the changing world.

In this regard I would like to congratulate the Chairman of the Governing Body and the Director-General of the ILO for their Report. I join with other speakers who have welcomed the wisdom of the Director-General who has put forward timely proposals for future action programmes. He should also be praised for his objective assessment of the Organization's present activities and programmes and his suggestions concerning the adjustments needed to keep pace with the changing world. We would also like to express our support for the appeal he has made to the international community to re-state its belief in social justice as a fundamental value and to defend its cause. He has stated his confidence in active tripartism as a driving force and his determination to adjust the Organization and its Secretariat to the tasks before them.

The world has witnessed the unceasing efforts of the Organization to promote economic and social progress throughout its existence, which have been based on its noble ideals and firm principles.

The International Labour Organization, as a specialized agency of the United Nations, is taking on its responsibility to promote the economic and social progress of all peoples.

In this context the Director-General mentioned in his Report, *Promoting employment*, that encouraging full employment for all nations of the world was considered in the past to be one of the main tasks incumbent upon the ILO.

The Kingdom of Cambodia, as other member States, has cooperated actively with the ILO in the implementation of national programmes and taken part in regional activities to do away with unemployment and make optimum use of human resources.

Access to fair and remunerated employment should be available to all – and this is why we support any new initiative by the Organization to reactivate the promotion of employment.

The nations of the world are devoting their attention and energy today to the development of economic and social progress.

The Kingdom of Cambodia is at the stage of nation-building. The age of economic and social development is once again upon us. An investment code has been promulgated, which encourages foreign investment in our territory by providing incentives such as: a guarantee against nationalization; the freedom to fix prices for manufacturing goods; and the possibility of re-exporting capital and profits through the National Bank of Cambodia.

This code immediately produced good results. During the first three quarters of 1994, after it had

been adopted, investment projects totalling almost US\$2 billion were recorded.

Our rapid industrialization has, by the way, been made possible because of the confidence of foreign and national investors in these new institutions.

These spectacular results are only what was expected by the Royal Government and are intended to benefit the nation as a whole. Tens of thousands of jobs will continue to be created; towns and villages will be better equipped. Our village dwellers see – and will continue to see – that the rural areas are better developed.

We trust that 1995 will bring us even more pledges for foreign economic investment, allowing us to resolve the employment problems encountered especially by young graduates from the schools and universities, demobilized military personnel and widows of men killed on the battlefield.

This development will make it possible to resolve progressively social problems of the underprivileged strata of the population: the war victims, orphans and disabled persons.

It is necessary to point out further that this group does receive considerable support from non-governmental organizations. Functional rehabilitation centres and specialized training centres have been created with the assistance of these associations from various industrialized countries.

As complementary measures to our economic expansion, my Ministry, together with the ILO, has prepared a draft Labour Code of 390 articles which has already been brought before the Council of Ministers and then before Parliament.

Together with this Labour Code, and also in order to attract foreign skilled technicians to manage our companies, my Department, together with the French Government, has drawn up a draft Social Security Code which envisages insurance against the three primary social risks, namely old age, occupational injury and family benefits.

A Directorate of Social Security has been formed in my Ministry and is in charge of leading this project.

Training programmes for officers in the Labour Administration have been taken on by the French Ministry of Labour. Fifteen civil servants are receiving instruction under this agreement to “train the trainers”.

After receiving initial instruction at the theoretical level, some of these will continue with practical attachments in France.

Furthermore there are plans to have a similar training scheme for officers in social protection, a project which is at an advanced stage of preparation.

Finally, I would like to thank the President for the good organization of this session, which is enabling us to conduct a very useful exchange of views with various delegations, and I can assure you of our full cooperation in order to ensure the success of this session and also to the implementation of the results it will have achieved.

Mr. GAROËB (*Minister of Labour and Human Resources Development, Namibia*) – If I might start on a lighter note, I would like to believe the biblical precept that the last shall be first. Hopefully, that will be so one day.

Having said that, first of all, allow me to join previous speakers in congratulating the President and

other Officers on their election to their respective posts. I might not know the President personally, I know the President knows a lot here, and the description of the qualities with which he is endowed and his capacity for work tells me only one thing, that this Conference under the guidance of the President will be a resounding success. I have no doubt about that.

I wish to express my sincere appreciation for being afforded this splendid opportunity to deliver my first address to this august gathering as the second Minister of Labour and Human Resources Development in the Republic of Namibia since Independence. If in the process I make mistakes I shall crave your indulgence, as I am a novice in this exercise and might be touching troubled waters.

The Namibian Government is seriously committed to the improvement of the welfare of all its citizens, more especially the workers who are the creators of wealth and who in most cases are living below the poverty line. I am told that in 1992 the poverty line in terms of food, say meat, was defined, for the poor, at 27 kg per annum. This is in 1992. But in 1994 in fact the poor needed, to survive, 64 kg per year. In Namibia I do not know whether this is the precise position as I am standing here because the poverty that I see is so abject as to defy any description. The tragedy in Namibia is that wealth and poverty are drawn in colour as a consequence of our colonial past. We have a situation where invariably if you are white you are rich and if you are black you are necessarily poor. It is against this background that the Government's main preoccupation has been and continues to be to improve the living and working conditions of our workers.

The Government has therefore formulated development objectives aimed at reversing the horrible working and living conditions of our people, in particular farm and domestic workers, which aims at reducing unemployment, promoting employment opportunities in both the formal and informal sectors of our economy, reducing income disparities, and alleviating poverty especially amongst the disadvantaged groups, and providing basic social services.

In this regard, the first major step taken by the Government of Namibia in labour and industrial relations was the enactment of the Labour Act of 1992. This Act creates an institutional framework for health, human and industrial relations based on the principles of tripartism where government, employees and employers work together as equals. Even as I am speaking here, Namibia is characterized by labour tensions, tensions between employers and employees which sometimes results in physical fights, stabbing each other with knives. And what have you got? In our country, employees labour under deplorable conditions. The Labour Act therefore makes provision for the establishment of workable and participatory mechanisms of solving labour disputes which in the past were otherwise not known in our country and these are: the establishment of the impartial Office of the Labour Commissioner; the creation of the tripartite labour advisory councils; the setting up of district labour courts in certain regions of the country; the appointment of a wages commission which will look into the salary/wages structures in different sectors of the economy; and the expansion of labour offices countrywide.

In Namibia domestic and farm labourers are the most exploited and the most downtrodden category of human beings in our society. It is for that reason that recently the President of the Republic appointed a Commission of Inquiry into matters related to domestic and farm workers to look into their conditions of employment and to come up with appropriate recommendations for action to alleviate their circumstances, a task which this Ministry is supposed to implement.

As a response to the call by the Namibian workers and more especially by the women, the Government enacted the Social Security Act of 1994. Under this Act, the Government has established the Social Security Commission which would oversee the provision of maternity leave benefits, sick leave and death benefits, for all Namibian workers. In addition, social security benefits will be extended in the near future to include other funds, for example the development fund, aimed at improving the quality of life.

In line with the Government's commitment to harmonious labour relations, Namibia ratified the following three basic ILO Conventions which are intended to strengthen the principle of freedom of association: the Tripartite Consultation (International Labour Standards) Convention (No. 144); the Freedom of Association and Protection of the Right to Organize Convention (No. 87); and the Right to Organize and Collective Bargaining Convention (No. 98). I am told that there are so many ILO Conventions, and as we are only five years and a few months old I would plead the indulgence of all concerned and to assure them that the Namibian Parliament will in due course ratify all the Conventions.

Furthermore, the Government is working hard in implementing fiscal, trade and investment policies aimed at stimulating economic growth and countering the effects of the worldwide economic recession.

Africa at the moment is experiencing a period of severe economic marginalization caused by natural calamities and downward trends in our economies. In order to address this, our Government has attempted to focus on vocational training and skill empowerment as paramount, together with financial assistance to small-scale industries in the economic development of our country.

Namibia is a mining country above all. The Government seeks therefore to ensure that the minerals industry develops in a manner that provides maximum potential contribution to the national economy with due regard to the environment and the safety and health of the people who work in it. To these ends, the Government pursues the following objectives: to prevent accidents as well as harmful effects on the health of those employed and dis-

eases arising from employment in mines; to ensure the safe operation of mines; to provide guidance in setting up administrative, legal and remedial measures; to promote the fullest consultative cooperation between government, employers' organizations and miners' organizations on a tripartite basis on the improvement of health and safety standards in mining industry; and to maintain these standards at a level that is acceptable to the international community as a whole.

The implementation of these objectives is being realized through appropriate legislation, that is, the Labour Act and the Mines Safety Regulations legislation which we are proud to state comply with all the concepts and policies of the International Labour Organization.

The Government has also brought forward legislation during the past five years to expand the country's industrial base. The country's manufacturing sector, however, remains extremely small, accounting only for about 5 per cent of gross domestic product (GDP) and some 18,000 jobs, compared to 200,000 in the informal sector.

The improvement of skills capacity of all Namibians to actively participate in economic activities at all levels is of paramount importance to us. To this are linked the improvement of business management skills, the increasing role of competition in the economy ensuring effective performance of public enterprises, supporting regional economic integration and promoting regional trade and investment.

Because of the imbalances of the colonial past, the policy of affirmative action is a necessary imperative in the development of our country. Therefore affirmative action as provided for in the Constitution of the Republic of Namibia will be implemented in three phases for a period of 24 months. It will commence in July 1995 to give effect to the constitutional provision.

I will conclude my remarks by simply thanking the ILO for all the support that has been extended to us during the days of our liberation and into our independence and to hope that the ILO will be strengthened in order to meet the obligations that have been assigned to it under the Copenhagen agreement.

On a final light note, I would observe that it is not particularly pleasant to be standing here to address empty chairs, but that no doubt is in the nature of things.

The PRESIDENT (Mr. HALLIWELL) – Thank you, sir. We all know that the empty chairs are the result of delegates being busily engaged in other committees.

(The Conference adjourned at 5.30 p.m.)

CORRIGENDUM

Provisional Record No. 9:

Page 9/9, second column, last paragraph: the speaker should be identified as follows: Mr. AL-JASSEM (*Employers' delegate, Kuwait*)

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Fourteenth sitting

Wednesday, 14 June 1995, 10 a.m.

Presidents: Mr. Rosales Argüello, Ms. Engelen-Kefer

SEVENTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – The first item on the agenda this morning is the seventh report of the Selection Committee, which you will find in *Provisional Record* No. 4F. If I hear no objections, I will take it that the report is adopted.

(The report is adopted.)

STATEMENT OF THE PRESIDENT CONCERNING THE SPECIAL SITTING OF THE CONFERENCE

Original Spanish: The PRESIDENT – The delegates will recall that a Special Sitting of the Conference is to be held tomorrow to consider the appendix to the report of the Director-General on the situation of workers in the occupied Arab territories.

You will further recall that the list of speakers for the Special Sitting was closed on Tuesday, 13 June, 1995 at 6 p.m. so as to enable me, after consulting the Vice-Presidents, to submit to the Conference for decision, without debate, the proposal for a time-limit for speeches at the Special Sitting.

The list contains the names of 47 speakers, of whom eight are representatives of international non-governmental organizations. This number has enabled the Officers of the Conference to consider fixing the maximum length of speeches at seven minutes, it being understood that this would be a maximum, and that the average length of speeches would be five to six minutes, in order to respect the limits of the timetable already decided upon by the Conference.

An exception will be made in favour of the European Communities, whose spokesman will speak on behalf of 12 member States. An exception will also be made in favour of the Arab group, whose spokesman will be the representative of the United Arab Emirates, and for the spokesman of the Non-Aligned Movement. Since this contributes substantially to an overall reduction in the length of the debate, and since this practice is followed in other organizations, it appeared to the Officers of the Conference that as last year, it would be equitable, and in the interests of the Conference itself to increase the maximum length of these particular statements from seven to ten minutes.

Moreover, in order to ensure that the absolute deadline of 9 p.m. already fixed by the Conference is respected, the Officers of the Conference have also concluded that it should be understood that

the President will periodically review the situation in the light of the number of speakers who remain on the list, and that the maximum time allotted to each speech will then be recalculated to conform to the time remaining for the speakers still on the list.

If there is no objection to these arrangements, which have to be decided without debate by the Conference in accordance with article 14, paragraph 6, of the Standing Orders, I will consider them adopted.

(The arrangements are adopted.)

I would also like to inform the Conference of certain other arrangements concerning this sitting which fall within the prerogative of the President and the Officers of the Conference, but which I feel I should inform you of now in order to ensure complete clarity and to enable everyone to act accordingly.

The first concerns possible requests for the right of reply during this sitting. In order to save time, this right of reply will be granted at the end of the sitting, in a global, but not in a cumulative manner. This means an absolute limit of two minutes which was decided on in a general manner at the beginning of the Conference for the exercise of the right of reply. It will not be multiplied by the number of statements to which the speaker requesting this right wishes to respond, it being understood that the President may, if time permits, allow this limit to be somewhat exceeded if the reply concerns a large number of statements.

The second matter concerns non-governmental organizations, of which, as I have already mentioned, eight have registered for this sitting, but which may in principle only speak with the authorization of all the Officers of the Conference. My colleagues and I have concluded that they will only be authorized to speak at the end of the sitting, in the order in which they are registered, and only if their interventions do not result in the Special Sitting continuing beyond 9 p.m.

May I in conclusion emphasize that these arrangements have been decided upon by the Officers of the Conference in the interests of consistency and objectivity and of respecting the legitimate interests of all the parties concerned, with whom, moreover, there have been contacts. They are entirely in accordance with the spirit of consensus without which this Special Sitting could not take place. They should contribute, once again, to the success of an undertaking of whose importance everyone is aware.

Original Spanish: The PRESIDENT – We will now continue our discussion of the reports of the Governing Body and of the Director-General.

Mr. ROBINSON (*Employers' delegate, Jamaica*) – I begin, first of all, by congratulating President Rosales Argüello and the other elected Officers of the Conference and wish for them all success in the carrying out their duties.

I bring greetings from the Employers of Jamaica and other employers' organizations within the Caribbean community. As a group, we continue to enjoy a very positive partnership relationship with the ILO in the pursuit of our common vision of a peaceful, productive and just world. We are particularly pleased at the admission of St. Vincent and the Grenadines to the Organization. We join in welcoming them and wish for them a long and beneficial period of membership.

The selection of employment promotion as a theme for this year's Report and discussion is very timely. Last year's Report also highlighted the problem of unemployment and underlined the need for the ILO to focus its strategic interventions on issues of employment and job creation. This year's Report therefore is a welcome elaboration of one of the key themes of last year's Report, *Defending values, promoting change*, which we so vigorously debated during the last session.

The Report prepared for this year's discussion is as usual comprehensive, thorough and most importantly, thought-provoking.

We concur with the assertion in the Report that a high and stable rate of productive job creation is the foundation for any system of equitable social and economic development.

We applaud the Report for recognizing that it is time to focus more of the energy and resources of the ILO on employment-related issues.

A Conference such as this which brings together some of the most fertile and creative minds in the arena of work, should rightly devote a greater proportion of its time to the search for approaches to improve opportunities for people to be gainfully employed. The principles enshrined in the Declaration of Philadelphia are a reminder that the issues of employment and the improvement of standards of living were very much in the forefront of the minds of those whose vision shaped this Organization.

The main tragedy of unemployment and underemployment is the lost opportunity for human development. Unemployment depletes the individual's self-esteem and sense of worth. A society in which a vast number of persons of able mind and body who are not engaged in productive endeavours is a society which will ultimately lose its ability to sustain and renew itself.

As our contribution to this debate, we would like to share with this assembly some views on the strategies which should be pursued at the enterprise, the national and international levels to enhance the climate for employment promotion.

I begin first at the enterprise level. The notion of the workforce as a productive asset needs to gain greater currency. As an asset the workforce should be invested in, nurtured and allowed to grow. In an

ever-changing world, the only renewable and sustainable resource is the energy, intelligence and drive of our workforce. We should therefore invest more and more resources in the area of enterprise labour training for the improvement of skills, competencies, attitudes and knowledge. This will put the enterprise in a position to respond promptly and creatively to the forces of change coming from either within or outside the economy. It will also enable the enterprise to avoid or minimize the need for employment contraction and widen the pool of employable workers.

At the enterprise level more effective leadership is required to re-design work systems in ways which will enable the individual employee to make value-added contributions to the development of the enterprise. An enterprise sometimes fails because insufficient use has been made of the knowledge and expertise existing within the workforce.

At the national level we need policy interventions to foster a greater social and economic climate, friendly to both internal and external investment. The legislative and bureaucratic obstacles, which in many countries confront the potential investor, must be dismantled to make it easier for ideas and resources to come together to create wealth and provide employment. We need policy interventions at the national level to develop an educated workforce. Education and training are elements of crucial importance to the process by which societies traverse the stages of underdevelopment to development. The societies which are now cited as models of development have all invested a considerable amount of resources in the training and education of their population.

Governments, particularly those in developing countries, must maintain a sharp focus on education and training as the primary catalytic agents in the development process.

In the emerging new world order, this education and training should be strongly biased towards technological literacy. The comparative advantage which accrues to those countries where the investment in technological education has been substantial is well documented. The Report cites the case of India which, through strategic investment in technological education, has emerged as a world power in the area of computer development software. Developing economies need to bench-mark this approach and consider applying similar concepts to their thinking about economic development.

In little over two decades we have moved from being an industrial world to an information world. Today's world is being increasingly shaped by telecommunications and computer technology. These two influences are expected to drive the world economy in the same way that manufacturing drove the industrial economy of the past.

The information society is one where there is an abundance of opportunities for workers who are well educated and technologically prepared.

One writer has observed that the percentage of manual labourers engaged in producing manufactured goods is heading in the direction of zero. The world in which vast armies of manual workers represented the majority of the workforce is fast disappearing. In its place will be an equally vast army of workers who will be working with intelligent systems and whose job revolves around the management and manipulation of information.

Economies which fail to heed this paradigm shift and do not take immediate corrective action will continue to experience an erosion of the economic base needed to support the gainful employment of their workforce.

Policy interventions at the national level are needed to develop and maintain the physical infrastructure to enable investments which will in turn expand the possibilities for employment creation. Investors will only be attracted to environments which are free of impediments and hassles as regards high productivity.

Policy intervention at the national level is also required to encourage domestic savings. Investments and incentives which result in people saving a higher proportion of their earnings will ultimately provide more resources internally for investment and job creation.

At a national level we also need policy intervention to eliminate labour market impediments which discourage the expansion of the labour force. In this respect governments, including that of my country, which have undertaken labour market reform projects, are to be commended and encouraged. The principle of deregulation, which is a new tenet of economic organization, must also find expression in the way in which we manage the labour market. With the emergence of a more educated workforce there should be a lessening of the need for government involvement as a regulatory player in the labour market.

At the international level intervention should be pursued to encourage the removal of barriers which prevent or inhibit the free-flow of labour between areas of shortage and areas of surplus.

If we accept the notion that the world is now a global village then we should be able to embrace the concept that the residents of this village should have greater freedom to seek out employment wherever it exists.

Another vital enabler of the "employment promotion" process is the availability of access to information regarding the demand and supply for labour.

The ILO is ideally positioned to provide leadership and technical expertise for the installation of systems of information exchange at both the national and international levels.

Employment promotion must be tackled from various angles. We should not be daunted or overwhelmed by the apparent magnitude of the problem. By carefully selecting the appropriate strategies and applying them in a sustained way, we can go far in achieving the goal of employment for all.

I do not wish to conclude this intervention without taking account of the storm clouds currently gathering over the Organization as a result of uncertainties about financial issues. The mind set we bring to bear on this issue might very well be the key to determining our future.

Viewed as an opportunity instead of a crisis, this might be the wake-up call for the ILO to create revolutionary changes for which many have called in the past.

Perhaps the time has come for us to wipe the slate clean and go back to the basics and ask certain fundamental questions which could result in the reinvention of a different and more cost effective and affordable ILO.

What is certain is that this is not the time for tinkering or business as usual but rather a time for bold, imaginative and unconventional thinking.

What is necessary is the courage, determination and inspired leadership to move forward. I trust we will be equal to the cause.

Original French: Mr. LUQUINDA (*Deputy Minister of Public Administration, Employment and Social Security, Angola*) – On behalf of the Government of Angola and of the delegation accompanying me as well as on my own behalf, I congratulate the President and his Vice-Presidents on their election and wish them every success in their considerable task.

The Republic of Angola can but join those who have spoken favourably on the Report of the Director-General of the ILO on the theme of social policy. The topical nature of this subject certainly warrants an in-depth reflection by us all and this reflection should take into account the transformations which shook the world at the beginning of the 1990s and which forced developing countries to adapt and to face up to new realities.

As the distinguished politician and former Director-General of the ILO, Mr. David Morse, wrote: "Peace could be a purely negative and probably precarious notion if it was only said to be the absence of war. It must respond to a positive and dynamic conception signifying the existence of stable, just and harmonious conditions".

The recent meeting in Lusaka, the capital of the Republic of Zambia, between the President of Angola, His Excellency, Mr. José Eduardo dos Santos, and the leader of UNITA, Dr. Jonas Savimbi, has given new hopes to the Angolan people for the peace it craves.

With this step, we expect to begin a new era of peace for the Angolan people. The groundwork has therefore been laid for the beginning of the process of mine clearance which will allow for the free circulation of persons and goods throughout the national territory and the return of displaced persons to their homes, in order to allow them to participate, in an environment of peace, in the productive process, and, in a word, in the reconstruction of the country.

The critical situation which my country is facing and which is characterized by high levels of unemployment and inflation, a sharp drop in agricultural and industrial output and, in addition, a number of social problems, warrants the special attention of my Government. The economic and social programme approved for the two-year period 1995-96 has presented guidelines for the alleviation of these problems. This programme sets out many of the actions recommended by the World Summit for Social Development which was recently held in Copenhagen.

The measures aimed at reducing unemployment and considerably increasing productive employment should be highlighted. Emphasis should be placed on the protection of the most vulnerable groups of society, in particular, of the children who are victims of war, demobilized soldiers and displaced persons, and also on the problems of women and of programmes relating to schooling and health.

In order to achieve these tasks we have counted on the valuable contribution of NGOs and of several international organizations to which we express our gratitude.

Moreover, I should like to take this opportunity to thank the ILO for the assistance it has given and continues to give my country in connection with the implementation of certain projects. I would like to consider the importance of the Portuguese language which should be an ILO working language given that several million workers use Portuguese as their official language.

The period of effective peace which my country is hoping for will require considerable expenditure which my country will not be able to shoulder alone. This is why I appeal from this rostrum to the international community to continue providing its precious assistance to Angola, to enable our country to heal the wounds caused by a war which has lasted for over 30 years.

Original Chinese: Mr. QISHENG LI (Workers' delegate, China) – At the outset, I wish to warmly congratulate the President on his election to the chair of this Conference. I am convinced that his able leadership will steer our Conference to a complete success.

Today when human society is at the threshold of the twenty-first century, the world we live in is still confronted with mounting unemployment. This is not only a most serious waste of resources in world economic development, but also inflicts enormous suffering and pain on the unemployed and their families, thus adversely affecting the development and stability of the international community. It is therefore timely and necessary for this Conference to focus on employment promotion, to explore the root cause of unemployment and seek solutions.

Thanks to the reform and opening-up in the past 16 years, China has for years enjoyed sustained and rapid economic growth, resulting in a cumulative figure of over 200 million newly employed in urban and rural areas, thus creating conditions for employment promotion. However, since China is a populous country with an annual labour force increase of over 10 million, the phenomenon of the labour resource supply exceeding demand will continue, and the employment situation confronting us is very grave. This is a major problem which causes the trade unions of China deep concern, and one they have worked enthusiastically to resolve. Over the years, the trade unions of China have done a great deal to promote employment and earnestly safeguard the rights and interests of the workers.

The trade unions of China have taken an active part in the formulation of employment policies, laws and regulations, as well as in the work related to employment promotion, unemployment insurance, reduction of working hours and the "re-employment project", contributing their share to the improvement of China's employment situation.

The trade unions of China have been an active driving force to urge both Governments at various levels and enterprises to adequately deal with the surplus labour force and help the unemployed to re-enter employment. At the same time, to better serve the workers, trade unions at various levels have established independently 120,000 institutions and enterprises which offer 690,000 job opportunities, as well as over 100 employment agencies which recommended about 100,000 people for new positions.

The trade unions of China have also taken an active part in the leadership and management of train-

ing organizations run by the government and enterprises. By stepping up education and training through various types of schools of their own, trade unions have contributed to improving the skills and professionalism of workers and offered service to them to ensure smooth transfer, re-employment or higher efficiency in their jobs. The trade union training courses enrol over 22 million workers every year.

The Director-General has prepared a quite substantial Report for this Conference, which has provided a basis for our discussion on this issue of universal concern to the workers of the whole world. I wish to take this opportunity to make the following observations.

First, in formulating socio-economic development strategy, the international community should give top priority to the elimination of poverty and unemployment. In the wake of the Cold War, the international situation is, in general, moving towards relaxation, and it has become the common aspiration of countries in the world to revitalize their economies. However, the grave situation of poverty and unemployment, instead of easing up, has become more acute in some countries and regions. Economic development undoubtedly constitutes the basis for eliminating poverty and unemployment. But experience has shown to us that it is impossible for economic development to automatically solve poverty and unemployment. Governments, employers and trade unions throughout the world need to work together, starting out from their national situation to set up a feasible economic development strategy and corresponding social development strategy and effective employment policies. Sustained and sound economic development is impossible without solutions to poverty and unemployment.

Second, while combating global poverty and unemployment, the international community should focus its attention on the developing countries. The mass unemployment in industrialized countries and the underemployment and poverty commonly seen in the developing countries are two problems for which the solution depends upon the all-round development of the world economy and the joint efforts of both developed and developing countries. In the world today, even if unemployment exists both in developed and developing countries, the serious unemployment in the developing countries is part and parcel of the extreme poverty, of the working people of the developing countries which directly endangers their right to subsistence.

The international community must necessarily pay great attention to this situation against the current background of economic globalization and the increasing interdependence of the world economies. The deterioration of the economies of the developing world and the plight of their workers cannot only destroy economic development but also impede the economic growth of the developed countries in the world as a whole and the reduction of global unemployment. Only when the developing countries achieve economic growth and gradually improve their employment situation can there be a reduction of global poverty and unemployment.

Third, in seeking economic development and social progress, the international community should bring into full play the world of trade unions. It has been proved by experience that a strong trade union movement plays an indispensable role in the national

or even international political, economic and social fields. Likewise the active participation of trade unions is often indispensable in dealing with the currently acute worldwide unemployment problem. The international community and each country should fully involve the trade unions and listen to their opinions and requests when formulating economic and social development strategies or specific employment policies. Regrettably, however, up until now, no wide-ranging consensus has been reached on such an important issue. In some countries, the status of trade unions has been weakened and their rights restrained. We call upon governments to attach greater importance to the participation of trade unions in economic restructuring.

Fourth, the ILO should play a bigger role in promoting the elimination of global poverty and unemployment. Over the years, the ILO has made many contributions to achieving the objective of poverty and unemployment elimination enshrined in the Declaration of Philadelphia. We hold that the ILO, as the only tripartite international body, can and should plan a greater role. We hope that this would be reflected in implementing the Declaration and Programme of Action adopted at the World Summit for Social Development and, in particular, a more effective role in promoting employment. Through seminars, training courses and other events, the ILO should also provide more information and technical assistance to its tripartite members, and especially to workers' organizations in developing countries.

The achievement of full employment and maintenance of social stability constitute the basis for economic development, social progress, basic human rights and improved well-being. Trade unions in China are ready to enhance our friendly ties and sincere cooperation with our counterparts in other countries, as well as the ILO, in exerting our efforts to promote international economic development and social progress, improve world employment and safeguard the legitimate rights and interests of workers all over the world.

Ms. ANDERSEN (*Minister of Labour, Denmark*) – On behalf of the Danish delegation I would like to congratulate Mr. Rosales Argüello on his election to the office of President of the 82nd Session of the International Labour Conference. I wish him every success in this important function.

This year the Director-General's Report deals with employment and unemployment issues. Employment and unemployment problems are perhaps the most important challenge we are facing today. Denmark therefore fully supports the ILO's efforts on this subject. If the unemployment problems could be solved all social problems would also be much smaller. This also became very clear to the Heads of State at the World Summit for Social Development held in Copenhagen earlier this year when they adopted the Declaration and the Programme of Action.

The serious national and global employment problems mean that it is not possible to achieve the objective of increased social cohesion. Constant and determined efforts to create new jobs are thus one of the most important conditions for achieving fair and equal economic and social development at the global level. The Director-General's Report this year focuses on economic imbalances which are reflected in mass unemployment and underemployment. The

Report points to the enormous waste in this connection. It also points to the fact that the measures that have to be taken will be very extensive.

In the Copenhagen Declaration the combat against unemployment was seen as the most important factor for ensuring better and sustainable social development. Heads of State and Government have made a commitment to taking into account the impact on employment of their decisions. But although increased awareness and declarations of intention are important steps, they are not enough. Action is urgently needed. Employment should therefore play a central role in the formulation of future policies. Increased international trade and technological development involve major challenges to all of us.

In this connection it is very important to give a high priority to both the quantity and quality of training activities. Everybody must learn to read and write and we must guarantee a number of years of basic schooling for all, but we should also ensure advanced and continued training at all levels. This is the only way we can ensure access to the creation of quality jobs which are adapted to economic and technological development.

The highly skilled labour force will also make it possible to use modern technological know-how to ensure a safe and sound working environment. We must not create jobs at the cost of safety and health. In order to avoid the growing competition that makes some countries accept social compromises for quick profit, we need a common reference framework. This means the formulation of an international policy with global job creation as the most important goal. The ILO should play an important role in this connection. This was stressed in the Copenhagen Declaration which refers to the ILO's competence, experience and wide international contacts. The ILO has the capacity to serve two important functions, monitoring and communication. Monitoring of the development in terms of statistics and guidance, and to make sure that certain rights and minimum standards are not lost. Communication of general contacts and experiences among the countries in order to ensure constancy and continued high priority to employment considerations.

We must not forget that the ILO with its tripartite structure is well-g geared to point out solutions which are relevant for workers and employers all over the world. It will not be an easy task. It will be difficult and it will cost money. The cost will be even higher if we fail to take common action to combat unemployment as soon as possible.

The Copenhagen Declaration commits the ILO to take initiatives. Therefore, the ILO must decide upon the follow-up to the Summit as soon as possible. I firmly believe that the ILO can rise to the challenge.

The discussion on the social dimension of the liberal world trade has been going on in the ILO for almost a year now. I believe that it is important that this discussion continue in this Organization. The subject is being discussed in many other international fora and everywhere the discussion involves ILO labour standards. The Copenhagen Declaration has helped to define what we call workers' basic rights. The Declaration and the Programme of Action refer to ILO standards. In my opinion, we must concentrate our work on these standards.

It is now up to the ILO to continue the debate and to make sure that the basic ILO standards are respected by the Members. It is, however, important that the ILO is given the opportunity to help countries to solve the problems they are having when trying to live up to these standards. Technical assistance is also, in this connection, one of the key activities of the ILO.

Original Russian: Mr. STOYAN (Workers' delegate, Ukraine) – Allow me to congratulate the President on his election to chair this session of the International Labour Conference.

Finding solutions to the problems of employment has now become one of the priority objectives of economic and social policies in many countries in the world, which is only natural given the fact that increasing unemployment is not only the scourge of the international community as a whole but is also a challenge to the international economic system.

In his Report, the Director-General goes into great detail on a range of issues related to three main problems, namely trade and employment, direct foreign investment and employment, and new technologies and employment.

Not so long ago, the only employment problem Ukraine had faced was that of demand for labour exceeding supply. Developments in countries with transition economies, particularly those with accelerated reform processes have inspired confidence that economic revival on the basis of market principles is feasible. However, the fear caused by growing unemployment and the threat of losing one's job will inevitably hold back institutional reform. The implementation of these reforms has become a complex and difficult task.

The Ukrainian economy is also in deep crisis. This has led to a constant fall in levels of income and, therefore, consumption. A significant proportion of the population is now living below the poverty line.

In this difficult context, the Federation of Trade Unions of the Ukraine, which has a membership of 20 million workers, finds itself faced with the question of whether to support the reforms or not. We analysed the President of Ukraine's economic reform programme from every angle at a special trade union congress. We subsequently drafted a series of demands regarding the implementation of this reform programme which we then sent to the Government. Basically, we stated that the trade unions would only support the economic reforms if they included a strong social policy. We also decided on what tactical action we would take to get what we wanted.

Very recently, under pressure from the trade unions, the President of Ukraine, Mr. Kuchma formally submitted to Parliament a revised version of his reform programme which includes a greater social element.

However, the most alarming aspect of the current reform process remains the fact that, on the one hand, reforms are still not encouraging employers to produce and, on the other hand, they still fail to make efficient use of the existing labour pool. From 1991-94 alone, the number of persons employed in Ukraine fell by 3 million people. At the same time, hidden unemployment has spread like wildfire and many enterprises are working only two or three days a week, many workers are working shorter hours and many of them are forced to take lengthy unpaid

leave. Last year, for example, over 3 million persons were on unpaid leave, which represents over 21 per cent of workers.

Today, in Ukraine each worker is maintaining two persons temporarily out of work. This is why labour is so cheap. The trade unions are insisting that this hidden unemployment be legalized and that a fully fledged state employment programme be set up to provide for the restructuring of the economy in Ukraine, and set up retraining programmes for workers to learn new skills and expand public work. If these steps are not taken and if loss-making enterprises are forced into bankruptcy then over one-fifth of the Ukrainian labour force could be out of work which, when unemployment benefit is low and short-lived, this could seriously jeopardize the economic reform process.

We have realized that trade unions cannot achieve the desired results simply by demanding that the Government improve the lot of workers, increase the cost of labour and reduce unemployment. We have thus submitted to Parliament alternative draft legislation to overcome these problems. Trade unions have this right of legislative initiative because we have ten deputies in the Ukrainian Parliament, most of whom are members of the Commission of the Ukrainian High Council on Social Policy and Labour.

Two major new Acts have been adopted at the trade unions' initiative: one defining the poverty line and another on remuneration. The latter Bill was drafted by the Federation of Trade Unions of Ukraine, taking into account the appropriate ILO Conventions and Recommendations. However, the executive branch has insisted on implementing the Act without a number of basic sections governing the definition of, mechanisms for setting ways to revise, and indexation of the minimum wage, and compensation for delayed payment of remuneration.

None the less, the trade unions are continuing to insist that the remuneration in Ukraine be carried out in a civilized manner. Otherwise the rift between hourly wages paid in Ukraine and in the industrialized countries will become insurmountable. This is why we are in favour of the introduction of certain world labour standards with the simultaneous elimination of export quotas for goods as conditions are established for international trade.

International experience has shown that establishing a value for labour which corresponds with its production potential and providing work incentives and other types of stimulus can lead to economic recovery. We thus support the idea expressed in the Report regarding the new impetus to be given to international cooperation in the application of basic labour standards. If this is done, then it is not only countries, but all the population groups of each one which will together reap the benefits. We would like the ILO to play a more active role in the standard-setting aspect of this cooperation.

One of the main problems with the restructuring of the Ukrainian economy continues to be the need for more foreign investment.

Clearly, the reform effort in each of the transition countries has its own economic momentum, and it would be wrong to expect that external assistance will make it possible to change that. Still, it can alleviate some of the economic difficulties of the reforms. That is why we would like the ILO to work more actively in providing technical and advisory as-

sistance to Ukraine, first by stepping up the pace of current projects and then by developing new programmes and concepts for training and retraining, the prevention and avoidance of mass dismissals and the settlement of labour disputes. All of this will help in Ukraine's gradual integration into the world economy.

We hope this request will meet with the understanding and approval of the international community.

Original Spanish: Mr. SIFONTES (*Government delegate, El Salvador*) – On behalf of my Government and on behalf of the delegation which I have the honour of leading, may I offer the President our sincere congratulations for his well-deserved and unanimous election to lead this 82nd Session of the International Labour Conference. In addition, this is a real honour for the countries of Central America, particularly if you take into account the fact that this is the first time in all the years of existence of the International Labour Organization that a Central American is responsible for presiding over the Conference.

We have very carefully read the Report presented by the Director-General under the title *Promoting employment*, because in my country, as in many others, employment promotion is our greatest cause of concern and a major priority.

Studying this important document reminds us that poverty and unemployment are two sides of the same coin. As Montesquieu said: "A man is not poor because he owns nothing, but because he has no work."

At the beginning of his Report the Director-General says: "Anxiety over employment problems, and pessimism over the prospects for resolving them reign in many parts of the world today. Indeed the task of creating sufficient new jobs to overcome unemployment, underemployment and problems of low pay ranks as the primary challenge for economic and social policy in countries at all levels of development across the globe."

The document reminds us that, although sometimes the emphasis is placed on the "social" aspect of development and sometimes on the "economic" aspect, it would be a better idea to combine both aspects. Social and economic issues are interdependent components of the development process and the development process has to be directed at achieving progress on both.

It is not only economic indicators which allow us to draw conclusions about the level of development of the country. We also, and inevitably, have to take into account social indicators. It is not enough simply to know the level of a country's GDP, or its growth in terms of per capita income; you also have to know how the income is distributed, what share of the state budget is spent on social matters and, in addition to that, whether the country's citizens have effective rights to health, education and culture.

A serious problem in the search for development is the difficulty of rendering social and economic objectives compatible, because in general terms any, or virtually any, provision of social benefit implies prior economic decisions.

Today we continuously hear the argument that economic problems prevent social development and even cause it to slip back. Worse, it is frequently

claimed that achieving and maintaining a high standard of social progress in a time of economic crisis inevitably leads to a worsening of the economic, and therefore the social, situation, and that continued provision of social benefits at a time of economic recession is a mirage, a dream to be followed by a bitter awakening sooner or later if prudent and corrective measures are not taken.

It is said, furthermore, that the health of the economy requires cut-backs in social benefits, and it is claimed, almost as an axiom, that the labour market needs to be made more flexible, which can be interpreted – and there is no lack of people prepared to do so – to mean that the scope of legal protection, embodied in labour law, should be reduced if the economic situation and, as a result, the position of the workers is not to be further exacerbated.

In El Salvador we feel that social provisions should never exceed the limits of the economy to bear the burden, and that there are no unlimited rights. Drawing a demarcation line here is what we are trying to do in our labour policy. We do not consider, however, that flexibility should in any way mean taking away existing benefits under the genuine rule of law.

As part of our policy, my country recently ratified various fundamental ILO Conventions dealing with employment. These include the Labour Inspection Convention, 1947 (No. 81), the Employment Services Convention, 1948 (No. 88), the Employment Policy Convention, 1964 (No. 122), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Human Resources Development Convention, 1975 (No. 142). Naturally these ratifications have extended and strengthened the content and scope of standards in these very important areas.

I should highlight the participation of the Labour and Social Security Ministry and of the social partners in the design and implementation of social and labour programmes directed at achieving more and better training and job creation for the workforce. For this purpose, the Ministry of Labour has, for some time now, implemented the development of a nationwide employment policy aimed at creating jobs for various categories of workers.

These policies are complemented by additional regulations of apprenticeships and vocational training, which are essential if we are to respond to the current demands of the labour market in various sectors of the economy.

In order to discharge its responsibilities effectively, the Ministry of Labour needs to have a modern structure capable of meeting current requirements. In order to bring it in line with current conditions, we are currently engaged in reorganizing the Ministry and in the drafting of new framework legislation governing it.

I would like to state clearly that much of the progress achieved owes a great deal to the assistance of the International Labour Organization, particularly the recent reforms of the Labour Code, the establishment of the Supreme Labour Council and the modernization of the Ministry of Labour.

We believe and hope that this will continue when we turn to vocational training, apprenticeship, and other institutions related to labour.

While on this subject I would like to quote from an ILO document which was published recently by the Regional Office for Latin America and the Ca-

ribbean, entitled *The employment challenge in Latin America and the Caribbean*.

The Report says of El Salvador that "with respect to collective labour relations the new law is a very advanced text compared to others in Latin America over the last ten years, and particularly compared to the restrictive provisions of the Labour Code which the law now revises". The document continues by pointing out, inter alia, "the extension of the right to form unions to agricultural workers and self-employed workers, a ban on the possibility of dissolution of a trade union by executive decision and the introduction of very many measures aimed at reducing the control exercised over trade unions by the Labour Ministry".

Trade unions can now be established with the minimal number of 35 workers. They no longer have to show that they represent a majority of workers in the enterprise as was the case beforehand. Another provision now gives Federations and Confederations the right to strike and collective bargaining rights, in so far as their own respective statutes allow them to do so: previously they did not enjoy such rights. The majority required for calling a strike has been reduced and the procedures to call a strike have been simplified. In addition, compulsory arbitration is only applied when the conflict affects an essential service in the strict sense of the term. On individual relations the document quoted refers in particular to "the extension of the Code to cover apprentices; the improvement in levels of compensation in cases of unjustified dismissal, the suppression of discrimination against woman workers, and improvement in the protection of pregnant women".

Furthermore, I should particularly like to refer to the San Andrés Pact which, under the title *Development – the new name of peace*, was signed by the political forces of my country on 31 May this year. It contains a declaration of principles and commitments and because they are relevant I would like to highlight the following among them. First, the challenge of globalization: the inclusion of the country in the process of globalization should be the priority principle of economic policy, since only through such inclusion will it be possible to achieve rates of economic growth necessary for social progress. Second, human development as a means to and an end of economic development: A fundamental commitment in this area is recognition of investment in human resources as the States' first priority for social as well as for economic reasons. Only such investment can assure maintenance and increase in levels of productivity, an improvement in social conditions and the creation of a developed society. Third, labour policy: labour policy should be directed at eradicating confrontation and encouraging the creation of an atmosphere of cooperation between employers and workers so as to achieve a continuous increase in productivity. The principle of legality should be at the basis of action taken by employers and by workers. The only way of bringing about a wage increase is through increasing productivity. Increases in productivity should be shared between capital and labour so that a growth in the country's competitiveness can be reflected in benefits for all those who are involved in the production process. This is the only sustainable foundation for a strong and thriving private sector.

Lastly, I should like to express my gratitude to the delegations of various member States of the International Labour Organization who have been participating in this meeting and I would particularly like to reiterate my congratulations to the President on the excellent way in which he is running our plenary discussions.

Mr. STEFANSSON (*representative of the Nordic Council*) – As a representative of the Nordic Council, which is the parliamentary body of cooperation between the parliaments and governments of the Nordic countries, I wish to congratulate the Director-General on his excellent and most comprehensive Report. I also want to congratulate President Rosales Argüello on his election and I am certain that under his guidance we will achieve the results we expect from this Conference.

As the Report vividly shows, the facts of unemployment in the world are already alarming. It is therefore appreciated that the ILO, with its expertise on labour market policies, is highlighting the matter.

The Nordic countries value highly the accomplishments of the ILO in the labour market, as they value highly the work of the United Nations in general. The results of the International Conference on Nordic Countries in the United Nations, held in Helsinki by the Nordic Council last January, bear this out. In the final document of the Conference the Nordic Council recommends that the Nordic countries continue to play an active role within the United Nations and also that the key means of alleviating poverty and achieving social integration is combating unemployment and promoting productive and freely chosen employment.

The Nordic countries also support the economic and social stabilization of the Baltic States. As demonstrated in the Report, the situation of the transition of the economies in the countries of Eastern and Central Europe is very serious. Unemployment rates are generally high all over, although they differ from one country to another. A worrisome fact is that certain groups suffer more than others from the unemployment situation in a particular region, such as ethnic minorities, women, disabled workers and young workers.

Youth unemployment is a matter which calls for special attention in all countries. In the Nordic countries, young people have been active in the labour market. With growing unemployment, the participation of young people in the labour market is reduced.

This seems to be the general tendency in many countries and calls for special measures to reduce youth unemployment. Without such measures, there is a risk of a growing number of people throughout the world with good working skills never having the opportunity to use them.

It is interesting that although economic growth has been similar in the industrialized countries for two decades, the unemployment figures vary in these countries. The three models dealing with slower growth as demonstrated in the Report are obviously not beyond doubt, both in economic and social terms.

When it comes to the Scandinavian model, it is well known that the emphasis has been placed on social welfare, given that it is a very important and fundamental factor in modern society. In that context

we clearly deny the theory that a certain figure is necessary for normal economic growth.

The Nordic countries want the Scandinavian model to be maintained and we are certain that social welfare is necessary and is an important weapon in the fight against social ills.

Solving the problem of unemployment is a very difficult task. In the Report it is pointed out that greater international cooperation is needed when it comes to the challenge of restoring full employment. The World Summit for Social Development held in Copenhagen in March this year is a significant step forward in that direction. Increased cooperation in this field will benefit all countries of the world in the long run. In a global perspective, unemployment is not an isolated problem of regions, countries or trades. Putting social problems on a global agenda alongside political and economic issues is therefore of the utmost importance.

International cooperation can take place on many levels. Cooperation between governments and particularly the relevant ministers is necessary on both the national and international levels. Also the work of international offices and institutions such as the ILO is very important. The participation of national parliaments is also crucial to achieve the best results. It is necessary for the members of parliaments to promote employment issues both nationally and as part of the global agenda. The latter can easily be done as there are numerous organizations in which members of parliaments already cooperate internationally.

The instruments mentioned here and in the Report to provide support in the fight against unemployment allow us to hope that the image of full global employment is not far-fetched. On the contrary it is a very practical task and hopefully in due time it will cease to be an image and become a natural fact.

In conclusion I wish to express my gratitude for this opportunity to present some Nordic views on a few of the items before the Conference. I wish the ILO continued success in its important work and especially in the task of promoting employment.

Original Spanish: Mr. RAMÍREZ LEÓN (*Workers' delegate, Venezuela*) – Allow me first of all to join with those who have spoken before me this morning to congratulate the President and Vice-Presidents on behalf of the Workers' delegation of Venezuela on their election.

We should also like to congratulate the Director-General, Mr. Michel Hansenne, for the interesting Report he has submitted for our consideration, which in fact summarizes the first of a series of reports on the world employment situation – *World Employment 1995*.

The subject selected by the Director-General in his Report could not be more appropriate. We all know that the promotion of full employment, which is both productive and freely elected, has been one of the historical aspirations of the workers, and today it has acquired a special significance at a time when various forms of employment which are low in quality, precarious, poorly paid and insecure are tending to spread in the world.

It is very encouraging that the ILO has taken on the defence of full employment at a time when other international organizations are attempting to present

full employment as something Utopian which is impossible to achieve.

As indicated in the document of the Workers' group of the Government Body *The ILO towards the 21st century*: "The ILO ... must highlight the fact that full employment promotes economic growth through the demand and tax revenues it generates, and through lower social security bills. Employment promoting policies also bring benefits through training, retraining and investment in infrastructure".

However, we see the need to establish policies at international level to promote full employment. The increasing globalization of economic relations implies that national economies will become more and more interdependent; consequently, purely national policies have lost their impact.

The trade union movement in Venezuela is aware of the fact that at present national economies must be efficient to be able to compete on international markets and take on board change so that they can adjust to the process of globalization.

Nevertheless, as pointed out in the Director-General's Report, there is no panacea and the opening up of economies has to respect the specific conditions prevailing in each country. But the need to gain efficiency should not be an excuse to dispense with the rights of workers and undermine their living conditions.

The changes have to be agreed upon, politically viable, socially acceptable and adapted to national realities. We in Venezuela know, from first-hand experience, the consequences of trying to impose technical criteria – in an inflexible manner, models designed in the "laboratories" of international financial organizations.

Today there are those who claim that the rights of the workers represent a factor of rigidity and distortion of the markets and that, as such, they constitute an obstacle to employment creation. This idea, sometimes disguised under the terms of flexibility and deregulation, is an erroneous concept: indeed, the well-being and protection of workers contributes to harmonious economic development, integrating society as a whole and allowing it to generate the necessary energy to achieve development and competitiveness.

It is not by promoting jobs which are not protected and are of low quality that countries are going to be able to develop.

Recent history has shown that flexibility of the labour markets which has undermined welfare institutions and trade unions and further reduced the scope of collective bargaining has only served to increase social tension – bringing a host of low quality and unstable jobs in its wake. What is more, these jobs have negative repercussions on the environment.

In my own country, Venezuela, we have in recent years witnessed a deterioration of all the social indicators. The official unemployment figure is said to be 11 per cent. In our movement we believe that the figure is in excess of 18 per cent. The basic family shopping basket costs now four times more than the minimum statutory wage. Approximately 25 per cent of the economically active population earn their living in the informal sector and according to recent statistics, critical and relative poverty is increasing at an alarming rate. And this as stated in the Report of the Director-General, "is morally unacceptable and economically irrational".

We have to introduce changes to overcome this state of affairs which is common to the majority of the countries of our region; but these changes cannot be dictated solely on the basis of technical criteria and the profit motive. The genuine development of our society calls for much more than these parameters. The technical component has to be complemented by the political component; economic policies linked to social policies; and financial gain governed by moral attitudes.

We understand the logic behind the movements of capital and investment in the world; this unprecedented increase in world trade which is called globalization. But we deplore the speculation on capital markets which takes place on the stock exchanges of Tokyo, London and New York and which can decide the fate of whole nations; this is more of gamble than a rationally designed financial activity. We therefore agree with the Report that we should reform the international financial system.

We also denounce the transfer of production activities when this is designed to use cheap labour which exists in many areas of the world, where forced labour and even child labour are common; we also deplore the so-called economic zones, which are true concentration camps – much to the shame of humanity at the end of this twentieth century.

We refuse to accept the fact that labour is merely a commodity, devoid of any human, social or cultural dimension.

We underscore the emphasis which the Report of the Director-General attaches to social policies and the battle against poverty, underemployment and social exclusion. We also welcome the highlighting in the Report of the role of democracy, trade union freedoms and the collective rights of the workers in order to try and counter the risks of globalization; in fact, instead of ushering in a situation of well-being it often widens the gap between countries, results in poverty and loss of jobs in the North and reinforces the despair in the South.

We strongly believe that wages and living conditions should not be pawns in international trade.

We have no doubt that there are interests who wish to utilize labour standards and international trade for protectionist aims. But what is even worse is that these two factors are often linked with a view to maintaining poverty and slavery, promoting trade exchanges which only benefit the very rich.

We therefore fully support the initiative of the International Confederation of Free Trade Unions (ICFTU) in its campaign to ensure that the World Trade Organization adopts a social clause, which will at least establish minimum requirements for the protection of workers guaranteeing that no item will be circulating in international trade which has been produced at the expense of human dignity or as a result of despotism or the actions of unscrupulous individuals.

It is with satisfaction that we note that the nations of the world paid tribute to the ILO at the World Summit for Social Development in Copenhagen because we, the trade union movement in Venezuela, consider that the ILO is the most important international forum. We see standard setting activities, its advisory role and cooperation as representing one more step towards equity and justice. In the same way as all the other workers in the world, we all look to this Organization every time our national bodies

are run down or usurped. We are therefore extremely concerned when we hear of those who oppose its development and expansion.

We hope that these persons, with outdated views will soon be convinced of their error and that their dark intentions will be overcome.

The ILO today has to remain firm in fulfilling its basic role as outlined in the Constitution and in the Philadelphia Declaration of striving for social justice and the protection of the interests of the workers.

This mandate is today more important than ever before, and efforts in the fields of standard setting should be further strengthened. International labour standards are not only compatible with the creation of jobs, but they also are a guarantee of a harmonious and coherent social effort in order to achieve economic development.

We, the Workers of Venezuela, congratulate the Director-General in his decision to take up the battle against exclusion and poverty. It is with satisfaction that we have noted that the alleviation of unemployment and poverty is a priority objective in the Programme and the Budget proposals for 1996-97.

In this modest contribution on behalf of the workers of Venezuela, the ILO will have seen that the trade union movement in Venezuela is one of its staunchest allies.

(Ms. Engelen-Kefer takes the Chair.)

Original Spanish: Mr. CASSIA (*Workers' delegate, Argentina*) – I would like to express the sincerest congratulations of myself and my delegation to the President on his election to chair this session of the International Labour Conference. We should like to wish you and everyone else represented in this assembly success in its work.

The immediate concern facing the world at the close of the century is employment. The task is a difficult one to assess because we have the paradox that, throughout the world, even in those economies which are growing, the unemployment rate has not dropped as was hoped.

Faced with this problem, employers tell us that labour market flexibility is the magic wand to make unemployment disappear. The basic idea circulating seems to be that labour regulations have actually over-protected workers, and exaggerated standardization of conditions of work. It is also claimed that rigidity in labour regulations prevents any adjustment to current economic circumstances, and that this affects companies' and enterprises' potential to grow and create employment.

However, this pursuit of flexibility by employers and many governments tends to place the burden of adjustment – a result of the globalization of the economy, the current recession and international competition – on certain parts of the labour market such as employment, wages and social protection, or on particular working population groups such as women, young people, older workers and migrant workers: these all occur basically as a result of staff compression, wage reductions and social protection cutbacks.

Basically, increased labour market flexibility is used to make employment more precarious and to compress labour costs; however, it should be used only as a last resort, since it opens the door to unfair competition based on cheap and unqualified labour.

We can quote examples from throughout the world indicating that this increasingly high level of precarious employment – the result of new labour relations stemming from the application of more flexible practices – have not been an efficient remedy to the onward march of unemployment.

The ILO's report for the Copenhagen Summit, entitled *Towards full employment: Contribution of the International Labour Organization to the Second Session of the Preparatory Committee of the World Summit on Social Development* (ILO, Geneva, 1994), indicates that the sharpest increase in unemployment occurred in Europe in just a few years starting in 1979. Since then labour systems have been reformed to bring about greater labour market flexibility and reduced social protection. Despite the recovery in growth rates, unemployment has either stabilized at high levels or, as in certain areas, actually increased. In other words, there is in practice no convincing evidence of a cause-and-effect relationship between increased labour market flexibility and the reduction of unemployment.

On the contrary, employment levels are much more closely linked to economic growth rates and investment than to labour market "adjustment".

We believe increased flexibility would be valid if it were part of a collective effort to build an economy based on a re-industrialization process, with a State which would provide the regulatory framework within which solidarity, equity and participation would be the most important aspects.

We believe employment will only increase if a nation's production infrastructure and services are expanded. However, labour market adjustments cannot and should not be the unilateral responsibility of employers – since many of them would be likely to make employment more precarious – nor of the State. This should be the subject of collective bargaining exclusively. It is collective bargaining that could transform labour market adjustment into something effective, thus filling the gap left by state intervention not being used properly or being sharply cut back on. Collective bargaining will enable us to find solutions based on consensus, and because of this they will derive from participation and be better adapted to specific problems and situations.

However, measures adopted to create employment should take into account the specific features of each country, and within each country, the specific features of each sector of economic activity.

We are convinced that dialogue is the best way of bringing about the necessary changes and, with this understanding, the Argentine General Confederation of Labour, together with the State and representatives from the employers, signed a Framework Agreement for Employment, Productivity and Social Equality in July 1994. As its name indicates, this instrument provides a framework for a tripartite agreement in which each group has shouldered its share of responsibility for dealing with today's serious challenges.

Its first result has been an attempt to draw up new rules for designing labour policy in Argentina so as to free ourselves from the possibility of the State dictating standards that have not been the subject of consultation.

Given that the world economy depends as much on work and workers, as on capital movements, it is essential that workers' rights be included in a social

clause linked to international trade. The Argentine General Confederation of Labour has declared itself in favour of a social dimension to the globalization processes in the world economy, through the inclusion of a social clause which could provide guidance for the World Trade Organization. We said exactly the same thing at last year's Conference.

We have given support to the international trade union organizations to which we are affiliated in emphasizing that globalization of the world economy requires a coordinated trade union strategy between countries of the North and South. The Argentine General Confederation of Labour has met with a similar stand by the Argentine Government in its statements in GATT and at the recent World Summit for Social Development.

We hope that this convergence of views will appear in other international initiatives taken by the Argentine General Confederation of Labour, including the preparation of a special MERCOSUR charter and ratification of the San Salvador protocol in the OAS. We hope, in this way, to support a standard-setting strategy in favour of trade union and labour and worker rights which, at this time of globalization, are in a more exposed position than they have ever been before.

We note with enthusiasm that the ILO has set up a working party on the social dimension of international trade liberalization. We hope that it will progress towards the drafting of a social clause, and we hope that the expectations of governments and the social partners represented in this Organization can be met as a result of its work.

In conclusion, it is our hope and our wish that this Conference will be able to provide renewed impetus so that workers throughout the world can enjoy social justice in a framework of real and lasting peace.

Ms. ROLDAN-CONFESOR (*Secretary of Labor and Employment, Philippines*) – On behalf of the Philippine delegation and on my own behalf I join those who have come before me in congratulating the President and his Officers on their election to this session of the International Labour Conference.

Once again we must commend the Director-General for an incisive Report that outlines the challenges we need to face individually and collectively in restoring employment in many parts of the world.

The current employment situation, if not corrected, entails an enormous waste of resources and, as the Director-General correctly points out, an unacceptable level of human suffering. The growing inequality between and within nations and between and within social groups within a nation, is both morally unacceptable and economically irrational.

The Director-General knows that per capita output has been consistently increasing, with the opportunities presented by globalization and more robust trade. But weighed on the scales of social justice and development, growth in global output has not put an end to inequity. Even with and perhaps because of globalization, solutions to the classical problems of unemployment and poverty, underemployment and social exclusion have become more elusive than ever.

This discussion on the promotion of full employment takes place at a most significant period in the life of this 50-year-old Organization. The World Summit for Social Development held in Copenhagen in March this year has conferred upon the ILO a

special role in promoting full employment and social development today.

In this respect, the ILO's role as an international labour and employment ministry in a global cabinet providing for facilitative interaction with other international organizations becomes increasingly relevant, if not very urgent.

At the same time, member countries look upon this Organization as a source of policy direction and technical assistance in shaping a comprehensive global employment strategy at both international and national levels and in monitoring global trends affecting the global employment situation.

Towards this end, ILO action in the following areas must be strengthened or expanded: active partnership policy in the formulation and implementation of technical cooperation; informal meetings and dialogue among social as well as economic financial institutions, especially at the level of decision makers, those whose policy directions will shape the very environment in which the promotion of full employment can be further challenged or enhanced; research and the utilization of such research to build upon national as well as international capabilities for addressing the very ills spawned by the globalization and thoughtlessness of capital inherent in the rights of transnationalism and the introduction of new technology; internal reforms and retooling of this Office itself to enhance its own field operations and to develop its own authority in international economic relations.

Today, more than ever, the Organization is being called upon to do more. And that task cannot be accomplished without the corresponding resources. As I speak today, the Finance Committee of Government Representatives still has to endorse the budget for the 1996-97 biennium which was earlier passed by the Governing Body. Some member States have manifested their inability to approve this budget at the levels proposed on the basis of their respective current national situations. In this regard, our colleagues representing those member States must be appreciated for their candour and deliberate efforts to be transparent. Furthermore, we firmly believe in their continued firm commitment to the ideals of this Organization. They have done what they could, what they should. However, it is equally incumbent on us other member States to likewise do what we can, and what we should. And as our Organization evolves into the next century we must reiterate our firm resolve that we will not allow essentially transient circumstances to impede us in the pursuit of our permanent roles.

As a developing economy, the Philippines considers that development must be pursued in a democratic context, and in an atmosphere of trust and equality among the social partners.

Economic growth and the creation of employment must be accompanied by a social reform agenda, designed to raise incomes and standards of living, improve working conditions and the quality of jobs, mainstream the most marginalized and the most vulnerable, and provide adequate social and welfare protection for those who may be adversely affected by structural adjustment.

We note with concern, however, that innovation and technology-driven workplaces have given rise to increasing flexibilization of work. According to some, flexibilization leads to more employment cre-

ation and is the only way for firms to survive and compete in this economy. It is also suggested that the only way for economies to grow under the new global order is to sacrifice employment security. To us these views tend to abstract employment creation from the individual person. As a result they nullify any agenda directed at attaining social justice. More specifically, we have not seen how flexibilization has contributed to the reduction of unemployment and underemployment. Flexibilization in effect even broadens the base of social exclusion among workers, a result incompatible with social development.

The relevance of standard setting in an environment committed to liberalization and deregulation cannot be overemphasized. Globalization has made it imperative for governments, particularly of developing countries, to be assisted in, instead of being penalized for, implementing such standards.

The present economic situation has spawned the increasing phenomenon of international labour migration. The Philippines, like many developing economies, is a labour-sending country. However, it is not the policy of our Government to promote full employment through the export of labour. We have long recognized that overseas employment is no longer simply a strategy for promoting employment but is also a phenomenon like globalization. There will always be labour market gaps which can only be filled by manpower from other countries. Given this transformation, the world's manpower resources must be seen and nurtured as an internationally shared pool of resources moving in accordance with the dictates of the free market. The protection of such resources should be a fertile ground for cooperation among governments and the social partners.

During the last two years my country has turned into a classic example of how development and democracy can in fact reinforce one another. In 1992 when President Fidel V. Ramos took over, GNP growth stood at less than 1 per cent. The unemployment rate was 10.7 per cent and underemployment was at 22.1 per cent. The crippling power crisis had arrested industrial growth and inflation stood at 18.6 per cent.

Today the unemployment rate has gone down to about 8 per cent and underemployment has plunged to 18.6 per cent, the lowest since 1987. The biggest winner among the sectors was manufacturing, where jobs grew by as much as 24 per cent. We have not won these gains through sheer good luck. As working men like to say, the fight for jobs and growth is won only by good, old-fashioned hard work.

We have introduced major structural reforms in our economy, sometimes even dragging monopolists and cartelists down in the process. We have prevailed upon all sectors to support a common economic policy and we are finally experiencing what it is like to do business on a level playing field.

Through our manpower development programme, we are putting in place a solid social infrastructure for education and training to support our development growth. Today our prospects are better because we have shown our political will for change and reform. We know now that we can sustain growth, create new jobs for our unemployed and new labour entrants, and attract foreign investments and trade at the same time. We are now also undertaking a review of our Labour Code, first promulgated 20 years ago. As a complement to our manpower development

strategy, we must evolve new models to govern employer-employee relations and balance social protection, employment generation, collective rights and the imperative of sustained development.

The major challenge for the Philippines in the fast growing Asia-Pacific region in the remainder of this century is to highlight human resources development in engineering, and sustaining development itself. The traditional approach of directing human resource planning principally towards employment generation is not enough, because it tends to emphasize low-cost or cheap labour. The competitive edge of the economy is neither commodities nor low-wage labour but skills, entrepreneurship and research.

The President has recently ordered the launching of a multi-agency effort to study and recommend a comprehensive employment strategy that seeks to promote employment in the country in the next decade in an economic environment not exactly friendly to its achievement. And this is where the ILO, given its expertise and mandate, is an active partner of my country. Together with our social partners, such a strategy should provide us not only with the answers but also the commitment of the main actors themselves to ensuring the success of such a strategy. An employment summit, in addition to a series of dialogues, will ensure the support for such a strategy in the coming months.

Formulating such a strategy is now vital to poverty alleviation, improving labour efficiency and, in the final analysis, to making our country more competitive in the global economy.

Our strategies cannot be identical, even in my region which is considered the fastest growing region in the world, because we are at different stages of development. The similarity will lie in the fact that we will see people as our cornerstone for progress.

Original French: Mr. LOUNIS KHODJA (*Employers' delegate, Algeria*) – Allow me at the outset and on behalf of the Algerian employers to warmly greet all the participants at this session of the Conference. I would also like to congratulate Mr. Rosales Argüello on his brilliant election to the office of President of this 82nd Session, and to greet him as a friend of long-standing.

I would also like to take this opportunity to pay tribute to Mr. Michel Hansenne, the Director-General of the ILO, for his remarkable work at the head of this Organization and for the thorough and instructive Report that is dedicated this year to the subject of *Promoting employment*.

The decision to consider this subject and undertake a renewed debate on this theme bears witness to the will and tenacity that the ILO has always shown to proceed with a democratic evaluation of how its programmes are applied in practice. Our Organization is constantly concerned with a qualitative adaptation of its work to the far-reaching changes which affect international life in all fields.

The Report of the Director-General of the ILO reflects this concern to adapt to the accelerated globalization of the economy, which gives rise both to high hopes and to some very distressing tendencies.

Despite the serious problems which stand in the way of employment promotion policies and programmes, the Director-General's Report shuns pessimism, and instead suggests that we explore new paths so as to tackle, more collectively and with great

ter solidarity, the problems of economic and social development.

He is justified in calling, and I quote, for "greater international cooperation ... to bring current social problems and anxieties to the fore of the global agenda".

Like other developing countries and other countries in transition to a market economy, Algeria is facing painful problems in reviving growth and creating productive employment in the context of a multi-faceted crisis.

This crisis is to a large extent the result of a bad choice. The system for too long wasted human and material resources, deliberately blocked any initiative and creativity and showed a complete lack of foresight with respect to the globalization of the economy, which has been stepped up by the disintegration of countries which previously shared a planned and administered economy.

The economic and social difficulties which face Algeria, as it seeks to begin a lasting economic recovery and to enter the third millennium as a modern and democratic country with universal and republican values, are not insurmountable, though they are indeed serious.

Indeed, the country has considerable assets as regards material and human resources. These must be used in a new way, thanks to the beginning of a new cooperation policy which appears to be promising, particularly in the fields of hydrocarbons, petrochemicals, building and construction materials.

With initial support from the international community, Algeria is now implementing a structural adjustment programme along with a programme of economic stabilization.

While it is still quite early to assess the results, we have noted some progress in the implementation of institutional, economic and social reforms.

Algeria is committed to respect its commitments to the IMF and the World Bank, and is therefore taking the necessary monetary, budgetary and structural measures to accelerate the transition to a market economy.

I would like to emphasize that the issuing of currency is strictly controlled, and that the allocation of resources to public enterprises is now governed by highly selective criteria, based on performance contracts. In the final analysis, these determine the framework and the conditions for industrial restructuring operations. The break-up of monopolies is continuing apace, reflecting a definite will to do away with obstructionism and discrimination in the private sector.

At the same time, a social safety network has been set up, with unemployment, insurance and early retirement programmes.

The efforts made to promote the market economy have led to profound structural changes which reflect a concern to eliminate imbalances besetting the Algerian economy and also the will to make a sharp break with the previous economic model. Within this framework, the private Algerian employers have insistently reiterated their request for a concrete strategy to promote the private sector. This could at the outset consist of measures to step up the pace of removing legal and administrative obstacles to the development of the private sector.

We have also experienced stagnation in the productive sectors, with the exception of hydrocarbons,

along with rapid growth of parasitic speculative activities and an increase in unemployment and exclusion which hits youth and women the hardest. Despite the rescheduling of its debt, Algeria is suffering from the major constraints of a foreign debt burden, which has blocked investment.

The result is a well-accepted liberalization policy which meets the requirements of the structural adjustment programme. Unfortunately, this may disregard the specific economic and sociological traits of our country, such as the predominance of the public sector, the high level of social protection, the egalitarian approach and the extremely young age of the population. It may also revive fears of the cost of the structural adjustment which would be primarily borne by workers and the vulnerable categories of the population.

To overcome the situation the social partners have undertaken a permanent dialogue and agree that there is a need to sign a social pact to usher in a democratic transition to a market economy.

The rescheduling of the debt, together with a very demanding structural programme, does not solve the crucial problems of economic growth and job creation. They can only be addressed by Algeria's clearly expressed will to take advantage of opportunities and to live up to the challenges of the globalization of the world economy.

This globalization is not a panacea, and the design and implementation of the structural adjustment programme is not yet a reliable instrument with which to ensure a lasting social and economic recovery.

Experience has shown that it is difficult to meet the multiple challenges of development as long as the selfishness of the rich and powerful prevails, and as long as the ideas of unbridled monetaristic *laissez-faire* capitalism hold sway, though it has become amply clear that this theory has its limits.

The world order which is being established with us as onlookers is fraught with the risk of serious distortions which may lead to incalculable consequences for humanity as a whole. What is needed is a qualitative transformation to promote renewed international cooperation. This international cooperation should continue in the spirit of the exemplary action of the ILO and the Copenhagen World Summit for Social Development.

In a world marked by the interdependence of economies, the promotion of employment is to a large extent the responsibility of the international community.

We must thus conduct more forcefully, directly and with greater determination the future work of the ILO. This action requires an evaluation of the most important decisions adopted by the Organization in the field of employment and development.

Today, and in accordance with the provisions of the resolution concerning environment, development, employment and the role of the ILO which was adopted at the 77th Session of the Conference in 1990, the Organization must act to: "encourage world financial institutions to review their policies and programmes with a view to stimulating the growth of employment within the general framework of sustainable development".

It must also contribute, with the competence with which it is unanimously credited, to the implementation of the Declaration and the Programme of Ac-

tion adopted by the World Summit for Social Development.

We encourage the Director-General to do all he can to give concrete shape to the ideas and the actions that he has so relevantly described in the Report submitted to the present session of the Conference.

To conclude, I would like to express on behalf of Algerian employers our feeling of legitimate pride that we belong to the ILO, this institution of the United Nations family with a well-established ethical standing, noble ideals and objectives which are acknowledged by all of the world of work.

Original Spanish: Mr. GRINAN (Minister for Labour and Social Security, Spain) – I would like to express my congratulations to the President on his election to chair this session and I am particularly happy to congratulate him because I am speaking to a representative of a country, Nicaragua, which has so many ties with Spain.

As usual the Report of the Director-General has selected with great perspicacity the theme of this Conference. Employment is at the centre of social debate at the present moment and I believe that it will be at the centre of political debate in the coming years.

The Report has taken the correct focus since it starts with a very complete analysis of the employment situation in the world and it makes certain suggestions and puts forward alternatives both for the present and immediate future. This is done on the basis of criteria which were contained in the report entitled *World Employment 1995* which was published by the International Labour Office in February of this year and in the Director-General's Report of last year.

The report approaches questions such as the globalization of the economy and more generally speaking the major changes which have been taking place in the economic and technical context of work, in a very appropriate manner, particularly as regards the likely effects on employment.

Here it seems to me to be important, to insist on two ideas. The first, which is perfectly described in the Report, is the question of the necessity to recognize the diversity of situations and effects of globalization, in developing countries, countries with economies in transition and industrialized countries.

The problems of employment manifest themselves in different ways in these different stages, and that is why measures taken cannot be identical everywhere although, without a doubt, employment has to be seen as a necessary condition for the full exercise of civil rights.

The second idea expressed in the Report of 1994, which continues to be the subject of lively debate, is the idea of ensuring that international trade takes on social dimension. That is why I would like to come back to an idea which I expressed in my speech last year – that the globalization of the economy, should not only be used as a positive element in promoting employment, but should also be seen as an opportunity to generalize basic social rights.

This statement has to be accompanied by another which I also made last year at this rostrum. The social dimension of world trade has to emerge taking into account the diversity of patterns of development, avoiding the temptation to skip stages of

growth by exporting the costs ruling in the most powerful economies to those still in the initial stages of industrialization and technological development.

That is why it is absolutely essential to increase international cooperation as a complement to those measures aiming at adding social dimension to international trade. This leads us once again to highlight the importance of an Organization such as the ILO which can act in the three fundamental areas in order to obtain better results in this new economic scenario. First is the global analysis of the economy and employment; the second is that of establishing and monitoring basic social rights, and the third is international cooperation.

If I am allowed, I should like to give one example, a positive example, of what I am saying, this programme, and that is the ILO International Programme for the Elimination of Child Labour, has been established by combining the monitoring of basic rights, connected in this case with the prohibition of child labour, with cooperation among the parties involved in order to maintain a just balance between the protection of rights, economic development and free trade.

I would like now to return to the subject of employment. The Report of the Director-General speaks of ways in which labour regulation can be made to contribute to job creation. I would like here to make a few comments on this.

As I see it, one of the major elements in the European Commission White Paper on Growth, Competitiveness, and Employment was that it gave a new dimension to the concept of employment policy because it stated that economic growth had to be subordinate to the creation of employment. So far, employment has been considered as an effect of growth and was therefore seen as a secondary concern. Today, however, there is no doubt whatsoever in anyone's mind that employment is the *raison d'être* of economic growth.

This is a new approach and it has to have a legal counterpart. Just as we state that it is necessary to subordinate growth to employment, we also have to see legal instruments be oriented to job creation. Employment promotion should be the guiding principle of modern labour law.

It is in this spirit that we tackled the reform of the labour market in Spain, whose first results began to appear already in 1994. I do not wish to bore you with figures but I would just like to say that before the reform was introduced 1,000 jobs were being lost each day whereas now, a few months after it came into force, 1,000 jobs are being created each day.

Economic policy and labour development must therefore be adapted to the need for job creation, and this implies many decisions and progress in many directions. I would like here just to mention four measures which can help us because I consider them to be fundamental in the immediate future.

First, policies to promote employment. These are actions aimed at encouraging the employment of people from disadvantaged groups: young people without work experience, young people without qualifications, women, the long-term unemployed, unemployed over the age of 40-45, the handicapped. The labour market must be guided by positive discrimination; if not, if we allow a spontaneous functioning of the laws of the market, then these workers will be the first to be dismissed and last to be hired.

Second, market intermediation policies and assistance for the unemployed, policies to increase transparency on the market, making it possible to match rapidly supply and demand. It is necessary here to highlight the human dimension of employment policy. We have to avoid the pressure of statistics and the obsession with macroeconomics. Unemployment is not a figure; it is a problem, a problem which affects millions of human beings and these are the men and women who should be our concern, and for whom we must devise a system of personal guidance. There have to be interviews, classification and evaluation of cases, training, active seeking after employment; all these are the objectives of the agencies involved in employment.

Third, policies of adaptability to match the conditions of labour to the productive necessities, and which have to recognize the fact that in order to maintain the level of employment companies must have leeway for adaptation, other than dismissal as the only solution in times of economic crisis.

Fourth, there are the training policies, based on a quite obvious and fundamental premise: the wealth of a nation lies in the intelligence of its inhabitants. Therefore the essential investment is in the field of training, because the human factor is the strategic factor *par excellence* in development.

All these policies are a commitment on behalf of society as a whole, and governments must be able to count on the willing participation of the social partners. No employment policy which can do without the support of the trade unions and employers' organizations, because they are without doubt the true protagonists in the battle against unemployment. It is they who take decisions with the best information.

We must not be deceived into thinking that a legislative package, however effective, can alone solve our problem. Unemployment is a consequence of the lack of jobs and not the product of the rigidity or flexibility of labour regulation. Just as economic growth is a necessary, but not sufficient, condition of solving the problem, the same can be said of the role of legal adaptation.

We have to go into the causes of unemployment in greater detail. If we do not frame it precisely, we shall never solve the problem. As I see it, it is a consequence of one of the most salient characteristics of modern economies, in which growing wealth is accompanied by a decline in the number of jobs, so that labour is becoming a secondary factor of production. And since the right of work is the fundamental right of our citizens, we cannot give up the task of constructing a society which makes it possible for all those to work who wish to work. This is the true dimension of the wager and we have to commit ourselves to it.

Might I now humbly indicate two lines of approach to help us achieve this goal? The first of these approaches concerns the relationship between the employment and territory, and the second concerns the social reorganization of production, sometimes known – in a semantically confused expression – as “work-sharing”.

For some time now, unemployment has been the result not of crises in particular companies, but of economic depression in a whole region, and the relationship therefore is not one of the firm to employment but rather of a territory to unemployment. In the light of the existence of these pockets of unem-

ployment, we shall find ourselves obliged to apply policies going beyond the confines of the enterprise and extending to entire territories, integrating all available resources, public and private. This means that local authorities, have to be seen as partners in employment promotion. Let us recall that as Keynes said, there is a great deal to be done and if there is something to be done that means employment. The new reserves of employment and jobs will come into being as a result of this partnership in the development of untapped resources and unexplored initiatives.

But to achieve this goal it is necessary to have a better global distribution of productivity.

We hear very much about sharing of working time, and we should not reject that approach. Obviously it has to be defined otherwise there is a risk of even greater confusion, of a pursuit of miracle solutions. However, we have to look at this question of the sharing of working time because it is becoming a central issue under discussion. I would like to remind you, precisely at this ILO Conference, of something which is often unnoticed for the last 105 years we have celebrated the First of May. In 1890, when this first celebration was held, there was one single claim and demand: the eight-hour day. This was not utopia because for years there had been these "eight-hour leagues" and the claim had led to success in certain areas and soon thereafter in other areas in the industrialized world followed suit.

Since that time, more than 100 years have passed and the average productivity of a worker in the agricultural and industrial sectors has multiplied 70, 80 or 100 times, yet still we have this eight-hour day.

What has happened then? What has happened is that the gains from productivity have been divided exclusively between capital and employed labour. Obviously this has brought great productivity gains and an evident improvement in the living conditions of employed workers, but without a concomitant increase in the volume of employment.

Our reflections as the twentieth century draws to a close, should therefore recognize the fact that the distribution of gains from productivity is a question not only of income but also of employment. We have to learn, if we all wish to have work, to work in another manner. We shall have to conduct a social reorganization of production. We shall have to learn to produce using all the variables which condition labour, that is to say, time, price, quality, organization, etc.

The debate on work-sharing has only just started and it will become very exciting in the future. We should not over-simplify matters. We must tackle this issue with seriousness and honesty, because we have to recognize that what we are really sharing out is productivity and so we have to speak here both of time and wages.

In conclusion I would like once again to express my appreciation of the excellent Report of the Director-General because it gave us the opportunity to speak of one of the principal aspirations of millions of men and women throughout the world – employment. Once again, thanks to this Report here in this Conference we are speaking about and trying to find solutions to the real problems of our citizens.

Mr. JARIKOV (*representative of the World Federation of Trade Unions*) – Allow me to congratulate

the President and her colleagues on their election and on successfully conducting this important session of the International Labour Conference.

The Report of the Director-General has this time focused attention on the most crucial task facing humankind today, namely, the need for urgent national and international action to deal with the huge problems of unemployment and underemployment which afflict almost one-third of the labour force in the world today. The current unemployment crisis is indeed the most serious since the 1930s. The World Federation of Trade Unions (WFTU) welcomes the fact that at the recent World Summit for Social Development considerable attention was paid to this challenge and that one of the ten commitments reiterates the goal of achieving full employment. As the Report underlines, the mass unemployment of today stands in striking contrast to the full employment that prevailed in the industrialized countries in the 1950s and 1960s. There are also several instances of successful efforts to create jobs in other countries as well in the past. Therefore, we are not asking for the impossible when we ask for effective measures to ensure full employment. In this context, the WFTU cannot avoid the conclusion based on the living experience of the labour movement that the large increase in mass unemployment and underemployment in recent years was policy-induced and the mistaken policies and their tragic results could and should have been avoided.

The introduction of technological change and restructuring could have been implemented without arbitrary dismissals by employers who were unconcerned with the social consequences of their policies. It is important that at this session of the Conference we are also discussing the question of protection against unjustified dismissals on which the International Labour Office has provided us with a serious analytical report. The job losses which were effected through actions in disregard of social consequence could well be deemed as unjustified dismissals.

The 13th World Trade Union Congress held in Damascus last year, in which representatives of more than 300 million trade union members took part, concluded that the policies of governments and multinational companies engaged in economic war, disguised as competitiveness, are causing the mass destruction of jobs. The Congress drew attention to the pressures on wage costs, public spending cuts, cut backs in health and pension schemes, the decline in conditions of employment, the withdrawal of rights and freedoms, together with privatization and deregulation which are destabilizing economic and social structures as a whole.

It also has to be recognized that the consequences of the structural adjustment policies enforced by the International Monetary Fund (IMF) in terms of unemployment and underemployment are colossal. The socio-economic cost of such job destruction policies should be assessed on the same basis as the economic and social cost of environmental damage or of projects which inflict such damage and endanger people's lives.

It is equally important from the standpoint of social justice to assess the economic and social cost of the unequal exchange which is imposed on raw material in exporting countries, in particular, in Africa, by

the transnational corporations, and the consequences of the IMF-imposed policies.

The recent Congress of the Organization of African Trade Union Unity, for example, paid particular attention to the massive loss of jobs, the increase in mass poverty and the decline in living standards caused by the withdrawal of subsidies on food, health, education and basic utilities like water, electricity and so on, resulting from structural adjustment policies.

In the so-called transition economies where the previously dominant state sector has managed to provide jobs for all, the present situation is that, as the Report points out, unemployment levels are already in the range of 10-15 per cent in most countries. Reports warn that a further sharp increase would be socially catastrophic and that another massive wave of unemployment would lead to further falls in real wages that would exacerbate the increase in income inequality and poverty that has already occurred.

The trade unions in these countries have therefore called for a serious review of economic policies which have been pursued and for these policies to be redirected towards safeguarding production and jobs, promoting new investment so that peoples' needs can be met and retraining and re-employing the millions who have already lost their jobs.

Summing up these experiences in the different regions, the World Federation of Trade Unions would therefore urge this Session of the Conference to invite all member States to translate commitments made at the World Summit into full employment and concrete policies. Such policies should include the adoption of temporary programmes to try to ensure a significant reduction in unemployment. Immediate steps could be taken to ensure that economic recovery does not mean the loss of jobs.

Other priorities could include greater investment in housing, infrastructure development and environmental protection to create new jobs and contribute to development. More energetic action could be taken to promote job-creation measures, such as a reduction of working hours and working time, and to stimulate demand by increasing purchasing power through wage rises, raising the minimum wage and so on. The WFTU fully supports the proposal to impose a tax on speculative capital movements as a resource for development and to curb speculation.

Urgent steps are also needed to revitalize agricultural and rural areas through land reform and rural development on a large enough scale to deal with the severe underemployment and unemployment in this sector.

Recognizing the major input of trade and inter-state economic relations on jobs and the promotion of development, it is important that the ILO should work with the World Trade Organization and encourage member States to uphold the principles of equality, sovereignty and cooperation to the benefit of us all, and to implement international labour standards which can help promote balanced development, set out in the United Nations Declaration on the Establishment of a New International Economic Order.

The WTO should, in particular, take steps to ensure that the normal development of world trade is not jeopardized by unilateral trade sanctions or by quotas for non-economic reasons and for political aims. Such boycotts and sanctions destroy jobs and

livelihoods and should therefore be condemned in the strongest terms.

In this regard, we cannot but express our alarm at the voices being heard calling on countries to end their participation in the ILO because this agency's approach is allegedly ill-suited to an era in which the role of labour unions is vastly diminished. To say the least, these voices stand in marked contrast to the documents of the World Summit for Social Development which recognized that the ILO has a special role to play as a result of its mandate, its tripartite structure and its competence, and acknowledged the need for the active involvement of trade unions in promoting social development.

The WFTU, as an international organization, actively supports all steps to promote international cooperation and fully supports the proposal in the Report of the Director-General on an institutional system of international cooperation and the establishment of effective mechanisms to coordinate macroeconomic policies. Appropriate mechanisms could also be promoted to accomplish the specific tasks of the three segments of the tripartite structure of the ILO. The Trade Union Forum held in the framework of the World Summit in Copenhagen mobilized the support of the entire world trade union movement for the aims of the Summit. As was suggested at that Forum, trade unions, through the Workers' group and with the support of the ILO, could create their own mechanisms for monitoring and follow-up, including the convening of a broad-based forum every year at the international and national levels to examine all aspects of the follow-up to the World Summit's Declaration and Programme of Action. Such initiatives can ensure the continued involvement of trade unions and their vast membership in all continents in promoting broader participation in social development. But we have also to promote concerted action to guarantee freedom of association and prevent the terrorism and repression against trade unions now prevailing in several countries.

The shooting down of 12-year-old Iqbal Masih, an internationally known campaigner against child labour, on 16 April in Pakistan, shows the desperation of the exploiters and all those who want to make profit by ignoring international labour standards. There are many other cases of the assassination of trade union activists reported in different countries. The ILO, through its Committee on Freedom of Association, should take steps to conduct international investigations into all cases of the repression of trade unions and violation of their rights, and ensure that all member States respect the international labour standards they themselves have adopted.

Mr. MALLIA MILANES (*Employers' delegate, Malta*) – For some years now the world has been experiencing a phenomenon of unacceptably high rates of unemployment. The first years of this decade have been marked by a recession that threatened the stability of many countries, thus affecting many categories of workers hitherto left virtually unscathed in previous recessions.

This experience has not only affected developing countries but also the most highly developed economies. More alarmingly, as the latter group of countries has been emerging from recession, unemployment levels have remained obstinately high despite comparatively high rates of economic growth.

All this is a departure from the traditional pattern whereby, as countries emerged from recession, the unemployment rate declined to approach its previous levels. Traditional prescriptions to reduce unemployment no longer seem adequate to provide the desired cure. Worse still, projections up to the end of the century and beyond do not provide much comfort.

Indications are that despite economic growth unemployment figures will remain at persistently high levels with especially vulnerable groups like the long-term unemployed, older workers and newcomers to the labour market being particularly affected.

It is becoming increasingly evident that this bleak situation represents a watershed and a break with traditional cyclical fluctuations which are giving place to the implacable rules of an interdependent global economy. The vital importance of this development is recognized and highlighted in the Director-General's Report for this year's Conference *Promoting employment*. Similar messages focusing on this contemporary problem have been produced by other authoritative institutions, not least different organs of the European Union, amongst whose members many are particularly afflicted.

The Director-General's Report suggests two basic sets of causes for the rise in unemployment in industrialized countries, namely economic policies and their impact on growth and employment, and differences in labour market regulation.

The Report goes on to attempt to discredit the second of these causes. It acknowledges, however, that the debate on the effects on employment of excessive labour market regulation is by no means settled, and refers in this context to the concrete proposals for reform of existing labour market regulations as being on the current policy agenda in several countries.

Unnecessary and harmful labour market regulations are targeted for attack and the Report points to "rigidities" imposed by regulations on the length and organization of working time. These can frustrate voluntary labour supply decisions, new working-time and work-organization patterns, and thus job growth. The Report goes on to say that "the continued removal of regulatory impediments to voluntary labour supply choices should be encouraged". My Association fully endorses these views and has repeatedly drawn attention to the lack in Malta of a personalized approach which brings out the optimum of the individual and rewards him or her accordingly.

Training is also highlighted in the Director-General's Report as one of the essential remedies in combating unemployment, with particular reference to problems associated with low-skilled workers.

The Report acknowledges that: "financing unemployment through expenditure taxes (instead of payroll taxes) may generally be expected to have a favourable effect on employment; expenditure taxes lead to lower labour costs and higher take-home pay than to payroll taxes. This raises incentives for firms to employ and for workers to seek work." This vindicates the view consistently expressed by my Association with reference to the situation in Malta. Finally, it is difficult to fault the conclusion of the Director-General's Report that a fundamental requirement for restoring full employment is concerted international action, namely the creation of an institu-

tional framework for cooperative international action.

Let me now turn to my country, Malta, where, after a concerted effort between the present Government and the private sector, we are now enjoying an economic and employment situation which is among the healthiest in the western world.

In December 1986, the number of the gainfully employed was 115,109. By December 1994 the number of the gainfully employed had risen to 133,900, an increase of 18,791. Most of this increase was created in the private sector. In fact, private sector employment rose from 65,000 in May 1987 (when the ruling administration took office) to 82,000 in March 1995. The unemployment rate now stands at 3.5 per cent – one of its lowest levels in memory. The economy has also offered additional opportunities for a total of 17,400 persons in part-time employment. In other words, the demand for labour cannot yet be met by the full-time labour force and has spilled over to the part-time sector. All of this was achieved at a time when a lingering recession and record unemployment levels plagued neighbouring countries.

The strategy that led to these results was based on a broad programme of liberalization and on giving private enterprise its head as far as circumstances permitted. The biggest advances were made in the services sector – not only in the established tourist sector but also in offshore financial services, ship registration, transshipment, telecommunications and aquaculture where sources of foreign revenue earnings, which had earlier been dry or limited, have been tapped with positive results.

The grand design was to turn Malta into a regional hub compatible with Malta's traditional vocation. In this way, Malta is seeking a niche taking advantage of its geographical position to serve countries on the Mediterranean rim and beyond.

Turning now to the vital issue of training, the present Government set up in 1990 the Employment and Training Corporation (ETC) with the aim of assessing the registered unemployed and of determining job preferences and training needs.

Efficient placement services brought about by a combination of trained personnel and computerized information search facilities at their disposal lead to the immediate auctioning of employers' vacancies. Between April 1994 and March 1995, the Corporation placed over 2,500 persons in the private sector.

In support of action taken by its employment services arm, the Corporation develops and delivers continuously updated training programmes to meet skills shortages and to train the unemployed, be they school-leavers or older unskilled workers. Interesting is the fact that trained persons seldom appear again on the unemployment register. Eighty per cent of the unemployed persons trained by the Corporation are now in employment.

Apart from delivering basic skills, ETC also supports employers through the financing of on-the-job training. ETC partly finances the training of new entrants to the labour market through the subsidization of training costs incurred by employers by means of such tools as training grants given under the Industrial Development Act of 1988, as well as subsidies under the Employment Training Placement Scheme. These measures encourage employers to employ and train unskilled people as they know they will receive financial support from the State.

In managing apprenticeship schemes, the ITC strives to place apprentices in the private sector for on-the-job training and eventual employment. This is being done because the public sector's human resources are in excess of requirements, while the expanding private sector is in need of qualified craftsmen and technicians.

I have no hesitation in saying that the strategies adopted by the Government were a success story. Credit is also due to the full, mature cooperation of all the social partners without whose support this progress would have never been possible.

Original Portuguese: Mr. VAN ZELLER (*Employers' delegate, Portugal*) – First of all, may I offer my congratulations to the President on her election to the high office which she now occupies, and I would like to express my wishes that she be successful in the discharge of her duties.

The Report presented by the Director-General for this session of the International Labour Conference deals with an extremely current problem, and poses a series of questions which are of great concern to contemporary society – questions which have not yet been given a generally accepted and peaceful answer.

First of all, there is the problem linked to employment promotion vis-à-vis globalization of the world economy in the light of recent and unforeseeable changes taking place in international trade, particularly as a result of the Uruguay Round, a subject to which the Report pays particular attention. We believe that these problems merit special attentions, and we justify more thorough-going analyses than those which have been carried out so far.

However, although there has yet to be a completely satisfactory or conclusive study of these matters, the fact is that, as is mentioned by the Director-General, "Overall, the Round would appear to give greatest opportunity for the expansion of southern exports to the north, given the liberalization of textiles, clothing, agriculture and manufacturing markets in the north. If so, this will clearly augment employment in the south and deplete it in the north, in the short run at least", page 13 (last paragraph).

The Director-General adds, and very rightly so, in the final part of the same paragraph "It is possible that significant short-term adjustment friction in developed countries could be associated with such trade expansion. If so, it could lead to greater reliance on defensive adjustment measures".

Now, it is precisely here that the ILO – in the spirit of the goals set forth in its Constitution, especially the promotion of social justice – should and must play an extremely important role in the liberalization of international trade, to the extent that such liberalization entails competition without distortion, particularly in the social area.

As far as we are concerned, we think that this distortion-correcting role could be efficiently played by the ILO on the condition that it be given added impact in promoting a greater acceptance by member States of certain fundamental social values which are recognized worldwide, so as to ensure that so-called "*customs disarmament*" "will not be at odds with fair trade practices.

This renewed importance of the ILO on the international scene would entail, as the Employers constantly stress, the consideration of certain essential aspects. I will point out the three which I think are

the most essential in terms of rethinking ILO activities.

First of all, promoting the rigorous monitoring of the implementation of international legal instruments adopted by the International Labour Conference, in addition to the adoption of measures aimed at ratification of certain instruments considered to be fundamental by the greatest number of member States.

Secondly, a balanced, realistic approach to the adoption of new legal instruments, so as to ensure that such adopted instruments will in fact be applied by a reasonable number of Members of this Organization.

Thirdly, a review of the instruments and international standards which have already been adopted, so as to adapt them to the new socio-economic realities, either by rendering their content flexible or, if deemed advisable, doing away with some of them.

Another aspect which I would like to mention, a measure arising from the detailed analysis contained in the Report, deals with adding flexibility to the labour market and its effect on employment, particularly in the industrialized countries.

I would like to emphasize a statement by the Director-General, namely that "there are strong limits to the extent to which a reliance in [labour market] policies can solve the unemployment problem. In particular, a purely (or mainly) deregulatory route to keep greater labour market flexibility will not be a panacea" (page 86, paragraph 2). This, of course, cannot be separated from the realities and specific situation of each country.

It is true that in certain countries, such as Portugal, labour legislation continues to be in general terms excessively rigid and out of date as regards the characteristics and requirements of modern economic activity. Thus the adoption of measures to add flexibility to the labour market would be a very important factor for enterprise competitiveness, owing to overall growth of the economy, and consequently the potential to create jobs.

Furthermore, the Report itself, although it questions certain aspects of the deregulation of the labour market – a position with which we do not agree – does recognize expressly that: "These doubts over the effects of labour market deregulation do not, of course, imply that all labour market regulations should be retained in their current form. A case in point is the rigidities imposed by regulations on the length and organization of working time. These can frustrate voluntary labour supply decisions, new working time and work organization patterns, and thus job growth".

Flexibilization is a current issue in my country and in most of the countries of the European Union. We think it is essential to stimulate the economy as well as employment, particularly in regard to the long-term unemployed, which is one of the most serious aspects of the general problem of unemployment.

In conclusion I would like to note that in discussions of the problems of flexibility of the labour market, it is absolutely necessary to reverse the occasionally noted trend of adopting, nationally and internationally, policies and policy measures in the economic and social area, without such measures being programmed and implemented with the participation of the social partners.

In this regard, I would like to quote the Director-General, who states quite clearly that "It is important that the social partners be involved not only in the general debate on these proposals but also in the actual formulation of new regulations. Social concertation in this area will be essential for arriving at a harmonious balance between the competing demands of economic efficiency and social protection".

I hope that the Government in attendance will take into account the future of this appeal, so clearly launched by the ILO, because this is the only way to create realistic conditions that truly promote employment.

Original French: Mr. NIDELCU (*Government delegate, Moldova*) – Allow me on behalf of the delegation of the Republic of Moldova cordially to greet and express our deep respect for the distinguished delegates at this 82nd Session of the International Labour Conference.

It is a particular pleasure for me to be able to express to the President my warmest congratulations on the occasion of his election to chair this session of the Conference and to express my firm belief that the work of this session will be a watershed in the promotion of social policy, and the implementation of the ideas and conclusions put forward by the ILO at the World Summit for Social Development in Copenhagen.

I would also like to express my satisfaction to Mr. Michel Hansenne, Director-General of the International Labour Office at his wise choice of the central theme of this session of the Conference, namely social problems and, more particularly, how to promote employment, a problem which is at present of prime importance for countries throughout the world.

I wish to assure him that our delegation will contribute actively to the work of this session of the Conference and to the adoption of the final documents.

I would like to mention the fact that amid the numerous problems faced by the Republic of Moldova, particular attention is being given to the promotion and the implementation of social policies and above all to problems arising in the sphere of employment and in the social protection of the population.

The solution to these problems is based on a new system of social protection which is more specifically linked to the market economy which is contained in a special chapter in the programme of activities of the Government.

In the difficult conditions of transition, the Government of the Republic of Moldova is constantly monitoring the problems of the use of manpower and of unemployment. Each year national and territorial unemployment programmes are drawn up and implemented. Legislation and standards relating to the problems of labour, unemployment, incentives, remuneration, occupational safety and social protection, particularly for disadvantaged categories, are all systematically revised and improved.

Careful attention is paid to active measures to recruit unemployed persons and providing vocational guidance and training and retraining in accordance with the supply and demand of the labour market. At present, we are concerned with the organization of public work, the creation of new employment and providing assistance in these areas so

that we can develop self-employment and entrepreneurial skills. Our ultimate goal is the effective and productive use of available manpower.

In our country, employment policy aims to promote the development of small and medium-sized enterprises which are able to recruit people who have been dismissed from larger enterprises. That is why the programme to privatize these enterprises is being intensely applied. At the same time we are in the process of improving the infrastructure of the labour market and its regulatory machinery and trying to bring our system of statistics, including on labour, into line with the requirements of the ILO. Thanks to the help of the International Labour Office we are now receiving technical assistance for the creation of a computerized system with regard to labour matters. We hope to be able to train our national labour force in the relevant areas and improve on our labour experiment.

The Conventions and Recommendations of the ILO, which cover so many issues in the area of labour and social protection, are of great assistance to us. The Republic of Moldova accepts fully and supports the proposed instruments on home work and safety and health in mines, which are in the agenda of the Conference with a view to their adoption. We shall vote in favour of these instruments and we believe that their provisions will be applied in our country.

The Report of the Director-General of the International Labour Office puts forward new proposals and measures to strengthen social integration, reduce and eradicate poverty and encourage the development of productive employment at world level. We believe that these will increase the efficiency of the ILO in the promotion and implementation of social policies, thus ensuring a greater degree of continuing cooperation among the peoples of the world.

We accept and give our support to these proposals and measures although we understand only too well that in the context of change occurring in the world today, the promotion and definition of social policies is impossible without a return to full employment worldwide. For the implementation of these proposals, the Republic of Moldova has favourable conditions. It only needs financial support – adequate foreign capital – to help it out of the present crisis.

I would like to express our willingness and hope that we might embark upon cooperation with all those countries – particularly the European countries – which might be prepared to make capital investments in our country. We are convinced that in a short time, we shall succeed in revitalizing production activities and create new jobs in mixed enterprises, limited companies, agricultural units and other forms of business, thanks to the continuous development of education and vocational training, as well as the assimilation of new specialities.

Human rights is an area in which the ILO plays a very important role. The increase in its activities pertaining to social policies, especially those connected with the harnessing of human resources at the international level, can only strengthen the position of this Organization.

Anxious to follow and adhere to the principles and measures adopted by this Organization, my country will do its best to promote and implement the conclusions and the decisions of this Conference.

(The Conference adjourned at 1 p.m.)

Fifteenth sitting

Wednesday, 14 June 1995, 3 p.m.

President: Mr. Popescu

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original French: The PRESIDENT (Mr. POPESCU) – Let us return to the discussion of the reports of the Governing Body and of the Director-General.

Original Spanish: Mr. HERNÁNDEZ FÁBIAN (*Workers' delegate, Guatemala*) – We would like to express our warmest greetings to all of the bodies that make up the ILO and to the various delegations that are here today on the occasion of the 82nd Session of the International Labour Conference, which is making significant effort in the study of the world's labour problems.

Internationally this is an extremely complex problem with neo-liberal models based on individualism in contrast to social and collective interests. A feature of this market situation is that wealth is being concentrated, poverty is becoming more widespread, profits are going to individuals and the costs are being socialized. Therefore, when talking about employment promotion in this context, it is vital to think of defending our social interests, especially of those sectors that have been excluded from progress.

Three major regional blocks exist nowadays. They generate 70 per cent of the world's GNP and 75 per cent of international trade. Each one of these blocks applies an aggressively protectionist policy and, according to GATT estimates, Latin America is confronted with a world in which only 20 per cent of world trade is free and 80 per cent of world trade is in some way controlled. This, of course, imposes very great difficulties in attempting to achieve full employment.

Economic globalization and the formation of economic blocs reflects an international division of labour in which countries like ours are considered as pure manpower-providers without being able to enjoy a right to genuine development.

In the 1950s ECLA put forward an import-substitution model to establish a macroeconomic balance and to solve the employment problem by strengthening the role of the State in the provision of the most important social services. The model did not solve the problem. The structure of production was not really changed. The economic, social and political crisis, brought about by internal and external factors, worsened and led to greater social confrontation that, in some cases, turned to civil war, as has been the outcome in my country for 35 years.

We now wish to enjoy the "benefits of globalization" by diversifying our exports, in particular our

agricultural exports and our agricultural commodities. But this affects the security of food supplies in our own country, and at the same time limits access to markets, due to quotas and price-fixing. Something more than policies are needed to create employment because in our country 50 per cent of the population is unemployed and the informal sector is growing very fast.

We share the concern set out in the Director-General's Report. Obviously, there are very serious difficulties in achieving full employment, and external factors cause further difficulties as well. But nevertheless we have to meet the challenge of promoting full employment, because unemployment in our country causes ever greater poverty, and further inequalities which are morally and economically unacceptable.

The situation is an unacceptable one for the workers. The States attending the World Summit for Social Development adopted an agreement to promote full employment as a basic priority in economic and social policies. But, in actual practice, many countries are adopting policies which pare back state intervention, which means that public sector jobs are suppressed and health, education and housing sector services are cut back which further reduces the living standards of the workforce. This causes even greater difficulties for workers and one only needs to reflect on the statement in the Declaration of Philadelphia that "poverty anywhere constitutes a danger to prosperity everywhere".

There is no denying that major progress in information technology and innovation in production processes have led to an expansion of international trade and of investment in services, and that this has had an impact on specialization and the division of labour. However, it is important to remember that, as part of the trade globalization process, the developed and industrialized countries have not practised a policy of cooperation with our countries; there has been no transfer of technological progress to help improve industrial and agricultural production so essential to us. Thus we have not benefited from the technological advances that should be placed at the service of humanity as a whole so as to guarantee the well-being of all.

Moreover, the international division of labour puts us at a disadvantage and prevents us from taking part in the world economy on an equal footing. The result is that we are deprived of the opportunity of solving our major unemployment and underemployment problems, and the resultant terrible social problems.

It is socially and economically unacceptable that international division of labour be put forward as a

solution to our economic and social crises by creating jobs with the sole comparative advantage of being filled by cheap labour employed with no regard whatsoever for the workers' dignity. These workers are employed in free zones where bonded-goods enterprises exploit cheap labour and especially women and children without any significant economic benefits to raise human living standards. Furthermore, investment by these bonded-goods production companies in Guatemala does not provide added value, does not provide technology transfer; rather it offers unfair competition which within GATT is considered to be "social dumping".

The implantation of these manufacturing industries as part of an employment policy means that the ILO must adopt standards to prevent its Conventions and Recommendations from being breached by the transnational companies and to reaffirm the need for social clauses to be applied as part of expansion of global trade; this the NTO cannot and should not disregard.

Following the World Summit for Social Development held in Copenhagen, the presidents of Central American countries recently approved a treaty on social integration, the civil initiative for Central American integration, to which our Organization belongs. This provides that the concept of social development should be looked into more closely and provides for social assistance programmes. These will be used only as a source of finance for governments and will not solve the profound structural problems of our countries.

Consequently, the structural difficulties faced by our countries need to be carefully analysed. Space should be made for participation by all parts of society and in practice, they should generate benefits for people which are reflected in an improved standard of living, genuine human development, social cohesiveness, guarantees of social opportunities, and so on and so forth.

As part of this approach, it is very important for workers in Guatemala that thought be given to the agrarian aspect of economic advancement in the framework of dialogue and negotiation for peace in our country. If agreement is reached, then the foundations can be laid to contribute to a political solution of the economic and social crisis that reigns in our country. And indeed, it will be possible to construct a fair and democratic and humane society.

Consequently, support from the international community, including the ILO, is absolutely vital to ensure that this is not just a paper peace but so that it takes practical shape so that it is firm and lasting.

Original Spanish: Mr. TEITELBAUM (*representative of the American Association of Jurists*) – It is a great pleasure for me to congratulate the President of this session and the Officers on their election.

The American Association of Jurists is a non-governmental organization that has branches in almost all countries of the American continent. It is made up of jurists and magistrates; often they are specialists in labour law and in social security. For example, the existing President is a labour judge from Porto Alegre, Brazil.

I thoroughly approve the contents of the Director-General's Report. Unemployment in the world is a very topical issue; it's a very serious one, too, not

only for the world of labour but also for society as a whole.

We believe none-the-less that the question of employment should be closely connected to two other essential problems, namely poverty and social exclusion, a link that was made at the Social Summit in Copenhagen. Furthermore, in order to put forward adequate proposals to find solutions to these serious problems in our world, we have to analyse the way economics actually functions in today's world, namely the globalization of its fundamental components – trade, industry, and finance capital.

International trade is very far from reaching the state of perfect competition that classical economists dreamt of, if we take into account the unequal exchange between rich and poor countries and the protectionism practised by the former while they pressure the weakest countries to open up their frontiers in disadvantageous conditions through the IMF's structural adjustment policies. The recent conclusion of the Uruguay Round which gave birth to the WTO has meant that the developing countries, especially those of sub-Saharan Africa are the great losers, according to the United Nations Food and Agriculture Organization and UNCTAD specialists.

Transnationalization of industry is another aspect of globalization. Transnational industries can move very swiftly from one country to another, seeking comparative advantage, above the cheapest possible labour. When they set themselves up in a country, they create jobs, but they destroy much more than they create, causing the disappearance of industries and local crafts. This process of delocalization and the mobility of industry also has a negative impact on employment in the developed countries.

The third aspect of globalization of the economy is internalization and concentration of finance capital, that is, fundamentally, speculative capital, which is much more voluminous than industrial capital. Such capital is moved very swiftly electronically from one part of the world to the next without any kind of control and often for purely speculative purposes. A movement of this kind can, and indeed does, lead to vast financial catastrophes, nationally and internationally, with very serious consequences for employment and living standards in various places and countries in the world.

Another typical feature of today's economy is technological innovation based on electronics and information technology, bringing about a qualitatively different revolution from the industrial revolution which the world has seen before.

The coming together of a globalized economy and technological innovation has meant that unemployment is no longer conjectural but structural. The "Fordest" Keynesian model of full employment by mass production of standardized consumer goods for a permanently expanding market is no longer applicable.

The response which is now proposed and which is being applied at best because of a social and economic short-sightedness, in the long run, is for the sake of competitiveness, to push down wages and social security expenditure, leading to a spread of insecure labour conditions without social justice. And when the situation is favourable in some sectors, instead of taking on workers, they not infrequently quite simply lengthen the working day and adopt night work and rest-day work, stepping up the in-

tensity and pace of work, often without any compensation in terms of time off or increased wages.

Both in rich and poor countries, staff are hired in insufficient numbers and are even cut back when it comes to essential services for the community such as health or education and the services with the consequent deterioration in these services, leading to accentuation of poverty and social exclusion, market shrinkage and thus an infernal circle that leads to the disappearance of small, medium-size and even large enterprises, or their absorption by monopolies, with consequent increase in unemployment.

It is not the supposedly free market of monopolies and oligopolies and financial speculation that is going to solve the growing problem of unemployment, poverty and social marginalization.

The destiny of human beings cannot then be simply handed over to the rationale of monopolies who motto is to get the maximum profit in the shortest time. Rather society itself should have the power to decide through democratic national and international institutions and increasing popular participation.

On this basis, if we want to seriously fight the scourge of unemployment, poverty and social exclusion, then we must take measures such as: totally cancelling the external debt of the poorest countries and substantially cutting down that of other developing countries; introducing reforms in the international monetary system so as, inter alia, to stabilize exchange rates and discourage international financial speculation; modify the policies of the IMF and the World Bank in the light of the Universal Declaration of Human Rights and the International Covenant of Social, Economic and Cultural Rights, and bring them under the control of the General Assembly of the United Nations and ECOSOC; establishing fair prices on the world market for primary and manufactured exports from developing countries, and open up the markets of wealthy countries to these products; establishing a policy of income redistribution and impose heavy taxes on speculative and unproductive finance capital; creating fiscal and credit incentives for micro-enterprises and small and medium-sized enterprises; encouraging the active and selective intervention of governments in development and social investment policies, facilitating access to fertile land and irrigated land for the hundreds of millions of farmers all over the world who lack such resources, instituting democratic control over agricultural credit by farming communities.

But economic measures designed to promote employment would be enough in themselves; they do not go hand in hand with a new concept of what employment is, including socially useful work in the home, in the community and so forth, and also by encouraging free time to be used for further training, reintegration in the labour market for personal advancement.

In the most highly industrialized countries above all, where new technology and the consequent increase in productivity and the growing burden of the service sector has irreversibly reduced the need for human labour, it is necessary for working hours to be reduced so that everybody can have a share of work that is available, but without reducing wages, since it is labour and wealth, not poverty which must be reduced.

So the solution for developing countries is not a reduction in trade union, labour and social rights, but

rather their observance, guarantee and extension. Such measures would include respect for the Tripartite Declaration of Principles on Transnational Enterprises.

To close, on the eve of the Women's Summit in Beijing, let me bring to your attention the fact that the much-vaunted role of women in development, their underprivileged position in society and that, far from being a basis on which their position can be improved, it is taken as an excuse to increase their burden of work and their responsibilities, often without any remuneration or compensation whatsoever. For poor women, whether wage-earning or not, equal rights, free time to improve their skills and advance themselves, is at the moment Utopian.

Workers, employees and governments have an unavoidable obligation to sit down together to make sure that all human beings can live in conditions of welfare safety and dignity.

Original German: Mr. ENGLIS (Workers' delegate, Slovakia) – First of all, I should like to join other speakers who have preceded me in congratulating the President on his election. This year's international meeting of the representatives of the social partners follows on from the decisions of the first World Summit on Social Development – both as regards the significance and content of the issues involved. The questions of poverty and employment were at the very centre of the Summit's concerns. In our troubled world, these problems particularly affect ordinary men and women. They are also affecting and worrying the citizens of Slovakia. But the representatives of the governments and employers do not always share our views on the way to solve these problems.

The restructuring of the economy has also led to changes in the philosophy underlying the social system. The Confederation of Trade Unions of the Slovak Republic is very critical concerning the unsystematic way in which the changing government has been attempting to solve the social problems. Only now are basic concepts regarding the transformation of the social environment being discussed and elaborated.

Our greatest concern is the problems of employment. Statistics show that unemployment reached a level of 14.59 per cent last year. However, different circles put forward percentages ranging from 5.72 per cent to 26.78 per cent. The present active labour market policies are inadequate and cannot solve these problems.

One of the most important questions and one of the priorities of our trade union confederation in the social sphere concerns family policies and child benefits. In our view the Government's proposal to limit child benefit to certain social groups would amount to discrimination.

In any social dialogue, agreement is rarely reached during the first round of discussions. This was clearly seen in recent discussions on proposals to cut social reductions on train and bus fares. Although it is obvious that the State cannot subsidize all these payments indiscriminately, we cannot agree in principle that citizens who have to rely on social security payments have to bear these costs without any assistance. We insist that the Government cannot take such a step without any compensation for the weakest members of society.

Our trade union confederation is actively involved in the reform of fiscal legislation. This year we are undertaking the reform of the most important fiscal law – the Act on income tax. We are determined to ensure that the citizens will not have to bear an increased tax burden as a result of inflation.

Social dialogue, the search for compromise and an attempt to reach reasonable decisions with the participation of all three social partners were felt to constitute the cornerstone of our new democracy. The Confederation of Trade Unions of the Slovak Republic considers that its most important task in tripartite negotiations is to achieve social conditions which are bearable for the workers. This is extremely important, especially in view of the speed at which reforms are taking place in our society.

The quality of the model of tripartism has been steadily improved, even though this is largely dictated by the political situation. We note that all the governments we have had so far have been interested in continuing the process of social dialogue. However, the fact that governments were changing so frequently prompted us to demand that the process of tripartite negotiations should be enshrined in law in order to guarantee that collective agreements would be legally binding.

This step was also taken to ensure that trade unions would not be overlooked in discussions to solve important social problems.

We have agreed with the social partners that preparations to ratify ILO Conventions should be continued. This important process is closely linked with the adaptation of Slovakia's legislation to European legal standards. In the collective agreement for this year, we included 16 separate instruments.

Finally I would like to mention the deliberations of the committees at this year's session of the International Labour Conference.

The representatives of the Slovak Confederation of Trade Unions are taking part in discussions to extend the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial services sector. Once the instrument has been adopted, we shall cooperate with the Government and employers' representatives in order to incorporate the Convention into Slovak legislation and to promote its application in practice. This also applies to the new Convention and Recommendation on safety and health in mines. The problem of homeworkers is covered by the Labour Code in our country. We tend to agree with the Slovak Government that these workers are well protected under our laws. It would therefore be desirable not to have to change the present legal situation of our homeworkers except in cases where it is absolutely necessary.

I wish you a successful Conference and every success in achieving consensus in the discussions and approval of these instruments.

Original French: Mr. TINAYRE (representative of the World Union of Liberal Professions) – The social and professional sector of the liberal professions is honoured to speak before you for the second time.

Already last year, on behalf of the World Union of Liberal Professions, it was my privilege to bring our message before you and to assure you of our keen interest in the work of the International Labour Organization and that the liberal professions intend fully to cooperate with you.

I have stressed how open we are to the new ideas and thrust which in keeping with the traditional calling of the ILO were expounded in the brilliant Report of the Director-General and, of the three challenges posed in the conclusions to this Report, we especially appreciated the open attitude expressed towards other actors in the social sphere, which includes us.

Today the Report of the Director-General for the 1995 session of the Conference confirms this attitude, thrust and relevance to the major problem of our day, employment.

The World Union of Liberal Professions means to work with you and is offering to help, with our modest means, the ILO to combat the scourge which is currently afflicting the whole planet.

We have three basic reasons for proposing to do this. First, the liberal professions constitute a social and professional sector in their own right. One could even say that we are a social partner. Second, we are also affected by the employment crisis. Third, we have a non-negligible employment potential which, if it is carefully studied and assessed, could help to solve the problem. It is for these three reasons that we should like to work with you and I should like to explain these reasons briefly.

Firstly, I should like to repeat here, and this repetition is not out of place because it challenges preconceived and firmly entrenched ideas which should be corrected that, contrary to what one might think, liberal professions, medical, legal and technical workers are part of a highly specific and homogenous group.

It is specific, because the liberal professions lay claim to a very individual approach to the employment relationship: a person working in the liberal professions is legally, economically and politically independent and responsible, these two features going hand in hand which means that a doctor or a lawyer, for instance, may have a colleague or assistant who belongs to the same profession but the relationship between them is of a specific and particular hierarchical nature since both these professionals are independent. Moreover, a person working in the liberal professions is above speculation of any kind. He does not wish to be beholden to capitalist mechanisms. Finally, he is committed to binding ethical rules, including professional secrecy which he hopes to keep to as much as possible in the interest of his clients. This characteristic is justified by a desire to serve humankind. We have our individual characteristics but we are also a homogenous group. You must realize that the principles I have just mentioned are more or less universal. Every profession be it veterinary surgeon, accountant, physiotherapist, consulting engineer, solicitor or dental surgeon, although apparently very different, obeys the same rules and speaks the same ethical language. This is true throughout the world. I can assure you that despite the geographical latitude, traditions or level of development, people working in the liberal professions all respect the same principles and are committed to protecting them in the public interest when they can and demanding respect for them where they are disregarded, sometimes even if this means putting their life on the line. The consequence of these common elements is that contrary to what you might believe, the liberal professions because of this unity are actively involved in trade union activities, including at

the international level through the World Union of Liberal Professions which it is my honour to preside over and whose vocation is to bring together these professions so that we can join in the ground swell of globalization marking the end of the century.

These professions represent dozens, perhaps hundreds of millions of workers around the world who today wish to break out of their isolation and break down the distorted image of corporatism with which they are labelled and work with their partners in the world of work for the benefit of mankind and to build its future.

Having said this, and this relates to the third preconceived idea, you must realize that the liberal professions nowadays do not in any way resemble, if they ever have, the traditional image of elitism and dilettantism which they are all too often charged with.

They are extremely hard-working professions, most of the people working in them even in developed countries find it difficult to earn a decent living. I would like to repeat that for three years in Paris, I was on the Bar Council and I have seen that even there, an allegedly prosperous city, there is a large professional sub-proletariat of lawyers, maybe even reaching one quarter of the lawyers operating there.

The liberal professional, in whatever sphere must after a very lengthy training period, work for years before his practice, office or agency can guarantee him a comfortable living.

His situation is always precarious because clients come and go while he has no employment guarantees, allowances or unemployment benefits, and is working in a profession where age becomes a liability earlier than in other areas as clients drift away and where meagre pensions do not compensate for the fall in income. You must realize that they are no stranger to any of the alarming phenomena mentioned in the Director-General's Report, be it exclusion, insecurity or a fall in general prosperity. Even though the phenomena may take a different form in this sector in view of the nature of the work involved, people working in the liberal professions share the anguish of the workers and consequently the spirit of cooperation reflected in the Report.

You must be aware, and here I will end that contrary to preconceived ideas, the sector comprising the liberal professions is, and could be even more so, if the necessary steps were taken, a real source of employment, a vein waiting to be tapped and which is not always taken into account in statistics and forecasts. This can be seen in two ways. Firstly, the liberal professional is himself an employer. Today, throughout the world, the image of the lawyer alone with his civil code, the doctor alone with his stethoscope, the architect alone with his drawing board, is out of date.

Even leaving aside large engineering and auditing companies which are glowing exceptions, no liberal profession can operate without a minimum of staff.

For instance, in France as of 31 December 1992, there were 513,600 people in the liberal professions, employing 765,700 workers. An in-depth study would show a similar situation elsewhere.

Today's market only needs to open up and it would inevitably lead to increased demand for labour.

Consequently, the liberal sector is already in a position to offer employment, but it is not the only source.

When considering the particular problem of the employment crisis in the countries of Eastern Europe, the Director-General drew attention to the promotion of self-employment which he rightly pointed out is so far a relatively unexplored area.

This comment is valid not only for Eastern Europe. Demand being what it is, the ranks of the liberal professions are willing to open up if the appropriate means can be found and put at their disposal.

There, I believe is a second source of employment.

So, this is the reaction of the liberal professions to today's major problem that this session of the Conference is priding itself on discussing this year.

I should like to end my invigorating speech by quoting from the Director-General's commendable Report: "A third compelling reason is that there is scope for effective action at both the national and international levels. There will in fact be vast benefits from a serious commitment by all nations to achieving full employment".

To this end, we need commitment from States and the social partners.

The World Union of Liberal Professions is prepared, following the necessary studies and consideration, to work alongside the International Labour Organization, and rise to this challenge.

Mr. LARSEN (*representative of the International Confederation of Executive Staff*) – The International Confederation of Executive Staff, the CIC, congratulates the President on his election to chair this 82nd Session of the International Labour Conference. Furthermore, I wish to extend my admiration and appreciation to the Director-General for a most detailed and excellent Report which in many ways gives a new perspective on one of the most important problems in the world today, namely employment. This factor affects men, women, families and employees of all categories and leads to social exclusion, social unrest and social injustice.

The Report in fact analyses in detail the reasons for unemployment and in a very objective way describes some of the fallacies so often used in discussing why unemployment is increasing, be it strong unions, high salaries, security rules, etc., all of which have, according to the Report, no real effect in increasing unemployment.

In our opinion it is, therefore, correct to concentrate on a number of other remedies that could prove effective in fighting unemployment in combination with increased economic growth in the world. Certainly there is a link between poor efficiency and high unemployment rates. The question is how to improve efficiency? Some of the relevant remedies could be, in our opinion, improving flexibility in a broad sense within enterprises and on the labour market, establishing greater cooperation between the public and private sectors to obtain a synergy effect, making better use of public funds in respect of unemployment to enable unemployed persons to find alternative employment as soon as possible. These measures can, in our opinion, only be carried out by involving the relevant social partners and by creating a worldwide forum for social dialogue, which the ILO is certainly doing, in order to carry out the relevant changes.

Managerial staff have a specific responsibility in these areas because they are at the enterprise level and are the persons responsible for establishing and

implementing the changes. Referring in particular to training, we believe that training and investment in training is a decisive factor in creating an economy that is competitive. A very high level of continuous training is necessary to create a dynamic society in constant development. Also in order not to lose valuable experience in people who are unemployed, focus should be placed on maintaining their qualifications rather than allowing them to passively receive unemployment benefits.

Experience through the years has shown that qualified management is a decisive factor in making small and medium-sized enterprises competitive, and training should be allocated for this group as a specific employee group.

Investment in training is in our belief as necessary as investment in machinery and should be promoted continuously throughout the years a person is employed to maintain a dynamic and flexible labour force that keeps companies competitive. Companies should in fact be allocated tax-deductible incentives if they procure training for their employees since it should be considered as an investment in order to combat unemployment indirectly.

When speaking of unemployment, focus is often on young people and women but increasingly the unemployment rate has gone up considerably for managerial staff at all levels and this fact is particularly deplorable in view of the essential role they play as a driving force for innovation inside undertakings.

The failure to utilize the skills of young graduates also represents a serious intellectual and economic loss. We believe it is absolutely indispensable to identify different means for different groups of employees when discussing measures to fight unemployment. Senior managerial staff are increasingly being dismissed, meaning that very valuable resources are being lost. Therefore, the focus should be on the abilities and qualities of this group and on developing an inventive and flexible senior policy combined with a gradual withdrawal from the labour market instead of making them unemployed.

Labour regulations should also be flexible, allowing individual schemes for the individual employees. Human resources at all levels and ages are the most important raw material and resources we have in the world. It is therefore a shame and a loss to let it go as we are doing today. The ILO is in fact taking responsibility for this area, a fact for which we are extremely thankful, and is focusing on all aspects of unemployment and also using its recognition, competence and expertise to bring together all social partners who wish to contribute to creating new forms of employment. The International Confederation of Executive Staff is fully aware of having specific responsibilities in this area and wishes to cooperate closely with the ILO in promoting job creation and full employment.

Original Russian: Mr. BYAMBATSEREN (*Deputy Minister for Population Policy and Labour, Mongolia*) – I should like to take this opportunity to join the previous speakers and, on behalf of the Government delegation of Mongolia, congratulate the President and the Vice-Presidents on their unanimous election to these responsible posts. I wish them every success.

The 82nd Session of the International Labour Conference has been convened at a very specific

time. At the beginning of this year, the international community gathered at the World Summit for Social Development in Copenhagen and drew the world's attention to the issues of poverty and unemployment.

I am very pleased to note that the ILO played an important role in the preparation for this historic meeting. We highly appreciate the concrete proposals made in the Report of the Director-General to address the issues discussed during the World Summit.

As follows from the Report, employment and unemployment levels vary from country to country. In some countries unemployment is steadily decreasing, whereas other countries still have serious problems, with unemployment only increasing.

Unemployment leads to a loss of opportunity to secure adequate incomes to support normal living standards, and it is a cause of poverty, which is usually considered as its shadow. I would like to draw the attention of this session to the fact that unemployment and poverty emerge most startlingly in the least developed countries during their transition to market relations. In Mongolia the unemployment rate is about 9 per cent of the economically active population. According to official surveys, 26 per cent of the total population of Mongolia is living below the poverty line. Of this group, one-third is extremely poor.

Our delegation considers that unemployment can be reduced only through the liberalization of international trade and by means of effective investment policies directed towards the generation of employment, for instance, by improving the economic structure and reviving national industries.

The Government of Mongolia recently approved the national programme of poverty alleviation, and is now implementing the programme with the assistance of international financial and other specialized organizations and donor countries.

Within the framework of the national programme, there are poverty alleviation funds, including the employment fund, the local development fund, the women's development fund and the social assistance fund. The Government of Mongolia provides economic support through these special funds to the citizens of Mongolia to help them overcome unemployment and poverty. Since one of the ways to improve the welfare of citizens is through the optimum utilization of available financial and labour resources and by making the most of the work that is available, we are pursuing a policy aimed at rallying all of society under the slogan "Every citizen should be a producer, and every family should run production activities".

Furthermore, we are implementing measures through a social assistance fund to care for citizens who are unable to work, to help them overcome transitional difficulties. The Act on unemployment benefits, which is part of the social insurance system, came into force this year. Its purpose is to provide unemployment benefits for a limited period.

Our delegation sincerely hopes that the 82nd Session of the International Labour Conference will arrive at a comprehensive decision to find a rational way to overcome the negative impact of unemployment, which is worsening in our society. We call for active ILO activities to launch cooperation among countries and international specialized orga-

nizations under the slogan "one for all, and all for one".

Our delegation attaches great importance to this session. We appeal to all governments to pursue a policy that will ensure an optimum combination of structural policies for human resource development, economic management and investment to fulfil social development objectives and to prevent unemployment and reduce poverty.

Another important aspect which I would like to mention is the financial support given in the form of loans and technical assistance by international financial institutions to the least developed countries undergoing the transition to market relations. This support plays a significant role in accelerating structural reforms in social and economic life. However, features of development specific to each individual country should be taken into account in this process.

As new technologies have been introduced in Mongolia, and with the introduction of various types of property in the last few years, we have had to pay more attention to the issues of labour inspection and occupational safety and health. In particular, we must take measures to improve working conditions and protect the health of employees in mining, and to ensure environmental safety. Therefore, our Government fully supports the adoption of international labour standards on occupational safety and health in mining.

The Government of Mongolia attaches great importance to the report on home work. The traditional Mongolian form of economic activity, with a nomadic way of life, is in reality based on the structure of home work. The number of homeworkers has increased significantly in Mongolia in the last few years. Therefore, we fully support the adoption by the ILO of new international labour standards concerning home work in order to ensure the legal protection of homeworkers.

Our Government is making efforts to give effect to the international labour standards it ratifies and to ratify new Conventions of the ILO. The Government intends to ratify certain ILO Conventions, and I am very pleased to inform the Conference that a few days ago at its spring session the Parliament of Mongolia decided to ratify the Workers' Representatives Convention, 1977 (No. 135).

Although the Government of Mongolia is taking a large number of measures to improve the welfare of its people, we still face financial difficulties and are suffering from a lack of well-trained staff. We share the ILO's opinion that priority should be given in its Programme over the next two years to increasing employment, developing small enterprises and combating poverty. It is also important for our countries to spend the budget of the International Labour Organization in a rational way matching it with the actual needs of the member States. We have no objection to the budget of the Organization as proposed for the years 1996-97.

We are very pleased and grateful that our cooperation has grown with the ILO Beijing Office, the Asia and Pacific Office and the East Asia Multidisciplinary Advisory Team based in Bangkok. Recent, we discussed with the ILO the country objectives statement for the next few years. We expect the ILO to help us overcome the problems of this difficult transitional period. We hope that Mongolia continues to be given its due in ILO policy.

Finally, permit me to thank the International Labour Organization for its assistance, and wish it success in its work.

Mr. SNEYERS (*representative of the Federation of International Civil Servants' Associations*) – It is estimated that there are several hundred thousand international public sector workers worldwide, and today I have the honour of addressing the International Labour Conference on their behalf. This is a new departure for FICSA, the Federation of International Civil Servants' Associations, which usually limits its address to this Conference to a presentation of the issues affecting the 54,000 international civil servants in the United Nations system. However, over the last 18 months FICSA has joined forces with the staff representatives of non-United Nations system organizations to discuss matters of common interest and has concluded that international public sector workers have much more in common than conventional wisdom would suggest.

The ILO has a long and distinguished history of advocating and protecting workers' rights. The Organization can only be applauded for the advances they bring in fair and equitable labour relations.

But I have a complaint, for like several hundred thousand international civil servants, including the ILO's own staff, I sit on the sidelines where the Conventions and resolutions and Recommendations of the ILO are concerned. The greatest irony of the ILO's existence is that it does not give its staff the same rights that it advocates for billions of workers worldwide.

The time has come for this to change.

All over the world employers are implementing changes and restructuring to make their enterprises more efficient. The same goal is seen in the international civil services. The problem with the changes in international civil services is that they are being implemented without any participation of the staff. Does anyone really believe that this is a sensible way to act? As the hundreds of resolutions and Conventions and Recommendations that you have agreed upon over the years have shown, you are aware of the necessity for staff participation in the decision-making process.

The issues of terms and conditions of service and legal status affecting international public sector workers require the urgent attention of a competent international body. The International Labour Organization is, by definition, the forum in which workers' issues can be discussed and solutions developed in conjunction with the employers and the Governments. The Annual Conference and the Governing Body are the ideal fora as all social partners work together in a tripartite structure.

I represent a category of worker which is not fairly treated. The right of freedom of association, the right to bargain collectively on working conditions, the right to petition and address governing bodies, the right to strike, the right to due process and independent legal review of workers' complaints, the right of staff representation to initiate class action are not accorded to international civil servants.

These basic rights, which are laid down in the various ILO Conventions, Recommendations and resolutions, should be extended to international civil servants, including both United Nations and non-United Nations organizations. At the very least, the

staff of the International Labour Organization should enjoy these rights.

On behalf of all international public sector workers, we ask the International Labour Organization to lay the foundation for an international instrument to define the rights and legal status of all international civil servants as a distinct category of worker. The model for such an instrument was drafted in January 1995 at the Symposium on the Legal Status of International Civil Services, held in New York at the law offices of Mr. Theodore Kheel, a prominent American attorney.

The legal experts participating in that symposium drafted the New York Declaration which was adopted by all participants. The Declaration provides a legal framework consistent with modern labour practices that guarantees to all civil servants due process and equal protection equivalent to the rights and principles they would enjoy under relevant national laws.

The Declaration has been distributed to governing bodies, executive heads, the staff representation of over 200 inter-governmental and international organizations, the presidents of international administrative tribunals, permanent missions to the United Nations in New York, Geneva and Vienna, Public Services International affiliates and members of the European Parliament. FICSA promoted the Declaration in Washington during its biannual liaison exercise, discussing it with members of Congress, their legislative assistants and State Department officials.

A second request to this body is to ensure that international civil servants enjoy the protection of the Labour Relations (Public Services) Convention 1978 (No. 151), the Convention concerning the protection of the right to organize and procedures for determining conditions of employment in the public service. Article 7, "Procedures for determining terms and conditions of employment", is of particular relevance here: "Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilization of machinery for negotiation of terms and conditions of employment between the public authorities concerned and public employees' organizations, or of such other methods as will allow representatives of public employees to participate in the determination of these matters."

The terms of Convention No. 151 are applied to the public services of the countries that have ratified it. However, by a strange twist of international law it cannot be applied to the international civil services, nor even to the ILO itself.

Our third request relates specifically to the United Nations common system. At the request of the United Nations General Assembly last year, staff and administrations have been working together to review the consultative process used to determine terms and conditions of service. Three discussions have so far taken place in which a number of proposals, some of which were put forward by the administrations, were made to move towards tripartism. We request that the ILO Governing Body and the ILO Director-General review and support the FICSA proposal for setting up a tripartite negotiating body to decide on the conditions of employment in the international civil service, with the equal representation of staff, administration and the governing bodies of all United Nations organizations.

We also request the Conference delegations representing the workers, employers and Governments to support the introduction of a tripartite structure in the United Nations common system. Such a structure would be a replica of the tripartism the ILO has been advocating for over 75 years.

FICSA also solicits special support from the labour ministries represented in this Conference, since these ministries will need to convince their counterparts in the foreign ministries to support, in the United Nations General Assembly, the establishment of a tripartite commission for determining conditions of service of United Nations system staff.

International civil servants must be accorded the right to participate in the decisions affecting their working lives. It is time for the international organizations to eliminate the elitist and paternalistic notion that employees are permitted to speak "by invitation only".

Mr. PASKA (*Workers' delegate, Papua New Guinea*) – Like the speakers who have taken the rostrum before me, I take great pleasure in conveying greetings on behalf of workers in my country and congratulations to the President of this 82nd Session of the International Labour Conference.

As we debate the twin problems of unemployment and underemployment, as well as their adverse effects, we are unavoidably drawn to the mountain of sobering statistics which amplify the extent of the dilemma facing the world today. I do not intend to be repetitious about these statistics. They have been sufficiently echoed.

Suffice it to say, I am compelled nevertheless to point out that my country has not escaped this global malaise. Indeed, countries like mine which are in effect peripheral minnows on the globalized scale are resigned to having to absorb the trickle effects of international pressures exerted by those who dictate the tone of balances or imbalances on the world stage. For us the ability to cope often begins with the design of appropriate formulas to meet these challenges, which is almost always inextricably linked to adjustments to accommodate these shifting international pressures. Often, however, strategies are based on word-for-word plagiarism of trade liberalization language propelled by political expediency as opposed to foresight and prudence.

At this juncture, it is pertinent to point out that the world's political and economic theatres – wherein exponents of varying ideologies strive to secure the signatures of the international community to give its blessing to their perceived prescriptions, believed to contain a therapeutical dosage for economic recovery and prosperity – often do so based on concepts that mirror the environments in which they live and the ideological foundations of their cultures.

Take for instance the topical issue of employment. In contemporary economic parlance, the notion of employment is almost always invariably linked to the relationship between capital and labour. Hence the employer and employee. Viewed in this context the perpetual pull to increase the capital base in order to enhance economic growth and therefore employment opportunities is an unmistakable fact. A major feature of this arrangement is the heavy concentration of resources among the few, and being a notable element.

In discussions to date the distinct emphasis placed on formal employment negates the fact that countries like mine which have dual economies, where the majority of people have title to land, are being encouraged to join forces with the rest of the world on the promise that the successful application of economic prescriptions as offered will undo the shackles of poverty and deprivation. The result is the abandonment of sustainable livelihood on a rural subsistence scale in preference to the glory and promise of the formal monetized sector.

This fallacy deserves scrutiny because often even in the presence of abundant natural resources, the propensity to experience economic stagnation and even capitulation arises not least because the prescribed formulas are frequently confined to an unresponsive, small, self-serving private sector coupled with the lack of appropriateness of such policies to local conditions. The situation is further exacerbated by an inadequate capital base and undeveloped institutional machinery insufficient to facilitate policy initiatives.

Some salient features of my country's economy and its performance may need to be postulated with a view to highlighting the incongruities.

Like many countries, the contagious effect of trade liberalization and structural adjustment policies has consumed the nation's policy-makers, forcing the Government to simultaneously adopt and implement policies hatched in distant corners, targeted at promoting free market ideologies and concepts.

Thus, privatization was introduced. Automatic wage indexation was shelved. Minimum wages were slashed by a massive 62 per cent in order to create surplus savings for employment creation (it was argued).

Devaluation of the local currency followed by its subsequent floating was imposed. Price controls were removed and taxes increased. A wage moratorium was introduced and is still in place despite a substantial upward movement in inflation rates. So-called free collective bargaining is in place although the Government sets the benchmark in the public sector. Retrenchments are being pursued in the public sector coupled with productivity-linked employment contracts for the upper echelon of the wage structure in the public sector. Industrial zones, including liberal trade regimes and a horde of other measures designed to promote and enhance trade liberalization, are on stream.

Against this backdrop, it should be noted that the country recorded impressive growth figures of 9.5 per cent in 1991, 11.8 per cent in 1992, and 14.4 per cent in 1993, followed by a dramatic fall to three per cent in 1994. In addition, profit margins soared to astronomical figures.

Viewed from this angle, it would be logical to presuppose that the austerity measures introduced under trade liberalization were indeed coming to fruition. The contrary is however the case, and the negative indicators highlight this paradox.

Thus, despite the slashing of minimum wages, employment has not picked up and any marginal increase is often linked to seasonal activities. Meanwhile, given the fall in real wage value, minimum wage-earners are effectively slaves in their own country. Despite impressive growth figures and profit margins, growth in the private sector has remained stagnant, offering no promise for employment cre-

ation. The number of people living on the poverty line or below it has increased inexorably. Mortality rates for both women and children are among the highest in the world, as well as population growth rates. Urban migration goes unchecked and places added pressure on the already meagre urban budgets. Crime and other illegal activities are worsening, interest rates are beyond reach and literacy rates very low. In short, most if not all social indicators point to the negative, characterizing Papua New Guinea as a poverty-stricken country. This, despite genuine attempts to solve our problems, the implementation of policy initiatives and adherence to trade liberalization measures, and despite an abundance of natural resources, among them oil, gas and gold.

Increasingly, labour and trade union rights are being eroded and undermined with unprotected workers caught in the crossfire as rigidities and distortions in the labour market forces are being blamed on trade unions, rather than being seen as failures of the Government and the private sector. This erosion is gaining momentum with little resistance due to the already relative weakness of trade unions where employers are already enjoying a field day.

All of this points to the fact that the highly vaunted growth figures released in many countries, coupled with excessive profit margins, have not delivered the desired results in terms of gainful employment and the eradication of poverty. In effect they camouflage the tragic reality facing the world today where millions of people have been alienated from mainstream society while the minority continue to amass fortunes at their expense, a poignant reminder of the vast inequalities the world faces today. It also points to the fact that free market competition as the nucleus of trade liberalization is heavily lopsided in favour of developed economies whose obligations to developing economies are met through reciprocal trade arrangements that guarantee favourable returns to the former at cost benefit. Viewed from this angle there cannot be any fair competition.

In an article appearing in the 3-4 June 1995 edition of the *International Herald Tribune*, published with the *New York Times* and the *Washington Post*, it was reported that there has been an increasing backlash over trade liberalization around the world. In particular, the writer noted the findings of a workshop convened recently at Harvard by the Luxembourg Institute for European and International Studies where, among other things, "it was found that the globalization of national economies so enthusiastically promoted by the American Government and business amounts to an ideological form of Western imperialism, to which the rest of the world is compelled to react".

This observation points to the preceding assertion that trade liberalization rules are heavily inclined towards superior macroeconomic frameworks present in developed countries which pay little regard and do not take account of or responsibility for the inferior macroeconomic network and the negative fall-out of unworkable or unattainable policies, supposedly designed for the benefit of most countries.

This is not a bashing of developed economies, since the spiral effects of trade liberalization also affect the vast majority of workers in developed economies. Rather the intention is to highlight the glaring deficiencies that are often left to the developing na-

tions to grapple with in the absence of proper institutional frameworks, technical know-how and appropriate means, coupled with a cultural environment not readily attuned or receptive to sudden violent change.

The views expressed do not absolve local failures, which among others, may be attributed to political and bureaucratic lethargy and corruption.

Returning to the issue of employment, the argument is that countries which are likely to do better on the employment front are those whose policies respond positively to globalization and those which are designed to take advantage of trading and other opportunities. Conversely, countries which have failed to respond positively to the new opportunities created by globalization have performed poorly and in many cases have experienced economic retrogression.

If the latter holds true for my country, it is not because of lack of policy, and the empirical evidence supports this.

It follows that the desired competition, as dictated by market forces under trade liberalization, will always be lopsided unless basic ingredients enhancing vigorous commercial activity are in place.

We would therefore suggest that a concerted effort from the Bretton Woods institutions backed by developed economies needs to be applied in order to improve the developing countries' ability to effectively tackle the intricacies of trade liberalization and maintain a comparative advantage at the international level. It would border on callous neglect were the Bretton Woods institutions to shirk this responsibility.

Thus the imperative requirements that cross-country infrastructural, institutional, and human resources development be preconditions for the successful application of trade liberalization measures must receive genuine assistance and priority attention.

With the liquidity belt continuing to tighten at the international level, domestic savings become a paramount consideration where all avenues must be explored with a view to improving on domestic capital formation required for credit and entrepreneurial development.

I will conclude by saying that the unique role and position of the ILO in spearheading the crusade to tackle unemployment and its negative effects, and to reaffirm social justice need no vociferous announcement.

In essence, the ILO stands out as the leading organization that must play a pivotal role in coordinating a global search for ways of alleviating the debilitating effects of trade liberalization, unemployment, social exclusion and poverty.

Left on its own, the ILO would find this to be an insurmountable task. We would therefore urge all member States to recognize and accept this collective human responsibility and obligation. To shirk this humane and moral obligation would aggravate the seriousness of the catastrophe facing us today.

Mr. OGERA-OCHABAL (*Government delegate, Uganda*) – Permit me, first of all, to congratulate the President and the Officers on their election. I am confident that with their vast experience they will be able to guide our deliberations and enable us to come out with implementable conclusions.

May I also take this opportunity to congratulate the Director-General of the ILO for his vision in publishing an inaugural annual Report on the world employment situation just before the World Summit for Social Development, which Report has provided the basis for the theme of this Conference.

The theme for this Conference, *Promoting employment*, is an expression of a recommitment to this global challenge. It presents an opportunity for member States to reaffirm their pledge to place promotion of full employment at the centre of government policy action, as well as to launch new initiatives to contribute towards the implementation of the Programme of Action, adopted at the recently concluded World Summit for Social Development.

The problem of employment and poverty has become a global threat and a major source of social injustice. More and more people are suffering from poverty. While increased globalization of the world economy, increased world trade, flows of foreign investment as well as technological change have brought about job creation in the world, they have given rise to inequality in the distribution of the material well-being. Jobs, assets, skills and incomes are becoming increasingly unevenly distributed within and between countries. Whereas some regions have shortage of skills and manpower, others are facing growing joblessness and marginalization. The challenge of creating enough jobs to overcome unemployment, underemployment and poverty, therefore, demands greater efforts both at the national and international level to search for innovative solutions.

The task of creating productive and gainful employment is more acute in Africa. Here the severity of the problem of poverty and employment is aggravated by the high rates of population and labour force growth. It is estimated that the labour force in Africa will grow by 2.5 per cent per annum in the 1990s. This implies an additional 6 million job seekers every year. The swelling of ranks of the unemployed, if not timely addressed, could condemn Africa to perpetual poverty, increased crime, political upheavals and instability.

Part of the problem has been the lack of comprehensive employment policies to clearly articulate and integrate employment objectives in the national planning process. To this end, the Government of Uganda invited an ILO Multidisciplinary Employment Advisory Mission to the country last year to assist the Government in identifying the problems of unemployment and poverty, as well as help in the formulation of a coherent employment policy.

In addition, the development of the African region is impeded by a number of external factors such as capital movements, access to markets, an increasingly competitive world environment, and especially the excruciating debt burden which remains a major impediment to our development. For instance, in 1994 more than a third of Africa's export earnings was used to service foreign debt. According to the 1995 African Development Bank Report, the continent spent 35.4 per cent of its export earnings on debt servicing. The total debt stock for Africa rose from US\$251.4 billion in 1993 to US\$269.5 billion in 1994. In the case of Uganda, as of 30 June 1994 a total external public sector debt of US\$3 billion was registered, representing over 80 per cent of estimated GDP for the 1993-94 financial year.

All the above problems have been compounded by the structural adjustment programmes prescribed by the IMF. Despite the good intentions of these programmes their immediate result has been job losses in both the private and public sector, increasing job insecurity, lower incomes and deteriorating terms of employment with greater inclination to unemployment. This situation presents great threats to the upholding of international labour standards and the administration of the national labour legislation. We are, therefore, living in a time of uncertainty.

It is my belief that in pursuing a guided solution to the pressing global question of poverty and employment, the first step should be the formulation and adoption by our governments of well-articulated employment policies specifically targeting categories of the community that are grossly disadvantaged.

In this era of structural adjustment, a pragmatic employment policy needs to take into account the importance of well-designed training programmes to facilitate the adaptation of the workforce that is being shed by enterprises to new situations. Displaced workers need assistance to acquire new skills required to find alternative employment. In a similar way, the new entrants to the labour force, who are typically young people, need greater support to ease their adjustment to new technology and gain the competitiveness demanded by the economic reforms. Emphasis on training will, therefore, enhance ability, skill, and numeracy and will stimulate a positive attitude to set up self-employment. In this regard, strengthening of employment services to provide advisory information, career guidance and counselling and job search assistance for new opportunities is vital.

We have learnt from experience that the majority of those who have lost their jobs through structural adjustment programmes (SAPS) are either joining agriculture or the informal sector. Unfortunately, these sectors are characterized by low productivity and income. In Africa, 73 per cent of the population is rural and three-quarters of the population are smallholders in agriculture and the informal sector, and the informal sector will continue to be the major source of income and employment in the African region. It is imperative, therefore, that we address the issue of enhancing and promoting the development of modern agriculture and the informal sector.

We in Uganda, where agriculture provides a livelihood to 89 per cent of the population, have committed ourselves to greater investments in the rural areas. The strategies include diversification of agriculture and agro-processing industries, improved land tenure, price incentives as well as innovative credit schemes for small income-generating projects, popularly known as *Entandikwa*. Other support measures include improved basic needs such as education and health services, improved rural training and community-based rural public works.

The informal sector, which has for many years existed in most of our countries without enthusiastic support of government, has now emerged as a sector with potential, holding the promise of generating employment for the majority of the population in the urban areas. The informal sector provides employment for nearly 60 per cent of the urban population in Africa.

Despite such potential, the informal sector is still handicapped with a number of constraints including,

among others, lack of sufficient credit, requisite skills, basic social amenities, technology and markets. These obstacles that stand in the way of the development of dignified productive employment in this sector should be removed.

In Uganda, the informal sector provides three times as much employment to the labour force as the formal sector. We are making it an important component of government policy. This sector not only absorbs most of the victims that have been affected by redundancies; it also supplements income to even those workers in formal wage employment.

Further recognition of the importance of the informal sector has demonstrated itself in the commitment of the three East African States, namely, Kenya, Tanzania and Uganda, to mount a joint approach on promotion of employment in this sector. Greater support will be needed to enable this initiative to come into reality. In this connection, the ILO-inspired methodology that is being developed for improving productivity, social protection and working conditions is most welcome.

Past experience has shown that low levels of investment, particularly in developing countries, have contributed to perpetuating the problem of unemployment and poverty. Indeed, as stated in the Director-General's Report, the total number of jobs created by multinational enterprises, in developing countries, is estimated at 12 million. This represents merely 2 per cent of their labour force. At this time of a worldwide shift of policy to competitive market forces and liberal economic policies, strong efforts are needed to lobby foreign investors as major instruments for economic management and generation of employment. At the same time, well-thought-out projects for local industrial growth need to be part of an active employment promotion programme.

Uganda has launched an aggressive foreign investment attraction drive, first by ushering in peace and political stability and improving the infrastructure, and second, by enactment of an Investment Statute which gives attractive incentives for both local and foreign investment. As a result, 1,500 investments valued at nearly US\$1 billion have already been licensed since 1992, and we still expect more investments. These investments will undoubtedly generate more job opportunities.

Women are still the majority of the unemployed and the poor, especially in Africa where the majority of them live in rural areas. Their work and contribution to productivity remains unvalued, which makes them more marginalized. Their chances of joining the labour market are increasingly frustrated. This problem seems to stem from their powerlessness and low level of education. The above issues pose real challenges for the redefinition and constant evaluation of strategies that are effective in integrating women and other disadvantaged groups, in the mainstream of the economy.

In Uganda we recognize the important role played by women in economic, social and political development. The Government has therefore come out with forward-looking strategies and policies for mainstreaming women in socio-economic development. A Ministry of Gender and Community Development was created, headed by a woman who is no less than the Vice-President of Uganda.

Reversing the global problem of poverty and employment will also require greater economic collab-

oration and regional networking. In doing so some of the rigidities that stand in the way of free movement of capital goods and labour should be eased so that we can reap the full benefits that regional cooperation can offer such as sharing infrastructure, resources and experience.

We therefore urge the international community to extend technical and financial support to regional institutions such as the African Economic Community, the Preferential Trade Area (PTA) and the Common Market for Eastern and Southern Africa (COMESA). In the same vein, I should like to echo the recent OAU Labour Commission Resolution calling upon the Director-General of the ILO to increase budgetary funds allocated to Africa, in particular those related to technical cooperation programmes, and also to seek other budgetary resources.

The threats of globalization, such as loss of control of mechanisms for influencing economic policy by national governments, arising from increased liberalizing of capital flows, reduce the capacity of governments to take more definitive action in the areas of social development. Reforms at the international level are, therefore, called for. In particular, the international monetary system needs to be reviewed. Stronger implementation of debt relief measures are also called for as well as actual market access improvements in trade.

In conclusion, I would like to reassure you of the commitment and will of the Government of Uganda to the global battle against poverty and unemployment. I should also like to acknowledge the contribution made by the ILO and other donors towards our development effort.

Finally, I trust that our deliberations will consolidate the national and international action needed to confront the common challenge of poverty and unemployment in a rapidly changing global economy.

Original German: Mr. ARBESSER-RASTBURG (*Employers' delegate, Austria*) – First of all, I would like to congratulate the President on his unanimous election to chair the deliberations of the 82nd Session of the International Labour Conference. I am convinced that, on account of his great experience, he will succeed in overcoming the difficult problems before us.

Thanks to its excellent preparations for the World Summit for Social Development and the outstanding presentation it made in Copenhagen, the ILO managed not only to draw the attention of Heads of State but also that of many international organizations to its work. It also succeeded, in a very convincing way, in highlighting the decisive tasks the ILO has to carry out.

In Copenhagen I had the impression that in the future, it would be easier for us to obtain more funds from the Bretton Woods institutions – funds which are absolutely necessary to allow us to carry out our vital technical cooperation activities.

We should not forget that these activities are particularly required in the developing countries and countries in transition to a market economy; as we all know, speedy help is twice as effective.

In this connection, reference must be made to the problem of the dollar exchange rate and the fact that there is likely to be a certain shortfall in income be-

cause some member States will probably pay their contributions late.

I would, therefore, like to propose examining the possibility – on a provisional basis – of only holding the International Labour Conference once every two years when we are beset by financial difficulties.

As a permanent representative of the International Organization of Employers (IOE) at UNIDO, I am convinced that a further strengthening of cooperation with this organization will especially benefit the developing countries.

As a personnel manager of many years' standing, I believe – and I have mentioned this on previous occasions – that our Organization should devote particular attention to the selection of staff and their training. Many experienced and leading personalities in our Organization have recently retired – or will be retiring shortly – and this task is therefore of special importance.

When I compare our present activities and the growing number of member States in 1995 with those of 37 years ago – when, for the first time, I came to Geneva as an Austrian Workers' delegate to take part in industrial committee meetings – I clearly see how important it is to have the right people to carry out our important duties – especially for the developing countries and the countries in transition to a market economy. This can only be guaranteed if further training is given more value. Especially in these days of major structural change it is important for the ILO to comprehend the importance of permanent education.

Copenhagen has shown us what a social responsibility our Organization bears; for the words spoken 75 years ago – that universal peace can be established only if based upon social justice – are still as valid today as they were then.

Original Arabic: Mr. AL-JASSEM (*Employers' delegate, Kuwait*) – In the name of God, the Compassionate, the Merciful. Permit me to begin by conveying to all of you the respectful greetings of the Chamber of Commerce and Industry of Kuwait, which brings together my country's business community and which I have the honour of representing here. I would like to congratulate the President and the Vice-Presidents who represent the three constituent parts of the ILO on the way in which they are conducting the work of this session of the Conference, while offering them my wishes for success and happiness.

As time goes by, every year we meet in June at this august assembly which brings together the ILO's Members and friends in a unique international event.

The subject chosen by the Director-General as the theme of his Report, *Promoting employment*, is a fine choice, especially as it was based on one of the decisions taken by the World Summit for Social Development, held in Copenhagen last March. Indeed, the Summit called on States to give the highest priority to achieving full employment in all their economic and social programmes and policies. Work is a natural right of every citizen of every country, and it is the duty of good government to ensure that opportunities for work exist. Providing a job for each and every able-bodied citizen is the best way to establish a basis for social peace and security.

The Director-General has described at length the economic and social consequences of unemploy-

ment, and he has given several examples from the various geographic regions. But the length of the diagnosis, however important it may be, detracted from the proposals for remedial action and alternatives with which to deal with unemployment and achieve full employment, and the Report did not sufficiently highlight the role of the ILO.

We agree with the contents of his Report in its broad lines. Indeed, unemployment cannot be solved except by increasing production, by creating new jobs in non-traditional industries, attracting more investment, fostering small business, liberalizing trade and privatizing, which is the best way to provide real job opportunities, thanks to the competition it spawns which will benefit all of society.

Privatization is not an end in itself. It is not a stand-alone development strategy, but rather a part of an overall economic reform package which includes a number of concepts, policies and measures aimed at freeing market forces and managing companies that produce goods and services with a high level of technical skill and without waste, while encouraging a spirit of initiative, creativity, discipline and freedom at the workplace.

The Report contains a good deal of information and some very useful data with figures and statistics which are drawn from reliable international sources. Like the previous Report last year, this year's Report mentioned the concept of a post-industrial society, and we believe that the Governing Body should pay full attention to this subject, and place it on the agenda of one of our forthcoming sessions of the Conference.

The Report courageously points out the obstacles which the developing countries and the newly industrialized countries have had to face. It states that: "From this perspective, a continuation of current trends in trade and investment flows will depress industrialized countries' living standards to the levels obtaining in cheap-labour countries. Not surprisingly, such perceptions have been at the root of the recent resurgence of protectionist sentiment in several industrialized countries." We can only imagine how far this could go, especially as some industrialized countries have begun wielding international labour standards as a weapon against the newly industrialized countries.

Multinational enterprises and transnational enterprises are praised somewhat excessively in the Report. The negative sides of their activities are ignored. We cannot go into this topic at length for lack of time. Furthermore, we cannot help but wonder at the 15 pages devoted to what the Report refers to as the first and second oil shocks. This term is used five times as of page 49 in the Arabic text (page 65 of the English version) and more than ten pages are devoted to it. What is more, each time the Report refers to the oil shocks, it attributes to them the entire economic recession, and a worsening of the unemployment situation in the industrialized countries. How can you place the blame on peoples who are entirely entitled to sell at fair prices the natural resources that God gave them? Are we going to start talking soon about the cotton shock, the gold shock, any other shock? Why for that matter do we not talk about the finished products price-rise shock for the developing countries, which brought about a tragic mountain of debt with an exorbitant cost?

We have noticed, at the very time when the Director-General is devoting his Report to promoting employment and the struggle against unemployment, that in the last four sessions of the Conference and in this one as well, the Conference has discussed topics such as self-employment or home work. The aim is to make such forms of work subject to rules and standards which are likely to hinder their growth, despite the fact that these are sources of new, non-traditional jobs. I think you will agree that this is something of a contradiction. I would also like to take this opportunity to draw your attention to the need to evolve. Our Organization is now more than 75 years old. The experience acquired in the first decades of the Organization's existence point to the need to take a fresh look at its role, for the following reasons: the current international labour standards that have been adopted by the International Labour conference over the past three-quarters of a century now cover all spheres of work and industrial relations; the formulas and the machinery for adopting the standards and following up on their application are outdated and insufficient (they are unable to take account of changes occurring nationally and internationally every year, if not every day); as a result, the subjects that have been put to the Conference over the last few years have become repetitive and redundant. As proof, I need only refer to the rate of ratification of international labour standards by the member States.

In conclusion, I would like to address the constructive cooperation between the ILO and the Chamber of Commerce and Industry in Kuwait. Our Chamber this year received two delegates from the International Labour Office, and we reached an agreement in principle to resume the joint cooperation which began in the 1980s and was designed to provide training and an exchange of experiences between a number of people working for the employers' organizations of Arab countries, under the aegis of the Chamber's training programme. The programme was interrupted in August 1990 due to the barbarous invasion of Kuwait which took place at that time.

I would like to thank the International Labour Organization for its assistance. I hope the programme will be crowned with success and that cooperation between employers' organizations in the various countries and the ILO will increase in forthcoming years.

May peace, mercy and the grace of God be with you.

Original Spanish: Mr. OBREGÓN SABOGAL (*Workers' delegate, Colombia*) – I would like to congratulate the President of the 82nd Conference, Mr. Rosales Argüello, on his election to the presidency of the Conference. He is an influential government representative who is very aware of social problems.

The phenomenon of unemployment has in today's world become the main scourge of the economies of many countries, and especially those which are less developed. This is why it is so significant that this theme was chosen by the Director-General of the ILO for this Conference.

In Colombia it was thought that unemployment was mainly associated with a low level of dynamism in the productive sector, preventing growth from absorbing the labour force.

Colombia is a country characterized by an intermediate level of industrial development with a high proportion of production of primary commodities and exploitation of non-renewable natural resources. The manufacturing industry has not achieved a level of productivity and competitiveness which would enable it to reach a significant position in domestic and foreign markets.

The agricultural sector has declined, and urban activity has experienced unsteady growth. Migration of workers towards urban centres can be explained by the structural transformation of the economy, the process of industrialization and by the displacement of large numbers of peasants driven, among other factors, by political violence in the rural areas which has been going on for four decades.

Structural transformation and the urban migration which has accompanied it has gradually reduced the labour surplus in rural areas. However, the cities were incapable of absorbing productively a large part of this migratory flow and growing numbers of surplus workers were formed in the cities, while marginal occupations and badly paid jobs proliferated, in commerce, but also in other urban sectors.

Colombia jumped on the bandwagon of liberalization with an ill-prepared national industry, an ill-qualified labour force, and without the physical and infrastructural conditions to compete on the international market.

The indiscriminate opening of the domestic market deeply affected national industry and employment, especially in textiles, clothing and leather goods. This led to economic instability in small and medium-sized enterprises, and unprecedented social consequences on account of the closure of many such enterprises. Now we see the importation of manufactured goods, via contraband and "money-laundering", of the order of US\$3 billion per year.

The Ministry of Labour and Social Security, through its Programme of Industrial Labour Adaptation, has calculated that some 450,000 workers have lost their jobs as a result of the liberalization of trade. There is no doubt that the worst effects of these ill-managed policies have been felt in the agricultural sector. According to studies carried out by the Colombian Farmers' Association, the importation of foods and agricultural raw materials led to more than 400,000 hectares being withdrawn from cultivation and 100,000 jobs being lost.

The Department of Agricultural Studies of the Colombian Farmers' Association noted that 2 million tons of foodstuffs and raw materials entered the domestic market, leading to a substantial decline in domestic prices. Paradoxically, while the Colombian Government is eliminating subsidies and incentives to agriculture, the European Community, the United States and Japan are spending more than US\$300 billion to subsidize their own production.

The country is stimulating foreign investment with favourable conditions; however, these investments have not led to major benefits such as added value and the creation of new enterprises. Foreign investors prefer to invest in sectors and services where they get large profit margins such as the exploitation of natural resources and financial services.

The Trade Union Confederation is in favour of policies which channel foreign investments into labour-intensive sectors using locally-produced inputs, and where production is complementary to local pro-

duction, such as environmental conservation and above all where there is a real transfer of technology and reinvestment of profits.

In tune with the neo-liberal wave, it was considered that the Colombian State was "very large" and therefore had to be reduced to its minimal expression, shifting functions, liquidating and privatizing state enterprises in industry and commerce, and likewise in the parastatal sector.

According to a study of the National Federation of State Employees (FENALTRASE), in the four years of application of the neo-liberal policies, almost 80,000 civil servants were laid off, and there is a possibility that this number will grow to 120,000 as a result of the proposed further restructuring and privatization of state enterprises.

Open unemployment in recent years has dropped; recent figures show that 7 per cent of the economically active population is unemployed.

For the trade unions it is not sufficient to show that there has been statistical reduction in indices of open unemployment; it makes more sense to analyse the type of job which have been created.

Redundant workers have been forced to create small production units or to work providing services in the home in order to survive. Through these small, individual or family units, there is a further widening of the already worrying *bricolage* economy. The informal sector is growing in dizzying proportions and now involves about 60 per cent of the working population.

The informal sector is precisely the mechanism adapted to respond to the so-called "modern" requirements of self-exploitation of labour through the "decentralization of production" or homework. It is the so-called "rationality" of modern firms which hands over to micro-enterprises (in the informal sector) those tasks which they do not find efficient and/or profitable.

Informality has become a socio-economic phenomenon at the national and international levels involving vast numbers of people. Its fundamental characteristic lies not in its articulation with labour, with the market or with the State, but in the level of poverty of its workers, expressed in very long working hours, lack of social security and insecure incomes.

It is calculated that the number of small informal units producing goods and services is about 1.2 million in the ten biggest cities of the country.

Trade unions have proposed numerous measures to deal with the problem of the informal sector, ranging from special policies and the provision of social security to the provision of working capital and professional training. Such measures must be accompanied by the encouragement of the organization of both trade unions and employers' organizations.

Recently the Colombian President presented a programme to generate 1.6 million new jobs in the country, to raise the quality of employment, set up a new ambitious professional training policy and promote a new culture of work-employer relations.

The trade union confederations and especially the Single Confederation of Workers (CUT) expressed some doubts with regards to this ambitious programme. It is our view that so long as the structural and conjunctural problems of the economy persist, so long as the macroeconomic policy remains unchanged and does not guide private and public sav-

ing towards productive investment, the productive apparatus of the country will not recover and will not therefore provide jobs for the unemployed.

It is important to note, however, that the Government did create a Commission to follow up this employment plan, with four places set aside for trade unionists.

The main points of employment which need to be looked at are: (1) the economic opening needs to be directed towards the creation of better productivity and competitive conditions in industry and agriculture; (2) the programme of job creation must be based on the stimulation of national industries with special incentives and credit facilities for cooperatives, small enterprises, micro-enterprises and small-holding farmers; (3) a programme agreed with trade unions for the modernization of enterprises and the adoption by them of new technology in accordance with the need for industrial reconversion and development; (4) an agreed programme of training and retraining to adapt the labour force to the need for modernization, efficiency, productivity and competitiveness at the enterprise level; (5) productive employment must also lead to the adoption of special programmes of conservation, protection and decontamination of the environment; (6) raising the real incomes in order to promote demand for goods and services, re-activate the economy and consolidate the domestic market and make the supply, especially of basic consumption items, more responsive to demand; (7) a change in the protectionist policies of industrialized countries, with the establishment of more equitable relations and trade preferences for less-developed countries, as well as a campaign against unfair practices and the channelling of financial flows towards productive investment.

As the Director-General of the ILO stated: "It is clear that a fundamental requirement for restoring full employment is the creation of an institutional framework for cooperative international action in finding optimal solutions to the pressing problems of unemployment and related social ills." This is why we, Colombian workers would make a plea for maintaining the opportunities which already exist, and for the creation of new ones, for developing countries to play their part in the international context.

Original Spanish: Mr. TRAVIESO DAMAS (Government delegate, Cuba) – I would like to congratulate President Rosales Argüello on his election and that we are proud, as Latin Americans, that he has been elected.

It is heartening that the International Labour Organization is redoubling its efforts to promote, both nationally and internationally, action that will make it possible to solve the current world employment problems. In his Report, the Director-General tells us that the ILO has been receptive to the idea expressed many times by the Members of this Organization that the struggle against unemployment and poverty should be a fundamental objective of the Organization, without which other activities would only have very limited application. This approach is reaffirmed by the mandate contained in the Declaration and Programme of Action adopted at the World Summit for Social Development, which stresses the special role the ILO should play in the sphere of employment and social development to put the two documents into practice.

The so-called liberalization of trade will be nothing more than a white elephant for poor countries, affected by foreign debt and the fall in commodity prices if the opening up of markets is not accompanied by activities undertaken by the international community to provide technological and financial support to governments from the south to help them achieve better levels of development.

To the extent that free trade is really free and governments take definite measures to redistribute the fruits of economic progress on an equitable basis, the effects on employment and social development will vary accordingly.

In the Director-General's Report it is said that the globalization process restricts the effectiveness of traditional instruments to influence the level and quality of employment.

There can be no denying that developing countries should adapt their policies and institutions to the search for greater participation in the world economy, but such a quest does not mean accepting pre-conceived schemes, nor foregoing the right to decide which measures are necessary to develop and to meet the nation's requirements. Globalization and the ensuing interdependence should be seen as a broad process of exchange in which the diversity of the participants is respected and in which their universal aspects can be acknowledged.

Until recently the politicians of only a few countries, including Cuba, voiced the need to combine economic and social development. Today this approach has become universal.

Alongside the problems affecting the developing world as a result of the current globalization process, for Cuba there are also the consequences of the disappearance of the Socialist bloc and the Soviet Union, and the renewed intensity of the economic blockade that we have had to endure for over 30 years.

The country has had to cope with the abrupt disappearance of 85 per cent of its markets, over half of its fuel supplies and over 70 per cent of its imports, and we have coped with this simply through our resolve to resist and with a series of measures and changes that are designed to tailor our economic model and policy to the new situation, without forsaking the principles of equity and the achievements of the socialist revolution in the field of social justice.

The changes that have taken place include the development of agricultural cooperatives, by giving workers 58 per cent of state-owned land to use freely; they are the owners of their production machinery and profits are distributed among members; the expansion of self-employment; the application of a new tax law and stringent budget control, including domestic financial restructuring measures; the decentralization of foreign trade and the expansion of the financial and operational autonomy of enterprises; the free fixing of prices on the new complementary agricultural and industrial markets; the simplification of the state machinery; the adaptation of our labour legislation to existing and future conditions; and the development of foreign capital investment.

In the sphere of employment it has been necessary to reallocate our available manpower as a result of structural and institutional changes that have occurred in enterprises, and of reduced activity for economic reasons. Work and production has been reor-

ganized so our manpower can be used more appropriately. Despite the adverse conditions, no worker has been left unprotected and, apart from the alternatives of employment, training and refresher courses, for those workers for whom alternative employment cannot be found, there is a wage guarantee of 60 per cent of the fixed wage, that can continue for a period of up to 54 months depending on the number of years of service.

At the moment we are trying to generate useful jobs that do not require high levels of investment within Cuba. The community participates very actively in order to guarantee consumer goods and services for the population. As mentioned earlier, self-employment is also being promoted. At the same time, we are maintaining a priority on stepping up tourism, the pharmaceutical industry and biotechnology, areas in which a substantial investment programme has created a considerable number of new jobs.

In our employment strategy, foreign capital investment, that began in the tourist sector, has been extended to other areas of the economy. This open-door policy is not just an emergency measure to alleviate the economic situation, but instead is part of a very carefully conceived plan to promote our insertion into the global economy. Legal guarantees exist, such as the amendment of article 23 of the Constitution which now expressly recognizes the property rights of joint ventures, and agreements have been reached with various countries to protect foreign investments. At present we are working on an investment law that will provide for new guarantees and transparency.

The road of change which Cuba has chosen in a sovereign and independent manner in order once again to take its place within the world economy, to reactivate its productive apparatus and thus to increase employment levels and improve working and living conditions, is being blocked by the harassment policy that is being levelled against our country unilaterally, violating the will of the international community that has for the third time, and with a vast majority, condemned the blockade policy against Cuba.

The Government of Cuba is not among those countries that feels sceptical about full employment. This has been an objective of our social economic policy ever since the revolutionary triumph in 1959, and we have certainly not forsaken that policy. From our own experience we can say that when you have the political will and the right measures to combine economic development with social development, great progress can be made.

Those who actively promote globalization have a great deal of responsibility to meet the needs of the developing countries, so that the political will of governments may bear fruit by providing new jobs.

The eradication of poverty and the struggle against social exclusion call for employment promotion. Economic growth in conjunction with social development will have an impact on employment. All this should be done without detracting from social justice.

Mr. PARROT (*Workers' delegate, Canada*) – The Report of the Director-General is an abridged version of *World Employment 1995* and we congratulate him on bringing it forward. The way in which it is

presented positively changes the terms of the debate. We also applaud the attempts made in the Report to attack many of the myths, fostered by corporate propaganda and neo-liberal economic theory. These myths suggest that the unemployment crisis in the north is caused primarily by north-south trade, too much labour market regulation and high wage and security demands of workers.

For a long time, workers in Canada have been saying that the primary cause of high unemployment has been bad government policies which have deliberately escalated unemployment as an anti-inflation measure and failed to pursue positive adjustment measures.

Our concern is that despite the analysis contained in this Report, many governments will continue to operate under the premise that the globalization process can continue to be driven exclusively by the free market and that the role of the State is to simply adjust to it.

Canadian workers disagree. We think there is still a place for the State in the international economy, and we think the ILO can and must be a place where country delegations made up of Workers, Employers and Government representatives can come to share ideas about how organized society can best intervene in the free market to bring about social justice.

When we recently lobbied our Prime Minister prior to his hosting of the G7 Summit, we said to him that, after nearly two decades of failed neo-liberalism, the State must now take back its ability to influence the macro-economy on behalf of its citizens, and this includes taking control of both the international financial markets and the social dimension of the international trading system.

Of course, no country can do this by itself. It will take cooperation at a multilateral level, and we strongly believe the ILO is well-placed to play a leadership role here. We are therefore disappointed that governments are threatening the ILO with non-payment of dues or, in the case of one government, outright withdrawal from the institution if it should have the audacity to criticize it.

Our reading of ILO history suggests that the fostering of multilateral cooperation was the role those who conceived the Organization had in mind in 1919 when everywhere they looked, they found social lawlessness and moral anarchy. Those leaders whom, one thinks, had considerably more vision than some of the leaders of today, recognized that to practise economics that were neither socially nor politically sustainable was to foster instability and threaten civilization itself.

With a billion people in the world living in abject poverty and misery, with hundreds of millions of people unemployed in north and south alike, with some 400 million youth expected to be unemployed in the developing world by the end of this decade, with corporations reaping profits unsurpassed at any time in this century, with the income gap between rich and poor both within and between countries widening at a dramatic rate, we think it is indeed time to revisit the ideas of social intervention.

As we have said in this place before, the world trading system is a useful and logical place to begin the process of socializing the global economy. We have advocated, and we continue to advocate without apology, that a rules-based international trading system that provides a level playing field of basic

workers' rights is absolutely essential to the long-term political, social and economic stability of the world. We will continue to promote a social clause in the world trading system that will help to bring this about.

Workers categorically reject the proposition which has been repeated in the Director-General's Report, that the advocacy of such a social clause is in any way protectionist. We think it would at least begin to deal with the worst form of protectionism, that of those corporate citizens and pirate States that want to protect some competitive advantage by trading products procured through slavery, bonded labour, exploitation of women and minorities and exploitation of the working poor who are denied the right to freely associate and participate in the development of their societies.

We appreciate that there are poorer countries that may need technical assistance to reach up to the bottom of the social norms advocated in the relevant ILO Conventions, and we would hope that a social clause in the WTO can act as a lever to get these countries the assistance they so desperately need. But let us not be fooled by those countries that would hide behind the poorer countries in hopes of defeating the idea of socially regulated trade and investment. Let us instead push to implement a social clause that will serve to expose the unscrupulous.

A social clause in the WTO is by no means the only measure required to socialize the global economy. We must also find ways to put sand in the wheels of market speculators who transfer more than a trillion dollars per day around the world. I am shocked that the Director-General's Report makes no mention of this practice which, in the case of Mexico alone, will cost the economy more than 1 million additional jobs this year alone. We must put a stop to this and the ILO must play its role in analysing the employment aspects of market speculation.

Finally, we want to reiterate the point that the overriding priority for governments must be to improve growth in an effort to progressively reduce employment. For this to occur, governments must become more free to intervene in the domestic economy on the one hand and be more willing to cooperate with one another in the global economy on the other hand. International economic cooperation must include a new deal for developing countries and for Central and Eastern Europe. In view of the fact that I have two more minutes, I must point out that I was very happy to see that the Copenhagen Summit entrusted to the ILO the task of setting up a more just situation and we hope that the social clause will also be implemented. We hope that this will happen in the near future.

Original Arabic: Mr. RASHED (*Workers' delegate, Egypt*) – In the name of God, the Merciful, the Compassionate. First of all I should like, on behalf of the Workers of Egypt and on my own behalf, to congratulate the President on his election to chair this session of the International Labour Conference. We are sure that, thanks to his wisdom and experience, we shall be able to attain our objectives.

I would also like to express my congratulations to the Officers of the Conference and those countries that have recently joined the ILO; this confirms the worldwide mission of our noble Organization.

We have become used to coming to the International Labour Conference year after year to speak about problems besetting mankind and its legitimate hopes of creating a world in which men and women live as God wanted – free, honourable and proud.

This session of the Conference is taking place at a time when the world is undergoing a profound and rapid change, which has both positive and negative repercussions. It is drawing attention to the negative repercussions to try and come to grips with them and examining the positive ones to see how we can learn from them.

Be that as it may, what matters is that we try to create better conditions on earth for mankind. And in this context, the Report of the Director-General, for which we would like to thank him, concerns the problem of employment in a new age, full of challenges – the most important being employment and poverty.

It goes without saying that we endorse the views expressed by the Director-General in his Report and have to cope with these challenges and try and bring about full employment. At the same time the Report does not pay sufficient attention to some of the employment and social problems of the developing world, in particular the African and Arab countries, and this despite the very grave problems endured by Africa because of poverty, unemployment and structural adjustment, not to mention disease and epidemics, and natural disasters. This omission is all the more surprising given that the Report expresses concern about the ever greater marginalization of Africa. There has to be a much closer look at the assistance provided by developed countries to Africa, so as to help the continent to implement policies to combat poverty and unemployment. On this point, let me recall that the Social Summit in Copenhagen did confer on the International Labour Organization a heavy responsibility in this sphere.

The problem of the social consequences of trade liberalization is a very important one which has been discussed in the ILO Governing Body. For this reason the ILO must continue to draw up international labour standards so that the Organization's objectives can be met, whether in improving standards of living or creating social justice. We are convinced that the ILO is the only organization competent to apply these standards.

It is obvious that the developing countries and poor countries desperately need this economic development which is their lawful right. They are also entitled to benefit from their comparative advantages, such as a cheaper labour force, to be able to be competitive on the international market and succeed their social development.

In this context, we believe that the International Labour Organization should step up its support to its member States, especially the developing countries, and to help them transform their economic development into social development.

I should also like to add that the Organization should play a role in coordinating and cooperating with international financial and monetary institutions, in particular the IMF and the World Bank, so that these institutions give priority to employment promotion and social issues in their programmes.

In Egypt we were very quick to see which way the wind was blowing in terms of world economic change. That is why the Government, in consultation

with the social partners, has drawn up policies which take these changes into consideration and which emphasize the social dimension. This appears clearly in the social reform and structural adjustment programme which we have gradually begun implementing, and which has eliminated some of the negative repercussions which had affected workers and the poorest segments of the population. This programme makes provision for employment protection measures, stimulates investment in labour-intensive industries and in income generating sectors and facilitates the social integration of all population categories, and especially of women, the young and the handicapped.

Egyptian trade unions have thus had the labour legislation pertaining to workers' organizations amended so as to bring it in line with international conventions.

The trade union movement, working with the Government and the employers, is now working with the ILO in drawing up new labour legislation which is in conformity with international labour standards and which meets the needs of the future.

We are not opposed to the proposals made at this session of the Conference as regards an increase in the number of members of the Governing Body. This could be a temporary move while we await the completion of the amendments to the ILO Constitution, adopted in 1986. We would also like to say that we are rather shocked by how slowly these amendments are being ratified, in particular by those countries that have permanent seats on the Governing Body. We should like to recall to the Conference that these amendments were the outcome of great efforts made by the Members of the ILO and by the various regional groups over some 20 years. The objective was to modernize the structure of the Organization so that its structures and programmes would reflect the needs of the membership more closely, especially the developing countries, in a democratic and fair manner. Consequently we have great hopes that the Director-General will use his good offices to make sure that those countries which have not yet ratified these amendments do so as quickly as possible.

Economic and social development as a means of achieving full employment is the very noble objective being discussed by this Conference. In order to obtain it, there has to be a climate of security, stability and peace; and an end must be put to the tensions and conflicts prevailing in many regions of the world, especially in the Middle East. It is clear that the unresolved problems and continuous tension have had a negative effect on employment and block development efforts.

We are proud to see that great efforts have been made by the ILO to assist our Palestinian brothers and to alleviate their suffering. Nevertheless, we have certain concerns about the contents of the budget proposed to the Conference for the forthcoming financial year. Indeed, there is a proposal that the Organization's funding be cut in half for programmes aimed at developing the Palestinian Authority's institutions and employers' and workers' organizations.

The debates and deliberations of this session demonstrate that we all share the same desire to see peace and security and to create conditions conducive to international efforts to build a new world,

with prosperity and wealth to ensure a brighter future for everyone.

Mr. PALKOVICS (*Workers' delegate, Hungary*) – On behalf of the Hungarian workers' organizations, I would like to congratulate the President and office holders of the Conference on the occasion of their election and wish them full success.

The Hungarian trade unions have given the Director-General's Report their close attention. It offers a comprehensive review of the past and maps out the tasks and orientations for the future. There are crises all over the world the consequences of which affect the masses of wage earners first of all. The scope and dimensions of poverty are more and more alarming. The rights of workers and their unions are being rudely violated. It is therefore a priority objective for the ILO to step up its work and be in the vanguard concerning initiatives aimed at doing away with the grave problems.

Hungarian trade unions are aware that occasional major international conferences, such as the Social Summit held earlier this year, cannot take over the role of the ILO in the struggle against poverty. The rich, time-tested experiences and mechanisms of the ILO are the guarantee of enduring and effective efforts.

Hungarian unions share the conviction that the recipe offered by the World Bank and the International Monetary Fund is neither the sole nor a welcome remedy for economic crises in several regions of the world (developing countries, Central and Eastern Europe). Subordinating social security to financial balance at all costs means a huge burden on workers and gravely jeopardizes social peace.

We observe with concern the attempts of the above financial institutions to influence the range and role of ILO activities. We know from our experiences that there is a genuine need for the knowledge and skills of the ILO, especially for the sake of maintaining tripartite interest negotiation.

The intention of the ILO to improve the enforcement of Conventions and Recommendations is of the utmost significance for us amidst growing social tension and dependence. Hungarian trade unions insist on maintaining a social dialogue under the circumstances of the economic crisis in the country.

A shift in the role of the State can be noted worldwide. In Hungary this fact is of particular relevance since earlier the presence of the State both in the economy and the social field was overwhelming. The withdrawal of the State is presently disproportionate since no definite economic, financial or any other conditions have been proposed for its replacement. The consequences at the individual level are often unbearable, and the many tensions could provoke a social explosion.

Hungarian trade unions legitimately expected the new socialist Government – unlike the preceding Conservative Government – to improve the conditions of labour and of social partnership. With the new Government's restricted room for manoeuvring the proposing of a comprehensive and long-term socio-economic agreement appeared to be a logical development. Now, one year later, we are forced to admit that agreement has not been reached. In the opinion of our unions, the Government is mainly responsible for the failure. The tripartite agreements that had been reached in the process were repeatedly

violated or declared void by the Government without the consent of its social partners.

Interest negotiations were also weakened by the way in which the Government prepared and introduced its economic stabilization package. Its measures are having a negative effect on a broad strata of society, as well as provoking strong public discontent because the Government has taken decisions without consulting or negotiating any interests.

The Government's stabilization package is far from focusing on job creation or unemployment management. The effects of the package are as follows: it damages the functioning of the institution of free wage negotiation, which is one of the latest achievements of the Hungarian labour movement; changes in the unemployment system are aimed purely at cutting costs, no distinction is made between its social and employment policy aspects; the transformation of the social benefits and social security systems destroyed the presently not very efficient but relatively reliable system and replaced it with another one without seeking public acceptance or examining its impact on society; the package reflects a clear intention to push aside the present system of social security which is based on risk sharing and self-governance. No distinction is made between the operational area of social security for public benefit and commercial insurance companies. These commercial insurance companies are gaining ground, subsidized by the State, while there is still no law regulating their activities in Hungary. Social insurance refuses to finance on-the-job medical care, which is a violation of an ILO Convention that had been earlier ratified by Hungary and is fraught with grave consequences for workplace security and health care; the Government – despite union protests – modified the Labour Code without providing effective protection to union officers, ignoring an ILO Recommendation. The planned imposition of sanctions for violations of labour regulations disregards the respective ILO Recommendation. Consequently, the possibility of violating labour regulations – such as arbitrary cessation of employment, disrespect for procedures of negotiations and wage protection, unilateral work contract modification, employer coercion or threats, etc. – may persist without sanctions.

In 1993 one of our union confederations, the National Confederation of Workers' Councils, submitted a complaint which was accepted as justified in the 294th Report of the Committee on Freedom of Association at the 1994 ILO Conference. So far, the Hungarian Government has taken no substantial steps to remedy the causes of our complaint. It is for this reason that we duly appreciate the words of the Director-General concerning the ILO's intention to work harder for compliance with the Organization's activities.

I wish full success to all participants of the Conference.

Original French: Mr. ANGUIMATE (*Government delegate, Central African Republic*) – It is a great honour for me to represent my country, the Central African Republic, at this the 82nd Session of the International Labour Conference. I should like to take this opportunity to associate myself with previous speakers in congratulating the President on his brilliant election to preside over our Conference. I

should also like to congratulate the other distinguished Officers, whose valuable assistance will facilitate his onerous duties.

The Government of the Central African Republic welcomes the topic for this year selected by the Director-General of the ILO, *Promoting employment*. This subject is very relevant and topical and no one can remain indifferent to it in this period of general unemployment. This topic is a perfect extension of the World Summit for Social Development held in Copenhagen from 6 to 12 March 1995. My country was represented at this Summit at the highest level of State by His Excellency Ange Félix Patasse, President of the Republic and Head of State, accompanied by a large delegation of ministers and experts. This shows the importance we attach to the Summit.

When he spoke at the Summit, the President of the Central African Republic welcomed the fact that at last a World Summit had been convened to consider the social problems at the turn of the century: poverty, unemployment, underemployment, exclusion and intolerance.

In his address, the President of our Republic expressed the wish that courageous and responsible decisions would be taken as a result of this Summit to eradicate the omnipresent scourges of our planet. He invited the international community to undertake a collective and objective scrutiny of the causes of these scourges which strike indiscriminately against the rich countries of the North and the poor countries of the South, so as to identify appropriate solutions.

Moreover, he launched an urgent appeal for the establishment of a new Marshall Plan for the poorest countries, in particular those of the African continent who strain under the heavy burden of debt and conditions imposed by their development partners.

At the conclusion of this Summit, the Declaration and Programme of Action were adopted by our Heads of State and Government. Our Government is totally committed to this text.

Though only three months have passed, we have once more come together to study ways and means to promote employment.

This might appear superfluous at a first glance given the Declaration and Programme of Action adopted by our Heads of State and Government. However, the overwhelming fact described in the Director-General's Report on the world labour situation and the nature of our Conference justify our further consideration of these issues.

In general terms, apart from certain developments seen in isolated cases, we must face the fact that internal and external factors are simultaneously exerting a negative effect on employment causing difficulties in most of our States. Thus at a time when promotion and creation of employment are becoming major concerns in every State, at a time when we are all working towards the central goal for the year 2,000, employment for all, for the fulfilment of the individual, the labour market is shrinking and even tending to disappear.

The creation of more opportunities to promote productive employment has a very high priority in the development policy in my country, which is coming out of a period of political unrest and chaos which have undermined economic structures, destroyed the industrial and commercial system and broken up the social sector.

It is therefore essential to increase employment in the industrial and commercial sector to reabsorb surplus agricultural manpower and combat underemployment which is rampant in rural areas and the informal urban sectors, which constitute a veritable haven for small traders and craftsmen.

This is why we appreciate the incisive approach of the Director-General of the International Labour Organization who has stressed the interdependence between employment and meeting basic needs.

The goal of any measure to promote social progress should be full productive employment and equitable distribution of wealth obtained from balanced economic growth for the benefit of all sectors of the population. We believe that promoting employment is of particular importance given the great poverty which is crushing two-thirds of the world population, people who are victims of unemployment and underemployment.

The topic chosen by the Director-General of the ILO for his Report has received close attention from the Government of my country since it is in keeping with the goals we have set for the economic and social development of the Central African Republic in the years to come.

In its policy our Government intends to merge the National Manpower Office and the National Inter-professional Organization for Training and Advanced Training and to create a National Agency for Employment Promotion which will assist in the attainment of the priority goals set down in a programme for the implementation of a coherent employment and training policy.

The Government intends to do all it can to put this agency into operation in the course of this year in order to be more effective in combating unemployment among young graduates who continue to come onto the labour market in ever-growing numbers and find there are no longer opportunities.

Since its assumption of power as a result of the 1993 elections, the Government of change has faced a problem of vast proportions: the lack of a coherent and formal policy on employment and training. To remedy the situation the Government has carried out an analysis of all the services within the Department responsible for labour, in order to identify priority needs. This assessment was carried out with assistance from the ILO Multi-Disciplinary Team for Central and West Africa (EMACO).

We applaud them enthusiastically for the work they have done. Two projects were launched in parallel. The project on work-experience placements in enterprises for young job-seekers aims to combat long-term unemployment of young executives seeking their first job, and thus to promote in the long term their employment by employers who are often reluctant to hire young graduates without professional experience.

To extend this first programme my Government has set up a national employment promotion project. This project is intended to help the Government to develop institutions, strategies and measures to promote employment through medium and long-term policies of integrated human resource development.

The implementation of this project should lead also to the establishment of the national employment fund to help find jobs for those made redundant by public and private enterprises and for young people from rural areas who have been trained in non-

governmental organizations, by providing assistance with retraining or advanced training, or with setting up micro-enterprises or independent activities.

This shows that professional training and increase in productive employment are dominant in our employment policy in all sectors of the economy. But in our situation as a developing country our development policy and the results and social consequences can only have a positive outcome if we receive external support through bilateral and international cooperation based on human solidarity rather than on considerations and motives of a political and strategic nature.

This is why we hope that our gathering will be able to translate into practical decisions and programmes of action the suggestions of the Director-General concerning policies to be implemented for a new approach to the problems of international development. Therefore, our Conference should shun declarations of intent and empty slogans in favour of tangible results to bring an end to persistent distortions in economic relations which consist of confrontation between rich and poor in a position of the dominant and the dominated.

The spirit of the recent Copenhagen World Summit should triumph through the promotion of international cooperation and solidarity in action. It has become necessary for the countries of the North to revise their view of economic cooperation and technical cooperation with developing countries by authorizing transfers of appropriate technology and sufficient capital.

We feel this new orientation will promote an increase of employment which will be able to absorb millions of men and women who live today in a world in which they have no hope of finding employment.

This is the only way in which we can fairly share wealth between nations and between individuals within nations. This requires an international division of labour and a far-reaching change in investment policy by managers of multinational corporations because of their influence on transfers of production, capital, technology and production techniques.

Thus we suggest that the International Labour Conference should adopt a veritable international ethical code for development which would apply not only to States but also to transnational corporations which exert a considerable influence on the world economy.

Original Arabic: Mr. EL DIN (*Employers' delegate, Egypt*) – In the Name of God, the Merciful, the Compassionate. I should like first of all to congratulate the President on the confidence shown in him by the delegates to this session of the Conference. I wish him and the Officers of the Conference every success. I should also like to express my deep appreciation to the International Labour Organization for its achievements over the past 76 years in terms of drawing up and assessing labour standards throughout the world.

Personally, I feel that the work of this Organization is particularly difficult, in comparison with other international organizations, due to its tripartite structure which is reflected in social and economic relationships in the various countries of the world. In this regard, I should like to point out that Egypt is one of

the first countries of the world to have fully understood the importance of this Organization and its objectives in terms of ensuring economic and social justice with full respect for human rights. In pursuance of those principles, the relationship between the social partners in Egypt is based on complete understanding thanks to continuous dialogue and cooperation, as all parties have realized that this is the only way to ensure development and stability in the light of the current economic challenges facing Third World countries.

Our meeting comes at a very important and delicate juncture in view of current economic changes and the agreements reached in the World Trade Organization. The pressures these agreements exert on Third World countries call for radical changes in the role to be played by the International Labour Organization, including in the sphere of training, vocational guidance and efforts to instruct the production partners in how they can play their universal role and guarantee their share of international trade in the near future.

In the last ten years, Third World countries have started to restructure their economies and simultaneously develop and strengthen the role of the private sector in order to cope with developments in production and exports. Egypt has embarked on a gradual policy of privatization based on the principle of respect for workers' rights, and of allowing entrepreneurs to buy a number of companies and to participate in the management of other enterprises to make them more competitive in international markets.

I should like to point out the importance of the role of the International Labour Organization in the future, when it will have to pay particular attention to Third World countries, including on the African continent. It will also have to encourage rich countries to support development in these countries so that they can ensure social justice. In this way the term "international cooperation" can become a reality, including with regard to offsetting the negative impact of economic structural reforms advocated by the World Summit in Copenhagen.

Given the importance of work in people's lives and in society, unemployment is a dreaded disease spreading through developing countries where unemployment rates are at their highest. In order to find a solution to this problem, Egypt has enacted laws and regulations to encourage and protect investment and investors. For example, exemption from custom duties and taxes as well as essentially free grants of land at symbolic prices. As a result, we have created many industrial parks and other enterprises that have led to the creation of thousands of jobs. This policy is the crux of development in Egypt. The employers have responded positively to this policy. They are very keen to boost their production as well as to upgrade continuously these projects.

The World Trade Organization agreements, calling for the globalization of trade and the liberalization of international trade, will cause serious harm to poor countries, which could become even poorer while only rich countries enjoy development and progress. An in-depth study of these concerns should be carried out, since herein lies a role that the ILO could play in the future. The Organization must stress the comparative advantages of the developing countries in order to re-establish a certain balance in international investments so that each

country will receive its rightful share of international trade.

The unemployment crisis affecting developing countries will only be solved and eliminated by increasing production and investment, and by creating jobs, while favouring highly labour-intensive industries. These include textiles and clothing, which are making considerable strides in international markets, such as in the United States, Japan and Europe.

The World Trade Organization has set a timetable for the gradual implementation of this programme by the developing countries. However, this is insufficient. The rich countries must provide technical and financial aid to the poor countries, especially in this transition period, if the new world order is to be sufficiently equipped to create the social balance that the WTO aspires to. Other international organizations also have a role to play. They must help these countries to modernize their legislation and to improve the conditions of production so that they will be compatible with international standards, leading to the attainment of an economic and social balance in these countries, that reflects the rapid technical developments throughout the world.

Before concluding, I should like to point out that the Government of Egypt, since the implementation of economic reform policies and restructuring, has been keen to involve employers in the decision-making and legislative process. Of course, this new policy has helped to create an atmosphere of economic stability and promoted investment. It has also helped to bring down inflation and interest rates, which has encouraged employers to increase investment and create jobs for young graduates.

Recently, the social partners have put the final touches to a new standardized Labour Code which is in line with new economic policies and restructuring which cater to the interests of all parties and lay a solid foundation for long-term stability.

In conclusion, I wish the President, the Officers of the Conference and the distinguished delegations every success. I hope that the people at the helm of this Organization will implement our recommendations whenever possible.

May the peace, mercy and grace of God go with you.

Mr. ZIMBA (*Minister of Labour and Social Security, Zambia*) – It is a great pleasure and opportunity for me to address the 82nd Session of the International Labour Conference. Allow me on behalf of the Zambian delegation and indeed on my own behalf to extend to the President my heartiest and warmest congratulations on his unanimous election to office, together with my congratulations to the entire team in respect of the deliberations of this session. I am positively confident that by virtue of the immense experience that the President possesses, the business of this important Conference will undoubtedly be crowned with tangible success commensurate with the aspirations of our people, as he ably steers the deliberations of this august gathering to a successful conclusion. I wish all the distinguished personalities and participants of the Conference great inspiration in the debate of the issues on the agenda.

May I now take this rare opportunity, like previous speakers, to happily and warmly welcome all the new Members of the ILO, who have joined us to defend together the importance of this Organiza-

tion's foundations, and the role that it is called upon to play in the promotion of social justice, of human dignity and of social dialogue.

When we gathered here last year, by means of the Report that he presented to the august and historic 81st Session of the International Labour Conference, entitled *Defending values, promoting change – Social justice in a global economy: an ILO agenda*, the Director-General paved the way for an animated and extensive discussion on highly topical issues, such as effectiveness and the role of the ILO's standard-setting activities in a globalized economy; the social dimensions of international trade and investment; the organized and decentralized approach to the ILO's technical assistance and advisory activities; the generation of employment in both the formal and informal sectors; and the enhancement of the ILO's analytical and research capacity for issues falling within its mandate. The Director-General and his staff should be complimented for the wonderful job that they are doing.

I am pleased to note that the theme of this year's session of the Conference is the concept of promoting employment. This issue is of paramount importance. It figured prominently on the agenda of the World Summit for Social Development which was held in Copenhagen, Denmark from 6 to 12 March 1995. No doubt the ILO was determined that the Summit should leave a mark on social policy worldwide. By defining a new approach to such a policy, the ILO sincerely hoped that a political consensus would be reached by the heads of state at the World Summit. All nations have a common interest in each other's welfare, social progress and stability. Such consensus should of necessity embody a determined collective commitment to the desired goal of full productive and freely chosen employment.

Productive work is not only a means of economic livelihood, but also a defining element of human identity. There is no doubt that employment gives meaning and dignity to people's lives, provides a structure for social relations and solidarity for the community. Zambia, like many other developing countries, is experiencing high levels of structural unemployment and underemployment which requires that the State, the private sector and other sectors and institutions at all levels cooperate fully to create conditions to make it possible for everyone to participate in productive work.

The Zambian Government attaches great importance to the subject of employment promotion, and is ready to share the stance that the International Labour Organization is prepared to take on this matter. No doubt, any meaningful initiatives in an attempt to stimulate growth in overall employment will entail the mobilization of resources, because of the evident changes that have taken place in the world economy in the past few decades. These changes obviously have affected both the level and the structure of employment across the globe. Currently the trend of growth in employment is greatest in small and medium-sized enterprises and in self-employment. We have witnessed an unprecedented phenomenon in developing countries to the effect that informal sector activities often are the leading source of work opportunities for people with limited access to formal sector wage employment and, in particular, for women.

Zambia as a concerned member of the global family of the nations belonging to the United Nations is very concerned about doing something positive with regard to the issues of employment and human resources. It is for this reason that the Government ratified the Employment Policy Convention, 1964 (No. 122) in 1979 and has, under very difficult circumstances, endeavoured to ensure that there is work for all who are available for and seeking it; that such work is as productive as possible and that there is freedom of choice of employment.

The unfortunate situation facing the Zambian nation today is that while the concept of social development is broad and multi-dimensional, the guiding principles of which include commitment to the provision of equal opportunities for all, promotion of economic growth and equity, and promotion of effective participation of people, (and especially the poor, the deprived and civil society), the envisaged development has not been sustained, mainly due to poor economic performance since 1974 when the price of copper, the country's major foreign-exchange earner, fell on account of the world economic recession.

As a result, by 1982 the Government adopted a structural adjustment programme. The change of Government in 1991, when the country returned to pluralistic politics, brought about the vigorous implementation of the programme, with emphasis on private sector initiative as an agent for economic growth and social development. Through these reforms, Zambia has been able to achieve microeconomic stability. However, the structural adjustment programme has had short-term negative impacts on the poor and most vulnerable. These negative effects have been addressed through various poverty alleviation programmes that have been launched.

It is fully acknowledged in Zambia that gainful employment is a prerequisite to meeting the basic needs of life, and a means of placing all the Zambian people on a path of assured material security and independence. In recent times, generation of gainful employment has been frustrated by the poor performance of the economy, which is to be attributed to numerous factors. In order to stimulate and expand productive employment in the economy the Government has taken such measures as creating and enabling an environment for productive investment and the promotion of small-scale labour-intensive programmes.

In taking the above measures, with a view to redressing the employment problem, the Government has initiated the following long-term strategies: provision of incentives through an appropriate micro-economic environment to promote the creation of employment opportunities; giving incentives and support to the development of the informal sector through small-scale enterprises and village industries that are production-oriented and labour-intensive since such industries generate more jobs per unit of investment than large-scale industries; promotion and maintenance of good industrial relations through tripartite consultation machinery, mediation and conciliation services, and arbitration by the Industrial Relations Court; provision of a conducive legal framework through the revision and enactment of labour laws, the Investment Act and the formation of an Investment Centre.

I am pleased to note and report that the Zambian Government has as of now ratified all the ILO Con-

ventions on basic human rights as a gesture of support for the ILO Programme of Action. In this regard, we in Zambia desire that a great deal of the ILO's attention and assistance therefore now be focused, more than ever before, on matters of social welfare, namely, creation of productive employment, poverty alleviation and improved social protection.

We look forward to receiving substantial support in our efforts to fight social evils such as child labour abuse. It is clear that the fight against social ills and inequalities and the promotion of employment will require combined international action. The fundamental requirement for restoring full employment is the creation of an institutional framework for posi-

tive and cooperative international action in finding optimal solutions to the pressing problems of unemployment and related social ills.

Many developing countries still have natural resources which have not been or have only been inadequately exploited, as well as the problems of poverty and unemployment. This situation is due to scarce capital and technology. There are limits to the mobilization of domestic resources in the short or medium term for the exploitation of our abundant resources, as a result of which we are compelled to seek capital from external resources.

(The Conference adjourned at 6.10 p.m.)

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Sixteenth sitting

Thursday, 15 June 1995, 10 a.m.

Presidents: Mr. Rosales Argüello, Mr. Popescu

EIGHTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – We start today's session with the eighth report of the Selection Committee, which you will find in *Provisional Record* No. 4G.

If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

REPORT OF THE STANDING ORDERS COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – The next item is the adoption of the report of the Standing Orders Committee, which you will find in *Provisional Record* No. 11.

I call on Ms. Thompson Chacón, Government delegate of Costa Rica and Chairman and Reporter of the Standing Orders Committee, to present the report.

Original Spanish: Mrs. THOMPSON CHACÓN (*Government delegate, Costa Rica; Chairman of the Standing Orders Committee*) – I have the honour to present to this Conference the report of the Standing Orders Committee, which met on 8 June to discuss and approve the amendments referred to in *Provisional Record* No. 1.

The Committee's discussion took place in a spirit of cooperation among all three groups. As indicated in its report, published in *Provisional Record* No. 11, the Committee examined two amendments to the Standing Orders of the International Labour Conference, whose adoption is now being recommended to the Conference.

The first refers to the established practice of electronic voting for plenary sessions of the Conference. If the amendment is adopted it will also be possible for electronic voting to be used, if they so wish, for the Resolutions Committee, and for elections to the Governing Body by the electoral colleges.

The second amendment to the Standing Orders of the Conference involves increasing by ten the number of deputy seats in the Government group of the Governing Body, and by five each in the Employers' and Workers' groups.

In this way, and assuming that the necessary resources will be approved in the budget, the membership of the Governing Body will be increased pending the entry into force of the Instrument for

the Amendment of the Constitution of the ILO, which was adopted in 1986. The Instrument for the Amendment of the Constitution will however serve as a guide to the number of seats attributed to each region within the Government group.

The Committee also recommends to the Conference the adoption of two resolutions concerning the procedure to be followed at the two Conferences to be held in the next few months.

In view of the Governing Body's decision to convene a Maritime Session of the International Labour Conference in January 1996, the first resolution proposes a series of measures to facilitate the work of the session and limit its cost.

The second resolution proposes to apply to the Fifth European Regional Conference the same simplified procedure as has been used on an experimental basis for the past three Regional Conferences.

Both of these proposals were unanimously endorsed by the members of the Committee, and I wish to thank the Vice-Chairmen for their collaboration.

It is therefore a great pleasure for me to recommend, on my behalf and on that of the two Vice-Chairmen of the Committee, that the Conference approve the amendments to articles 19, 49 and 50 of the Standing Orders of the Conference, which appear in paragraphs 8 and 17 of the report, and the two resolutions annexed to the report, which I hereby submit to the Conference for adoption.

Original Spanish: The PRESIDENT – The report presented by Ms. Thompson Chacón, Government delegate of Costa Rica and Chairman and Reporter of the Standing Orders Committee is now open for discussion.

If no one wishes to ask for the floor, we shall move on to the adoption of the report, section by section. To begin with, I submit the introductory paragraphs 1-3 for adoption.

May I take it that paragraphs 1-3 are adopted?

(Paragraphs 1-3 are adopted.)

I now submit for adoption Part I, which concerns amendments to the Standing Orders of the International Labour Conference (paragraphs 4-18). The text of the amendments appears in paragraphs 8 and 17.

May I take it that paragraphs 4-18 of the report are adopted?

(Paragraphs 4-18 are adopted.)

Part II, concerning the derogation from the Standing Orders for the next Maritime Session of the International Labour Conference (paragraphs 19-21) and the resolution concerning provisions applicable to the 83rd (Maritime) Session (Appendix I.A).

May I take it that paragraphs 19-21 of the report and the resolution that appears in Appendix I.A are adopted?

(Paragraphs 19 to 21 and Appendix I.A are adopted.)

I now submit for adoption Part III, concerning the procedures at the Fifth European Regional Conference (paragraphs 22-24) and the resolution concerning the Fifth European Regional Conference (Appendix I.B).

May I take it that paragraphs 21-24 of the report and the resolution appearing in Appendix I.B are adopted?

(Paragraphs 22 to 24 and Appendix I.B are adopted.)

Finally, I submit for adoption Part IV of the report, containing the Committee's recommendations (paragraph 25).

May I take it that paragraph 25 of the report is adopted?

(Paragraph 25 is adopted.)

May I take it that the report as a whole is adopted?

(The report as a whole is adopted.)

I would like to congratulate the Chairman and the Vice-Chairmen and the other members of the Committee on their excellent work.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – We shall now resume our discussion of the reports of the Governing Body and of the Director-General.

Original French: Mr. DENIS (*representative of the World Confederation of Teachers*) – The subject of the Director-General's Report is central to all debates currently being held in all continents and societies throughout the world. Two essential elements should be emphasized. It is necessary by promoting employment significantly to reduce or better yet, to do away with inequality and all forms of exclusion which eat away at our communities. Then, we should effectively and in the solid framework of national and international plans, in a spirit of cooperation, to implement bold and innovative policies. This is how the legacy of the World Summit, in Copenhagen should look.

While the Summit, as such, was a major event hopes have been raised with regard to its follow-up, particularly in the field of education, and in terms of the budgetary aspect, employment and the fight against marginalization and inequality. Teachers emphasized this again at the sixth Congress of the

World Confederation of Teachers held in Dakar in August 1994. The realization of human potential depends on education and training. The extent to which teachers keep a close watch on what is going on in their local communities will determine how far they are able to increase awareness of the fact that urgent solutions can and must be found to a good many more aspects of the crisis than merely those associated with finance and economics.

In a motion relating to the problems of structural adjustment and social justice in the educational sector, the World Confederation of Teachers emphasized that education can promote a country's economic growth and social development and that, accordingly, any cut in the resources allocated to education impoverishes human resources in the medium- and long-term, with particularly devastating consequences in developing countries.

We must therefore strengthen the whole social dimension of the programmes proposed.

Against this backdrop, we welcome the impending first session of the Standing Technical Committee for Educational Personnel, to be held in October 1995 at the ILO. This will provide an opportunity for an up-to-date and targeted approach to the situation of teachers throughout the world. The analysis then undertaken will give an outline of future policies as concerns the financing of educational services and its impact on employment and the conditions of work for teachers, career development, equality of opportunities and treatment, particularly for women teachers, consultation and negotiation, remuneration and the general conditions in which the profession is exercised.

The World Confederation of Teachers welcomes the results of the work of the Committee on Sectoral and Technical Meetings and Related Issues, the programme and the work methods proposed. We venture to hope that the timetable of meetings will be confirmed and that the requisite financial and human resources will be earmarked for the attainment of the objectives proposed. We are prepared to assume our responsibilities so far as the programme's proposals are concerned.

The Recommendation Concerning the Status of Teachers, a Joint ILO/UNESCO Recommendation dating from 1966, remains, maybe even more than ever, important as the guiding force of and inspiration for future-orientated strategies. What we have to do now is to ensure that it is even more widely known. We have taken careful note of the conclusions of the meeting of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation held in July 1994.

The WCT wishes to register its support for the approach adopted by the Committee. We would like to emphasize that international trade union organizations should be fully involved in the work of the Joint Committee.

Selective and partial implementation or indeed the non-implementation of the Recommendation in many countries is jeopardizing the status of teaching staff. Failure to respect ILO Conventions relating to negotiation, to the individual rights of teachers and to freedom of association is an all too frequent element which we must condemn.

Furthermore, the essential role played by women in education is not duly reflected in equality of opportunities and treatment for women. If women are

to have a better access to the teaching profession, particularly to responsible posts, we must eliminate the legislative, administrative, social and cultural obstacles in their way.

Finally, we must condemn the exploitation of children and child labour. Albert Thomas, first Director-General of the ILO, said that child labour was the most hideous and most abhorrent form of evil known to man – and, we might add, to teachers. We demand that children receive an adequate and high-quality education, that they be able to enjoy all the other rights which appear in the Convention on the Rights of the Child and in the Minimum Age Convention, 1973 (No. 138).

Running through all the subjects which we have only been able to touch upon is the problem of employment, and all questions pertaining to human rights. The ILO has a paramount role to play. We support it while making it clear that when necessary we are determined to redirect certain approaches in a spirit of constructive criticism, cooperation and close collaboration.

The hope that the world of the future may be more balanced is perhaps somewhat Utopian. However, this Utopia is not beyond our grasp. It is already the reality of tomorrow. The international trade union activities of teachers will assume their full meaning only if they build bridges to the future and open new horizons. Our true vocation is to look to the future and here and now to encourage action.

Original French: Mr. GARBA (Minister of Public Service and Labour, Chad) – It is a great pleasure for me to be taking the floor at this 82nd Session of the International Labour Conference. I would like to take this opportunity to convey on behalf of the Government of the Republic of Chad, and on behalf of the delegation that I am leading, my warmest congratulations to the President and other elected officials. I am sure that they will use their great skills in guiding this Conference to a complete success.

Referring to the Report of the Director-General on the promotion of employment, I would like to commend it for its quality, its relevance and its gravity. Once again the Director-General has defended the ideals of the International Labour Organization in its struggle for lasting economic and social development.

The disease that has been diagnosed in this Report is a universal one. No country has been spared – the developed countries and the developing ones, the North and the South. All, in fact, are suffering in varying ways the problem of unemployment. The major changes that have occurred over the last few years throughout the planet have caused a crisis in unemployment and poverty, and this has been compounded by the growth rate of the population in general and of the active population in particular.

Unemployment is one of the most alarming things that can happen to a man. Can you consider a man, an unemployed man, as a complete human being when he is incapable of meeting the basic needs of either himself or his family. It is very important that the ILO should use all of its energies and show a great deal of imagination so that unemployment, if it cannot be eliminated, should at least be reduced to decent proportions so that the right to work for all human beings is not just some vain idea.

Chad, my country, is in the belt of the most deprived countries on the planet. It is part of those countries of sub-Saharan Africa whose situation is so well described in the Director-General's Report. Our country is doubly marginalized because the economy is globalizing on the one hand, but we on the other are geographically landlocked. We have no maritime shoreline and the nearest port is 12,000 kilometres away. Furthermore, we have very little industry in our country.

Chad, rising up from the ashes after many years of civil war along with an equally devastating drought, is trying once again to endow its development partners with confidence. The employment problem is accentuated in my country by the rural exodus towards the towns. People come seeking hypothetical employment without any kind of qualifications. Tens of thousands of young people expand the lists of job-seekers – a list which is always growing because of budget cutting and restructuring measures.

The public administration is the largest employer, but it is no longer recruiting the graduates that it has in fact trained as part of the structural adjustment measures. Very strong pressure is brought to bear to bring about drastic reductions in staff. This situation leads to a new phenomenon which is a real time bomb in fact. We are talking about unemployment which affects several thousands of young, new graduates.

It is recommended that the State should relinquish its hold on the production sector, but at the same time private operators cannot promote activities or even absorb all of these unemployed people. The number of unemployed – swelled by those demobilized from the army – in our country has increased by 17,000 over two years; it is therefore easy to understand that there is a good deal of delinquency both in our towns and in rural areas.

Despite this very difficult task, the Government is trying to find ways out of it by: reactivating the programme on education, training and employment; modernizing production in the rural sector; giving support to small trades and crafts; developing associations and cooperatives; and developing small and medium-scale enterprises.

In this struggle to fight unemployment, the Ministry of Public Service and Labour is trying to train hundreds of young people in various purpose-built centres to give them a chance to find a job.

Also in the hope of cutting down on unemployment, the Government has signed the ATETIP programme, that is the Chad Agency for Works of Public Interest. This leads to an improvement in various parts of the country's infrastructure and it provides a good deal of jobs for the unemployed.

The Government of Chad is trying to tackle the endless question of improving living standards of workers, together with the trade unions. We have signed a social covenant, the basic characteristics of which are to: consolidate systems for dialogue between the social partners; reinforce the protection of workers and trade union freedoms, in particular by ratifying and putting into practice a good many Conventions under the aegis of our Organization; and to upgrade payment both in the civil service and in the semi-public and private sectors.

This covenant has come into force while the Government is caught between the need to motivate workers on the one hand and while being severely

afflicted by the CFA franc devaluation, and the need for structural adjustment on the other hand.

It is a very difficult exercise as you can imagine. Nevertheless, we made decisive progress when we promulgated the new Labour Code that is currently being prepared – and we request assistance from the ILO in this phase. Needless to say, at a time when our economy and our society are changing very seriously, and when the various social partners are looking for something to hold on to, any assistance we can have from the ILO would of course be of very great assistance.

I hardly need to repeat that job-creation policies and policies to improve the standard of living of workers in my country, which is burdened by external debt both multilateral and bilateral and which is bleeding our budget dry, is essential. In such a situation our burdens would be greatly lessened if we were to receive the assistance I have mentioned above.

We need, more than ever before, international solidarity which is both sincere and active so that those islands of paradise – glimpsed here and there – should not be swallowed up by the oceans of poverty constituted by the poorest countries and continents. We must ward off this fate.

Original French: Mr. RAKOTOVOLOLONA (*Minister of Public Service, Labour and Social Law, Madagascar*) – On behalf of the delegation of Madagascar at this 82nd Session of the International Labour Conference, it is a great honour for me to extend our warmest greetings to the President as well as to the Director-General of the ILO and all members of the delegations of each country.

I would further like to express my wishes for the smooth running of the Conference's work as all the constituents and the authorities of each country express their ideas on the development of international trade and international labour standards.

On the 75th anniversary of the ILO, my address, which I hoped to be a message, stressed the importance of international solidarity and support for greater social justice in a world which is in the throws of change, while at the same time calling for respect for the specific characteristics and sovereignty of each State.

The World Summit for Social Development which took place in Copenhagen in March 1995 allowed us, on the threshold of the twenty-first century, to take stock of the trends and factors in the growth of international trade, as well as the relevance of structural adjustment and international standards, especially for developing countries.

In simple terms, there should be a correlation between the liberalization of international trade provided for in the document signed in Marrakesh and international labour standards.

According to this concept, the social clause should be considered as one of the most important conditions for international trade, because no full economic progress is possible without the adoption of basic and universal labour standards. International labour standards formulated by the ILO as Conventions, whether or not they have been ratified by the various member States, are the fruit of discussions, exchange of experience and observations that have been gathered by the regional offices of the ILO or have been communicated by each member country.

The application of the recommendations included in these Conventions, however practical and flexible they may be, should take into account the economic recovery and development policies which each State intends to follow, as well as their respective institutional structures.

In the developing countries, full employment depends on natural resources, access to financial markets and international trade.

However, the structural adjustment which has been advocated, which must strike a balance between internal constraints and objectives in order to provide for regular growth and equitable distribution, amounts to making sacrifices in the present for the sake of development in the future.

This structural adjustment involves a balancing and stabilization phase, during which it is recommended to take measures to make the balance of payments maintainable in the medium term and to ensure sustainable growth of GDP.

Even at the very beginning, the price of such a policy in social terms and in human suffering cannot be measured.

The experience of structural adjustment leads us to ask the following questions. How can we implement structural adjustment programmes and at the same time avoid a loss of jobs and a reduction of social protection as the State cuts back? How can we guarantee the application of social clauses linked to international trade, while at the same time embarking upon economic and social reforms?

It is quite true that adjustment with a human face is still at the centre of each State's concerns, but as I said in my speech last year, it is important that the assistance provided by the ILO should be part and parcel of the promotion of democratic values and the market economy.

A new strategy for the development of international standards should therefore be considered. This strategy, through sincere and faithful cooperation, could be the centre of activity of the ILO's regional offices. These offices can all be modelled according to the economic and social programme of each State.

The problem of employment in such a strategy requires a new kind of industrial and international relations; relations which should adapt to changes in the institutional structures of all member countries.

It is all too clear that the problem of employment is very closely linked to economic progress, as this was stressed in the World Summit for Social Development in Copenhagen.

It is for this reason that the application of resolutions, and especially the follow-up of international labour standards as desired by the participants in the Copenhagen Summit, can only be effective with the contribution of the ILO and its constituents.

The delegation of Madagascar, which was reassured by the pertinent comments made by the Director-General at the Copenhagen Summit, can only express its full solidarity with his remarks. My delegation believes that social clauses should not be used as a tool to accentuate differences in the level of development between countries.

Any attempt to perpetuate the perceived geopolitical causes of these differences can only be a hidden form of protectionism from another era.

The delegation of Madagascar continues to believe that international labour standards drawn up by

the ILO are part of a larger vision for the development of the human personality, and thus contribute to the defence of human dignity and to the changes that have to be undertaken.

Original Spanish: Mr. CUEVAS (Workers' delegate, Dominican Republic) – The delegation of the Workers of the Dominican Republic would like to extend cordial greetings to the delegates attending this 82nd International Labour Conference which is going to be discussing a topic that is very closely linked to the future of the working world.

First and foremost we wish to point out that the Report submitted by the Director-General, Mr. Michel Hansenne, on *Promoting employment*, pinpoints some of the major evils afflicting the world of work, in particular, afflicting the developing countries. The Declaration that was adopted at the World Summit for Social Development at Copenhagen, along with the Programme of Action in which Heads of State and Government, commit themselves to promoting the objective of full employment “as a basic priority of [their] economic and social policies and to enable all men and women to attain safe and sustainable livelihoods through freely chosen productive employment”, highlight the need to resolve this problem because if it is not solved levels of poverty and social protection will worsen and there will be no guarantee for the development of peace in the world.

One factor that has to be stressed in the ILO Director-General's Report on the promotion of employment are the reasons that he selected for the success of the East-Asian economies, based on well-planned development strategies, high levels of saving and investment, a liberal trade regime, an export-oriented industrialization and a very successful attraction of foreign direct investment.

In Latin America and the Caribbean, these are basically the recipes that are suggested and very often imposed by neo-liberalism through international financial structures which have as their supposed objective the development of all peoples. They propose processes of modernization and economic restructuring through the reform of the State, liberalization of the economy, effective adjustment and stabilization policies so these countries can face up to the new realities in the world economy, so as to ensure the payment of their external debts to banks and international organizations.

The basic components of these neo-liberal economic policies are: reducing the role of the State to a minimum as a regulator of the economy, giving free rein to the market to set the priorities of each economic activity; deep and permanent cuts in the quality and quantity of social expenditure and social security, and the privatization of functions which for generations were the sole preserve of the State; application of purely sectoralized and remedial social policies; the prevalence of speculative finance and the service economy over more sustainable, harmonious, productive economies; making labour legislation more flexible so as to reduce the scope of provisions which regulate worker protection inside the firm; restriction of trade union rights such as the freedom to join unions, the right to strike, the right to bargain collectively, in order to lay the stress on individual hiring by the enterprise and thus undermine the legitimacy of trade unions; partial or total elimination of price subsidies for basic needs in the

family budget; the control of important areas of the national economy by transnational enterprises and groups of local business people through privatizations which increase the degree of monopoly and the transnationalization of the economy; a shift in the tax burden bearing no relation with the distribution of income between rich and poor; elimination of the minimum wage or reduction of its role as a floor for the earnings of the poor and of unskilled workers, under the banner of wage competitiveness.

As a result of this policy, in the name of micro-economic stability, the population of Latin American and the Caribbean is in fact suffering very serious social consequences in terms of unemployment and underemployment in the formal sector: decline in job quality, absence of social protection, for middle and working classes, extreme misery and serious social marginalization. In Latin America, more than half of the population lives below the poverty line.

In the Dominican Republic the economic adjustments have meant that more than 57 per cent of the population is now living below the poverty line. According to official statistics offered by the Government, unemployment amounts to some 27.5 per cent and underemployment to 20 per cent which has meant that more than half a million Dominicans over the last ten years have had to emigrate.

As part of the changes in the global economy, the Dominican Republic has been trying to promote a service economy in which a prominent feature is the export processing zone, known in Central America as *maquiladoras*. This has generated more than 170,000 jobs of which 75 to 80 per cent are women's jobs and 73 per cent of the enterprises are in textiles and clothes manufacturing.

Another dynamic sector is tourism. The vital importance of tourism which has become our prime source of foreign exchange, overtaking the traditional sugar industries. This service-based economic model involving free trade zones and tourism are based on tax breaks, and low wages, even lower than the legal minimum, in order to compete internationally. Indeed they even have special exemptions because they are not obliged to share profits with workers. Also, trade union rights are generally not respected by these industries, since they oppose free organization of trade unions and collective bargaining.

Despite the fact that the Dominican Republic has approved a new Labour Code (Law 16-92) agreed by consensus among government, employers and workers, in practice, in many cases employers, and the Government as employer, violate it quite brazenly. Many employers wish to make changes to the Code saying that it creates a rigidity on the labour market at a time when the globalization of our economies call for flexibility in labour relations.

I would conclude by stressing that at this time in history, the question of whether or not we should link internationally recognized basic labour rights to the trade liberalization arising from the Agreement establishing the World Trade Organization. This social clause would subject international trade to certain conditions such as the respect for fundamental rights enshrined in ILO Conventions namely freedom of association, protection against discrimination, the banning of forced labour, and the elimination of child labour.

There is no good reason for the opposition to this social clause expressed by the Employers' group and

certain governments on the Governing Body Working Party set up in 1994.

These Conventions and Recommendations are absolutely vital for the fundamental human rights of the workers, and to protect them against repression, exploitation and discrimination. Therefore we support the proposal of ICFTU that the social clause contains basic standards which could be taken up by the World Trade Organization.

Such standards apply to every country in the world. There is a very serious danger in many countries that if you have a dynamic market based on extreme competitiveness, then basic rights of the workers will quite simply be abused.

The International Labour Organization should play its full role in this sphere. It has a tripartite structure and its experience can therefore play a major role in the fields of employment and in equitable development.

Today, more than ever before, in a world that is becoming more globalized, the Declaration of Philadelphia of 1944, in which full employment was recommended as a basic objective of national policy, is more relevant than ever. As the Declaration states: "poverty anywhere constitutes a danger to prosperity everywhere".

Mr. AHMED (*Minister of Labour and Productivity, Nigeria*) – In the name of God, the Merciful, the Compassionate! I begin, on behalf of the Government and the people of Nigeria, and my humble delegation, which I have the honour and privilege to lead, by congratulating you, Mr. President, and your Officers on your election to chair the current session of the International Labour Conference. Since your assumption to this chair, the conduct of our affairs here so far has been highly admirable and, of course, commendable.

I wish also to congratulate the International Labour Organization for the singular honour accorded to it by the Copenhagen Summit of Heads of State and Governments to play a major role within the United Nations system in the implementation of the Summit's Programme of Action. Furthermore, I congratulate the Director-General for his Report which was eloquently delivered.

The Copenhagen Summit brought together many Heads of State and Governments for the sole purpose of addressing, for the first time, the problems of human and social development. These problems have arisen in part as a result of the globalization and liberalization of trade that is being pursued without due regard to the social and human exigencies.

The significance of this Summit should be viewed from two perspectives. First, it brings into focus the global nature of social problems and the universal concern for the urgent need to address the human and social consequences of globalization before they get out of hand. Second, by its decision, the Summit underscores the importance and pertinence of our Organization as an international institution that is capable and appropriately structured to address social problems.

The ILO is involved in Nigeria in many ways. The Organization has assisted us to handle and cope with the scourge of unemployment, underemployment, skills formation and social security. Nigeria appreciates the technical assistance of the ILO and looks

forward to additional assistance in these and other areas.

The nine years of structural economic reform policies have created so much stress and strain in our political and social lives. At this moment the social problems caused by our compliance with the prescriptions of the international financial institutions continue to affect adversely our effort to achieve sustainable economic recovery and indeed development.

These are some of the reasons which informed the decisions of the present administration to reappraise and reassess some key areas of these reform measures. Our objective is to strengthen our institutions and people to cope and contend with the prevailing economic realities of our nation which bear relevance to our national socio-economic aspirations.

In pursuing these objectives our intentions are being misunderstood in certain international financial institutions. As a result, we are being intimidated and frustrated and, in some respects, our sovereignty is eroded in various international fora.

The effect of the structural adjustment programme weighs heavily on Nigerian workers, in both the formal and the informal sector. Government has tried to mitigate these effects without unduly interfering in the affairs of the unions. Among other things, the Nigerian Government has invested 230 million naira in the last four years in assisting the unions to develop their own infrastructures. This is in addition to the assistance given to them in the sum of 200 million naira for the ongoing construction of their secretariat in Abuja.

As regards employment and the unemployed in our wider society, we have set up the National Directorate of Employment for the purpose of job creation. Our aim is to create 2 million jobs; furthermore, we have given periodic relief measures and these are being extended to all categories of workers.

There are many more development activities that we can do in this area, but a developing country such as Nigeria does not have adequate resources to deal with its multifarious development problems. Hence, Nigeria will welcome international assistance that will genuinely lead to growth and development.

The ILO, in its 76th year now, more than ever before requires to be fully equipped to face the challenges of today and tomorrow. We believe that one way of assisting the ILO to play its part effectively is to support its budgetary proposals as put forward by the Governing Body. This is why we have come here with the sole intention to give the ILO that necessary support that it requires in increasing its financial resources, so that it will be able to contain and extend its valuable services to the wider societies of the underdeveloped and Third World nations.

This is why we get concerned when some delegates speak of strengthening the ILO and yet object to increasing the financial resources of the Organization. This, in my opinion, appears to be contradictory.

May I reaffirm the consistent stand of Nigeria since our joining the ILO in 1960. We support all the ideals and objectives of the Organization and we believe that it should be funded, and it must be funded, fully.

Original Greek: Mr. SKOULARIKIS (Minister of Labour, Greece) – Allow me first of all, in taking the

floor, to extend my warm congratulations to the President and all the Officers on their election, and to wish them every success in their work which, I am confident, can be taken for granted since their personal skills are well known to all of us.

My congratulations also go to the Director-General, Mr. Hansenne, on his annual Report entitled *Promoting employment*, where, much to my satisfaction, the Director-General stresses the ILO's role in ensuring employment.

As we are about to witness the dawn of the new millennium, and as we are evaluating the contribution that the twentieth century has made to the development, progress and happiness of mankind, we could have said that this century has been the century of great expectations and of great disappointment. The liberation of the potentialities of man and the anticipation of creative work that have been achieved by the introduction of scientific knowledge, in mass production and the shortening of time of work, including the technological miracle that followed, have all created the impression that the days of poverty, of adversity and prejudice have all gone forever.

The twentieth century could easily have been named the century in which a divided mankind, a mankind that has been ideologically charged with fanaticism and each time with different interests, has fought and competed with itself for the liberalization of labour. It is about a contrasting effort of liberalization of different practices such as involve the bonds and necessities of the natural environment, and social bonds, seeking to bring to an end to human exploitation, monotonous and alienating repetitive work, social marginalization, intervention of the State, and modern slavery. Today's rise in unemployment and the marginalization of work indicate that efforts to liberalize labour have their limits, at least for the remaining years of this century and in consideration of the forms that these efforts have taken during this time.

The hopeful global vision of liberalizing labour, the first historical moment of becoming conscious of the universality and globalization of human existence, this very vision that has been built on the foundations of science and technology, has been turned into a nightmare, this vision aimed at removing forces that gave their absolute support to controlled or free economies, political totalitarianism or individualism and to the social superiority of a group of people taking advantage of others. The wars and revolutions of the twentieth century are closely linked to efforts to establish work as the principal creative and liberalized activity of man. Instead of this, today we are witnessing economic, political and social changes and the degradation of the concept of work, of the very employment that strives to provide the employee with the possibility of surviving in an exceptionally competitive and unkind environment, accepting without question or criticism the statutory limits, structures and functions involved in securing a place of work. In fact, this is happening at a time when the necessary international democratic institutions are absent, while the globalization of the economy, on the one hand, and the maintenance of social policies at a national level, on the other, tend to create a contradictory situation characterized by doubts and an undermining of the democratic institutions of various countries.

If the developed countries have the luxury of differentiating work from employment – the first as a dynamic force of creating, and the second as a mere bread-winning activity – what can we say about developing countries? What can we say about marginalized and outcast social elements in rich countries? The new global discrimination is between those who have jobs and those who do not – the latter are becoming more and more dependent on charity, social welfare and social relief.

And here is the greatest paradox of our times: if the awareness of globalization was formerly nourished on the basis of the social liberalization of work, dependent on practices of social justice, social relief and welfare, and social care for our fellow man, and in contrast to the economic logic of profit, today its realization is the result of the domination of the economic logic of profit and runs contrary to social sensitivity and understanding of the effects of unemployment, poverty and adversity that are experienced by millions of people throughout the world.

By the end of the Second World War and in the three decades that followed, the developed countries, despite the cost of the cold war, based on Keynesian political economy, managed to create conditions of full employment and at the same time to create a welfare state, notably under market economy conditions. Economic policy was linked to social policy within the framework of a regulative intervening state.

The planning of the relation between economic and social policy could have been made at the moment of shaping rather than at the time of application. The latter would have placed social policy in an inferior position with regard to economic policy. Thus, it was possible to include the cost of social policy in such a way as not to appear as antagonistic to the country's economic policy. The intervening parliamentary institutions, which were in a constant process of development and expansion, have been providing for the possibility of creating a wider approval, both for the economic as well as for the social policy of the State. Thus, the economic, political and social role of work has expanded, and in the final analysis this has upgraded modern society.

The monetary and energy crisis of the mid-1970s led to changes, from a policy of prosperity to a policy of austerity, from a policy of full employment to a policy against inflation, from a welfare state to a free-economy policy. Today, 20 years after these changes, the developed countries are witnessing unemployment that averages 12 per cent without taking into account part-time employment or even occasional employment. Developing countries are experiencing frightening levels of unemployment approaching the figure of one billion unemployed persons, not to mention the quality of employment in these countries. The new jobs that will be created by the year 2000 will not exceed one-quarter, roughly, of the total jobs that the world needs today.

It is interesting to note in this context that developing countries which entered the developed world in terms of free market labour and without building a social state are experiencing growth of their gross national product at a rate between nine and 11 per cent without necessarily undergoing a corresponding decrease in unemployment.

One more interesting element of the limits of employment policies that are possible in a non-regu-

lated labour market concerns the policy of reducing the cost of work as a means of increasing employment. A country with ten per cent unemployment and a 0.5 index of elasticity wishing to reduce unemployment by five per cent, should increase employment by 11.8 per cent and reduce the cost of work by about 40 per cent, reducing employer contributions by 80 per cent, a practice that of course, can be supported by government.

The creation of an international fund is becoming highly important, as it is meant to support policies for combating poverty and unemployment throughout the world, particularly in the developing countries. This need has existed since the time of Keynes, and it was supported at the recent Summit for Social Development, attended by Heads of States and Governments in Copenhagen. If it is realized, it could place the responsibility for development on the international community and thus would reduce the speculative character of various isolated national development policies.

The unification of economic and social policy for labour within the framework of international intermediary parliamentary institutions in an environment of tough economic competition becomes a precondition for changing a policy of maximization into a policy of development. Social policy in labour must be integrated into the economic union.

International institutions that secure and promote measures for healthy and safe conditions for employees, for their democratic union rights, for their social protection and care, as well as for a more equitable distribution of produced wealth, will constitute a starting point for the democratic control and regulation of the global labour market.

The experiences of the past two years has shown that European economic policy is not likely to get anywhere near the target of creating 20 million new jobs by the year 2000.

At the same time, Europe is facing difficulties aplenty: illegal immigrants adding to the already high jobless rate, increasingly severe international trade competition, and the increasing need for assistance to countries with economies in transition. One should also bear in mind that the economic and technological reconstruction being attempted by the European Union cannot catch up with that of competitive countries and unions, which results in a tendency toward deindustrialization, particularly in less developed European countries. We must add the fact that the labour force is getting old, a tendency that requires specific attention and welfare policies.

Under these conditions, Greece, perhaps less hit by unemployment to date compared to other European countries, is suffering from widespread deindustrialization and is pressing ahead with the vision of a social Europe as a basic political strategy. Greece is interested in the development of investment activities that include the social factor and promote employment. This is because Greece believes that the political and social cost for all those countries that are not promoting unification of the economic and social policies regarding labour will be much greater than the cost that should be borne today for social care and relief.

Political and social institutions which support social dialogue among community partners with the contribution and support of the State could play the role of legislator on socially sensitive practices con-

cerning development policy for employment and against unemployment.

An important problem facing almost all countries in the European Union is that the labour force is getting older. A possible solution could be an early retirement scheme, so as to fill this manpower gap with younger employees.

The Union is also focusing its attention on the social dimension of international trade. Action is needed to improve working conditions of workers.

The ILO has an obvious part to play in exploring ways of solving the problem. In this regard, the ILO should of course be inspired by the basic principles that govern its own functioning and that of every truly democratic society, such as abolishing forced labour, forbidding child labour, allowing the freedom to organize and granting the right to collective bargaining.

Original Arabic: Mr. EL KHAZEN (*Government delegate, Lebanon*) – The Labour Minister has asked me to read for him the speech which he has prepared as circumstances have prevented him from coming here himself. First of all I would like to congratulate the President on the confidence placed in him by the Conference. I would also like to pay tribute to the efforts which he and his colleagues are making to ensure that the work of this Conference is a success despite the conditions prevailing in the world today.

Before going into detail on the Report of the Director-General, I would like to pay my respects to him – first and foremost because the visit he made recently to my country was a fruitful one. It bore witness to the fact that all the institutions of the United Nations system, as well as other organizations, could now return to Lebanon and reside there, because they can now enjoy security and stability as well as the hope of reconstruction and human development. Next, I would like to tell him that my country will continue to host the Regional Office of the ILO so that it can continue to help the 14 countries of the region, including Lebanon.

Finally, I would like to assure Mr. Hansenne and his colleagues – especially Mr. Dajani, the Assistant Director-General – that everyone – Government, workers and employers – will do everything possible to guarantee the success of their mission.

In the past four years, Lebanon has succeeded in ending the chaos which prevailed during the savage war which lasted for more than 15 years.

The unity, determination and solidarity of the economic and social forces of Lebanon, particularly of its workers, as well as assistance from the Syrian Arab Republic, under the leadership of President Assad, have helped Lebanon bring about a miracle in the reconstruction of its country after its enemies had counted on its disappearance. The armed militias have been done away with, weapons have been collected, and we have been able to put an end to acts of aggression against persons, as well as public and private poverty; all this has allowed rights and freedom to be born anew.

And as if that were not enough, the Lebanese have reformed their parliamentary democratic system, based on a new national charter. They have also elected their representatives to Parliament. New constitutional governments have been set up and the judiciary has resumed its independent course so as to ensure that justice prevails in society. The Lebanese

have also reformed the armed forces and their national security forces and established a constitutional court to be able to keep a check on Presidents and governments so that we can look to the future with confidence.

In this climate of security and political stability a movement for reconstruction and development was launched which has enabled us to recreate the infrastructure of our country and develop our resources.

We have achieved all this with limited resources and without any international assistance – although we need this urgently to rebuild what has been destroyed, to import modern technology and to prepare for the major changes of the twenty-first century.

I might add that all the problems my country has faced had an impact on our labour force which – imbued with patriotism – was prepared to make every effort and undertake any sacrifice. Indeed, it was able, throughout the war, to preserve its unity, its trade union freedoms, and its particular status in society.

The period of reconstruction, of which the Lebanese are alone in assuming the political, social and financial costs, do not allow the State to provide the benefits which the labour force requires. Nevertheless, the least it can do during this period of reconstruction is to provide all workers with their daily bread and a secure future by adopting legislation in conformity with democratic principles. Our economy is a liberal one and promotes development, with a view to guaranteeing social security for all our citizens.

Having said this, the Director-General's Report this year is very different from other reports we have seen in previous years. He reviews the employment situation over the past 75 years and describes prospects for the future. The Report reveals three realities.

First, our modern era is undergoing widespread economic change. This may be attributed to many factors, such as major economic regroupings and rapid scientific and technical development. It is therefore not surprising that my own country, as well as other countries, for reasons beyond our control, has been unable to keep pace with these major world changes. Our economic structures and means of production have remained behind the times. We thus need a new culture to develop these structures to be able to respond to the new world changes. If we are to be successful, we must review many of our policies, much of our labour legislation, and university, vocational and technical training. Lebanon is starting to give due attention to all these matters – even more so as our existing productive base is not sufficient to provide for our needs. Indeed, many professions and trades are facing a severe crisis because of the far-reaching changes which have taken place.

The second reality is that international cooperation over the past 75 years, in the form of human development programmes, has not borne fruit. Economic and social disparities are widening – as are those between nations. What will happen if our world is divided into two by technological progress? On the one hand, there will be a world which is rich because of its science, technology, resources and skills; on the other, there will be a world which is in the grip of poverty because of its limited means and

low living standards – especially if international cooperation does not hold out hope for a better and more just international community.

The third reality is that many of our workers live in a climate of fear rather than being able to promote well-being and social progress, because state budgets allocate more to arms than to development, reconstruction and international cooperation.

These three realities give rise to three questions: first of all, how is it possible to assure the well-being of all the peoples of the world? The answer is clear. For many years, nations have fought for more civilized societies; yet these continue to be victims of discrimination; there is continuing child labour; and workers continue to be deprived of trade unions which, themselves, are deprived of freedom and legal guarantees. Our Organization cannot solve all these problems because its role is of a moral nature. We need assistance but we do not need an international labour police force. We therefore call upon it to restore some balance.

We believe that our membership of this Organization will help us to strengthen international cooperation and improve the living standards of workers in the world. The process of reconstruction in Lebanon is, in our opinion, a brave attempt, whether it concerns the material reconstruction or human development. The process of reconstruction in this country, which might be small in area but is great in its ideals, is based upon the principles of justice, law and liberty. And we are scrupulous in implementing our labour legislation. It is not merely based on the principles of this Organization but also upon free and tripartite cooperation.

One of our greatest social institutions is the National Social Assistance Fund, now under the management of the three social partners; and we are trying, through this fund, to fulfil our social needs.

Allow me to be candid. There can be no attempt at progress as long as Israel continues its systematic terrorism against my country. Israel is a very serious obstacle to the plans for reconstruction and development which my country is undertaking.

Original Portuguese: Mr. LANÇA (Workers' delegate, Portugal) – On behalf of Portuguese workers allow me to congratulate the President on his election and to express my wishes for the fruitful and constructive outcome of the work of this session of the International Labour Conference.

I would also like to congratulate the Director-General on his excellent Report in which he not only carries out an in-depth study of the overall employment situation but also points out some of the ways for the international community to tackle and to solve this crucial problem.

What we are witnessing today is the internationalization of economies, the interdependence of peoples and continents, and globalization. But alongside this globalization and interdependence appears another movement, particularly in the sphere of labour relations, showing a tendency for the adoption of individualistic solutions. This contradiction, illogical as it is, brings about clashes and obstructs the normal path of human societies.

Against a background of various activities, qualifications and the diversity of roles and jobs, the need for coordination becomes evident, as well as the need to harmonize their multiple complementarities.

This coordination demands firmer regulation and not the total deregulation brought about by individualistic solutions. As clearly underlined in the Director-General's Report, this is not the path that leads to job creation since it also jeopardizes the promised harmonization resulting from the promotion of workers' rights.

This is the reason why we place ourselves among those who refuse this increasingly dualistic society in which we are living. A society which has more central countries, from whose hyperactive workers more and more is required, whilst in the periphery, vast masses are increasingly pushed towards exclusion.

We are living in a dualistic society from the point of view of market economy and of market considerations. The market is used, for instance, for dealing with financial and monetary policies, but it is used in a totally different sense when we talk about wages or the effect of wages on inflation.

Let us for a minute consider the dimension of wealth produced by mankind and the existing economic possibilities. They are immense! But because there is no control over the machinery governing creation and distribution of wealth, imbalances appear among continents and countries, and also within countries, even the wealthiest ones, where the number of excluded citizens is sharply rising.

Therefore, in our view, the search for more definite solutions for employment inevitably requires that we tackle the issue of the distribution of wealth. It is possible to find solutions if we carry out expansionist macroeconomic policies, particularly with greater real convergence.

In Portugal, when we look at the country in its full and real dimension, economically and socially, we have to conclude that its macroeconomic dimensions and its national averages hide many imbalances.

To start with the question of education and training, which we all admit must meet both present demands, and more particularly future requirements. As generally recognized in my country, Portugal, this is, however, not the path which is being followed. In fact efforts essentially geared to the present may threaten the medium- and long-term results. This is what happens with programmes which have little to do with the real needs of the economy, and which are frequently implemented only to reduce the growing unemployment figures.

Massive lay-offs, dismissals and unemployment are not inevitable, but where are the policies, the financial resources and the responsibility of economic decision-makers and bodies which would be able to generate solutions?

The so-called local employment initiatives, disconnected from global job-creation policies, nationally coordinated and managed through programmes which are simply aimed at maintaining power, are not in themselves the proper solution for employment.

What is necessary is to make full use of local synergies by ensuring people's full participation in their places of origin and in the communities to which they belong.

In a country in which all figures indicate a rate of around 25 to 30 per cent of covert employment, the question of regulating the working conditions of homeworkers takes on added importance.

It is a fact that in the Madeira Autonomous Region embroidery homeworkers, through their union's

perseverance, have achieved regulation, which even though not perfect is nevertheless worth mentioning. On the other hand, in central and northern areas of the mainland, there are several thousand homeworkers making shoes and clothing who are at the mercy of the law of the jungle, and child labour is not unknown in these areas either. We therefore greet the excellent opportunity provided by the International Labour Conference to produce a Convention contributing to the regulation of this serious problem.

Finally, I would like to stress how important and necessary it is to make Portuguese one of the ILO's official working languages, a suggestion already made by the Portuguese Government representative. There are 250 million Portuguese speakers throughout the world, and we are proud to have among us the heroic people of East Timor, who are engaged in a just struggle for their self-determination and independence.

Mr. RANA (*Employers' delegate, Nepal*) – On behalf of the Employers' Council of Nepal, permit me also to extend my heartiest congratulations to the President and the Vice-Presidents on their election to chair this 82nd Session of the International Labour Conference.

The promotion of employment is a very laudable and important goal, and has to find favour with employers all over the world. Growth in any sector automatically means the growth of employment. Our country has only recently embarked on the path of a free and liberal economy, and I expect we shall make giant strides in the future. However, we also believe that one cannot liberalize markets on one hand and, on the other, still try to provide safety nets and western-style social security systems. We in Nepal are trying to come out of a totally agricultural system where the need of the hour is the creation of jobs. We are doing our best to cope with a very high degree of urbanization where employment has to be promoted to keep people off the streets and save them from the clutches of poverty and starvation. The security of the workers is important, but so is the survival of the enterprises. We cannot only look towards the interests of the minority who already have jobs but also, as responsible citizens we should be able to solve the problems of the larger number who have come in from the villages and are still unemployed. We firmly believe that our Government has to create an atmosphere that is less restrictive and regulatory if we, as employers, are expected to tackle this situation. This is not to say that we wish to escape from our duties as responsible employers. A previous delegate brought up the question of child labour in our carpet industries. For the record, I wish to state that the employers, in conjunction with the Government, have systems in place which have to a large extent, if not totally, solved this problem. Inspections have been carried out and buyers have been invited to carry out their own surveys also. Now no carpets may be exported unless the manufacturer receives a child labour free certificate, which is granted by the competent authority.

Employment cannot be an end in itself. No employer is willing to create a situation whereby the unemployed become the underemployed in some state-subsidized enterprise. We believe that employment consists of three major points: first and foremost it is a contract of productivity; secondly, it gives

the workers the right to decide on their choice of work; and lastly the employer has the right to demand the required level of efficiency. The system of employment protection legislation, while securing the rights of the workers does to some extent act as a disincentive towards this end. We have to have laws that are flexible and practical and there has to be greater freedom for employers to hire and fire. We understand that in the short term there will be some requirement for minimal protection and regulation by the Government under their investment and industrial policies; but they should not cause us to have to go against global trends.

The basic challenges to all the countries of the world, be they small or large, is to provide their people with an improved quality of life. Full employment is the only way in which this goal can be achieved. The issues of providing the means could be different, because of the stage of development of each country. The world has become a global market also for employers and employees. No longer are employment problems limited to within one's own boundaries, they have started to play a role and affect the situation in other countries. This has created an area of interdependence between the developing countries and those countries who are in the vanguard of industrial development. Therefore, the failure of any nation to create and provide adequate employment will cause labour migration to those countries who can, thus sometimes creating major problems.

Promotion of sound and productive industrial relations is also a major priority for all employers. The challenges for developing countries are far greater than those of developed countries. The formation of a multi-party democracy in my country has aroused high expectations among the people in general and the labour force in particular. As we all know, the ushering in of a democracy does not mean an immediate increase in living standards; as a matter of fact with the advent of a free market economy it is going to get worse before it gets better. It is here that I see a greater role for the developed nations and the ILO in helping to ease the transition process that is taking place in countries like ours. What is required here are awareness and education programmes for both workers and employers to help them to survive together in this changed context. I would be remiss here if I did not mention the support we are already receiving from the ILO Bureau for Employers' Activities, NIKKEIREN International Cooperation Centre, the Danish Government and the Friedrich Normann Stiftung who are to some extent helping us to achieve these goals.

With your permission I would like to put forward a few ideas which would help to foster employment in countries like mine. The new economic initiatives need responsive and proactive government policies which decrease intervention in business affairs.

Employment has to be made an honourable and productive bond or agreement between the workers and employers so that rights and responsibilities are equally matched at the workplace.

Trade unions will have to play a productive and responsible role not limited to wage and facility negotiations.

Human resources development has to be given major importance by all the concerned sectors since retraining and re-engineering are going to be very

important for most enterprises forced to adapt to changing circumstances.

I am convinced that the above points are vital for generating employment in those developing countries whose enterprises are trying to keep up with the competitive challenges brought about by the recent changes in the global market-place. Several restrictive standards and practices, rigid labour market rules and inflexible wage systems are beginning to have a negative impact on increased private initiatives and employment opportunities. I believe that the time has also come for the ILO to evaluate the impact and relevance of these past policies and activities in the present context and through its good offices to endeavour to bring about positive changes in the interests of the workers and employers of the world.

Mr. MOORHEAD (*Employers' delegate, United States*) – On behalf of the United States employers, I would like to offer to the President our heartiest congratulations upon his election at this session of the Conference. We know that under his leadership and that of his excellent Vice-Presidents, the Conference is in good hands.

The United States employers commend the Director-General for focusing on the need to promote employment. It is a position which the employers in general have been urging the ILO to undertake for a number of years. As the Director-General so correctly notes in the preface to his Report, "the task of creating sufficient new jobs to overcome unemployment, underemployment and problems of low pay ranks as the primary challenge for economic and social policy in countries at all levels of development across the globe".

Having said that, I would have hoped to see the Director-General propose an agenda for the role the ILO could play in dealing with the problem he so eloquently outlined at the beginning of his Report. Instead, we have a Report which in some cases correctly analyses the issues, and in some cases, such as that of my own country, does not. The Report reflects the ILO's penchant for regulation as the panacea for our problems. There is a concentration on multinational enterprises and their alleged "footlooseness". The Report also concentrates on how multinationals somehow manage to debase labour standards, while in fact, in his own Report, the Director-General points out that multinational enterprises account for only 3 per cent of the total world labour force. At the same time, he ignores the recent OECD report which concluded that multinational enterprises generally uplift labour standards in their host countries.

In the time allotted, I would like to concentrate my remarks on the situation in my own country. In his Report, the Director-General states that new jobs have been created in the United States, but at the cost of labour productivity gains. This simply is not the case. This year, 3 million more of my fellow countrymen have jobs than did last year. Output per hour and real compensation per hour in the non-farm business sector have steadily increased, particularly in the last few years. In fact, the productivity growth last year of 2.4 per cent equalled the usual average growth rate enjoyed by the United States in the years prior to 1973. A recent study conducted by McKinsey and Company of worker productivity worldwide

showed conclusively that United States workers were by far the most productive in the world. The two economists who conducted the study expressed surprise at the main reason for such high productivity: the flexibility United States employers have in managing the business enterprise.

There is a direct correlation between the level of productivity and standard of living. It should be no surprise therefore that the real purchasing power of United States workers' earnings exceeds that of all other developed countries.

A myth which is shared by the Director-General and some in my own Government is that improved worker well-being depends upon labour standards or upon the Government. The truth is that new jobs depend upon economic growth, which is impeded by the high cost of workplace regulations which do not match the characteristics of today's workplace. In a fiercely competitive global market, workers' job security and real compensation depend upon productivity growth and the success of the company for whom they work, not government protection. The main determinants of productivity growth are investment decisions by firms and individual workers, and these decisions are in 97 per cent of the cases made by local employers and workers based upon their ability to compete in their specific market, and not by multinational enterprises.

In this connection, there is now under way in my country a massive re-examination of workplace regulation at both the federal and state levels. Recognizing the need to update laws and reduce regulations which in some cases are over 60 years old, there is an emerging consensus on a new employment policy for the twenty-first century which will keep the United States competitive with the rest of the world. Without doing away with basic worker protection, we are looking into introducing as much flexibility as possible at the workplace, so that workers and employers together, and without government intervention, can find the solutions which will best fit their needs and the needs of their customers.

Meanwhile, at the ILO, we spend our resources to create new regulations which will impede change and lead to a loss of jobs. We concentrate on adopting Conventions on part-time work and attempt to draft one to regulate home work.

The Director-General notes that real wages have declined in the United States. The statement ignores the fact that today, in real dollar terms, over 65 per cent of the United States workers' real wages have grown substantially since 1950. In constant 1977 dollars, family income is, in the United States, distributed around much higher levels for every income quintile. At the same time the lowest fifth and the highest 5 per cent of families receive, in constant dollars, the same income share as in 1950.

The statistics in the United States simply do not support the Director-General's assertion that the "American model" is one of, and I am quoting the Director-General, "sharing low incomes by giving jobs to a large part of the labour force at the risk of creating a whole class of working poor". The real dilemma, and not just in the United States, is how to reintegrate a significant share of the workforce through training and education, into an emerging global enterprise system which pays a premium for the education and skills that some workers have not developed.

Many of our workers are no better prepared for the new global market-place than any other country's workers. The new global market-place will see an accelerating pace of technological change, along with the conversion of work from simple to multidimensional tasks.

What better organization at the international level is there than the ILO, with its consultative tripartite structure, to bring the collective wisdom of all of us to bear on these problems? Instead of promoting change, the ILO tries to control it. This strategy is costly in the short run and futile in the long run.

The economic and political circumstances of today's world are vastly different from those that prevailed when most ILO standards were adopted. Rapid change and international competition are here to stay. The ability of workers and employers to play a central role in the political and economic life of their respective countries requires economic growth, productive employment and job creation. The emphasis of the ILO should be on refocusing existing standards to meet contemporary realities. Moreover, it is time for the ILO to place its primary emphasis on technical cooperation, education and training that assists member States, workers and employers to develop the necessary infrastructure and tools to compete and succeed in the global economy.

As I said to this body last year, there is a global economic revolution under way in the world of work, and the ILO cannot stop it. However, by using the unique strength of the ILO, its tripartite structure, we can perhaps make the transition into the twenty-first century and the new global market-place easier for all of the workers of the world. We urge the Director-General to lead us in that direction.

Mr. SZIRMAI (*Employers' delegate, Hungary*) – I would like to join the numerous other speakers who have congratulated the President on his election to this important post and express my confidence that he will be successful in his work. It is a great honour for me to address you as the Employers' representative of a country that is internationally known for advancing dynamically from a planned economy towards a market economy.

Hungary is generally recognized for its pioneer role in the development of the institutions of market economy and also the widening of the market within the Central European bloc. Therefore, I feel it would be beneficial to mention the problems we encounter in the course of this development and the solution of which could certainly be aided by the creative processing of international experience.

The political change in Hungary, adjusting to a democratic system as opposed to a one-party system, took place a few years ago. Despite the economic problems, unemployment was a virtually unknown phenomenon until 1989. In December 1989, there were 40,000 unemployed persons registered in Hungary. The number grew to 400,000 by the end of 1990 and by 1991 it had reached 700,000 which was approximately 14 per cent of the five million employed. This rate has stabilized since then although many researchers have asked the question "Can the stabilization of the unemployment rate be attributed to statistical registration or rather to the positive economy processes?" I myself think that both factors play a role. Nevertheless of the positive economic processes I would emphasize the economic dynamism of the

people and the strengthening of the small and medium-sized enterprises rather than the effectiveness of the employment policy of the Government.

Democratic reform was accompanied by the sudden growth of income differences and the spread of unemployment and as a result numerous social strata were stricken by poverty. With some simplifications but nevertheless grasping the main idea, this very process was the cause of the victory – exceeding 50 per cent – of the left-wing Socialists in the 1994 elections. This new situation carries infinite dangers for both us, the employers, and the institutions of democracy as well.

The parliamentary opposition, forced into the background during the law-making process, can only criticize the governing majority the Government but it has no real chance for influencing it for reasons of size.

One of the factors contributing to the victory of the Socialist Party was their close cooperation with the largest and strongest party trade unions formerly linked to the state party. Thus several trade union activists made it into Parliament. Unfortunately the number of employers sitting on the benches of Parliament is much less as their performance during the elections was so much poorer than that of the trade unions.

The Socialist Party was quite aware that the citizens voted for their hopes and dreams and they attribute to the Party certain promises, never actually made even during their campaign (such as the ending of unemployment the drastic reduction of inflation, already above 20 per cent).

All this is paired with a misguided economic political philosophy – misguided according to us employers – which philosophy has for ten years dominated economic policy regardless of party. This philosophy is the concept of monetary restriction which, in the definition of today's Government, holds that first economic stability should be established, and only following the stabilization can development be placed on the agenda. This misguided policy leads to the conscious and deliberate slowing down of economic development, whereas the question of development has not arisen for years. In the past six years industrial production fell by 40 per cent and agricultural production by 45 per cent. Thus the goal of equilibrium can only be realized on a decreasing level of employment and living standards.

For many years foreign investors and investment have applauded our efforts and results in the development of a market economy. Hungary, with a population of ten million, still attracts more Western investors than the much larger Russian market. I must mention the fact that after the electoral victory of the Socialist Party, the rate of privatization has slowed considerably and the governing party's lack of commitment to privatization, is not justified by numerous successful privatizations so far. We feel that the real cause of this is not so much the lack of intent, rather the uncertainty and fear of decision-making and the wish to avoid any risk. According to all reasonable expectations the receding economic situation should have led to greater recourse to tripartite conciliation. Nevertheless in the past year, despite feverish efforts, the socio-economic agreement was not signed following the elections. The social partners generally felt that the Conciliation Council was forced into the background when important economic decisions

were made. Social tensions are growing and the premonition that the idyllic era of decades of social peace in Hungary is over does not seem to be exaggerated. Although I must add that up to now there has not been any serious conflict in Hungarian private enterprise, and that most strikes and other conflicts took place in State-owned companies.

Such an economic and social situation always carries the danger that there might be forces trying to use the tensions to their advantage and whose interests lie in the destruction of the democratic institutions and for whom market economy can only be imagined with their own political and economic monopolies.

The National Association of Entrepreneurs, the organization I represent, is interested, along with other Hungarian employers' organizations, in the preservation of democratic institutions. The economic policy we urge solves the social problems on the basis of economic development and we believe that this is of interest not only to the employer but also to employees and the whole of society. Many times we have experienced obtuseness from our friends living in market economies because it is difficult for them to accept that the unemployment of Western Europe in the 1970s and 1980s, caused by rapid economic and technical development, needs a very different type of treatment from that of Eastern Europe, largely caused by the lack of economic production and effectiveness. Training and retraining for such unemployment can only bring success in the long run, as it is difficult in the short run to achieve a dynamic industry, and it is exceptionally hard to ensure the necessary resources for the organization of the social safety net. This specific historical situation has two further implications: firstly, in the post-socialist countries not only the trade unions but also the new employer organizations need the help of the international community; secondly, in the application of ILO standards, we have to look for most flexible ways and methods of application to avoid excessive regulation.

Therefore we ask the United Nations, investors and the International Labour Organization to consider these particular circumstances, and consider that in these economies, especially in regard to Hungary, the developed socio-political system of benefits is not yet on the agenda, rather the opposite in some respects, namely the dismantling of an unfounded and backward system of social benefits characteristic of socialism and the commencement of economic development based on effective employment.

The National Association of Entrepreneurs has already received much help from the IOE and the ILO within the framework of their programme directed at training our experts. We hope that Hungarian employers can continue to count on the support of these international organizations and the United Nations.

Mr. FLYNN (*representative of the European Commission, European Union*) – Can I begin by offering my congratulations to Mr. Rosales Argüello on his unanimous election as President of this session of the Conference. I am delighted to return to this important forum and I am pleased that you are focusing here so closely on social and employment concerns.

We have collectively much to be concerned about and much to share. The tripartite nature of the ILO

and the balanced way that it addresses global issues very much reflect the European Commission approach.

We too are clear that close cooperation between governments and the social partners is the only way to ensure the relevance and quality of decision-making and to bring stronger commitment at all levels to implementing such decisions.

This process is crucial to our shared aim of achieving a just, productive and working society for the twenty-first century.

Because that is the task, and as Mr. Hansenne's excellent Report *Promoting employment* makes clear, it is very much a matter of interdependence. The world is interdependent to a degree and depth unimaginable 20 years ago in terms of capital, trade and production, in terms of technology, environment and people. And we must see this interdependence as a strength not as an inconvenience. As I made clear at the World Summit for Social Development in Copenhagen, I believe a special responsibility in this matter lies with the wealthier, more industrialized countries represented here.

The World Summit made progress. It brought our social and employment problems into stark focus. But a quantum leap is still required in our readiness and capacity to tackle poverty and inequality at the global, regional and national level. We must make economic policies more people-centred and employment-friendly.

Wealth creation – through open markets and competitive forces – must be channelled into what people want and need most; namely the opportunity to work and develop skills, a decent standard of living, equality and fairness. We must, in essence, enable people to be productive, so that they can create the wealth and jobs which can offer prosperity and stability.

The labour market is changing fast. New and more productive jobs are being created while old jobs are disappearing. There is a 10 per cent turnover every year in the stock of jobs. The speed of change is remarkably high.

The skill requirements of the new jobs being created are higher than for those being lost, putting severe pressure on our education and training systems. But in these systems, the speed of change is much less, capacity is too low and adaptation to new conditions is slow.

We have found ourselves, in much of the world, with a two-speed labour market, bringing great re-employment problems for those who lose their jobs and at the same time difficulties for expanding firms to find skilled labour. This leads to slower growth and continued pressure on public finances.

As the Report *World Employment 1995* highlights, we need to respond with new approaches to human resources investment. We need to acknowledge the benefits of appropriate regulation to market functioning. We need to develop new, more positive relationships between work and welfare. And new patterns of work must be embraced.

We are learning these lessons in the European Union. They are reflected also in the Director-General's Report, and I agree too with the stress placed by you on the need for closer coordination between economic and employment policy. The European Union has recently moved a step closer to achieving this.

The European Council at Essen in December last agreed an important new Union-wide process to gauge and improve employment performance. It is an inclusive process bringing together the agendas of our Economic and Social Committee and EcoFin Council. It draws heavily on social partners' involvement and that of other institutions.

The key facets of the Essen conclusions relate to a stronger push for training, employment-intensive growth, reducing employers' cost obstacles to recruitment, and stronger action to help those most affected by structural unemployment. The importance of small and medium-sized enterprises and local initiatives and capacity is also stressed.

So we have some of the building blocks in Europe to shape a more productive and inclusive society, but we have much still to do, particularly in terms of new skills and capacity building, shaping economic policies towards job-generation and ensuring sustainable development.

But, in endeavouring to tackle its own problems, the European Union recognizes the need for openness and equity in its dealings with the world at large.

As the world's foremost trading power and, with its Member States, the largest aid donor, it has a key role to play in helping to build a better world for the poor, in generating productive paid jobs for the unemployed, and in ensuring optimal social integration in our ever-more diversified societies. And if we are serious about obtaining these objectives, sensible economic policies which positively reflect our interdependence will have to be pursued. World economic and social development cannot simply be left to market forces.

We of the wealthier nations will have to make a renewed commitment to help our less developed and less wealthy neighbours to meet the growing challenges posed by globalization of the market-place, by the ever-increasing pace of technological progress, by the structural causes of unemployment and social exclusion, and by dualization of and between societies.

The protection of human rights and of the basic rights of workers must also be an integral part of the equation, and I hope now that the political commitments made at the World Summit will be translated into practical measures. Within this, we must find the best means to promote ILO Conventions on child labour, forced labour, rights of association, collective bargaining and non-discrimination.

The European Union recognizes the reality of global interdependence and the mutual need to secure each other's economic and social development. We can and must build positively on that interdependence. And while we may each have different starting and finishing points in the process, we must share direction if the objectives of the Copenhagen Summit, widely shared in this forum, are to be achieved. And for our part, the European Commission is committed to building on the Copenhagen results and we will play a full part in making it a live agenda, not a dead letter.

The ILO has a hugely important place in this equation, and I look forward to continuing to work together in helping to make the world economy focus clearly on sustainable employment and social progress.

Original French: Mr. CUCU (Employers' delegate, Republic of Moldova) – I would like to congratulate

the President on his election. I am very happy to have this opportunity to address you from this rostrum on behalf of the employers of the Republic of Moldova. May I warmly greet and extend my best wishes to the participants in this international forum. I am convinced that the work of this Conference will culminate in the adoption of certain documents which will be really useful to us.

The issues examined at this session are very topical, above all for the countries in transition to the market economy, which include the Republic of Moldova.

The economic reforms promoted in our countries are bound to have an impact on the utilization of labour. Large-scale privatization, the elimination of hopeless and unprofitable enterprises, demonopolization and the creation of new enterprises are giving rise to structural transformations and growing unemployment.

Unfortunately, unemployment has, in the first instance, affected women, the disabled, the elderly but also young people, following the declining levels of production and other negative factors in the urban economy which have triggered a process of migration from the countryside. But it must be emphasized that the situation of country dwellers is also bad because of the intensive methods used in agriculture, the privatization of state farms and collectives, leading to a rise in rural unemployment.

It should be noted that the present system of social protection, in particular, is inherited from the centralized system of social consumption funds.

The main thrust of the new social policy should be to raise individual incomes so that they can meet the socio-cultural needs of the population. Social funds must be used to guarantee a minimum level of social provision for all sectors of the population. People unable to work must be assured of a higher level of consumption free of charge, whereas those who are able to work must be able to raise their living standards through their work and through their personal income.

At present, wage levels are not producing socially desirable results. They are ceasing to function as an incentive and are related in the first instance to the minimum consumption basket. One major social task is to provide incentives to work. Wages must fully reflect the real cost of reproduction of qualified manpower. In this context the development of certain forms of alternative employment are of great importance: home work, cooperatives, self-employment and so forth. It should be noted that in the past three years the number of people employed in the non-state sector has increased by an annual 12 per cent.

Foreign investment could, to a certain extent, improve the employment situation. At the same time new technologies could be imported into our country as well as a new attitude as concerns labour incentives. The authorities clearly understand this fact, as is demonstrated by the adoption of legislation favouring foreign investment.

The proliferation of new enterprises and production units in response to market forces and the formation of a market infrastructure urgently requires a broader approach to retraining particularly in the fields of management, marketing, finance, credit, accounting and other important specialities. Such retraining can be done at enterprise level with the maximum

support from the appropriate government authorities.

The situation that has been created requires re-examination of the range of subjects taught and the curricula now used in the educational system.

International organizations consider that the Republic has passed the point of crisis and it is expected that the economy will begin to recover this year. It is certainly true that the present crisis can only be overcome if a scientifically well-founded programme of social and economic development can be set up in which the problems of the proper use of manpower would be singled out for special attention.

An ever more important role in improving the situation as concerns the use of labour is played by tripartite consultations and negotiations. In taking our first steps in this area we are taking advantage of the opportunity provided by the ILO to familiarize ourselves with the experience accumulated by the international community.

In conclusion I would like to express our conviction that the role of the ILO will grow stronger, which will help more effectively to resolve the problems now facing the human race as well as future generations. Our country will spare no effort to promote the principles of the ILO.

Original Chinese: Mr. PAN (Employers' delegate, China) – First of all, please allow me, on behalf of the Chinese enterprise directors, to congratulate the President on his election to chair this session and meanwhile congratulate the Vice-Presidents on their election. I am sure that under their leadership this Conference will be a complete success.

The main theme of the Director-General's Report to this session is employment promotion which is obviously a subject that has drawn the world's attention. At present, on a world scale (particularly in developing countries) unemployment and poverty are outstanding problems. In its work the ILO should give priority to promoting employment and eliminating poverty and should actively conduct international cooperation in order to help those countries with serious unemployment and poverty problems. Measures to be taken should be practical and effective in the light of the different conditions of the countries, to alleviate the pressures on employment, which would surely be welcomed by all.

The World Summit for Social Development held not long ago adopted a Declaration and Programme of Action for employment promotion and poverty elimination that underscore their importance for social and economic development. Promoting employment is aimed at eliminating poverty and advancing social and economic development. Only when the economy develops will there be sufficient capital to expand production and create more jobs, thus reducing poverty.

From a global point of view, in promoting employment and eliminating poverty it is necessary to make the world environment favourable for developing countries with serious unemployment and poverty problems. International cooperation in trade must be based on equality and mutual benefit. Any practice to restrict development of developing countries will not help realize the objective of promoting employment and eliminating poverty.

It is true with every country that the overwhelming majority of all the enterprises are small and me-

dium-sized ones. Therefore encouraging the growth of small and medium-sized enterprises is an important way of developing the economy and promoting employment. In China, small and medium-sized enterprises, including those owned by the State, are owned by collective units in urban and rural areas, and individual and private enterprises. They are distributed in industry, construction, transportation and communication, commerce and other service trades.

China is the most populous country in the world. Since reform in the late 1970s, great changes have taken place in rural areas where as agricultural productivity increases, surplus labour in agriculture is on the rise. China has vigorously developed rural, town and village enterprises, to create more jobs. To date, 120 million people are employed in those enterprises. The number of such enterprises totals 20 million. Now, their industrial output value and export earnings account for one-third of the national total. This shows that by taking into account concrete conditions, which vary between countries, it is possible to adopt effective measures in creating new jobs.

Because of its large population, China is still under great pressure in employment. However, we are optimistic. As reform has deepened, in recent years the tertiary sector has developed in China. Its product now accounts for about one-third of China's GNP. In view of the fact that the tertiary sector accounts for 60 to 70 per cent of the GNP in developed countries, China still has a great potential which also makes it possible to create more jobs.

To help small and medium-sized enterprises, we need more support from the Government as well as more effective support by the society at large such as consulting, training, research and development, and marketing. The organization I represent, the China Enterprise Directors' Association, is active in this field. For instance, in collaboration with the ILO our cooperative project is under way using the ILO publication *Improve your business* to provide small and medium-sized enterprises with training and consulting services.

Pilot reform projects are being conducted among China's large and medium-sized state-owned enterprises. A major difficulty encountered by state-owned enterprises in reform is the problem of the placement of unemployed workers and redundant workers within the enterprises which affects economic performance and normal operation and development of such enterprises. The Government is trying to establish and improve the social security system, especially pension and unemployment insurance, in order to alleviate the burden and promote their development. Furthermore, the Government has strengthened employment management and developed employment and retraining services aimed at employment promotion and improve the health of the economy. At present, the Government is implementing project re-employment which no doubt is good news for enterprises. It is expected to respond to enterprise bankruptcy and streamlining with the mechanism of social security and with re-employment which will help deepen reform measures in the enterprise system and promote the healthy development of the economy.

Just as conditions are different from country to country, so also are methods of promoting employment. In working out its policy of employment pro-

motion, the ILO has to give full consideration to different conditions of various countries.

Finally, I would like to reiterate that any policy or concrete measure that would hinder the economic development of member States will affect negatively the attainment of the objective of promoting employment and eliminating poverty, a situation that member States would not like to see.

Mr. JEETUN (*Employers' delegate, Mauritius*) – On behalf of the Mauritius Employers' Federation, I take great pleasure in extending our congratulations to the President on his election to the presidency of the 82nd Session of the International Labour Conference.

The theme of the Director-General's Report, *Promoting employment*, is highly topical and relevant for both developed and developing economies, since most of them are plagued with severe unemployment. It cannot be denied that employment is an essential element for political, economic and social stability in all countries. We hope that the enriching debate during this session of the Conference will spark off ideas which will help different countries to tailor their own policies and action for employment creation. Of course, there is no magic formula for success in this respect. Each country has to devise a package of policies to suit its specific requirements, particularly at a time when the global environment is characterized by rife competition.

In view of its human dimension, employment is a priority for all countries, but we should not overlook the fact that productive employment cannot be divorced from the development of enterprises. Enterprises are the driving force for economic and social progress; they are the primary source of growth and generator of wealth. Enterprises are the pillar of the economic fabric, just as the family is the pillar of society. However, enterprises do not operate in a vacuum, but within a broad political and economic framework which determines in large measure their development and success. It is vital for governments to provide this framework in order to create an enabling environment for enterprises to generate job opportunities and consequently for the population to reap the benefits accruing in terms of enhanced economic growth, higher per capita income, an equitable distribution of income and a higher standard of living.

We can say without a shadow of doubt that in Mauritius, we have operated within such a framework, and that it has been beneficial to employers, workers and the country at large. The Mauritian economy has continued to have positive growth for 15 consecutive years, with an average annual growth rate of 6 per cent. We have also achieved full employment after undergoing a period of structural adjustment. There has been a judicious blend of policies to encourage employment, investment and growth, while at the same time sharing the fruits of development among all Mauritians.

In the context of full employment, the scope for further growth is seriously limited. Two avenues explored by Mauritius to maintain the tempo of development have been training and the utilization of foreign workers. Investment in human capital is as important as investment in physical capital, and the Mauritius Employers' Federation is a leading player in training in the country. Training is necessary to

ensure higher productivity and the quality of products and to introduce new technologies.

Foreign workers are recruited on a very selective basis, and on stringent conditions when local labour is not available. They represent about 2 per cent of the labour force. They range from skilled workers to technical and managerial personnel. We should emphasize that both local and foreign workers are governed by the same labour legislation and working conditions in the country. We, as employers, operate fully within the legal framework established by the Government in this respect. Furthermore, as an employers' organization, we have our own Code of Practice for Enterprises, which is designed for employers to fulfil both their economic and social role.

Our experience reveals that, while achieving full employment is one thing, sustaining the full employment level is another, as we are confronted with problems of a different nature. In such a situation, there is the danger of becoming complacent. Our labour costs have risen substantially over the years. Average earnings in virtually all sectors are at least twice as high as the prescribed minimum wage rates, due to the tight labour market. As a result we no longer have a comparative cost advantage and we are gradually losing our competitive edge. We can only cope with the acute competition overseas if we can boost our productivity. The setting up of a productivity institution is long overdue.

Moreover, our labour legislation is characterized by a number of regulations established in the 1970s and which are no longer compatible with the needs of a rapidly industrializing economy. We believe that the legislation has to be made flexible to correct structural rigidities in the economy and to promote collective bargaining as the cornerstone of our industrial relations policy. At this stage of our development, it is imperative to promote productivity and collective bargaining. We hope that the Government will set up a productivity centre as other countries that have been successful in their industrialization process have done.

Mauritius has known a long period of industrial peace thanks to the collaboration of and dialogue among all social partners. This has also been a contributory factor in our economic development. We are now on the threshold of the second phase of our industrialization. We can only be successful if we introduce new technology, enhance productivity and invest in training. Once again, all the social partners should rise to this challenge, because the survival of enterprises and the prosperity as well as the quality of life of all Mauritians depend crucially on productivity.

(Mr. Popescu takes the Chair.)

Original Arabic: Mr. BEYDOUN (*Employers' delegate, Lebanon*) – I congratulate you, Sir, on your election as President of the 82nd Session of the International Labour Conference. I have no doubt that with your experience you will lead this Conference to success.

I would like to thank the Director-General of the International Labour Office for his Report entitled *Promoting employment*. Indeed, it did focus the light on the present global problem of unemployment. The Report is inspiring because, although the objective of GATT, of the establishment of the WTO,

of the liberalization of international trade and of the process of globalization is precisely to achieve full employment in the world, the fact is that the GATT came in for broad criticism at last year's session of the Conference for neglecting the "social clause". Moreover, this has given rise to the belief that the outcome of the GATT has been primarily to benefit the industrialized countries through a system that hinders the transfer of intellectual property from industrialized countries to developing countries and forbids the latter to manufacture their raw materials and export them to industrial countries while permanently opening up their own markets to the products of the industrialized countries.

Allow me to present some comments on that Report. The section globalization and employment presents challenging issues and shows clearly what may be expected in the future. It gives a clear picture of the sensitive problem of capital movements, particularly the attraction of capital to the developing countries. In Lebanon, which is a small developing country, we share the concerns presented in the Report over globalization, especially in the area of international inequality where we think the balance will be largely in favour of the industrialized and rapidly industrializing countries. Developing countries will be handicapped in the areas of trade, competition in international export markets, foreign capital acquisition, access to information and productive knowledge, and advanced technologies. In order to share in the gains from globalization, an opportunity must be given to the developing countries to adapt to the situation. Time and concentrated effort are needed to develop their technological capability to upgrade the standard of their production. It is in the interest of the industrialized countries to provide needed assistance in the process of adjustment of developing countries to globalization, since this will be to their own long-term benefit.

The section of the Report on new technologies and employment showed the direct and indirect, short- and long-term implications of the new technologies on promoting employment. However, no mention was made of technological capability and the ability to forecast technological change, and of their relevance to the positive impact of the new technologies. This point should have been emphasized when discussing employment in the developing countries. By way of example, I would like to mention the development of new and advanced material and their short- and long-term effects on both industrialized and developing countries.

This may seem a complex problem, but it would involve a shift in the utilization of many raw materials and natural products and a change in their market value. A shift in the location of employment opportunities can also be expected. Developing countries that have technological capability and an ability to generate knowledge and new technologies and to predict future technological developments will not be the ones who suffer from the kind of developments that can provoke economic and employment tragedies. This makes me want to suggest that future ILO activities focus more on the development of scientific and technological capabilities among developing countries, since that is the basis of economic and social development. Furthermore, I found no mention of the countries of Western Asia or of the Arab region in the section on developing countries. Even if

that were presented by a separate organization, a summary of their activities should be included as part of the global picture.

In the section on reducing underemployment and poverty in developing countries, the direct adaptation of policies designed to respond positively to globalization should be critically and carefully studied. Although these countries have some problems in common, yet each country or group of countries must be taken and studied separately. The strategy for phasing in the changes to be introduced must be carefully planned and implemented.

Global full employment is a great challenge and we agree with the Report that the problem is complex and that there is no simple and painless solution. The mass unemployment in the industrialized countries and the widespread underemployment and poverty in the developing countries are generally related. The former group is rich, more advanced, and accounts for 79 per cent of world production; the latter group has a much larger population, consists mainly of suppliers of raw materials and is an important market for the products of the first group. One could look at it from the standpoint that unless the latter group is developed there will be fewer consumers for the products of the former group.

Attempts to deal with this problem therefore must, as suggested in the Report, involve effective action at both the national and the international level. There should be a common and serious commitment by all nations to achieving full employment, in such a way that each nation at the end benefits from its full share of the gains to be derived from this effort.

I would like to mention a few facts about the employment situation in Lebanon. Lebanon, as you know, is located in Western Asia, to the east of the Mediterranean. It is a small country with a population of about 3 million and an annual increase of 2 per cent. Lebanon is an open-market economy, and had a 3 per cent economic growth in 1991 and 9 per cent in 1994. The labour force during the period 1990-92 was 30 per cent of the population. The distribution of labour among the main economic sectors in 1993-94 was 59 per cent in the services, 27 per cent in industry and 1 per cent in agriculture. The number of workers in the industrial sector was about 140,300 in 1994. The total number of workers was 694,000 in 1990; about 22 per cent of them were women. A recent industrial survey showed that there are about 23,867 industrial establishments, most of them export-oriented, of which 16,000 employ fewer than five workers, 17 per cent employ between five and ten workers, 7 per cent employ between ten and workers and about 20 per cent employ over 20 workers.

The Lebanese Government, I am sorry to say, does not exert enough effort to encourage the establishment of industrial concerns, nor does it give assistance worth mentioning to develop its industrial sector, in spite of the job opportunities the sector creates directly or indirectly in the industry-related services around it.

The Government lacks an industrial policy. Particularly worrying is the fact that it has no basic data on the size of its manpower and the extent of unemployment, and this makes it impossible to plan counter-unemployment measures. This is why we requested the assistance of the ILO, who gratefully responded.

Foreign contributions to Lebanese industry are still limited. In order to attract foreign investments, therefore, our Government has reduced tax on profits to 10 per cent on a linear basis, once cumulative tax has reached 39 per cent. It has also suppressed all taxes on the exchange of shares in shareholding companies in an attempt to encourage the establishment of such companies.

Prior to the civil war in 1975, Lebanon enjoyed a high level of employment and economic prosperity. It attracted foreign capital especially from the Arab countries; the Lebanese economy is now in the process of recovery. The standard of living in Lebanon and the wages are much higher than those of its neighbours. As a result, Lebanon attracts legal and illegal workers who are willing to accept low wages; as a result, experienced Lebanese workers emigrate to seek their fortunes somewhere else.

I hope that I have succeeded in giving you a quick picture of the employment situation in Lebanon. Finally, I would like to thank you and wish all success to our Conference.

Original French: The PRESIDENT (Mr. PO-PESCU) – I give the floor to Mr. Samad, Government adviser of Indonesia, to exercise his right of reply to the statement made by the Workers' delegate of Portugal.

Mr. SAMAD (*Government adviser, Indonesia*) – My delegation has asked for the floor in exercise of the right to reply to the abusive statement made by the Workers' delegate of Portugal this morning, which contained unsubstantiated and misleading information on the province of East Timor.

My delegation feels compelled to set the record straight and right for the benefit of this meeting. Without going into details, the Portuguese colonial power irresponsibly left East Timor in 1975, creating chaos and civil war that cost many lives and much suffering among civilians in this territory. Subsequently, the majority of East Timor exercised their right to self-determination in accordance with United Nations General Assembly resolutions 1514 (XV) and 1541 (XV) by integrating themselves with Indonesia. Since then, East Timor has become the 27th province of Indonesia and has enjoyed equal status with all other provinces in the country.

In this regard my delegation firmly believes this is neither the place nor the time for a delegation to raise political issues. If it were tolerated it would constitute interference in matters which are within the jurisdiction of a sovereign member State.

(The Conference adjourned at 12.45 p.m.)

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Seventeenth (special) sitting

Thursday, 15 June 1995, 3 p.m.

Presidents: Mr. Rosales-Argüello, Ms. Englen-Kefer

REPORT OF THE DIRECTOR-GENERAL ON THE SITUATION OF WORKERS OF THE OCCUPIED ARAB TERRITORIES: DISCUSSION

Original Spanish: The PRESIDENT – Today's special sitting will be devoted to the Director-General's Report on the situation of workers of the occupied Arab territories.

Before giving the floor to the first speaker, I should like to remind you of the arrangements which I announced to the Conference yesterday morning.

First, the maximum length of speeches has been fixed by the Conference at seven minutes, except for those speaking on behalf of a group of countries such as the European Union and the Arab group, who will be given ten minutes, as will the spokesman of the Non-aligned Movement. I urge all speakers to respect this time-limit for their speeches and to abide by the Standing Orders and decisions of the Conference, in order to give this debate the dignity it deserves.

May I also remind you that, if there are any requests for the right of reply, such requests will be granted at the end of the sitting, and they will be limited to two minutes.

Lastly, I would like to remind representatives of non-governmental organizations who have registered to speak that they will be authorized to do so at the end of the sitting.

Original Arabic: Mr. GHOCHEH (*representative of Palestine*) – In the name of God, the Merciful, the Compassionate. Allow me at the outset to express to the President, the Director-General and the Governing Body our thanks for having organized the special sitting to discuss the situation of the workers in Palestine and the other occupied territories, on the basis of this Organization's responsibilities and the resolutions adopted in 1974 and 1980. I would like to express my thanks to all those who are participating in this special sitting for I feel that their participation is indeed a further contribution to a just and durable peace.

The Report of the Director-General before us has dealt with many violations which are still continuing despite the signature of the Declaration of Principles by the Israeli Government and the Palestinian authorities. I would like to stress the deleterious effects of the border closures on the Palestinian economy and on the labour market. Employment in the occupied territories remains a complex problem (paragraph 54): they still have no safety net for workers and vulnerable groups (paragraph 67); the education and training systems are still fragmentary (paragraph

71); the economic and social situation is further aggravated by border closures; there has been no change in the criteria for granting work permits or hiring Palestinian workers. In fact, workers continue to be in a very vulnerable position without any protection and are often subject to discrimination at the hands of Israeli employers, (paragraph 92 ff.).

While fully appreciating the efforts of the Director-General and the mission – in spite of the efforts of the Israeli Government to place obstacles in their way and the Israeli Government's delay before granting visas – we would still like to say that the rather short Report has omitted to deal with certain other very important problems, no less serious than the violations mentioned in it. I refer here to the effects of creating further settlements, the confiscation of land and natural resources, the deliberate policy to destroy the nascent Palestine economy, not to mention depriving Palestinians of their jobs by replacing them with foreign workers with no good reason or justification – all of which has resulted in an unemployment rate of between 38.5 and 55 per cent, and all the social consequences that entails.

In the light of the Israeli policy of appropriating human and natural resources and the continued establishment of new settlements, it has become very difficult to achieve any kind of development. These Israeli policies, far from encouraging investment, constitute a major obstacle to the Palestinian Authority and its agencies in their efforts to solve the problems of the Palestinian workers, whose origin goes back to the beginning of Israeli occupation 25 years ago.

In the light of the foregoing, we ask the following:

(1) Intensified international pressure on the Israeli Authorities to respect the agreements signed with the Palestine Liberation Organization and the Palestinian Authority; to put a stop to their deliberate destruction of the Palestinian economy; to land confiscation and creation of new settlements; and to cease further demographic and geographical changes to the Holy City of Jerusalem. (2) Encouragement of donor countries and international organizations to extend all their assistance and technical help directly to economic and social projects and employment-related projects to help solve the unemployment problem so that the Palestinian people feel the benefits of the peace process. (3) International efforts should be stepped up to make the peace process a reality and to ensure the implementation of the Security Council resolution concerning the complete withdrawal from the Golan Heights to the 4 June 1967 frontiers, and of resolution 425 concerning Southern Lebanon so as to create a climate of confidence and bring about

total and just peace. (4) The establishment of a special Committee of this Conference to monitor the situation of the Arab workers in Palestine and in other occupied territories, similar to the Committee set up on the apartheid question, and to provide the Committee with the means necessary for its work, as envisaged in the resolutions adopted by the Conference in 1974 and 1982. (5) To continue to hold this special sitting until such a Committee is established. This is not an end in itself but a means to protect Palestinian workers, employers and other social groups from these Israeli practices as long as the occupation and settlement continue. (6) A continuation of ILO technical assistance to all three partners in Palestinian production to help them build social and professional institutions.

The transmittal of the results of this sitting to the Director-General and their translation into a programme of work for the improvement of the situation of the workers and people of Palestine and other occupied Arab territories, in addition to the despatch of a mission and the presentation of a report to the ILO Conference, all fall within the responsibility of this noble Organization, representing as it does the conscience of the world.

Without going beyond my allocated time, since the full discussion of the various social and economic aspects of the Palestinian problem would take too long, let me merely say that all social groups within the Palestinian people suffer from the discriminatory practices of occupation and settlement, and are in the most urgent need of your material and moral support. As representatives of the three social partners in Palestine, we need your experience and assistance to build institutions that abide by international standards, and to overcome the burdensome inheritance of Israeli occupation. We will need your continuous help in the coming stages so as to be able to extend the powers of the Authority over all aspects of life, bringing to an end the Israeli occupation and dismantling the settlements.

The Palestinian people will then be able to set up institutions and an independent State with Jerusalem as its capital, and contribute to peace and security and to social justice in their own country of Palestine, land of peace and cradle of faiths.

Original French: Mr. CHOTARD (Government delegate, France, speaking on behalf of the European Union) – I have the honour of speaking on behalf of the European Union at this special sitting devoted to the situation of workers of the occupied Arab territories.

As you know, the European Union has given its vigorous support to a quest for peace in the Middle East.

We are pleased with the progress that has been made in this area over the last few years, and in particular we have witnessed the signature of the Israeli-Palestinian Declaration of Principles, of the Agreement on the Gaza Strip and the Jericho Area and of the peace treaty between Israel and Jordan. The European Union has long been calling for a settlement in the Middle East, a settlement which is not only just and durable, but one which is also comprehensive in nature and based upon the resolutions adopted by the Security Council.

The excellent Report that has been submitted to us by the Director-General reinforces my conviction

that our hopes for a consolidation of the peace process have not been in vain.

The European Union welcomes the fact that the peace process is now moving forward. It had its ups and downs for several months, but now the peace process appears to be respecting the latest timetable set by the Palestinians and the Israelis. Indeed all of the factors appear to prove that the negotiating partners have the will to reach an agreement before 1 July. This is the agreed date for the start of the second phase in the process to establish autonomy, by its extension to the West Bank of Jordan.

Three sets of negotiations are taking place on the organization of presidential elections and of elections to the national Palestinian Council, on the transfer of new areas of competence to the West Bank of Jordan, and on the redeployment of the Israeli army, a necessary prerequisite for the holding of elections. These negotiations have been preceded by and accompanied by a number of different acts which constitute some considerable encouragement. There has been an increase in the number of work permits for Palestinians working in Israel, and also the opening up to goods of the border between Egypt and Gaza and also the reimbursement of tax revenue to Palestinians.

The measures taken to open up the borders of the territories and also the granting of work permits are essential conditions for the functioning of the Palestinian economy. If it has been clearly understood that Israeli security is a vital cause, one can but deplore the closure of the passage between Israel and the Palestinian territories which impeded all economic development. Certain statistics have revealed the fact that the Palestinians have seen their standard of living drop since the signing of the Oslo agreements.

This situation, due partially to the repeated closure of the territories, was obviously absurd, first and foremost for those who were its victims. Also for those members of the international community that have been contributing to the financing and the functioning of the Palestinian economy. A rough estimation shows that their assistance has been equivalent to the losses suffered as a result of the closures.

The European Union is pleased to see that Palestinian workers are now entering Israel again. This is an essential prerequisite for an economic upturn and a first stage towards a solution to the problem of employment facing the Palestinian economy. This economic upturn also has to be reinforced with international assistance, but it is quite clear that this assistance will not be sufficient if the Palestinians do not manage to adopt the suitable economic policies and to create the structures necessary for investment and job creation.

It is all a question of political options and financing. The issue will also revolve around ethical values when we come to consider the rights of Palestinian workers and to elaborate labour legislation which must enshrine the principles of democracy.

We are convinced that the ILO has a major role to play and we wish strongly to encourage it to pursue its technical cooperation programmes. The European Union wishes next year to be able to examine the ILO's activities in this region and hopes that the efforts deployed by both parties will prompt the Conference not to have to hold a further special sitting of this kind. I would recall that this is a concern

which was widely expressed at the Governing Body session this April.

In conclusion, again, we believe in peace.

Original Arabic: Mr. AL JARWAN (*Minister of Labour and Social Affairs, United Arab Emirates, speaking on behalf of the Arab group*) – In the name of God, the Merciful, the Compassionate. It is indeed an honour for me to address you on behalf of the Arab group, and it is my pleasure at the outset to express sincere congratulations to the President of our Conference for the excellent manner in which he is conducting our deliberations, and for his wisdom and his understanding. It is also a pleasure for me to express thanks and appreciation to all of you for being here in this special sitting, for making a point of participating in it, for we see in that reaffirmation of your support for the Palestinian people and for workers of the occupied Arab territories.

The Report of the Director-General submitted to you this session deals with a subject which has been a cause for concern for your Conference for the past 20 years. A just cause indeed and the International Labour Organization is the appropriate forum for discussing such a cause since our Organization is the embodiment of the conscience of the world. Not only because of its unique tripartite structure, but also because of its mandate in defence of the workers and social legislation. The cause of the Arab workers in Palestine and the other occupied territories is one of concern to the entire world because of its justice, its nobility and credibility.

The Conference adopted two resolutions, in 1974 and in 1980, with regard to the workers of Palestine and the other Arab occupied territories. The adoption of the two resolutions was a true reflection of the ILO's concern for the workers, for their freedoms, condemnation of the settlements and its support for the just struggle of the Palestinian people to achieve the legitimate rights of which they have been deprived without any reason. Nevertheless, and despite the fact that 20 years have gone by and despite the perseverance of your Organization, the two resolutions were neither respected nor implemented by the relevant authorities.

The fundamental rights of the Arabs and those territories are still subject to unrestrained violation; the uncontrolled extension of the settlements continues; confiscation and Judaisation of Arab land particularly the Holy City of Jerusalem continues in accordance with a well-known Israeli plan.

The working conditions for Palestinian workers and employers are constantly deteriorating. Despite the optimism generated by the Declaration of Principles, agreements on which the peace-loving forces of the world pin their hopes, those hopes soon came to be shattered by the bitter reality embodied by Israeli policies and their own very special understanding of the word "peace", thus depriving the initiative of any credibility.

Unemployment has reached very dangerous levels. Palestinian workers are being dismissed and thrown out of Israeli economic activities and being replaced by foreign manpower. This affects approximately 80,000 workers whose rights are still violated.

Employers are also subjected to discriminatory practices and policies to prevent them from participating in the revitalization of the Palestinian economy. They are burdened with taxes without the bene-

fit of services as would be normal in most parts of the world. The Israeli authorities hamper the exercise of the freedom of worship and the freedom of religious belief. They desecrate religious institutions and violate the freedom of expression. These are the daily violations by the Israeli occupying authorities in total disregard of the principles and rules enshrined in international agreements, particularly the Fourth Geneva Convention of 1948.

I do not want to dwell at length on the details of all such practices; suffice it to refer to these facts and many others which we see in the Director-General's Report. Daily life is subject to military jurisdiction; Arab territories are blockaded; social peace is non-existent; Israeli employers continue their discriminatory and iniquitous practices. All this and more is in the Director-General's Report and we mention it here without further comment.

The Report of the Director-General, despite its importance and despite the irrefutable facts that it contains, deals with the issue of Arab workers in the shadow of occupation, and therein lies the true problem. I do not believe that the problems of these workers can be solved as long as occupation continues and settlements continue to be built. Programmes of technical cooperation cannot yield their results in the shadow of expanding Israeli settlements which tears apart the unity of Palestine and the identity of its land and of its people. What is the point of technical cooperation if the Palestinian workers are deprived of their right to work, of their freedom to travel and of every single one of their rights as workers. In any case, the peaceful labour relations advocated in the Report cannot be pursued in the shadow of advancing settlement.

We do believe in peace and we aspire to peace. We spare no efforts in bringing about peace. For peace in fact is one of the foremost things of our faith and of our philosophy. Yet the peace that we believe in, is a peace based on justice, on equity, on the restitution of rights to those to whom they legitimately belong. As for the partial peace achieved at the expense of one party and in the interest of another, that is a peace we do not believe in, and cannot accept.

The International Labour Organization with its objectives and noble principles based on the achievements of peace through social justice should continue its efforts in support of the struggle of the workers of Palestine and the other Arab occupied territories. Our Organization has a long experience in struggling against apartheid in South Africa and the determination of our Organization is called upon today to stand in the face of discrimination and injustice in the occupied territories until the land is liberated and until peace becomes a reality in that part of the world.

Within this framework, the position of the Arab group is for the setting up of the special Tripartite Committee which will meet periodically to study the Report of the Director-General on the situation of the workers in Palestine and the other occupied territories and to submit recommendations on the matter to the Conference similar to the Apartheid Committee which was set up to combat apartheid and which came to an end with the disappearance of apartheid. Until such a committee is set up, the Arab group believes that this special sitting should continue and would like to express their reservations concerning the resolution of the Governing Body to the

effect that this special sitting should be the last of its kind.

We are confident that the Director-General will continue his efforts to implement Conference resolutions and that we will continue to present periodic reports, so long as the conditions underlying these two resolutions last. In conclusion, Mr. President, we would like to underline the importance of continuing to support, both technically and morally, all the Arab workers concerned. We thank the Director-General for his Report and we thank you all for your presence and your very valuable contribution. (May the peace, mercy and grace of Allah be upon you).

Mr. TARMIDZI (*Government adviser, Indonesia, speaking on behalf of the Non-aligned Movement*) – Allow me to begin by expressing the pleasure of the delegation of Indonesia at the decision once again to hold a special sitting on the situation of workers of the occupied Arab territories in the course of the 82nd Session of the International Labour Conference.

My delegation values highly this special sitting as a manifestation of the international community's legitimate concern at the plight of workers in the occupied Arab territories. As we are gathered here today, we cannot but express our dismay at the current deteriorating conditions of the workers in the occupied territories as clearly shown in the concluding parts of the Director-General's Report. It is indeed paradoxical that with prospects for peace emerging, the general conditions for workers in the occupied territories seem to be worsening.

In the final analysis, since the problems of the occupied Arab territories are indivisible, measures to solve socio-economic problems, including the problem of workers in the occupied territories, must be taken in parallel with security measures to achieve progress on the road towards peace and security. The two are closely interlinked and mutually reinforcing. In this perspective, the exclusive and discriminatory policies and practices used by the occupying power, such as the establishment of Jewish settlements in the occupied territories in order to effect *de facto* geographic and demographic changes, the confiscation of land and water resources and border closures and the other forms of political constraints applied in fact deal a deadly blow to the prospects of a comprehensive, just and lasting peace in the region in accordance with relevant United Nations Security Council resolutions and therefore must be rejected.

By the same token measures such as ending the curfew in the West Bank town of Hebron, introducing simple procedures for cargo entering Palestinian self-rule areas, plans to allow a heliport in Gaza, increasing the number of Palestinians allowed to enter Israel to work from 27,000 to 31,000 and even the suspension of the decision to confiscate Arab land in East Jerusalem should be considered as cosmetic, marginal and falling short of Israel's commitment to making a substantial effort to promote the real socio-economic development of the occupied territories which should go hand in hand with political developments.

It is worth mentioning that Israel's border closures have dealt a serious blow to the economy of the occupied territories. The closures are estimated to have cost the Palestinian economy over US\$600 million, a sum equal to the grand total of donor pledges for

1995. Moreover, the Palestinians do not want to be consulted about further land grabbing, but to see it stop, for it has brought the whole of the Middle-East peace process to the brink of collapse. Thus, the reversal of the occupying power's onerous and discriminatory policies and practices in the occupied territories must be a *sine qua non* for further improvements to the conditions of work in the territories and the achievement of a comprehensive, just and lasting peace in the region.

The international community bears responsibility for a conclusion of the peace process and in particular for creating the socio-economic conditions that will facilitate progress towards that end. As we may recall, at a meeting which brought together donors from 30 countries in Paris at the end of April, donors agreed to underwrite the Palestinian Authority's projected 1995 budget deficit of US\$135 million. In this regard, Indonesia and other non-aligned countries are calling for the speedy implementation of the economic assistance pledge to the Palestinian people at this crucial time.

There is no doubt that the ILO has a unique mandate to further improve the conditions of workers in the occupied Arab territories. Within the limit of that mandate and in conformity with this year's session of the Conference, we share the conclusions of the Report of the Director-General to the effect that it is imperative that the ILO and other agencies step up their efforts to promote national and international action to improve the chronically acute unemployment situation. This, we believe, constitutes valid grounds for us to propose that another special sitting be convened in the course of next year's session of the International Labour Conference to consider the follow-up action to the programmes adopted with a view to improving the conditions of workers in the occupied Palestinian territories.

Original Arabic: Mr. KHOURY (*Government delegate, Syrian Arab Republic*) – Allow me, first of all thank the Director-General of the International Labour Organization for his continuous interest in this problem, his commitment to the resolutions of the International Labour Conference and for sending a mission to Palestine and the occupied Arab territories to prepare a report on the situation of workers. We would also like to stress that the mission bore in mind the relevant standards of international law, in particular the Hague Convention of 1907 and the Fourth Geneva Convention of 1949, relating to the protection of civilians in the time of war, and was guided by the principles and objectives laid down in the Constitution of the International Labour Organization, including the Philadelphia Declaration, the standards and resolutions adopted by the International Labour Conference and by the principles enunciated by the supervisory bodies of the ILO.

The Report submitted by the Director-General describes the tragic situation of the Palestinian workers in the occupied Arab territories, which is due to the Israeli occupation, the discriminatory practices adopted by the Israeli authorities and the violation of human rights, the provisions of the Fourth Geneva Convention and the principles and objectives of the ILO. The Director-General's Report could have been clearer had it relied on the available information at the United Nations, especially that furnished by the Special Committee to investigate Israeli prac-

tices affecting human rights of the population of the occupied territories.

At this point, I would like to make some observations on some of the various paragraphs of the Report submitted by the Director-General. First of all, paragraph 18 mentions that the situation has remained unchanged since 1967. Indeed, the administrative, police and military structures still remain in place. Paragraph 24 describes the situation in the occupied Syrian Golan. It states that the inhabitants of the Golan have always strongly resisted the occupation, that they call themselves Syrian and claim to be the victims of discriminatory practices.

Since they first occupied the Golan Heights, the Israeli authorities have used all sorts of pretexts in order to drive people from the land, undermine the economy which they wish to judaize and move in settlers which exploit the local resources.

We feel bound to draw attention to the fact that in the Golan Heights, there are only Syrian citizens. The presence of Israeli settlers is neither lawful – nor justified from a legal standpoint. The Fourth Geneva Convention, United Nations resolutions – particularly those of the Security Council – and resolutions adopted by many international organizations, including the International Labour Organization, all condemn these practices.

As regards paragraph 35 we would like to express our regret and surprise that actions taken by the Palestinians are considered as “terrorist acts” while those taken by the Israelis are described as “acts of violence”. It is vital that a distinction should be drawn between terrorism and the legitimate struggle of people against foreign occupation.

The Syrian Arab Republic is committed to the peace process, in accordance with United Nations resolutions and international law.

In conclusion, I would like to say that devoting a special sitting of the Conference to study the situation of workers in the occupied Arab territories is necessary. The Conference should shoulder its responsibilities, according to its Constitution, and set up an appropriate mechanism to draw up recommendations based on the conclusions of the Director-General's Report. This can only be achieved by setting up a special committee.

We would like to avail ourselves of this opportunity to thank the Movement of Non-Aligned Countries, which has always supported the cause of the Palestinian people, especially at the International Labour Organization, and which adopted a resolution in New Delhi in January 1995 calling upon the ILO to set up a standing committee to consider the Report of the Director-General.

We would also like to thank all the countries and representatives of workers and employers who have always helped the Arabs to defend their rights.

Original Arabic: Mr. ELAMAWY (*Minister of Manpower and Employment, Egypt*) – In the name of Allah, the Merciful, the Compassionate. Firstly, I should like to congratulate the President on his election to chair this session of our Conference and the special sitting devoted to the discussion of the Report on the situation of workers in the occupied Arab territories. I wish the Officers full success. I would also like to thank the Director-General of the International Labour Office for his Report on the situation of workers in the occupied Arab territories,

and to thank the members of the two missions sent by the Director-General to the occupied territories, to Syria and to Israel to study the situation of the workers in the occupied territories.

Peace negotiations began with the 1979 peace treaty between Egypt and Israel and continued 13 years later with the Madrid peace talks of 1991, which led to positive political developments in the Middle East, culminating in the mutual recognition of the State of Israel and the Palestine Liberation Organization.

Israel and the PLO signed the Washington Declaration of September 1993 as a first step towards a peaceful and just settlement based on Security Council resolutions 242 and 338. The detailed Cairo agreement, which was aimed at implementing the Declaration of Principles, was signed in May 1994, and Israel and Jordan signed a peace agreement shortly thereafter.

We hope that the recent expectations as regards the peace process for Syria and Israel will lead to true progress, that similar headway will be possible between Lebanon and Israel, and that Security Council resolution No. 425 can be implemented.

We consider that it is most important to overcome the different obstacles to the implementation of the Declaration of Principles. In particular, we have to find a solution to the question of the elections in the Palestinian territories. We will thus be able to realize the aspirations of the Palestinian people.

We consider that the Jewish settlement policy in the occupied Arab territories and the confiscation of land and water rights that are mentioned in the Director-General's Report are an obstacle to peace.

The building of settlements contradicts human rights and international humanitarian law. Specifically, it violates the Fourth Geneva Convention of 1949.

Still, we would like to welcome the suspension by the Israeli Government of the confiscation of Arab land in East Jerusalem. We invite the Israeli Government to go back on its decision and to put an end to the settlement of the occupied Arab territories.

The peace process must lead to concrete results in Palestinian-Israeli relations, especially as regards the situation of workers in the occupied territories. They should enjoy freedom of association. Their suffering must end. The peace process will thus benefit, and we will be able to achieve a comprehensive peace, applying the principle of land for peace.

As the Report says, the problem of unemployment is a very important one because the supply of workers is much greater than demand. Furthermore, the Israeli authorities have prohibited Palestinian workers from working in Israel where they go to look for jobs. This is a problem that has to be resolved urgently so that social unrest does not become an obstacle to peace in the Middle East.

The Director-General also stated that the occupied Arab territories were suffering from a kind of unemployment which has many aspects. We agree that as the region becomes more peaceful and the occupied Arab territories develop, we have to study the problem of employment much more deeply in order to reduce its impact on Palestinian workers and their families.

The Report also says that although the political conditions of this last quarter of a century are to a considerable extent responsible for the problem of unemployment in the occupied territories, solutions

will not be easy to find, even if these political conditions disappear.

Indeed, there are structural restrictions which are an obstacle to the growth of the economy. We agree that one of the greatest challenges is the creation of enough jobs to overcome unemployment and underemployment in the occupied territories. We support the Director-General when he invites the international community, and in particular donors, to support at this very important period in the life of the Middle East the projects and programmes of the ILO which can lead to economic development.

We would like to praise the report of the multidisciplinary mission conducted in December 1993 and welcome the projects presented in the report. We also welcome the efforts made by the different departments of the International Labour Office in the occupied Arab territories.

As I said at the 81st Session of the International Labour Conference last year, the evolution of the peace process is leading to new duties for the ILO and the other specialized agencies. All these organizations should help Palestinian workers to enjoy their rights.

We would like to state that we cannot accept the reduction of allocations for the occupied Arab territories in the 1995-96 budget. We think, on the contrary, that they should be increased.

Egypt is taking part in the Middle East peace process to achieve just and lasting peace in the region, based on United Nations Security Council resolutions 242 and 338 and the principle of land for peace. We hope that peace will eliminate the true causes of the sufferings of the workers in the occupied Arab territories.

Original Arabic: Mr. KARA (Workers' delegate, Israel) – Both in Arabic and in Hebrew we use the words “peace be with you” as a form of greeting, which proves the will of the two peoples for peace.

At the outset, I would like to avail myself of this opportunity to congratulate the President on his election to chair the 82nd Session of the International Labour Conference. I would like also to congratulate the Vice-Presidents and Mr. Michel Hansenne for his balanced Report on the situation of workers in the occupied territories.

Last time I addressed you, I expressed the hope that the special sitting at the 81st Session of the Conference would be the last in the life of the dramatic progress of the peace process in the Middle East. I am gratified today by the resolution of the ILO Governing Body that this sitting will be the last. This will, therefore, be the last time I will address you within this special framework on the importance of the subject of Israeli/Palestinian relations and coexistence, from the point of workers and trade unions, an issue which is still of paramount importance for the Histadrut which I am honoured to represent.

During last year, Israel and the Palestinian Authority continued to work together to consolidate and advance the peace process. This has provided new momentum and hopes for the advancement of peace and an increased readiness on the part of Israel to work with the Palestinian organizations with regard to labour and labour relations. At the trade union level, I am happy to say that progress has also been achieved in so far as the Histadrut and the Palestine General Federation of Trade Unions took it

upon themselves to work as partners and concluded the first agreement of its kind between the Histadrut and Palestine General Federation of Trade Unions. Within the framework of this agreement, the basis of fruitful and constructive peace was laid. We are now working toward a better future based on dialogue, assistance and joint ventures of interest to both parties.

We know that these are just the first steps and that we have to surmount many hurdles on the way to implementing this agreement but what is important is that the step has been taken, as mentioned, by the Director-General in his annual Report and the wheels have been set irrevocably in motion. What is equally important too is that we should work with all our strength to improve the situation of Palestinian workers and encourage them to support the peace process.

I would like to add that, in spite of the fact that the Palestinian Authority has begun to shoulder its duties in the Gaza Strip and Jericho area, Israel is still providing labour opportunities to between 35,000 and 40,000 Palestinians within Israel although there is considerable internal opposition in view of terrorist action against Israeli citizens. Here I would like to mention that the Israeli Government recently granted the Palestinian Authority 102 million Israeli shekels, which is equal to 34 million dollars, to be invested to alleviate the suffering of the Palestinian people.

Histadrut, for its part, is still continuing to defend the interests of the Palestinian people and exerting every effort to ensure that Palestinian workers enjoy good working conditions. The struggle for better working conditions can be furthered through joint cooperation between us and the Palestinians. But, this is not enough. There is a pressing need for international investment to help the Palestinian Authority to build an economic infrastructure, promote lucrative industries and provide a respectable standard of living for the workers. From this august podium I call upon all countries, especially the donor countries, including Arab countries, to give generously to the Palestinian Authority and to accelerate assistance to achieve the aforementioned objective. The ILO has an important role to play in building peace and this could be achieved through assistance and technical projects to improve working conditions and extend social security and education for democracy and social justice.

The missions to study the situation of the Palestinian workers and routine reports compiled by the ILO fall short of achieving their primordial objective to satisfy their daily requirements and improve conditions.

What our region needs today is for the ILO to increase assistance and consolidate the Palestinian trade unions, as well as trade unions in other Arab countries to safeguard the interests of labour masses and ensure their rights and the living standards of those they represent.

These are the challenges faced by the Palestine General Federation of Trade Unions, the Histadrut, the international trade union movement and the ILO.

Let us together courageously and assiduously take resolutions to solve the problems of the workers in our region, to guarantee their rights and peace. Let us turn dream into reality and turn the Middle East

into a secure and flourishing region. This is the duty of the ILO today, tomorrow and in the years to come. Help us realize the most sublime of all our duties which is to build genuine peace in the Middle East.

Peace be with you.

Original Chinese: Mr. FU (*Workers' adviser, China*) – Over the years we have reached an important consensus, namely, that the Palestinian issue is the crux of the Middle East problem. It directly affects not only peace and development of the Middle East, but also that of the world at large. The International Labour Conference has on many occasions convened a number of special meetings to explore a fair and reasonable solution to the Palestinian issue and to express our support to the Palestinian workers and peoples in their perennial and brave struggles to restore their legitimate rights. For these meetings are absolutely necessary. Progress has been made in the Middle East peace process over the past year. In March this year Palestine and Israel have both agreed to conclude negotiations by 1 July on the redeployment of the Israeli troops on the West Bank and on the Palestinian general elections, and they also formally signed a comprehensive agreement. It is a major breakthrough in the peace talks between Palestine and Israel to set this date, and it will help to promote a comprehensive settlement of all other remaining issues and speed up the implementation of all the provisions of the peace accord between the two countries. The Chinese workers and trade unions are happy to see this. However, we should not fail to note that the road to peaceful negotiations is still tortuous, with many obstacles and difficulties standing in the way. We hope that the Middle East, a land tortured by wars for nearly half a century, will turn into an oasis of peace, and that the Palestinian workers and people will very soon be able to lead a happy, peaceful and stable life.

The present achievements in solving the issues involving Palestine and the Middle East should be attributed to the protracted struggles by the people of Palestine and other Middle Eastern countries and the law-abiding people of the world. The ILO has also made its due contribution. We shall value this success and tolerate no sabotage of it. Meanwhile, we should bear in mind that it is only a good beginning of a genuine, fair and reasonable solution to the Palestinian issue, and it is just a beginning for the achievement of a comprehensive and enduring peace in the Middle East.

Palestine and several trade unions have proposed that a special committee be established to examine the conditions of workers in the occupied Arab territories. The Chinese trade unions support this proposal. We hope the international community, including the ILO, will as always continue to take every possible action and measure, and cooperate with the Palestinian people and workers as best we can to promote the peace process in the area.

The Chinese workers and trade unions have always stood for peaceful settlement of international disputes through negotiations, and supported the Palestinian workers and people in their just struggles to restore their legitimate rights. History has always proven Chinese workers and trade unions to be the most reliable friend of the Palestinian workers and people in their struggles. We will, along with the

workers and trade unions of all other countries, continue to contribute to the achievements made thus far of a comprehensive, fair and lasting peace in the Middle East.

Original Arabic: Mr. SAHBANI (*Workers' delegate, Tunisia*) – Allow me on behalf of my organization, the Tunisian General Federation of Labour, to congratulate the President on his election to chair this Conference and to pay tribute to what he said in his opening statement in terms of humanitarian values, indicating full sympathy with just causes throughout the world.

This Organization, ever since its inception at a time when the world was witnessing many struggles and difficulties, has defended the principles of equality, justice and freedom. The Organization has stood with the just causes. These are the humanitarian values, perennial values, which have allowed the Organization to stand steadfastly despite all the changes in the world. They are the values that have helped our peoples to find their freedom from exploitation and domination.

The very serious transformations and changes witnessed by the world today have given rise to many negative consequences and have made the task of organization more and more difficult, for it is called upon today to be very vigilant in defence of the principles for which it was established and which it has enshrined in international standards – principles which we have defended and stood for in Tunisia.

Within this humanitarian framework we have to place the issue which brings us here today, as we have in the past, namely the Palestinian cause and the cause of the occupied Arab territories. The Palestinian people and the workers of the occupied Arab territories have suffered for long because of the policies of oppression and the deliberate starvation of the people by the occupying authorities. They have incarcerated hundreds and thousands of Palestinians and have attempted to silence all those who call for their legitimate rights. They have thrown out the Palestinians, annexed their lands and their homes, replacing them by waves of settlers coming from all parts of the world and being defended and encouraged by the occupying authorities.

The policy of oppression and assassinations perpetrated by the occupying authorities has gone hand in hand with organized terrorism directed at innocent citizens with the aim of annexing all the Arab territories. Such policies, of course, have generated different forms of self-defence in order to recover annexed territories. That is the reality which has led the ILO to hold the special sitting, in order to examine the circumstances suffered by the Arab people in Palestine and the other occupied territories.

Any discriminating observer of the situation in the region today can see that such policies are continuing, that the Palestinians are still being thrown out of their land; their land is being annexed and given to settlers – to wit, the latest decisions adopted to annex parts of Jerusalem. Assassination and persecution continue to afflict against the Palestinians. It behoves us in such circumstances to refer to what is being suffered by the Palestinian people in the region. It is not surprising that they have to resort to self-defence, and yet their operations are no justification for the policy of collective sanctions and for the throwing out of the Palestinians from their country.

Bearing in mind all the above, we have to recognize that until just settlement is reached the situation will continue unchanged in the region. A just settlement which will enable the Palestinian people to recover their land and set up their State with Jerusalem as its capital. It is consequently essential today to seek timely solutions which we consider valid and which may lead to a better situation. First of all we believe that the special sitting should continue to be held during the Sessions of the Conference. Secondly, a Special Committee should be set up by the Conference which would examine annually the Report of the Director-General on the situation of the workers in Palestinian and the other occupied territories and to continue as long as settlement and occupation continue. So as to continue international support for the Palestinian people as we submit those proposals we are counting on the Organization to support them, for its task is to stand by the workers.

Original Chinese: Mr. LIN (*Government adviser, China*) – For many years, our Organization has continued to examine this issue, which surely illustrates the concerns of the member States. Over the years, the situation in the region of the Middle East has been turbulent and unstable, which has had a serious impact on conditions of employment for the Palestinian people in the occupied Arab territories and further affects all the people in this region. In this regard, the Chinese delegation wishes to express its serious concerns.

We are gratified to note that, following long and difficult negotiations, Palestine has begun to exercise self-rule in Gaza and Jericho. Jordan and Israel have at long last signed a peace treaty and established diplomatic relations. We would like to express our appreciation of and support for all these positive results of the peace process. The breakthrough in the Middle East peace process fully proves the point that confrontation and war cannot solve problems and that active participation, by all the parties concerned, in dialogue and negotiation on the basis of international law is the best way forward and the only alternative with regard to solving the Arab-Israeli conflict. The Middle East issue is complex. It involves the sovereignty and fundamental interests of the countries concerned, and because of this, it is inevitable that negotiations should run into difficulties and twist and turn. However, the trend toward peaceful negotiation is irreversible. As long as all the parties concerned continue to adopt flexible and practical attitudes, continue to make an effort and remove barriers, the Middle East peace talks will continue to make progress.

The Chinese Government has, all along, supported a solution to the Middle East issue through peaceful negotiation. We endorse the efforts of all the parties to the Middle East conflict to solve their differences through peaceful negotiation. To advance the peace process in the Middle East it is essential to improve further the living conditions of the people in the occupied Arab territories and make redress for the unjust treatment of the Palestinian people. We therefore call on this session of the International Labour Conference to help work out and implement a practical employment policy, develop labour force resources, improve the quality of work and expand revenue spent on employment in order to solve the

serious unemployment and poverty issues. China will do all it can, together with the International Labour Organization to improve the conditions of workers in the occupied Arab territories.

Original Arabic: Mr. AL DERHAM (*Minister of Labour, Social Affairs and Housing, Qatar*) – In the Name of God, the Merciful, the Compassionate. It is a pleasure for me first of all to be able to express my thanks to the Director-General and to the mission sent by him to find out about the situation prevailing in Palestine and in the other occupied Arab territories. That mission drew up the Report on the situation of workers of the occupied Arab territories which we are currently discussing. I should also like to thank the mission for the efforts it made and to express our thanks for the support. We count on this support to help us identify the measures which can be taken by the International Labour Organization in order to support the Arab residents in the occupied Arab territories. In this way, they will be able to assess the arbitrary measures to which they are exposed and make a contribution to improving the very difficult living and working conditions being confronted by the Palestinian people.

Developments in the course of the past few years and the movement towards peace in the region have given hopes to our brothers in Palestine and in the occupied Arab territories. Those developments, as I have said, have raised hopes that an end can be put to the war and to the aggressions to which they have been exposed. Nevertheless, on a daily basis we continue to be shocked by what takes place. It could be said that the peace process in the Middle East has objectives other than achieving peace as all peace-loving people on the planet understand it.

Peace in the region is only meaningful if it can lead to a lasting solution, if an end can be put to the bloodshed amongst Palestinians, as well as to the other material and physical losses which have been suffered by the Palestinian people for decades now. There can be no peace if we do not put an end to the occupation. We must put a stop to the confiscating of lands, other resources and all other practices which run counter to national sovereignty and the national economy.

The Israeli and other media show us images which are very difficult to bear. Every day the Israeli authorities find new ways to restrict the movements of Palestinian workers. There is increased unemployment, the rate of which was already high amongst Palestinians, and living conditions are deteriorating still further. The Israeli authorities continue to confiscate Arab territories under the pretext of seeking peace and also they continue to build new motorways etc. There is an on going Judaization of the city of Jerusalem and unrelenting attempts to change its historical and cultural identity despite the appeals launched by various international organizations.

The Report highlights the deterioration in the infrastructure and services in the autonomous regions and gives us some indication of the resources necessary to improve the situation and also to develop the economic and administrative structure of state institutions. Yet, once more, we wonder how this can be done if the transfer of the various powers continues to be delayed. In fact, delaying the transfer of powers is simply the practical expression of the on going nature of the arbitrary, unjust policies directed against

the Palestinian people. The goodwill of neighbouring countries could be translated into a rapid withdrawal and the release of detainees, as well as into the provision of aid to the Palestinian authorities and to the Palestinian people.

When we speak of peace, we are speaking of a just global peace which would return rights to those entitled to them throughout the occupied Arab territories, and in southern Lebanon. The occupation has emptied these lands of tens of thousands of inhabitants. It has created economic, social and humanitarian problems, a plethora of which is afflicting the people in Syria and Lebanon.

This special sitting allows us to shed light upon the realities of the situation in Palestine and the other occupied Arab territories. Indeed, this sitting, reflects the interest shown by the Organization in this matter and its desire to see freedom and justice prevail. Nevertheless, if we do not manage to agree upon the measures to be taken, it will be difficult to implement this peace.

We very much appreciate the efforts made by the Organization to help the Palestinian people in the autonomous areas and the other occupied territories. However, we express the wish that such assistance be increased so that the Palestinian people may strengthen their structures and improve the living and working conditions of Palestinian workers. For this reason we believe that the International Labour Conference should turn this special sitting into a special committee which would discuss specific recommendations on measures, programmes and projects to be implemented. This committee would not be a political committee. Nevertheless, it would contribute to reflecting the efforts made by the Organization to improve the situation in the occupied territories. We believe that the setting up of such a committee would be a step in the right direction.

Original French: Mr. OECHSLIN (*Employers' delegate, France*) – The principal objective to my statement is, in the same way, as at previous sessions is to express the solidarity of all Employers' delegates at the Conference with populations covered by the Director-General's Report on the situation of workers living in the occupied Arab territories. You will understand that our concern relates not only to workers but also to employers in these territories who are pursuing their tasks in difficult circumstances.

From paragraph 36 on, the Report correctly stresses the importance of promoting employment in the occupied territories. Paragraph 37 states that "the political circumstances of the last quarter of a century have been a major factor shaping the employment problem of the territories". This is quite clear; however, it is also quite clear that without a return to peace and stability in the region, it is scarcely likely that we will see any development of employment. Consequently, peace is a *sine qua non* even if, in itself, it is not completely sufficient for a return to employment, as is pointed out in the Report.

Employment development also means the development of enterprises especially of the small and medium variety which can then produce goods and services for a stable market capable of absorbing them. It is for this reason that employers – just as much citizens as employees – share all the hopes for peace

expressed at this podium, even if the responses evidently depend on measures to be taken by the public authorities.

It seems to me that, this year, we are confronted with a new situation. The debate has changed somewhat – for two reasons. First, we seem to have got away from sterile confrontation and the irreconcilable position of contradiction that we saw in the past; what we now have is the start of a real dialogue which obviously reflects the positive course of events in the region.

Above all, this new situation now allows the ILO to be present in the field and to implement practical action to help the competent authorities take measures to help create employment. It is only through job creation, that it will be possible to effectively combat unemployment and poverty which are, of course, the source of frustration and anger, and which are endangering the very process of peace.

I would like also to emphasize paragraph 64 of the Report which quite rightly highlights the importance of small enterprises. I do indeed believe that it is indispensable for the ILO to undertake specific measures – and I quote from the Report – "to improve the small enterprise environment and to provide support services as appropriate".

This paragraph also points out that economic structures of the region are based above all on small or single-worker firms. However, this action also has to be accompanied, as is the vocation of the ILO, by the strengthening of the representative organizations in particular, for our part, representative organizations of employers.

I would emphasize here the importance we attached to the project for enhancing the capabilities of chambers of commerce, industry and agriculture in Palestine. I will not go into detail here, but I think the ILO is justified in according it the greatest of importance so that this federation of chamber of commerce made up of existing organizations can act as a nucleus for developing capabilities of effective and representative employers' organizations.

With this hope in mind, I would once again express the hope that an improvement in this situation will allow us to tackle the real problems of this area in a serene and practical manner.

Original Arabic: Mr. NASR (*Employers' adviser, Lebanon*) – Once again I stand on this rostrum to comment on the Report of the Director-General on the situation of workers in Palestine and in other occupied territories. I would have much preferred not to have to do that. I would have preferred that there would be no reason for this special sitting, but what can we do if the situation of labour in the occupied territories remains a very complex and serious one?

To deal with the problems of security by closing off the territories has made the problems more complicated. What can be done if the occupied territories do not have a comprehensive net of social security, and if the vulnerable groups are left without protection, and if the mechanisms for the implementation of a Labour Code, if they exist, are not implemented? What can be done if the economic and social conditions in the occupied territories are constantly deteriorating? What can be done if the peace process is stumbling, not to say limping, and what can be done if the policy of settlements is continuing

in the Syrian Golan Heights and in Jerusalem? What indeed can be done, if occupation is still present in Palestine, in the Golan and in the southern parts of Lebanon? What can the ILO do but be concerned, and how can this International Labour Conference proceed without this special sitting or a special committee?

The International Labour Office and its Director-General, Mr. Hansenne, his collaborators and his many assistants, are indeed to be thanked for their constructive work and efforts in the course of the past year, in order to help the Palestinian workers, Palestinian employers and managers to raise the standard of their management systems and skills. I believe that this special sitting devoted to the discussion of the Report of the Director-General is a recognition of their efforts. I sincerely hope that the day will come when we can say that the international family has accomplished its task with success, that the occupation has ended, freedom has been achieved, and the process meets with a successful culmination.

May the peace of Allah be upon you.

(Ms. Engelen-Kefer takes the Chair.)

Mr. DATO'LIM (*Minister of Human Resources, Malaysia*) – On behalf of the Malaysian delegation allow me, first of all, to congratulate the President on his election to preside over this special sitting on the occasion of the 82nd Session of the International Labour Conference.

Last year when we met here on a similar occasion, there was great hope that a new era in the relationship between Israelis and Palestinians would come about, when Chairman Yasser Arafat of the Palestine Liberation Organization and Prime Minister Itzhak Rabin of Israel signed the Declaration of Principles on Interim Self-Government Arrangements in Washington on 13 September 1993, followed by the subsequent signing in Cairo on 4 May 1994 of the Agreement on the Gaza Strip and the Jericho Area.

This was indeed a bold step, which to us was a step forward in the long search for a comprehensive, just and durable solution to the Arab-Israeli conflict.

Regretfully, as we can see in the Appendix to the Director-General's Report, the much anticipated peace dividend still appears elusive. We are deeply concerned about the continued enforcement of repressive policies by the Israeli occupation authorities, including the confiscation of land, the continued expansion and establishment of Israeli settlements, the demolition of Palestinian houses, the closure of the border, the prohibition of access to workplaces of Palestinian workers inside the green line and Israeli violations of human rights and fundamental freedoms. All these actions are flagrant and blatant violations of international humanitarian law and relevant Security Council resolutions as well as the Declaration of the Principles on Interim Self-Government Arrangements. This undoubtedly will undermine and wreck the fragile peace process in the region.

My delegation would like to thank the Director-General for highlighting the plight of the Palestinian workers in the occupied territories, and express our appreciation to the representatives of the Director-General for their extensive Report. The Director-General, in his Report, has highlighted the massive

employment problem in the occupied Palestinian territories. We are concerned that this problem will deteriorate with the increasing labour force and with hardly any employment opportunities within the occupied territories. In this regard, it is therefore regrettable that the Israeli authorities have closed the border thus curtailing employment opportunities for the Palestinians. The recruitment of foreign workers in occupied territories would further aggravate the employment opportunities for Palestinian workers.

It is my country's conviction that for the peace process to succeed in the region, the Palestinian people must tangibly feel that their lives have changed for the better. Basic amenities such as health and education, as well as employment opportunities, must all be provided. The international community, including Israel, must ensure that all these are rightfully emplaced. The ILO and other agencies must redouble their efforts to promote appropriate action to improve the current acute employment situation facing the Palestinians, and promote policies and measures that will enhance employment opportunities. The ILO must also continue to schedule such meetings in the future, with a view to monitoring the situation there.

Original Arabic: Mr. MEGHLAOUI (*Government delegate, Algeria; speaking on behalf of the Arab Maghreb Union*) – It is a pleasure for me to address this august assembly on behalf of the Arab Maghreb Union and to inform you of some of our ideas on this item of the agenda.

For a number of years now, the International Labour Conference has given us an opportunity of holding a special sitting on the situation of workers in the occupied Arab territories. This has allowed us to look into the situation, see where we stand, and suggest measures to try and improve it.

This approach is not clearly reflected in the Director-General's Report, perhaps because the mission took place late, perhaps because of, and I quote the Report, "the understanding that this would be the last occasion on which such a sitting would be held, in view of the expected continuing improvement in the situation of these workers" (that is to say those in the occupied Arab territories).

What is behind this optimism?

This is a question worth asking in view of the fact that, even today in this part of the Middle East, torn apart by decades of conflict, scepticism is difficult to eradicate. And worries still mask some of the glimmers of hope that have appeared here and there, above all thanks to the personal efforts some have made to speed the onset of an era of peace, justice and cooperation.

These glimmers of hope – it should be remembered – started to appear when the peace process was started in Madrid in October 1991. Subsequently, the signing of the Declaration of Principles in Washington on 13 September 1993 marked an important milestone. Other agreements, like those of Cairo, followed and initiated a period of transition and the founding by the Palestinian people of an autonomous entity on a part of its national territory.

But peace is a demanding phenomenon. It has to be built. The current process in the Middle East does not escape this rule.

In this region, more than anywhere else, the steps leading to peace have to be made rapidly. In this

region, more than anywhere else, extremely urgent measures have to be taken and applied immediately. We must free the prisoners, allow the refugees to return, dismantle the settlements, allow the Palestinian people to hold elections within the scheduled time, rebuild the devastated infrastructure and relaunch the economy.

Further progress in the situation in the Arab occupied territories still faces multiple obstacles and threats for the peace process – which itself remains extremely fragile.

It must be stated here and now that one of the parties has still not come around to stating clearly and frankly its adherence and commitment to a just and global peace and its dedication to a peaceful and durable settlement.

The occupation authorities continue to take action that the international community has an obligation to condemn. For example, we may cite: obstacles to free movement; cordoning off the occupied territories and autonomous zones; and collective punishment. All the exactions disorganize economic life, aggravate unemployment and deprivation, accentuate exclusion and frustration, and strengthen the feeling of injustice.

This is the type of situation that feeds despair, generating extremism and violence that raise a serious threat to the peace process.

Diverting water courses to the settlements is another example illustrating the volatility of the situation. The populations of the occupied territories are deprived of their already inadequate water supplies. It makes it difficult to farm their lands and makes their future uncertain.

The occupying authorities are pursuing a well-known strategy of changing the physical and demographic characteristics of the occupied territories in flagrant disregard for international law.

A recent example of this policy was the decision on 30 April 1995 to confiscate 55 hectares of Arab land at El Qods. The reaction of the international community has made the occupying authorities back down, and they have put their decision on hold. It is necessary to continue to vigorously denounce this action and demand purely and simply the cancellation of this decision which is unjust, illegal and dangerous for the peace process.

Continuation of the settlement policy is another example illustrating the fragility of this process. The policy can be seen both in the extension of existing settlements and in the creation of new ones. It is a crime against the Palestinian people and an affront to the international community. An end must be put to this policy. The settlements must be dismantled.

The International Labour Organization has a major role to play, particularly by intensifying cooperation programmes for Arab workers in the occupied territories.

In this respect, while this situation in the occupied territories remains what it is, we believe a special committee at the Conference would be the appropriate framework for examining the Director-General's annual Report.

The international community has committed itself collectively to the peace process. It must protect it and ensure that it finally achieves success with the creation of a Palestinian State with – as its capital – El Qods, Jerusalem.

Mr. BOATENG (*Government delegate, Ghana*) – I wish to add my voice to those of the previous speakers by congratulating the President and his Officers on their unanimous election to steer the affairs of this session. I would like on behalf of my Government and on my own behalf to commend the Director-General of the ILO and his able staff for presenting to this special sitting a detailed and well-balanced Report on the situation of workers of the occupied Arab territories. The Report eloquently testifies to the tripartite orientation of the ILO, the aim of which is to cater for the interests of government, employers and workers alike.

There is no doubt that the peace process signed in Washington on 13 September 1993 between Israel and the PLO, and subsequent peace accords have raised new hopes and expectations for a peaceful settlement of the Middle East conflict, in spite of the occasional violations of the provisions of the agreement.

As has been rightly pointed out in the Director-General's Report, the Israel-Palestinian conflict is the epicentre of the Middle East conflict. Consequently, special attention has to be paid to the Israeli-Palestinian conflict. It is in pursuit of this cause that my Government wishes to urge all peace-loving nations and the international community to do everything in their power to support all initiatives to enhance the peace process in the Middle East, notwithstanding the unpleasant set-backs that keep disturbing the peace.

Ghana would like to call on all the parties to the conflict to exercise the maximum restraint, tolerance, open-mindedness, understanding and goodwill to make the new relationship and peace endure. This is because whatever happens, the parties shall continue to live as neighbours in the geographical areas where they now reside.

This being the case, our collective effort as has been clearly outlined in the Director-General's Report is to help and support the Palestinian Authority to reconstruct their country and tackle the massive employment problems facing the workers in the occupied territories. This is because a peaceful solution to the conflict cannot be sustained if efforts are not able to achieve economic development in the occupied territories.

The problems confronting the Palestinian Authority are grave but not insurmountable. This is borne out by the large degree of international solidarity they enjoy, and the succinct analysis of the problems and possible solutions as suggested in the Director-General's Report. This is indeed a first step forward, and I would like to support the idea of establishing a committee to consider this Report in future sessions.

What is required of the Palestinian Authority is to concentrate their efforts and energies in establishing institutions and mechanisms that will assist the social partners to meet their basic socio-economic needs. This effort should undoubtedly be actively supported by Israel and of course the international community led by the ILO.

I am convinced that this collective support and international solidarity with the Palestinian Authority will motivate and encourage them to maintain and enhance their commitment to the pursuit of a comprehensive just and lasting peace in the Middle East.

In conclusion, I wish to entreat both the Israeli and Palestinian Authorities to endeavour to step

up the tempo for a peaceful solution to the conflict.

Such a peace would serve as an enduring memorial to the many people, including Ghanaians, who have lost their lives in the United Nations peace-keeping duties, finding peace and stability in the Middle East.

Original French: Mr. TIXIER (Workers' adviser, France) – In 1993 when the agreements were signed in Oslo the CGT, like many others, gave them a warm welcome. Indeed, they began a peace process not only between Israelis and Palestinians, but also for all the other States in the region. These agreements were, and remain, the only chance for a just, lasting and comprehensive peace. The CGT continues to hold this view in spite of the impediments, the suspension of negotiations and the failure on the part of the Israeli Government to respect many of the important aspects of these agreements.

There are two basic conditions which are vital to the success of this process. The first is the actual implementation by the different parties of the Oslo agreement. The second is the real and effective assistance of the international community.

As regards the first, we can only recognize that the attitude adopted by the Israeli Government supposedly for security reasons, as important and vital as security may be, has the effect of jeopardizing the peace process.

While the agreement calls for a freeze on the building of settlements, more are still being developed on the West Bank.

Using security as a pretext, the Israeli army still has not redeployed. This hampers in particular the holding of free and democratic elections for the Palestinians. The complex issue of East Jerusalem is also a stumbling block, as Israel is pursuing its policy of expropriation.

The negotiations are at a standstill as regards exiles and Palestinian refugees outside the territories.

And finally, more than 5,000 Palestinians are still political prisoners in Israel, whereas the agreements provided for their release.

As regards the international community, with few exceptions, it bears considerable responsibility for the future of peace. A great deal of financial assistance has been promised, but it has still not reached the Palestinian Authority for which it was intended.

The Palestinian population on the West Bank and particularly in Gaza is living in tragic economic and social conditions, and this does much to lessen the credibility of the peace process. It feeds the currents which advocate violence and extremism against both Israel and the Palestinian Authority.

In Gaza, the unemployment of tens of thousands of Palestinian workers provoked by the closure of the area by Israel makes it impossible to have any economic development.

We are convinced that a just and lasting peace can only be built if the Israeli Government resolves fully to apply the Oslo agreements. If it does not, there is a risk of seeing in the next few months an unprecedented yet alas predictable increase in extremism on both the Palestinian and Israeli sides.

It is also vital and urgent that the international community, and in particular the European Union and France, should use their political influence in this region to strengthen the peace process. A substantial

increase in financial assistance from the European Union is also vital to building stable economic and social structures.

As regards trade unions, the CGT welcomes the cooperation agreement between the Palestine General Federation of Trade Unions and Israel's Histadrut at the beginning of 1995. It is convinced that the trade union organizations of the two countries are playing and will continue to play a very important role in the peace process. The CGT has always worked for a strengthening of ties between these two organizations. In fact, in 1988 it was at the CGT's initiative that they officially met for the first time, in Montreuil, at the CGT's headquarters.

On behalf of the French workers, I think that I can express the hope that we have for the establishment of lasting peace for all the peoples in this region.

I would also like to express the hope that this special sitting will be continued at all sessions of the Conference until such time as peace has been definitively established.

Original Arabic: Mr. DAHLAN (Employers' delegate, Saudi Arabia) – In the name of God, the Merciful, the Compassionate, I would like to express my appreciation for the efforts by the Director-General and his mission sent to study the situation of workers and employers in Palestine and the occupied Arab territories.

The Philadelphia Declaration, ILO resolutions and standards have all been taken into account. We have always insisted on the protection of workers and employers, since this creates an appropriate climate for economic development. In this regard, the ILO should play a key role.

We must take into consideration certain variables that characterize our age, including peace in the Middle East. But which kind of peace is that? It should be a peace that guarantees the rights of everyone; workers and employers, and that respects the principles of the ILO while liberalizing trade. Such liberalization is one of the aspirations of employers in Palestine and will contribute to the flourishing of the economy of the region as well as being a positive contribution to the future of workers there.

The concerted efforts of the entire international community will also be extremely important to peace efforts in the area.

The creation of an infrastructure in Palestine, the attainment of political stability, freedom for employers' and workers' organizations, and the creation of a climate conducive to employer investments, as well as support for small and medium-sized enterprises, are among the most sought-after objectives for us, the employers in the Arab world.

I would like to conclude by expressing my wish that the same reasons which impelled us so enthusiastically to meet here will also result in the creation of a special committee for ensuring that these achievements will not have been in vain.

Mr. TIAGI (Workers' adviser, India) – One has nothing but admiration for the reference made by the Director-General in his Report about the situation in Palestine. It is a very complex situation. I myself come from India, which was under foreign domination for 200 years; and I have been a freedom fighter. I know what freedom means.

Israel has developed into one of the finest examples of a democratic State, guaranteeing trade union rights but their rights; but, in many respects it is behaving like France under Louis XIV of France which tolerated religious freedom provided that those practising religion were Catholics not Protestants.

The security of the State is not contingent upon the number of arms at its disposal but upon its harmonious relations with its neighbours. It is impossible to remain an island in the midst of a sea of hostility; peace must be sought by all means. It is no use entering into an agreement with geographical limitations. A State must decide whether it wishes to remain in constant conflict with its neighbours or create a Utopia where human beings live in peace, harmony and goodwill.

I hope that my friends from Israel and from Palestine may recognize the situation. We gained independence in 1947, one year before Israel came into existence. We have already experienced turmoil and we know that without peace and political stability there can be no progress. What does this occupation imply? We are living in the twentieth century. Occupying other peoples' territory is not fashionable or desirable at this moment. Israel is developing into a very sophisticated State; but what is it doing to the occupied territories? Is it not allowing people to benefit from their production or to work; it is denying them the freedom to choose their livelihood, thereby undermining their economic wellbeing. And if their economic wellbeing is undermined, poverty becomes rampant, unemployment increases and the social climate deteriorates.

All this creates a dangerous situation – and I want to avoid this for my friends from Israel. There is still time to act, to create peace and stability and provide for the economic wellbeing of the entire area, to prove that it is not a nation trying to live in a sea of hostility. I hope that in the coming year they may recognize these geographical and economic constraints – and goodwill will be created.

Mr. SKOGMO (*Government delegate, Norway*) – The Governing Body decided at its spring session this year to recommend the holding of this special sitting on the understanding that this would be the last time such a sitting be held. Norway fully supports this decision and we hope it will not be challenged in coming Governing Body Sessions.

I would like to congratulate the Director-General on a forward-looking and constructive Report on the situation in the occupied Arab territories. It highlights some of the central problems for the workers in those territories and for the peace process itself. Since last year's special sitting on this issue, the peace process in the Middle East has taken important steps forward. A Palestinian Authority has been set up in Gaza and the Jericho area. Close to one million Palestinians have, for the first time ever, their own administration and are able to influence their own affairs. A Palestinian police force has been established under difficult circumstances. Palestinian responsibility for education and culture, health and social welfare, taxation and tourism in the West Bank as well as in Gaza and Jericho are also important steps in the right direction.

The upcoming deadline of 1 July for reaching an agreement on extending Palestinian self-rule to the West Bank will be an important test of the ability

of the parties to implement the even more crucial parts of the Oslo agreements. Both parties have committed themselves to adhere to the deadline. Intense negotiations are under way with the aim of reaching a common understanding on both redeployment of Israeli forces from cities and populated areas in the West Bank and on Palestinian elections.

Both parties have internal problems and the peace negotiations face opposition on both sides. Hopefully the parties will, by the time of the deadline, have reached agreement on the Israeli withdrawal from the populated areas of the West Bank, thereby paving the way for holding Palestinian elections in the autumn.

As illustrated in this year's Report of the Director-General, the present economic situation in the Palestinian self-rule areas remains extremely difficult and the living conditions for the Palestinian workers appear to be deteriorating. If we do not manage to solve the problems caused by unemployment and deteriorating living conditions, it will be difficult to consolidate lasting peace.

Unemployment is still a major problem. There are few jobs available within the territories. A large number of Palestinians are therefore dependent on having job opportunities within Israel. We are thus deeply concerned with the border closures and withdrawals of work permits as well as with the new Israeli policy of recruiting substitute workers from countries outside the area. This has led to a large number of Palestinians losing their jobs. The economic and social consequences of this policy are described as disastrous in the Director-General's Report. The misery could also encourage the growth of extremist groups in the territories.

We agree with the conclusions of the Director-General's Report that the employment problems of the territories can only be solved if the Palestinians succeed in achieving rapid and sustained economic growth. Therefore, existing constraints on economic activities should be removed as soon as possible. We welcome the Israeli commitment in the Tripartite Action Plan from the Ad Hoc Liaison Committee Meeting in Paris on 27 April to take all possible contingency measures in order to maintain maximum possible Palestinian economic activity whenever security measures are applied.

We should examine further what the ILO and its member States can do to support development towards the achievement of rapid and sustained economic growth. The member States should concentrate on efforts to promote labour-intensive public works programmes in order to improve the economic and social conditions of the population, as well as to rebuild the important infrastructure of Palestinian society. At the international conference to support the peace process in the Middle East held in Washington on 1 October 1993, Norway pledged a total of US\$156 million in assistance to the Palestinian areas for the period 1994-98. I am happy to tell you that as a follow-up to this pledge, US\$40 million was disbursed in 1994, US\$62.5 million has been pledged in 1995. I would like to take this opportunity to encourage all members of the ILO to disburse their pledges to the Palestinian areas as soon as possible and to increase their assistance further. The very future of the peace process needs an active economic and political support.

The ILO should, for its part, continue its work on institution building in the areas mentioned in the Report of the Director-General. The establishment of employers' and workers' organizations, a Palestinian Ministry of Labour and the promotion of a tripartite dialogue on social and economic questions are vital steps towards social justice and peace. We encourage the ILO to continue its cooperation with the Palestinian Ministry of Labour to develop policies and structures in areas such as employment services, labour inspection, safety, health and training. Let me in this connection express our appreciation to the Histadrut for its willingness to cooperate with the Palestinian unions and to provide them with any practical assistance they might need.

In conclusion, the ILO should continue its forward-looking approach to the situation of the occupied territories. The creation of new jobs and the strengthening of Palestinian self-rule and democratic institutions in the territories would be most important contributions to the peace process.

Mr. AHMED (*Minister of Labour and Productivity, Nigeria*) – The people and Government of Nigeria congratulate the Director-General for the brilliant presentation of his Report on the Palestinian issue. We are encouraged by developments in the Middle East peace process and we urge a speedy completion of all outstanding issues in the Middle East.

We are concerned with the slow pace of achieving a meaningful and durable peace in the Middle East. We should spare no efforts in bringing an all-encompassing peace to this strategic and religiously vulnerable region of the world.

Peace, as we all know, rests on social development and economic growth. The enemies of peace are hunger, deprivation and poverty. Consequently, we call on the international community to provide the necessary technical assistance to the Palestinian people and all the deprived peoples of the Holy Land.

One effective way of doing this is through the development of the economic infrastructure of the Palestinian Authority. It will be quite encouraging to see the existing intergovernmental organizations such as the International Labour Organization developing tangible job-creating schemes for the Palestinians.

We appeal to the international community to assist the Palestinian Authority with manpower training and development, and to provide them with the much-needed financial assistance without which nothing much can be achieved. But first, the world must lay a foundation so as to facilitate the realization of a much-needed peace, and possibly the gradual economic development of the Palestinian people.

My Government and the people of Nigeria are looking forward to an enhanced peace process, which should be enriched with the wisdom of all of us that are here and with those communities that contribute and subscribe to the noble ideals and objectives of the International Labour Organization.

We support the call for the establishment of a committee that would help various nations, but particularly the people of Palestine, with the assurance that there will be a meaningful follow-up to whatever we agree to here, as presented by the Director-General, within a short space of time.

Ms. DEL RIO (*Workers' adviser, Italy*) – On behalf of the three Italian trade union confederations, CISL, CGIL and UIL, let me start by thanking the Director-General for this important Report on the situation of workers in the occupied Arab territories. This year the Report does not just give a precise statistical picture of the situation, it is also a useful instrument for acquainting us and giving us a better understanding of the dramatic situation of the everyday life of Palestinian workers and their families. The general information provided by the mass media does not describe these realities, and we need to be aware of them. We need the debate in this special sitting to reflect the latest diplomatic and political developments. We follow them with concern but also with great hope. There are contradictory signs. On the one hand, the clear commitment of the Israeli and Palestinian leaders to reach the necessary agreements, and on the other, we note the worrying reactions of the different political sectors which in various ways put obstacles in the way of the peace process.

The lack of substantial changes in the economic and social situation of the Palestinian population and the delays in the implementation of the Oslo, Washington and Cairo Agreements have led to a serious feeling of frustration which negatively contributes to increased extremist radicalism among the Palestinians. We knew before, and we know now, that real peace could and can be built on the basis of a broad and rapid social and economic development of the territories which has been denied by 28 years of occupation.

Unemployment remains the major and most urgent problem to solve. Most of the development projects submitted by international institutions and national governments are still on the wait-and-see list. The economic support of the international community for peace should be urgently transformed into concrete initiatives for the creation of employment and development. Only by improving the social standards of the population can we avoid social tensions and ensure stronger popular support for the peace process. But, as described in the ILO Report, there are serious problems regarding workers. Their working conditions are still degrading and difficult. Border closures represent a serious measure and are affecting Palestinian workers and their families. There is no comprehensive social protection system and much remains to be done in terms of education and training.

Even in such a difficult framework, trade unions have tried to strengthen their role and their presence. We note the particularly important progress made in relations between the Palestine General Federation of Trade Unions and the Histadrut. The Italian trade union confederations have supported these direct dialogues, and we welcome the agreement relating to mutual cooperation signed by the Secretary-General of the Palestine General Federation of Trade Unions, Mr. Shaher Sa'ad and Histadrut. The international trade union movement played a strong and positive role in the implementation of this dialogue and we must continue to play such an important role and call for coherent action on the part of the international financial institutions and national governments.

We would like to stress here the constructive action carried out by the ILO aimed at improving the

social conditions of the Palestinians, encouraging and supporting tripartite mechanisms for dialogue between the Palestinian Authority and the social partners. We would like to recall the various recommendations proposed in previous Reports of the Director-General. Unfortunately, many of them have not been implemented at all. However, we believe that the ILO continues to monitor the development of the situation in the territories, through an effective programme of technical cooperation. The Palestinian people, the international trade union movement, and those engaged in the peace process strongly need this ILO commitment.

Original Russian: Mr. BORSCHEVSKY (Government delegate, Russian Federation) – First of all, the Government delegation of the Russian Federation would like to express its particular satisfaction at the fact that the ILO mission to Israel and to the occupied Arab territories was able to take place. It is important that that mission was able to hold in-depth and frank discussions with the representatives of all the parties involved.

The Director-General's Report on the results of these activities contains a great deal of useful information which we believe is not only of interest to this Conference, but will also be carefully studied both in Israel and in the Arab circles concerned. The main objective of the Report, despite the obvious difficulties it mentions, is to improve the situation of workers in the occupied territories and to assist in the Middle East peace process.

We are heartened by paragraph 14 which contains the following encouraging statement: "The Middle East conflict, of which the Israeli-Palestinian is the epicentre, is now heading towards a peaceful and lasting settlement thanks to the spirit of open-mindedness and dialogue displayed by the parties in agreeing to negotiate".

I should like to emphasize that this statement is particularly important since the authors of the Report and we ourselves have reason to be concerned about the events that are described in paragraphs 24, 25, 26 and 27. The Russian Federation has, on more than one occasion, and indeed from this very rostrum, presented its position on the most important problems that are involved in bringing about the final success of the peace process. The essence of these problems is indeed presented in this section of the Report. Our position of principle on these issues remains unchanged.

Russia, as a co-sponsor of the peace process, is very much interested in the creation of conditions conducive to the broadest possible agreement between the parties. The best way of resolving the complex employment problems in the occupied territories is by speeding up the implementation of the Israeli-Palestinian Declaration of Principles which, as we know, provides for the final establishment of Palestinian autonomy, including the holding of elections to the national Palestinian Council and the beginning of negotiations on the definitive status of the Palestinian territories. We believe that a favourable environment for the development of the peace process is incompatible with any manifestations of terrorism or blockades. On the other hand, the importance of fostering normal trading and economic relations between the territories and Israel cannot be overstated, and we fully support the conclusions in para-

graph 62 of the Report on the need to resolve security issues not by closing off the territories but by other means. The practice of sealing off the territories only aggravates problems and does not assist in their resolution. On this point, we share the opinion expressed by the distinguished representative of France, who spoke here on behalf of the European Union.

Today, we believe that the fulfilment of financial aid commitments to the Palestinians would serve to improve the situation of Palestinian workers. At the Washington Conference of Middle East donors in October 1993, a decision was taken to grant \$2.4 billion worth of international assistance to the Palestinian autonomous territories over a five-year period. To date, though, the Palestinians have received only a small part of the promised amounts.

The need for such assistance is all too evident. The Report convincingly demonstrates the gravity of the situation of the workers in the territories in terms of employment and social protection, and it quite correctly draws attention to the need for strengthening structures and mechanisms for industrial relations.

The Russian Federation supports the ILO's technical assistance activities for the territories. We concur with the ideas in the Director-General's concluding remarks. Russia, as ever, will do everything in its power to foster the Middle East peace process, to create more favourable conditions to enhance the situation of workers in the occupied territories, to strengthen security and to increase mutual understanding between all States in the region.

Mr. LAGUESMA (Government delegate, Philippines) – On behalf of the Philippine delegation and on my own behalf, allow me to first congratulate you and the other Officers for having been chosen to lead and preside over the deliberations of this session of the International Labour Conference.

As in previous special sittings, the Philippine delegation reaffirms its full support of the efforts and initiatives of the ILO towards the improvement of the situation of workers in the occupied Arab territories and the alleviation of their working and living conditions.

While efforts to carry out these objectives have borne positive results, we fully recognize that much remains to be done. As things stand now, it is still a long but fulfilling way to go.

This year's special sitting assumes an even greater significance because it is slated to be the last one to be held during the session of the International Labour Conference. Although the Philippine delegation welcomes this Governing Body decision, in view of the continuing efforts to improve the condition of workers in the occupied territories, we believe that the ILO's activities and programmes of action should be intensified and sincerely hope that these will even be accelerated to ensure that the gains already achieved will be preserved and enhanced. In addition, the ILO's existing machinery should be able to respond to developments that may threaten or erode whatever has been accomplished.

The Philippine delegation is mindful of the financial dilemma that our Organization is currently facing. In fact, discussions on the ILO budget have been rather difficult and exhaustive. We believe, however, that competing priorities and budgetary constraints should not daunt us nor deter our resolve to accom-

plish our goal in seeing social justice, in conditions of lasting peace, reign in that part of the world.

It is in this context that the Philippine delegation joins the appeal for continuing international community and ILO active involvement and pursuit of programmes that are designed to foster social justice in the occupied Arab territories. This last sitting should signal the beginning of a new chapter geared toward realizing the theme of the Director-General's Report to the 82nd International Labour Conference, which is promoting employment. The recommendations therefore, contained in the Report of the Director-General, particularly as concerns the adoption and setting up of an employment policy framework, and its implementation in the area, deserve all our support.

In conclusion, we would like to wish both the Israeli and the Palestinian peoples success in their search for and journey towards lasting peace, and to assure them of our continued cooperation, through the ILO, in respect of the promotion of social justice and the improvement of workers' conditions in these territories.

Original Spanish: Ms. HERNÁNDEZ OLIVA (*Government adviser, Cuba*) – My delegation thanks the Director-General of the ILO for his Report on the situation of workers in the Israeli-occupied Arab territories and notes with concern the deterioration in the socio-economic climate for all workers, and more particularly for the Palestinian workers.

Approximately 60 per cent of the economically active population is currently unemployed. This situation is further aggravated by other measures applied by Israel, such as the confiscating of land and water sources, as well as the violations of the 1994 Paris Agreement based upon the principles of freedom of movement.

Furthermore, other events should also be mentioned, since they constitute provocations and attacks on freedom, in addition to the inhumane conditions in which imprisoned Palestine trade unionists are living.

The peace process in the Middle East requires constant monitoring by the ILO in order to support the just cause of the Palestinian workers and to make the measures taken to improve their living and working conditions feasible. The special sittings of the International Labour Conference have shown that the international community rejects the action carried out by the occupying forces, which are an infringement of the fundamental human rights that fall within the competence of the ILO. The special sittings should continue to take place; otherwise, a special committee should be convened to render an opinion to the Conference along with measures deemed appropriate for putting an end to the violations of international labour standards in the Arab territories occupied by Israel and to channel the international assistance intended to mitigate the suffering of workers in those territories.

A just and lasting peace should involve recognition of the Palestinian people's right to self-determination.

As long as the Arab territories continue to be occupied and colonized, giving rise to violations of the rights of Palestinian workers, there is no reason for the ILO to cease to convene these sittings. On the contrary, international action should be expanded,

given the increasingly critical situation of the workers.

Mr. KHAN (*Workers' adviser, Bangladesh*) – Allow me to join the previous speakers in congratulating the President and the Vice-Presidents on their election to the high offices of this session of this august Conference.

I also would like to congratulate the Director-General of the ILO for his efforts in presenting a forward-looking document on the situation of the workers in the occupied Arab territories. We unhesitatingly share his views that much more could and should have been done for those workers who, as we have seen, have been forced to suffer so much and are still being subjected to unjust discrimination and torture.

The working people of Bangladesh have, over the last 21 months, followed with optimism and interest the dramatic and positive breakthroughs in the Middle East peace process. The signing of the Declaration of Principles on Interim Self-Government Arrangements on 13 September 1993 between the PLO and the Government of Israel, and the subsequent agreement signed on 4 May 1994 on Gaza and Jericho were the essential first steps towards the restitution of Palestinian and Arab rights, as well as the establishment of peace in the region based on fairness and justice. The return of Chairman Yasser Arafat to Gaza and Jericho and his assumption of the leadership of the Palestinian Authority marked the beginning of their march towards the realization of the cherished dream of an independent State. The peace accord signed between Jordan and Israel has added yet another positive dimension to the scenario.

It is universally recognized that the move towards the establishment of a durable political structure in Palestine must be accompanied by economic, social and other measures to reinforce the shattered socio-economic structure of Palestine. Prolonged Israeli occupation, severe restrictive and manipulative measures on economic and other activities, and denial of the basic human and economic rights of the Palestinians have taken a severe toll on the people in the occupied areas in physical and socio-economic terms. It is heartening to note that the international community, including the ILO, has demonstrated its willingness to recognize these realities and come up with some measures of support to overcome the difficulties faced by the Palestinian people in general and the workers in particular. These, however, have yet to take effect in the scale promised. We welcome the ILO's efforts to help them develop labour legislation, social security provisions and representative organizations to support their cause. We also welcome the efforts initiated by the ICFTU to assist the unions there in the field of worker education and training.

We strongly feel that the momentum created by the peace process in the Middle East would not be served by an imposition of Israeli laws, jurisdiction and administration in the occupied territories, including Jerusalem. The rights of the Palestinians to self-determination, to their land, and to political association are fundamental questions of human rights. Stray incidents of terrorism should not be used as a pretext for retaliation against the Palestinian nation and workforce. The repeated siege of the Gaza Strip and Jericho is a denial of their fundamental rights to

live and work with dignity. Workers in Bangladesh express full solidarity with their Palestinian brethren in their efforts to uphold these rights.

The continued and systematic proliferation of illegal settlements in the West Bank confirms that gross and persistent violations of the rights of the people of the occupied territories go on unabated, despite hopes raised to the contrary by the initiation of the peace process. These not only mean dispossession of Palestinians, but also a gradual alteration of the demographic composition of the occupied territories, with consequential implications for Palestinian workers in terms of access to opportunities. All Israeli efforts illegally to alter the demographic composition of the occupied territories, including the development of Jewish settlements must, therefore, be stopped and reversed.

In conclusion, I would like to reaffirm the commitment of the people of Bangladesh in general and workers in particular to the just struggle of our brothers and sisters in the occupied Arab territories. We urge the world community to reinforce this commitment to the Middle East peace process and to support, both politically and financially, endeavours for achieving a comprehensive and equitable resolution of the issue of Palestine and the occupied Arab territories. This is imperative for the people and the workers to regain their means of prosperous and respectable living. It is our sincere hope that the International Labour Organization will continue to play a constructive role towards the attainment of this just and noble cause.

Original Arabic: Mr. BAKR (representative of the Arab Labour Organization) – In the name of Allah, the Merciful, the Compassionate. Allow me at the outset to congratulate the President of the Conference – and the President of our session now – on their election. The Arab Labour Organization expresses its deep satisfaction with this special sitting, for the sixth consecutive year, which confirms its continued concern to closely monitor the situation of the Arab workers in Palestine and other occupied territories. The reasons which led to the holding of such special sittings are still present – we can even say that they have become more urgent despite the glimmer of hope that we felt following the signing of the Declaration of Principles, but which unfortunately disappeared very fast because of the position adopted by the Israeli authorities.

An objective observation of the peace process ever since the Oslo agreements goes to show that the Arab side has opted for a just peace, whereas the Israeli authorities are still the prisoners of their own concepts and theories and the illusion of domination by all means over the Arab territories.

We in the Arab Labour Organization consider the acts of violence and terrorism against the Palestinian people to be in contradiction with all principles and values. They are against the spirit of civilization and the message of God.

As an Organization for dialogue and social justice in the Arab world, we denounce the effects of wars on humanity, entailing a waste of energy and human and material resources, all of which should be directed at this stage of human history towards construction and development to overcome the problems that are facing humanity.

For the 18th consecutive year the Director-General is submitting his annual Report concerning the situation of Arab workers in Palestine and other occupied Arab territories. We do not see a glimmer of hope to hope of improvement in working and living conditions, nor any hope for the implementation of the recommendations of the mission of the International Labour Organization – quite the opposite. It is indeed ironical to note that conditions have worsened since the beginning of the peace process. This should have been a time when we lay our weapons aside and deal with problems through constructive dialogue, and yet unemployment is the prevailing characteristic in the economic and social life of the Palestinian people, and indices of poverty, living standards and health have all worsened. Furthermore Palestinian workers are being dismissed without compensation and replaced by foreign workers.

The prevailing rule in the civilian Palestinian life is embodied in the military orders and collective punishments applied by the Israeli authorities.

We believe that a just peace is a condition *sine qua non* for economic, social and cultural development in the area and that all efforts should be devoted to development and reconstruction. But the principles of a true peace cannot become reality as long as the military occupation of the Arab territories continues and as long as settlements continue to be established.

We fully realize that unless the Israeli authorities give up their plans for expansion and for occupation the region will continue to be a source of tension threatening world peace. Any peace which is based on weak foundations is only a way of covering the fire with the ashes, and hesitancy on the road to peace is a step towards the precipice. Israel must behave in a manner compatible with the expectations of the entire world. Peace cannot be imposed, and the area depends on the peace as understood and envisaged by all parties.

We in the Arab Labour Organization fully appreciate the significance of these special sittings and look forward to see the Organization and the Conference play an even more important role, as symbols of social justice in the world, in supporting the Palestinian workers, to put an end to the injustice under which they labour, and establish an independent Palestinian State with Jerusalem as its capital.

The setting up of a special committee of the Conference, similar to the Committee on Apartheid, could be a serious contribution to finding solutions that would put an end to Israeli policies and practices which go against the objectives and principles of the ILO.

We in the Arab Labour Organization believe in social peace. We know that the coming period is a difficult one, but peace is worth the sacrifice, for the catastrophe is evident and nobody will escape from its effects, so the only way to face it is to respect our principles.

Ms. PEDERSEN (*Workers' delegate, Norway*) – Madame President, allow me to congratulate you on your election to the Chair. I like to see women in that position and in that sort of Chair.

For the third time I am addressing this session to discuss the Director-General's Report on the situation of the Palestinian workers in the self-ruled areas and occupied territories.

My statement in 1994 was very optimistic. The Declaration of Principles between the PLO and Israel had been followed up and the process had reached a level that none a few years ago would have dreamt of. In May 1994 the PLO took over in the Gaza Strip and Jericho and assumed some responsibilities on the West Bank. The process of expanding self-rule to new sectors of society is continuing, and civil society seems to be taking part in the process. This is important to ensure a democratic development. We have all welcomed the agreement achieved last March between Histadrut and the Palestinian General Federation of Trade Unions, which expresses the determination of both organizations jointly to push forward the peace process in the interests of the workers from both sides. It should not be necessary in this forum to recall the importance of trade union participation in the peace process, and of cooperation between trade unions.

We expect all trade union organizations, and also employers' organizations and governments, to support this agreement. It will contribute to improving the situation of the Palestinian workers and protecting their rights and interests. Our role is to support the desire of both sides to promote the peace process in cooperation.

The expectations in 1994 were very high. How I hoped that the situation would improve according to these expectations. I hoped that the situation of Palestinian workers would improve compared with past years; we have seen a positive development, but the process has been slow for the workers. Two years after the signing of the Declaration of Principles, and one year after the PLO took over in the Gaza Strip and Jericho, there is a need for more results. I regret that the social and economic situation in these areas has deteriorated and that unemployment has risen. This is an obstacle which threatens the peace process and its continuation. The reasons are many. One reason is the closure of the West Bank and the Gaza Strip by the Israeli authorities for several months. This makes it impossible for Palestinian workers to work inside Israel. For most job-seeking Palestinians this has been their only choice.

Workers losing their work because of the closure have so far not received any material compensation, this in spite of the fact that these workers have paid taxes to Israel and thus should be entitled to unemployment benefits. The closure of the Palestinian areas has been a response to terrorist action carried out by Palestinian terrorist groups. Israel justifies the closure with a need for security. We agree on that. It is necessary to fight terrorism on both sides. It is necessary to hinder extremist groups from committing violent actions. We see and understand the need for Israel to protect its citizens. However, we do not believe in collective punishment, and to our knowledge it has not so far been proven that Palestinian workers carrying work permits have participated in terrorist actions inside Israel. We therefore urge Israel to reopen the borders for Palestinian workers. This would immediately change the social conditions in the Palestinian areas to the better.

Israel has also continued to build and expand the Israeli settlements. This has happened both in East Jerusalem and in other Palestinian areas. The declaration of principles postpones the negotiations about Jerusalem to a later stage in the process. We therefore welcome the Israeli Government's deci-

sion to stop this expansion of settlements in East Jerusalem.

Extremists must be fought in at least two ways. First of all people have to see social improvement. Secondly, both parties must take their necessary security measures.

It is now necessary to encourage the follow-up of the agreement achieved last March between Histadrut and the Palestinian General Federation of Trade Unions (PGFTU). LO Norway has entered into project cooperation with PGFTU. We are convinced that there is need for assistance from other agencies as well. We therefore hope that the ILO will increase its assistance and further develop its action programme for the Palestinian areas. The areas need technical assistance to build an infrastructure, to create jobs and to execute projects which will give employment and thereby improve the economic situation for the benefit of Palestinian workers.

The international community should keep its promise to the PNA to help it face social and economic expectations. If these problems are not solved the peace process may fail, and continued social failure will give more prestige to extremist groups.

LO Norway has a long tradition of friendly relations with PGFTU and Histadrut. The projects we started two years ago aim at offering assistance to the Palestinian trade unions on the West Bank and in Gaza, to help them develop their unions. The basic conditions of the trade union movement must be developed so that they can participate actively and build the basis of a future Palestinian State, living in peace with Israel.

Finally, I would like to thank the Director-General for his valuable Report and reaffirm our support for his commitments. Regrettably, the Report was late. We understand that there were obstacles in the preparation of the visit of the observers to the occupied territories. We do regret this.

Palestine and Israel are on their way to peace. The road requires cooperation. Both parties confirm that they will not allow extremists to destroy the peace process. Therefore we are hopeful that the development of the process will show that there is no need for a special session next year on this subject.

I would like to express our support for the Israeli Government and the PNA on their joint efforts, together with the trade unions and civil society, to bring about peace, freedom and social justice. Let us continue to support the struggle for lasting peace and development in the area. Israeli and Palestinian workers deserve that.

Mr. ZELLHOEFER (*Workers' adviser, United States*) – I would like to thank the President for giving me the opportunity to address this, which is now the sixth and will, I am more firmly optimistic, be the last special sitting.

The peace process has made dramatic advances this past year in an arena of political dialogue and negotiation, an arena beyond the ILO. Unfortunately, it is still apparent that there are some who think the ILO is a political organization, or an organization that can be used for political purposes.

The ILO's mandate is not political. It is a unique and specialized United Nations body with a universally accepted and respected competence. Bypassing the time-tested normal supervisory machinery and other accepted procedures in order to hold special

sittings like these only serves to politicize and, regrettably, weaken the ILO's effectiveness and credibility. Sadly, there are some who would prefer to see the ILO weakened, or worse, and there are some who would prefer to see the peace process derailed, or worse. There is obviously a proper and constructive role for the ILO to assist in the process of underpinning genuine peace, security, democracy and social justice, which is clearly within its mandate and competence. The appendix to this year's Report of the Director-General confirms that some practical assistance has already been started, and more is needed. However, taken in sum, these particular reports, if they ever really served any constructive purpose, have outlived their usefulness. Aside from the unfortunately familiar slanting in this year's Report, there were some remarkable inconsistencies. Is the Director-General really recommending a one-way opening of the green line to an "unlimited number" of workers? In one paragraph, it is noted that tens of thousands of Palestinians are unsure of their jobs in other countries, yet in another paragraph it is recommended that Palestinian workers seek re-employment in other countries. The Report at least does recognize that extremism and wanton acts of violence undermine any climate of security.

The conclusion of these remarks concerns the whole region. It should be rather painfully clear that underlying the tensions and difficulties faced by Palestinian workers, their emerging trade unions and the daunting challenges to build a democratic and socially just society is the deplorable state of human and trade union rights in the greater surrounding region.

Human dignity and thus human potential have been held in check by all too many regimes in the region through the suppression of fundamental human rights, including one of the most basic, freedom of association. The constructive, social-justice, democracy-building role that genuinely independent trade unions can play has been repeatedly blocked. All too often violently. This is of grave concern to the national trade union centre I belong to, the AFL-CIO. The most recent *Annual survey of violations of trade union rights* by the International Confederation of Free Trade Unions, released just two days ago, confirms the deplorable reality. From that survey and other reliable sources, the stark facts emerge. Workers in some 20 countries in the greater surrounding region continue to face serious violations of basic rights. Unions are simply outright banned in three countries. No collective bargaining is permitted in four countries. In one country, organizing a strike is punishable by death. Outright governmental control of labour organizations is the case in three countries. Only a few States permit trade unions to exist independent of government control, but these countries place very substantial restrictions on union activity. Slavery and forced labour continue to exist in at least two countries. The lack of democracy and the failure to develop supportive civil democratic institutions when linked to gaping social inequities and appalling poverty clearly continue to be fertile ground for the seeds of fanatic, violent extremism. Meeting this challenge head on here in the ILO, and elsewhere, is the real issue before us all.

(Mr. Rosales Argüello takes the Chair.)

Original Farsi: Mr. MOOSAVI JAZAYERI (*Workers' adviser, Islamic Republic of Iran*) – It is of course imperative to recognize the great importance of this special sitting because Palestine, with its rich history, needs us to recognize the sacred nature of the land of Palestine, since colonialism and neo-colonialism have never withdrawn from that land, have constantly attempted to establish their domination over the land of Palestine. Muslims have always been driven off their lands so that opportunist Zionism can establish itself in their place.

The Muslims of Palestine have been successively betrayed in all the wars which have been led against them, in all the political manoeuvres which have been undertaken to drive them from the land of their ancestors. The Palestinian people have had no other way out than of reacting like any other country would if thus deprived. The Palestinians are still under the yoke of Zionism which is based upon a policy of enslavement, a policy which is to dismember the very fabric of Palestinian society to create mutually aggressive clans within what used to be a uniform society, and I am not referring now to other direct aggressions upon the Palestinian people perpetrated in this ancient and holy land.

There is no doubt that the humanitarian values which are dear to all of our hearts, call on us to denounce these Zionist manoeuvres.

Original Spanish: The PRESIDENT – I would like to request you to direct yourself to the Director-General's Report. You are out of order, Sir.

Original Farsi: Mr. MOOSAVI JAZAYERI – It is the Palestinian people, it is the young people, it is the workers who today are in the prisons of Israel. It is true that a certain number of Palestinians have in fact decided to collaborate with the Israeli authorities, and have given up the Palestinian cause. The Muslims of Palestine have had to invest all their efforts in an attempt to free their country, but the United States and their allies in the region have played this tragi-comedy based upon the acceptance of certain limited rights for the Palestinians. The farcical nature of this recognition deceives no one. Injustice, indeed is the watchword in these territories.

The Palestinian workers are now forced to sacrifice everything they have to try and shake off this dominant Zionist regime. The policies practised by the authorities are policies of cowardice, of the denial of their existence to the Palestinian people.

The Zionist forces merely practise the will of the United States which nevertheless continually preaches that it supports the freedoms and rights of oppressed peoples. Is the defence of human rights merely the defence of illegitimate rights, or does the definition of that term vary, depending on the location? We denounce this policy. These are not the human rights we are supposed to be talking about.

The financial and political support given to the Zionists is such that human rights and international law are given no respect in the region, and arms are continually channelled to the authorities of that regime. This is a matter of increasing and considerable concern to all peoples in the region.

We ask the ILO to provide greater assistance to the Palestinian people so that their legitimate rights be respected and so that the intolerable pressure which is exercised upon them by the Israeli author-

ities be lifted. We require that the Organization send groups of inspectors to the region to monitor what the Palestinian people are suffering from at the present time so that they can study the full range of problems facing the Palestinian people. This tragedy now being played out in Jericho and in the Gaza Strip, with the so-called autonomous Authority, is a mere veil drawn over the injustices which are daily inflicted upon this people. The resolution of the United Nations, particularly the last resolution which was adopted in regard of the city of Jerusalem, is a disgraceful text for the United Nations and for the whole international community. We are convinced that your conscience will not allow the perpetration of the present injustices practised against the Palestinian people.

Mr. ANAND (*Employers' adviser, India*) – I stand before you to express the Indian Employers' sense of deep concern about the delay in the peace process and slow pace of social and economic development in Palestine. In my humble view, the Director-General's Report does not do adequate justice in contributing to finding solutions for the basic problems at hand. I admit, though, that his effort does deserve recognition and appreciation, and if I may add, sympathy from us all. How much he can or could have done within the budgetary constraints, I continue to wonder. However, it was expected that the peace process would be accompanied by economic progress and social development. One way or another, problems are continuing to beset the region, dashing hope for the immediate future. Therefore, a reiteration of what the Employers' group said at the last Conference is both justifiable and called for. I should like to reiterate it with all the emphasis I can.

Our group's chief spokesman, Mr. Oechslin, apart from what he said today, made a very appropriate statement last year which I would like to re-endorse. It called for more affirmative and positive action in the development field, and also as part of peace restoration efforts. It is obvious that without peace it is not possible to envisage durable economic development, social progress and sustainable employment.

We have seen in my own country that if men and women, and especially the young, cannot find productive and gainful employment to utilize their energies and capacities, then they take refuge in lawless adventurism, negative approaches and subversive activities which escalate violence and crime. We therefore urge more urgent attention with more positive support from international institutions like the ILO and the UNDP and other bodies of the United Nations system, through technical cooperation to promote not only infrastructure, both social and physical, but also undertakings which can attract youth into constructive channels. Adequate infrastructure therefore should be a priority project. It should also embrace expansion and modernization of not only education, but also vocational training, preferably including sufficient opportunities for women. In this, employers' organizations and workers' organizations should be associated as a part of the social active partnership policy adopted by the ILO.

We may or may not deal with this question at later sessions of the Conference. This is for the Governing Body to decide, according to the resources available and the priorities it sets from time to time. But the responsibility of the ILO in Palestine will not cease

to exist as long as the task is unfinished. Until the task defined over the years by the various sessions of this Conference has been accomplished in adequate and sufficient measure, the job is not done. Moreover, there can be no outside or indigenous investment on a stable basis in disturbed conditions of visible terrorism or invisible proxy wars. Therefore, I would stress to the Director-General and the Governing Body the need to look into this obligation with sympathy for those who have been suffering since the end of the First World War and who have been building up hopes in the United Nations system. Numerically, those living in the disputed areas of Palestine may not compare favourably with many other peoples in regions suffering violence and terrorism. But this is a highly explosive region, and one that is very important to world peace. It merits more than cursory attention. Otherwise, continued attrition, violence and conflict will undoubtedly result again in chaos, undoing the efforts and the investments made by the ILO so far.

The objective of this special sitting – or of any subsequent committee – should be clear. Permit me to use a Persian proverb: "The wise man sat, debated and ran home". The questions as to what we do next are, where do we go from here? Next year, what will authorities of the ILO and the Governing Body and the United Nations system do for peace? The responsibility of the international community and the social partners is as great as ever. I hope they will ponder this and find some solutions.

Thank you for your patience and cooperation. I endorse the observations made earlier by my group leader, Mr. Oechslin, and my Indian colleague, Mr. Tiagi, who so eloquently spoke in defence of the workers and in the preservation of peace in the area.

Mr. TABANI (*Employers' delegate, Pakistan*) – As I am taking the floor for the first time, I will start by congratulating the President on his unanimous election to chair this 82nd Session of the International Labour Conference. I also congratulate the Vice-Presidents for the confidence reposed in them by their respective groups.

We wish to commend the Director-General for the excellent Report on the situation of workers of the occupied Arab territories. The Report contains valuable information, is precise, with well-balanced conclusions.

We have noted with satisfaction that the fact-finding mission sent by the Director-General was given all necessary facilities for meeting the tripartite constituents, both in Israel and the occupied territories. This is indeed one reason why this factual Report reflects the two states of affairs of the workers in the occupied territories.

The ILO must be complimented for the prompt and generous assistance being provided to the Palestinian workers. Immediately after the signing of the Declaration of Principles in September 1993, a Memorandum of Understanding was signed in January 1994, with the PLO approving in principle a programme of action for which an immediate amount of \$900,000 was allocated from the regular ILO budget. This shows the concern of the ILO to bring into sharp focus the need to improve the conditions of the Palestinian workers.

The labour and employment statistics in paragraphs 36-47 of the Report are a cause for concern.

Employment of Palestinian workers in Israel has shown a sharp deterioration, falling from 115,000 in 1992 to 47,000 in 1994, with further decline in the current year. The unemployment rate in the occupied territories is even worse. Instead of further worsening the already grim situation, Israel can help by removing restrictions on employment of Arabs within Israel in order to ease the present situation.

In a political situation of long years of confrontation, progress will be slow and arduous. As mentioned in paragraph 35, there is still visible opposition to the peace process from both sides. What is really required, and urgently, is to promote a climate of mutual trust to bring this peace process onto the right track. Both Israel and the PLO have to move in this direction if they are to succeed.

We agree with the Director-General that an employment policy framework needs to be adopted to provide for short-term and long-term measures to promote employment in the complex and serious situation as the supply of Palestinian labour force increases and demand for it declines. In this effort, the ILO will need the full support and assistance of all United Nations agencies, as well as friendly countries and governments to help in the economic uplift of the Palestinian people by enabling the Director-General to implement the programmes enumerated in paragraphs 54-77 of the Report.

Original French: Mr. OKOUMOU (representative of the Organization of African Unity) – On behalf of the Organization of African Unity which I represent here, I wish to address to Mr. Rosales Argüello my warmest congratulations on his election to chair the 82nd Session of the International Labour Conference. I refer to the wealth of his experience, and I know that this will be made available at this sitting to ensure the success of the work and, indeed, the success of the whole Conference. I offer my congratulations also to all the members of the Conference bureau. I would like to express my tribute to the Director-General of the ILO for the remarkable work which he has produced and presented since taking Office at the head of this Organization, and for having again this year developed, in his Report to the Conference, his thoughts about the situation of the workers in the occupied Arab territories, the subject of this present special sitting, which should in fact have been studied by a committee within the Conference.

It is with pleasure that I am participating in the special sitting of the Conference to examine the Director-General's Report on the situation of workers of the occupied Arab territories.

The Organization of African Unity which it is my honour to represent in this special sitting has always considered that the Palestinian question was the prime and deep-seated cause of conflict in the Middle East, and that the question of Jerusalem is at the very centre of the Palestinian question. The Organization of African Unity thinks that a just and durable peace in this part of the world involves the withdrawal of Israel from all occupied Palestinian territories, including Jerusalem, and the recognition by Israel and the international community of the rights of the Palestinian people including the right of return to their country and to establish an independent State in such territories with Jerusalem as capital, in compliance with the

resolutions adopted in the United Nations on this important matter.

The city of Jerusalem should be considered as an integral part of the occupied Palestinian territories, and its domination by Israel and indeed all decisions taken by Israeli institutions in regard to the city of Jerusalem should be considered illegal.

From this rostrum, I would like to pay tribute to the legitimacy of the struggle led by the Palestinian people and the leadership of the PLO, its own legitimate representative, so as to recover the occupied territories and to exercise its inalienable national rights. From this rostrum I address the Palestinian workers, and I encourage them to pursue their struggle to final victory.

I would like now to turn to the Organization for the Liberalization of Palestine and the Government of Israel, and express the appreciation of the OAU for all the efforts they and other partners involved have made in the bilateral and multilateral peace discussions. The OAU encourages them to persevere and to achieve a just and peaceful solution to the Palestinian question.

The Israeli Government and the PLO should pursue the peace processes which they began and signed on 13 September 1993 in Washington. The Organization of African Unity will make its contribution at the appropriate time to this peace objective which has, since the beginning, benefited from the mobilization of all African peoples in the just cause of the Palestinian peoples.

Original French: Mr. ZANOU (Government delegate, Benin) – First of all I would like to congratulate the President on his election and then take the opportunity of this special sitting to express my satisfaction, on behalf of the Government of Benin, to the Director-General of the ILO for the excellent Report he has submitted at this time of reflection on the situation of workers of the occupied Arab territories.

In connection with this Report, I note with satisfaction the efforts that have been made by the international community, and in particular by the International Labour Organization, to ensure peace and security in this part of the world. However, I regret to note that the situation of Palestinian workers has not actually improved. The cause for this unfortunate situation should be seen in the notorious security system established and upheld by the law of brute force rather than by the strength of reason. It is therefore important for the political situation to be improved so that the considerable efforts that the ILO is trying to develop in favour of Palestinian workers can be realized. From this point of view my country is among those that feel that the peace process that has been under way over the last few years deserves to be accelerated for the well-being of the parties concerned.

One point which I consider important at this stage of the discussion is respect for human rights. Here the ILO should be able to continue its activities and improve not just the living and working conditions of the Palestinian workers, but above all promote respect for the human race as a whole.

My country continues in its conviction that without security there can be no peace, without peace there can be no development, and without development there will necessarily be poverty. I am sure you

will agree with me when I say that poverty anywhere constitutes a danger to prosperity everywhere. Therefore, I would like to see a healthier, more humane political and social climate in this part of the world.

Mr. VAN HEERDEN (*Government adviser, South Africa*) – Allow me to extend my congratulations to the President on his election and to congratulate him on the very professional way in which he is conducting this session.

In recent years I think the international community has seen two very stark choices facing countries in transition. We have the examples of South Africa, of the Middle East, of Northern Ireland on the one hand, and we have the examples of Rwanda, Burundi and Bosnia on the other.

In South Africa we have veered between these two options over the years. In the 1980s we saw a period of very intensive repression met by very intensive resistance. We launched a campaign to make the country ungovernable, and we felt that we did a very good job of making it so. The Government reacted by trying to repress all democratic and legitimate organizations and like two boxers slugging away we got to a point where eventually we saw quite clearly that nobody could win, and we were faced with a lose-lose situation. Thank God that we had leaders of sufficient vision, sufficient courage and sufficient humility to admit that a lose-lose situation was not a desirable one, and to put down their weapons and come to the table to start to negotiate. In those negotiations they started to define an area in which nobody would achieve exactly what they wanted, but where both sides could say that we had a win-win situation. One of the essential ingredients of those negotiations was the existence of very strong democratically organized trade unions and employers' associations. And one of the points I would like to make today is that those organizations were the essential guarantee of integrity and honesty in those negotiations. Because every time we saw the politicians – and I am sorry to say that politicians cannot always be trusted – departing from their mandates or acting in a way which was not in the best interests of the people, our trade unions and our employers' associations put the pressure on or took to the streets, they stopped the economy, they made it quite clear to the politicians that they would accept nothing but the correct democratic solution. And I think that if in Palestine we could see the establishment of very strong democratic employers' and trade union organizations, it would be something that could enhance the peace process. And I appeal to the Israeli authorities to allow the development of those sorts of organizations. I think that it would constitute an investment in the future.

A second characteristic of the transition period in South Africa which I think is interesting for us all to see, and President Mandela himself stressed it when he was at the International Labour Conference a number of years ago, is that it was essential for the international community to walk the last mile with the South African people and not to assume at too early a stage that the situation was irreversible and that they could now turn their attention to other more pressing problems. The constant supervision, monitoring and involvement of the international community was something for which the parties in

South Africa will be eternally grateful. So I appeal to the ILO and to the other organizations and countries which are involved in the Middle East situation to go the whole mile and not to relax either the pressure, or the encouragement to the parties to reach a solution.

A third feature of our transition in South Africa which I would like to emphasize, is that we now have a situation of democracy, a multi-party democracy with a strong respect for human rights. The fact that we have 50 per cent unemployment, millions homeless, millions without adequate education facilities, and that health care and social security cannot be extended to the majority of the population threatens our democracy. People come and they say we cannot eat the vote, we cannot eat human rights, what is the Government doing to improve our standard of living? And until the Government can deliver those basic social needs, we will not be able to say that we have achieved a proper democracy in South Africa.

Democracy is not only political, it is economic and social as well, and one of the things that I fear in the Middle East is that the actions of some of the parties and of some of the governments involved intensify the social inequalities that exist, and that social inequality will haunt you, it will haunt the entire region. I urge you all in your actions, in your negotiations, in your development programmes, to ensure that you address those social inequalities, otherwise you will not be able to say that you have achieved peace or democracy.

I bring this message to you from South Africa in all humility. I do not claim for a moment that we have solved our problems in South Africa. I do not claim for a moment that anybody should try to emulate us. I simply show our experience to you for what it is worth. It has worked to an extent for us. I hope it can work in other parts of the world as well.

Mr. SMITH (*Government delegate, United States*) – On behalf of the United States, I would like to congratulate Mr. Rosales Argüello on his election as President of the Conference. We appreciate the excellent work you have done in the past and we very much look forward to your continuing leadership.

The United States is very pleased with the Director-General's Report on the situation of workers in the occupied Arab territories. The Report recognizes a new era of peace has dawned in the Middle East. It concentrates, as it should, on how the ILO can contribute to building a solid foundation for peace by assisting the Palestinian people in such areas as employment generation, human resource development, and institution building. We commend the Director-General for refocusing the Report in this manner.

My Government is pleased that the ILO's resources on the ground have already been channelled into priority projects. These projects include the establishment of a Palestinian Authority Department of Labour, the vocational rehabilitation of ex-detainees, the development of a system of social and labour statistics, the creation of an employment-intensive community infrastructure, and the formation of a social security system.

At the same time, the United States has striven to do its part to provide substantial levels of assistance to the Palestinians. I would like to take a few minutes to outline what the United States has done to

assist the Palestinian people since Israel and the PLO signed the Declaration of Principles in September 1993.

In October 1993 the United States organized a conference in Washington to support the Middle East peace process. Donors pledged over \$2.3 billion. Of this total, the United States pledged \$500 million for the period of 1994 to 1998, including \$375 million in grants from the United States Agency for International Development and \$125 million in programmes of the Overseas Private Investment Cooperation (OPIC). The United States continues to take a leading role in coordinating the international assistance effort for the Palestinians.

In January of this year we reprogrammed approximately \$40 million of our fiscal year 1995 funds to emphasize job creation, high visibility infrastructure, and private sector activity. Agreements for several of these projects were announced during Vice-President Gore's visit to Jericho this past March. They included \$8 million for two public works projects and \$11 million for a storm water project in Gaza.

Of the \$200 million pledged by the United States for calendar years 1994 to 1995, we have released nearly \$106 million as follows: \$50 million in technical and development assistance, including funding for the United Nations Relief and Works Agency's (UNRWA) rehabilitation of housing, schools and clinics, a Gaza housing project, food assistance, and assistance to private voluntary and non-governmental organizations; \$40 million for the World Bank's Holst Fund; \$8 million for emergency job creation; \$5 million for the Palestinian police; and \$3 million for OPIC programmes.

Above and beyond our 1994 to 1995 pledge, we are also providing: \$142 million in contributions to UNRWA for its regular programmes of education, training, medical and social services; \$11 million in in-kind assistance for the Palestinian police and Ministry of Health, including 400 vehicles, spare parts and medical equipment; and \$6.2 million for UNRWA, rehabilitation and training projects for Palestinian refugees in Gaza, the West Bank, Lebanon, Syria and Jordan.

ILO activities are only one element of a very broad, multi-faceted international effort to build peace through practical programmes of support for the Palestinian people. My Government considers ILO programmes to be an important part of this effort. We greatly appreciate what the ILO has done and will continue to do for the Palestinian people. As a Government, we have endeavoured to do our part, and will continue to devote resources for assistance to the Palestinians. We look forward to working closely with the Organization in its future efforts on behalf of the Palestinian people.

Finally, we are pleased that this will be the ILO's last special sitting on the occupied territories. Since the practice began five years ago, the United States has consistently opposed the holding of special sittings on the situation of workers in the occupied territories. We have done so because the practice singles out one ILO member country, Israel, for different treatment from other members. Accordingly, the United States is very pleased that, as the result of a decision by the Governing Body last April, this will be the last year in which the International Labour Conference holds a special sitting on the occupied territories.

The ILO secretariat and the Governing Body, including the sponsors of the original resolution on the special sitting, deserve credit for making the wise decision to end this outdated practice. This decision reflects the significant changes brought about in the Middle East through the advances in the peace process during the past two years. This new scenario is also reflected by the fact that most of the speakers this afternoon have focused on positive developments in the region on ILO assistance programmes for the Palestinians and on prospects of peace for the future. It is fitting and proper that this last special sitting has shown a much desired improvement in substance and tone. The United States applauds this positive development.

Mr. LAURIJSEN (*representative of the International Confederation of Free Trade Unions*) – It will soon be two years since the Israeli Government and the PLO leadership signed the historic Declaration of Principles generating new hope and prospects for peace in the Middle East. A lot of hard and delicate work has since been done over that period leading to slow but very significant progress on the road to finding political solutions to the many problems and injustices confronting the Palestinian people.

The international trade union movement has on several occasions saluted the political leaders and the international community for their resolve and commitment to keep the peace process on track. Despite criminal attempts to undermine these efforts, they will show – with our support – that dialogue through democratic institutions is the only way forward. I wish to express the ICFTU's warmest appreciation and congratulations to the Palestinian and the Israeli trade unions for having participated in this process by working out their own agreements and cooperation on issues of joint interest. The ICFTU has supported and will continue to support the important contributions made in this way by the trade union organizations on both sides.

In the light of all these positive developments and bearing in mind the vital need to continue these efforts in the spirit of productive and non-confrontational dialogue, it is significant that the Governing Body has decided that this is to be the last special sitting of the International Labour Conference devoted to the theme of the occupied territories.

However, it is our view – and I trust that it will also be the position of the Workers' group of the Governing Body – that the ILO should apply all other and more effective means to step up its action in support of the Palestinian workers and their independent trade unions.

This is a Conference for addressing labour problems, labour problems that are once again clearly explained in the excellent Report presented by the Director-General to this session. The Report shows that, notwithstanding the political breakthrough, the situation of Palestinian workers and their families remains extremely precarious by all standards. Unemployment is incredibly high, particularly in Gaza where at best 30 per cent of the workforce has a job. Furthermore, wages are extremely low. Social safety provisions are virtually non-existent and vocational training facilities very poor. The social situation, therefore, remains one of the most explosive obstacles on the road to lasting progress and stability.

What the Palestinian people need now is the international assistance that was pledged but has been very slow in coming through. The Arab neighbours of the Palestinian people should also contribute towards this international effort of solidarity. In addition, Palestinians need investments as well as the removal of trade impediments and other obstacles to the development of their economy.

What is crucial, however, is that the Palestinian authorities should ensure from the outset that the economic and social pillars of the national development process will rise in harmony and that they will be mutually supportive. The Palestinian people, who have been deprived of economic and social justice for much too long must get the benefit and their full share of the process of economic development and investment.

As in other developing nations or countries in transition, it will be crucial not only to work for exports but also to establish a sound domestic market for Palestinian products and to make sure that the national economy can provide the goods and services that the Palestinians themselves need. To achieve this, it will be of capital importance to secure a decent level of income and standard of living for the Palestinian workers and their families.

Independent trade unions will have to play their full and natural role in this process and help to ensure a fair and adequate distribution of the fruits of development. In this regard we call on the Palestinian authorities to be guided by the relevant ILO Conventions and to take full advantage of the ILO's advisory services in translating these standards into the Palestinian needs and realities. The ILO instruments have served us as a yardstick in our struggle for the respect of Palestinian workers' rights and conditions during the occupation period. Today, and tomorrow, they should continue to serve as a basis for the Palestinian Authority itself in its efforts to establish fair and constructive labour relations and labour conditions.

Original Arabic: Mr. DJEMAM (*representative of the International Confederation of Arab Trade Unions*) – This is the sixth time that we have held a special sitting to defend the rights of the Palestinian people to self-determination, to return to their territories and have as capital of their independent nation the city of Jerusalem in compliance with Security Council resolutions and indeed in compliance with the resolutions of the whole of the international community.

The missions that have been sent by the ILO have widely described the state of injustice under which the Palestinian workers labour in the occupied territories. Collective sanctions, discriminatory measures, a lack of social protection for Palestinian workers and limits on their freedom of assembly continue.

The Director-General's Report demonstrates also that a Jewish settlement policy still operates in a number of places, and Palestinians are still being deprived of their rights to training and education.

The continuance of this state of affairs in the occupied Palestinian territories, the Golan and southern Lebanon, stands at the very core of the ILO's responsibilities. Indeed this is the main concern of the ILO, which should continue to provide assistance to Palestinians to relieve their sufferings and eliminate the injustice which is imposed upon them.

Hence, we are determined to defend the continued existence of this kind of special sitting. More than that, we would like to see a special committee set up to deal with the legitimate rights of the Palestinian peoples and to strive towards of a just and lasting peace.

Peace clearly is the best solution to the problems of Palestinian workers but it cannot be just any peace – it must be complete, overall, real, genuine peace befitting the sacrifices that have been made by the people and that recognizes their dignity.

We would like to express the hope that the ILO will increase its efforts to improve the status of the Palestinian workers in the Golan, occupied territories and southern Lebanon and we condemn the policy pursued by the Israeli authorities under which the rights of Palestinian workers are denied, and which casts a permanent threat over the prospects for peace in the region.

Only on the basis of a complete withdrawal from southern Lebanon, the Golan and all occupied territories, and of an end to the Jewish settlements policy can we aspire to a just and lasting peace in the region.

Original French: Mr. VITTORI (*representative, Pax Christi international*) – We would have expected the Israeli Government to welcome the ILO mission eagerly. The subsequent Report should have shown progress achieved this past year within the framework of the peace agreements in favour of Palestinian workers and their families. The initial refusal to grant an entry visa to the mission, which was granted only after the April session of the ILO Governing Body, was an unmistakable signal. The State of Israel thus acknowledged that it had little to boast about as far as improvements in the living and working conditions of the Palestinians were concerned.

The brevity of this year's Report compared to the one of previous years is due to time constraints but also to the fact that the mission was hesitant in analysing the reasons for a fundamental problem – the repeated closing of the territories. Caution is a virtue, but objectivity implies no obligation to keep the scales balanced when they are in fact tipped. If, for example, we read paragraph 35 of the Report, it says that "Israel has found itself constrained frequently to close the territories and increase the number of migrant workers from other parts of the world." But the question immediately arises, where does this constraint come from?

The Palestinians of course have many reasons to revolt against the constraints imposed on them, but terrorist attacks are unjustifiable, even when motivated by despair they lead to suicide attacks. That Israel should protect itself and seek to punish those who are guilty and those who provide them with arms is perfectly legitimate. The application of collective sanctions, however, is not. The closing off of the territories during a third of the working days during this past year is, frankly speaking, a punitive retaliatory act rather than a means of protecting oneself. It undermines the peace process far more than the declared opponents on all sides could do. It is not by depriving hundreds of thousands of Palestinian workers and their families from an income in an economy totally dependent on Israel that it can hope to effectively combat terrorism. The Report, in paragraph 62, states that "It is imperative that security

problems be dealt with otherwise than by closing the territories, a practice that has aggravated problems rather than solved them."

Furthermore, the Report relevantly points out that the status of autonomy is part of a narrow framework: "The Palestinian Authority can in no case challenge the legislation or military orders in force given that the status of the territories remains unchanged." Another key problem pointed out by the Director-General is the creation of Jewish settlements in the occupied territories. This has been condemned on several occasions by the United Nations, in particular the Security Council in resolution No. 242 of 22 November 1967, which is the basis for the Oslo agreements. These settlements are still being expanded, Palestinian land, including Jerusalem, continues to be confiscated. In violation of agreements, Israel is pursuing a *fait accompli* annexation policy. Only extremist groups are benefiting from the poverty created by this economic situation, while the peace process is losing its popular support as the standard of living deteriorates.

Israeli employers have protested against the repeated closing off of the "green line", which leads to unannounced work interruptions, disrupts production and forces them to recruit migrant workers from other countries. The Director-General's Report points out that the Histadrut (the Israeli trade union federation) has currently agreed to return part of its dues and give them to the General Federation of Palestinian Trade Unions Federation, though this does not give the trade unions the right to defend their members in Israel. In this regard, we would like to mention once again the activities of Workers' Hotline, an Israeli lawyers' collective which, since 1990, has kept Palestinian workers informed of their rights and handles their disputes with employers or with the Israeli administration. The Workers' Hotline has scant means at its disposal and therefore relies on volunteers; it also deals with health problems of workers threatened by the use of hazardous substances and by exposure to petrol in garages and petrol stations, as well as workers who lack protection against on-the-job accidents and their consequences.

We would like to congratulate the ILO for the initiatives it has taken and strongly encourage it to demonstrate its willingness to contribute to the achievement of the peace process naturally within the limited framework of its mandate. Peace – which is only possible with social justice and the assurance for each worker of guaranteed employment, beneficial to society, that will enable him and his family to live in dignity – does this not lie at the heart of the ILO's mandate in Palestine and elsewhere?

A happy population does not spawn terrorists in its midst. A people that recognizes the rights of other peoples who are its neighbours, and relinquishes the idea of hegemony whether it be for historic, ideological or religious reasons, will not make enemies and fear for its security.

As the first Director-General of the ILO said, "if you want peace, promote justice". Sound advice, which we would like to repeat from this rostrum and address to men and women of good will on both sides living in the same land. They should all be able to live in freedom, enjoying mutual respect and equal rights.

Mr. SUNMONU (*representative of the Organization of African Trade Union Unity*) – I would like to express on behalf of African workers and the Organization of African Trade Union Unity (OATUU) our appreciation to all members of the ILO Governing Body for making this special sitting possible. This time last year we were all optimistic that this year the peace process would have led to the establishment of the Palestinian National Authority over the entire Palestinian territory occupied by Israel since 1967. That was the hope on the basis of which everybody thought that year's special sitting would be the last! The events in the occupied Arab territories since last year prove that we were all wrong. It would therefore be unrealistic to declare that a match is over until the final whistle.

I congratulate the Director-General for his Report on the situation of workers of the occupied Arab territories in spite of the initial delays caused by Israel to the second mission sent by the Director-General.

The technical and material assistance of the ILO to the occupied Palestinian territories is highly commendable and should be increased. ILO assistance in the areas of employment promotion, the strengthening of the appropriate institutions and labour relations should be intensified.

There are certain measures taken by Israel in the occupied Arab territories which can permanently damage the peace process. These include: continuous building of Jewish settlements; unjustifiable and arbitrary confiscation of Arab land; the high-handed collective punishments of Palestinians and closure of the borders of the occupied territories; and the failure of Israel to implement some parts of the agreement signed with the PLO, thereby delaying the peace process.

The Israeli authorities should be mindful of their moral responsibility to abide by the agreement they signed with the PLO and the grave consequences for peace and stability in the Middle East in the event of a breakdown (God forbid) of the peace agreement. Israel should therefore put an immediate stop to these anti-peace measures.

The OATUU appeals to both Israel and the PLO not to give extremists on either side the opportunity to break the peace process. The objectives of both parties should be peace and justice. They should all remember that there can be no peace without justice.

It is gratifying to note that Israel has signed a peace accord with Jordan and that there are positive developments concerning the Golan between Israel and Syria. The meeting later this month in Washington between the military leaders of Syria and Israel for discussion on the return of the Golan to Syria, its rightful owner, is very encouraging. We commend the United States administration for its mediating role between Israel and Syria as well as that of President Hosni Mubarak and the Egyptian Government.

It is with pride that I declare at this august assembly that at the 6th Ordinary Congress of the Organization of African Trade Union Unity, which was held in Accra, Ghana, from 22-24 May this year, African workers unanimously reaffirmed their unflinching support for the workers and peoples of Palestine in their just struggle for a free and independent Palestine with Jerusalem as its capital and for the return of all occupied Arab territories by Israel to their Palestinian and Syrian and Lebanese owners.

We appeal to the member States of the Arab League, the United Nations and the international community for massive financial, technical and material assistance to the workers and people of Palestine, in order to allow them to overcome poverty, unemployment and underemployment, which more than 40 years of oppression and exploitation during the forceful occupation by Israel has brought on them.

If the situation of the workers in the occupied Arab territories has not improved by this time next year, the Conference should set up a permanent Committee to consider the Report of the Director-General.

Original French: Mr. VERSTRAETE (*representative of the World Confederation of Labour*) – The World Confederation of Labour stated from this very same rostrum last year that it welcomed with great satisfaction the signing of the Gaza and Jericho Agreement, in the knowledge that this agreement could not fully meet the aspirations of the Palestinian workers.

Today, unfortunately, we have to note that the Israeli Government has decided to slow down the negotiations and the implementation of the agreement. Furthermore, not only is the creation of Jewish settlements continuing but it has in fact been intensified as the Report of the Director-General says, and I quote: “The changes to the physical and demographic characteristics of these territories, contrary to international law, as well as the confiscation of land and water resources which continued settlement has involved, are serious obstacles to the establishment of a comprehensive, just and lasting peace.”

Furthermore, the Israeli Government regularly closes off the territory thus depriving several tens of thousands of Palestinian workers of an income. Fewer and fewer Palestinian workers can enter Israel to work there since their jobs have been taken by foreign workers under six-month to one-year work permits whereas Palestinian workers are still recruited on the basis of daily contracts. Despite the recommendations made in previous Reports of the Director-General no effective measures have been taken to follow up these recommendations.

Cordoning off the territories also has serious consequences for the price of imported staples which have more than doubled overnight, whereas the price of local produce has dropped far below production costs. Cordoning off the territories “destroys the Palestinian economy on which over 100,000 families depend”. The Oslo agreement should have improved the economic situation for the Palestinians, but in fact it has brought them disaster.

The social and economic consequences of the loss of a job or income for such a large number of individuals are truly disastrous. The extremist groups are the only true beneficiaries of the poverty created by this economic situation and the peace process is losing its popular support as the standard of living deteriorates.

Furthermore, the human rights situation in the occupied territories remains serious, in particular as regards the violations of the right to live and the right to security as can be seen by numerous cases of collective punishment, aggressive or violent behaviour on the part of settlers, torture or bad treatment of prisoners, in particular during interrogation. Not all Palestinian political and trade union prisoners have

been released and they continue to suffer inhuman conditions of imprisonment.

We would like to repeat what we have stated for years: “There can be no true peace in the Middle East until the Government of Israel respects United Nations resolutions, as long as the military occupation continues, as long as the irresponsible and serious settlement policy of Arab land continues and until the full right to self-determination can be exercised.”

To end we would also like to repeat that the ILO should continue to play a central role in favour of the workers of the occupied territories, strengthen its technical cooperation, rapidly implement employment projects and create a special Conference committee that would submit to the Conference its recommendations on appropriate measures to end the violations of international labour legislation.

We would like to express our hope for fair and lasting global peace in the Middle East, which can only be achieved in the right to self-determination and sovereignty of all nations.

Original Russian: Mr. YOURGENS (*representative of the General Confederation of Trade Unions*) – The discussion at this session of the Conference of the Director-General's Report on the situation of workers of the occupied Arab territories bears witness once again to the continuing devotion of the ILO to defending basic human rights. We also note the serious concern expressed by the ILO at continuing violations of the vital interests of the workers in this potentially explosive region.

I would very much like to share the optimism of the Director-General who hopes that this is the last occasion on which such a sitting will be held, but we are not quite sure that this will actually be the case.

For the first time, the five million Palestinians have been granted a national administration, though with limited powers. At least, theoretically the establishment of the Palestinian Authority is a first step towards a resolution of the Palestinian problem on the basis of enjoyment by the Arab people of Palestine of their inalienable rights.

Unfortunately, implementation of the Palestinian-Israeli Declaration of Principles is lagging behind the proposed timetable. Elections in the occupied Palestinian territories should have been held in July last year. A final date has still not been set. Because of the delay in holding the elections, the enjoyment of autonomy in the remaining Palestinian territories has been postponed.

The recent decision of the Israeli authorities to build houses in East Jerusalem was seen by world public opinion as a move to derail the Middle East peace process. Luckily, common sense prevailed and the Government of Israel suspended its decision.

While we welcome as a major political event the signing in August 1994 of the peace agreement between Jordan and Israel, we cannot but express our concern at delays in finding a solution to the Syria/Israel situation. To this end, an important contribution could be made by the trade unions. Obviously, we should consider how the ILO could help to normalize and strengthen relations between Palestinian and Israeli trade unions.

We greatly appreciate the contribution made by the ILO toward solving the serious problems facing workers, including unemployment, underemploy-

ment, discrimination in recruitment and at work, and vocational training.

The situation mentioned in the Report whereby "a large majority of working-age Palestinians is unable to find stable and decent income-earning opportunities within the territories" is surely unacceptable. It is quite fitting that the ILO should give priority to the problem of employment in the Palestinian region.

We are satisfied with the work being carried out by the ILO to establish a normal constructive dialogue between Palestinian and Israeli trade unions and the progress made in this area. Undoubtedly, "It may be hoped that the continuing dialogue between the Palestinian unions and the Histadrut may lead to an improvement in the basic rights of these workers and of their interests", as it says in the Report.

The GCTU is ready to continue to support the efforts of the ILO to promote economic development and social justice and peace in this region.

Original Russian: Mr. POTAPOV (*representative of the World Federation of Trade Unions*) – On behalf of the World Federation of Trade Unions we express our sincere solidarity with the Palestinian people, which has been carrying on for many years a just struggle for the restoration of its legitimate rights and freedoms in the Arab territory of Palestine.

The World Federation of Trade Unions reaffirms its consistent support for the legitimate struggle of the Palestinian workers and for the whole of the Palestinian people as they struggle for their inalienable national rights and, first and foremost, for the right to self-determination and the creation of an independent State.

We firmly believe that a comprehensive solution to the Middle East problem, including the Palestinian question, is only possible if it is based on the withdrawal of Israeli troops from all the occupied Arab territories and on a guarantee of the right of the Arab population to return to their country and to build a national independent State.

In spite of the recent signing of a number of agreements, the situation in the occupied Arab territories remains extremely tense and unstable.

Let us take, for example, the situation in East Jerusalem, and some figures which will illustrate the situation.

Until June 1967, the population of East Jerusalem was practically 100 per cent Arab, and West Jerusalem was practically 100 per cent Jewish. At the present, West Jerusalem is still 100 per cent Jewish, whereas East Jerusalem is only 48 per cent Arab. These figures are more than eloquent.

As of June 1967, Israel appropriated more than 7,000 hectares of land in East Jerusalem, two-thirds of which was land belonging to dozens of Arab villages. On these lands 38,500 apartments have been built, all of them for Jews only, and not a single one for Palestinians.

The construction of housing for Palestinians runs up against all types of so-called "technical difficulties". In actual fact, these technical difficulties have a clear political agenda: the strengthening of Israeli control over all of Jerusalem and the creation of a geographical and demographic situation whereby, in the future, it will be impossible to question so-

called Israeli "sovereignty" over East Jerusalem. This is the policy of creeping annexation.

We are especially concerned about the practice of the Israeli authorities in respect of the trade union organizations of Palestinian workers. They have used various pretexts to put obstacles in the way of normal trade union activities.

With due respect for the efforts of the authors of the Report, we consider that it will be necessary in the future to continue this work. The Report is needed as long as the Palestinian people lack the necessary conditions for a life of freedom and dignity.

The World Federation of Trade Unions reaffirms its unstinting solidarity and support for the just struggle of the Palestinian people for liberation, in defence of its inalienable right to self-determination and independent development.

Original Spanish: The PRESIDENT – Thank you, Mr. Potapov. By way of exception I will now give the floor to those speakers who have requested the floor temporarily since some speakers withdrew from the list, and since we have the necessary time we will give the floor to the two speakers who asked to speak – Mr. Nadjat, technical adviser to Lebanese Workers and then Mr. Tale, Government adviser, Iran.

Original Arabic: Mr. NADJAT (*Workers' technical adviser, Lebanon*) – Never have I found myself in such a difficult situation as I do now when I take the floor in this special sitting to show our solidarity in favour of the workers in the occupied territories. The difficulty is not due to my great feeling of solidarity and despair. I am disturbed by the continuation of the acts of aggression perpetrated by the Zionist entities against the Arab peoples since this entity set itself up on the Holy Land.

I am surprised by the contents of the Report of the Director-General. The Report suggests primarily that this sitting should be the last such sitting, so that we move from this stage to a special Committee where we would have all the partners from Israel and the occupied territories for the purposes of coordination and negotiation around a table, and this with an eye to signing an agreement so that we should forget all of the injustice committed against the workers and the Arab peoples by these Zionist entities.

This haste to end such sittings is nothing other than a curtain that is being drawn to conceal these heinous acts committed by Israel against the Arab peoples, worse than the acts committed by the Nazis.

In fact, we are congratulating Israel for its behaviour. The aggression that has taken place in Lebanese territory since 1969 up until today under the pretext of curbing Lebanese and Palestinian resistance as though this resistance were the resistance of an occupying force, as though the enemy oppressing us has the right to attack us.

We would appeal to the international community and to the Director-General to continue holding such special sittings to denounce Israeli manoeuvres against the Palestinian people and against the occupied Arab territories.

Mr. ? – On a point of order may I please ask the speaker to confine himself to the subject of this special sitting, which is the Director-General's Report

on the occupied territories and not to deliver a totally irrelevant political tirade.

Original Spanish: The PRESIDENT – I request the speaker to confine his remarks to the Report.

Original Arabic: Mr. NADJAT – We would like to launch an appeal to the Director-General and to the Conference as well as to the international community to continue organizing such special sittings to denounce Israeli manoeuvres and furthermore the Committee which has been proposed should also cover the occupied territory of Lebanon until peace is achieved. Then we will be the first to give up this type of meeting and special sittings. Peace in the Middle East is what we aspire to as Arab workers and peoples. We feel that peace cannot be achieved as long as Israel flouts your decisions and flouts United Nations resolutions. The day Israel applies these decisions and resolutions, the day when in line with these resolutions Israel withdraws from all occupied Arab territories and grants the Palestinian people the right to create its own State, then we the Arabs and the Lebanese will be the first to welcome this peace. We would welcome this peace, but if Israel continues to flout United Nations resolutions we Lebanese and Arab workers shall continue to resist its oppression, its occupation, its bombings, the murders and assassinations carried out by Israel in southern Lebanon because we have our national resistance and, thanks to Syria, this resistance which has vanquished the Israeli army will not fail to win once again and to inflict the heaviest defeat possible on the Israeli army. Our problem with Israel can be summed up as follows:

Allah is unique and right is unique. Anyone who violates our laws can only fall into the pitfall he sets up for others.

Original French: Mr. TALE (*Government adviser, Islamic Republic of Iran*) – I would like first of all to pay tribute to the Organization which has decided to hold this special sitting, which is an appropriate occasion to discuss the situation of Palestinian workers in the occupied territories. The delegation of the Islamic Republic of Iran, fully aware of the importance of the Palestinian question for the Iranian people and the Islamic Republic of Iran, listened with great interest to the previous speakers and studied very carefully the Director-General's Report. Generally speaking, the points which are made in the Director-General's Report and those which have been made in today's special sitting unfortunately point to an unchanged situation for hundreds of thousands of Palestinian workers and their families in the occupied Arab territories. The fact that the actual situation of Palestinian workers is described only briefly in the Report indicates to us that the situation in the occupied Arab territories has not only not improved, but it has worsened. We believe the Report does not reflect enough the harsh realities of the Palestinian workers and their families in the territories. The ILO, based on its own international responsibilities, and independently and impartially, should spare no effort to bring to light this painful reality and to secure the rights of the Palestinian workers and of their families.

The harsh reality is that because of the occupation by the Zionist régime and its continuous violation of

the innocent Palestinian people's rights, the people of the world have been and are witnesses to a crime. This land belongs to Muslims. Jerusalem was the first place towards which Muslims turned for prayer, even before they turned to Mecca. The way in which these violations of rights and this aggression are committed even today is an extremely painful fact for the Muslim community. This preoccupation is not limited to one single country in the Middle East: it concerns the whole of the Islamic world, and it has always been a source of constant concern.

This is the oldest problem of the last 50 years. The Palestinian question has had its ups and downs, but it has never been solved, essentially because of the expansionist policies of the Zionist régime and its sponsors, and because of the mistaken protection of the two major world powers.

This historic crisis of the Muslim world and its painful consequences have never been overcome in spite of the various resolutions passed by a number of international assemblies, including the ILO. The increasing violations of human rights of the Palestinian people, and in particular of the workers and their families, continue unabated.

Consequently, from our point of view it is vital, and even extremely vital, not to lose sight of the historic origins of the problems of violations perpetrated by the Zionist régime in the occupied Arab territories.

On the basis of this, we are convinced that the only way to establish peace and tranquillity in the Middle East is fully to understand the region's problems of which the first and most important is of how to restore the legitimate rights of the Palestinian people.

In the light of the situation, both historic and current, there is no doubt that the recent agreements on the Palestinian question in spite of all the efforts invested in them, have not paved the way to a solution to this fundamental problem. Nor have they led to guarantees of the rights of the Palestinians. In our opinion, these agreements cannot serve as the basis for the justice which is a prerequisite for lasting peace in the region.

A just and lasting solution to the Palestinian problem is conditional on the return of the Palestinian people to their native land, and peace can only be through the establishment of an independent Palestinian State which is the inalienable right of the Palestinian people.

My delegation believes that a standing committee to examine the parlous situation of Palestinian workers, along the lines of the special Committee on Apartheid, should be set up and which should continue to function as long as is necessary.

Original Spanish: The PRESIDENT – I am now going to give Mr. Abdul Ghani, representative of Palestine, the right of reply to the statement by Mr. Kara.

Original Arabic: Mr. ABDUL-GHANI (*representative of Palestine*) – Thank you, Mr. President, for giving me the floor for a right of reply. What the representative of the Histadrut said is false. It is a manoeuvre. It is a manoeuvre to hoodwink the workers, trade unionists and employers because we have only one trade union authority and it has never signed such agreements. We consider that the just

solution is not to enter other peoples' houses through the window. If you are invited in you enter through the door, so any partial agreement or any agreement that is imposed can never be successful. This is why the Histadrut should recognize fully the rights of our workers, in particular as regards the excessive taxes levied on us. The Histadrut should show solidarity and defend our rights.

Original Spanish: The PRESIDENT – We are now concluding the sitting. As President of the Conference, and in accordance with the Standing Orders, it is not incumbent upon me to draw any conclusions from the debate which has just taken place; but I would like to change hats and, as Minister of Labour of Nicaragua, say a few words. I had initially intended to speak but I crossed my name off the list.

I would like to say that on the basis of a principle of public international law, when the conditions under which something has been negotiated or agreed have changed, the resolution adopted under these conditions is not irreversible. I am specifically referring to the decision of the Governing Body of which I am a member. And on the basis of this principle which dates back to the Romans: "when conditions have changed, negotiations can start again". In any case the Governing Body's decisions are not like the Pope speaking *urbi et orbi*; the Governing Body may well go back on its decision, since we have learnt today a wealth of information we did not know when the decision was taken in March. The question of whether we should or should not have another special sitting or create a special committee will be discussed at the November session of the Governing Body.

Now that I am putting back my hat as President, I would like to say that I am very pleased that this sitting was held in conditions commensurate with the seriousness of the subject we were called upon to examine. I think that all statements were of a high quality. Clear evidence of this is that there was only one right of reply and one interruption with a point of order. I would therefore like to congratulate everyone on the way in which the debate was conducted.

I also wish to commend the real effort that was made to keep the discussion within the field of competence of our Organization – that is the situation of the workers and employers in the occupied Arab ter-

ritories. It is not always easy to disassociate this subject from the general context because, as the delegate of the Organization of African Trade Union Unity said, "without democracy, there is no development, no economic take-off". Poverty becomes the enemy of justice, of democracy and, finally, of peace. Consequently, no efforts should be spared in trying to overcome the problems in Palestine, and I would request those present who give their help during a time of peace; indeed, it would seem that peace is sometimes accompanied by a cut in cooperation. It is easier to help in a time of war than in a time of peace. This is a tragedy of society, and, I might go so far to say, reflects the cynicism of the world in which we live; but it is very important that we should direct this aid to Palestine. Suffice it to say that the budget adopted last year by this Organization was extremely low. Nine hundred thousand dollars for a country that was being born. It is very little. Obviously you all took part in the big discussion on the budget; and you all remember the Social Summit in Copenhagen. It is evident that if we do not give this Organization the means to deal with problems, it will not be able to solve them. I would therefore like to call upon all of you present to join efforts to maintain cooperation in the true sense of the word, so as to consolidate this peace process.

The usefulness of the Report of the Director-General is clearly recognized by the fact that it forms the basis for the debate which, I sincerely hope, will contribute to the promotion of a real dialogue and strengthen the determination to find an equitable and lasting solution.

I am sure that the Director-General will draw important and useful conclusions from this sitting when he replies to the general discussion on his Report at the end of this session of the Conference. I would like to thank him for this at the outset, and I also thank all of you for your spirit of cooperation without which we would have not been able to carry out this special sitting.

With these words I now declare the special sitting of the Conference on the Report of the Director-General on the situation of workers of the occupied Arab territories closed, and I hope that Palestine will have the right to sovereignty and true self-determination.

(The Conference adjourned at 19.45 p.m.)

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Speakers: Mr. Ghocheh, Mr. Chotard, Mr. Al Jarwan, Mr. Tarmidzi, Mr. Khoury, Mr. Elamawy, Mr. Kara, Mr. Fu, Mr. Sahbani, Mr. Lin, Mr. Al Derham, Mr. Oechslin, Mr. Nasr, Mr. Dato'Lim, Mr. Meghlaoui, Mr. Boateng, Mr. Tixier, Mr. Dahlen, Mr. Tiagi, Mr. Skogmo, Mr. Ahmed, Ms. Del Rio, Mr. Borchevsky, Mr. Laguesma, Ms. Hernández Oliva, Mr. Khan, Mr. Bakr, Ms. Pedersen, Mr. Zelhoefer, Mr. Moosavi Jazayeri, Mr. Anand, Mr. Tabani, Mr. Okoumou, Mr. Zanou, Mr. Van Heerden, Mr. Smith, Mr. Laurijssen, Mr. Djemam, Mr. Vittori, Mr. Sunmonu, Mr. Verstraete, Mr. Yourgens, Mr. Potapov, Mr. Nadjat, Mr. Tale, Mr. Abdul-Ghani.



Second item on the agenda: Programme and budget proposals and other financial questions

First Report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 8 and 16 June 1995. The meetings were chaired by Mr. H.-M. Melas (Austria), Vice-Chairman of the Committee, who also acted as Reporter.

Request of the Government of Cambodia, under paragraph 4 of article 13 of the Constitution of the International Labour Organization, for permission to vote

2. The Committee had before it a request from the Government of Cambodia for permission to vote at the Conference. This request was referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

3. The text of the request, dated 22 October 1994, is as follows:

Ministry of State for Social Affairs,
Labour and War Veterans,
Phnom Penh, Cambodia

Mr. Director-General,

I have the honour to inform you that the Royal Government of Cambodia wishes to be granted the right to vote in the International Labour Organization and at the same time to pay its contributions in arrears that are due to the Organization.

The Royal Government of Cambodia wishes to confirm its commitment to the goals and objectives of the International Labour Organization and its desire to take part fully in its work. Cambodia's contributions have not been paid for several reasons, namely:

- civil war since 1970 (two decades);
- difficult financial and economic circumstances.

In view of the foregoing, I would like to request your assistance in submitting to the competent authorities of the International Labour Organization the following proposals for the payment of Cambodia's contributions:

- (a) Cambodia will pay in full in 1995 its contribution of 33,822 Swiss francs for 1995, and will continue to pay in full its contribution for each year in which it falls due;
- (b) Cambodia will pay its accumulated contributions in arrears, which at 31 December 1994 stood at 541,234 Swiss francs, by means of nineteen (19) equal annuities of 27,062 Swiss francs, plus a final annuity of 27,056 Swiss francs. The first annuity will be payable in 1995.

I should like to ask you to be so good as to transmit my Government's request to the International Labour Conference so that it may be authorized to participate in the voting at the 82nd Session of the Conference.

I trust that this request will be favourably received and assure you, Mr. Director-General, of my highest consideration,

(Signed) SUY SEM,
Secretary of State for Social Affairs,
Labour and War Veterans.

4. The Committee noted that paragraph 4 of article 13 of the Constitution of the International Labour Organization provides as follows:

4. A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided that the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

5. The Committee also noted that article 31 of the Standing Orders of the Conference provides as follows:

ARTICLE 31

*Procedure where proposal is made to
permit a Member in arrears to vote*

1. Any request or proposal that the Conference should nevertheless permit a Member which is in arrears in the payment of its contributions to vote in accordance with article 13, paragraph 4, of the Constitution shall be referred in the first instance to the Finance Committee of the Conference, which shall report thereon as a matter of urgency.

2. Pending a decision on the request or proposal by the Conference, the Member shall not be entitled to vote.

3. The Finance Committee shall submit to the Conference a report giving its opinion on the request or proposal.

4. If the Finance Committee, having found that the failure to pay is due to conditions beyond the control of the Member, thinks fit to propose to the Conference that the Member should nevertheless be permitted to vote in accordance with article 13, paragraph 4, of the Constitution, it shall in its report —

- (a) explain the nature of the conditions beyond the Member's control;
- (b) give an analysis of the financial relations between the Member and the Organization during the preceding ten years;
- (c) indicate the measures which should be taken in order to settle the arrears.

5. Any decision which may be taken by the Conference to permit a Member which is in arrears in the payment of its contributions to vote notwithstanding such arrears may be made conditional upon the Member complying with any recommendations for settling the arrears which may be made by the Conference.

6. In examining the financial relations between Cambodia and the Organization for the preceding ten years, the Committee noted that the last

payment received from Cambodia was in 1975 as final settlement of the 1973 and partial settlement of the 1974 assessed contributions. Contributions outstanding at 31 December 1989 amounted to US\$225,721. Following the Conference decision to establish assessments in Swiss francs, this balance was converted into that currency to give a total of Swiss francs 395,012. Assessed contributions outstanding for the period 1 January 1990 to 31 December 1994, after offset of a credit of Swiss francs 8,310 in respect of refund of the Working Capital Fund, were Swiss francs 146,222. The total amount of assessed contributions outstanding and in arrears as at 31 December 1994 was therefore Swiss francs 541,234.

7. *The Committee, being satisfied that the failure of Cambodia to pay its arrears was due to conditions beyond its control, in accordance with the provisions of article 4 of paragraph 31 of the Standing Orders of the Conference, reports to the Conference as follows:*

- (a) *the Committee finds that the failure of Cambodia to pay in full its arrears was due to conditions beyond its control, as explained in the letter appearing in paragraph 3 above;***
- (b) *the financial relations between Cambodia and the Organization for the preceding ten years have been set out in paragraph 6 above.***

8. *The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.*

**Request of the Government of Chad, under paragraph 4
of article 13 of the Constitution of the International Labour
Organization, for permission to vote**

9. The Committee also had before it the following requests received from the Government of Chad for permission to vote at the Conference. These were referred to the Finance Committee as a matter of urgency in accordance with paragraph 1 of article 31 of the Standing Orders of the Conference.

10. The texts of the requests, dated 23 May 1995 and 9 June 1995, are as follows:

N'Djamena, 23 May 1995

Dear Sir,

By letter of which the reference is indicated above, you indicated the amounts due from the State of Chad, representing its annual contributions to the budget of the International Labour Organization, and its accumulated arrears of contributions payable under an arrangement reached in 1983, which amounted to 74,596 Swiss francs. As you stated in your letter, if this amount remained unpaid by the date of the next session of the International Labour Conference (June 1995), there was a definite risk that the arrangement of 1983 would be considered as having lapsed, which would bring the total of Chad's arrears to 170,760 Swiss francs.

It is true that since 1993 the Government of Chad has not been in a position to honour its commitments to the ILO, despite the many reminders sent by your financial services, and Chad has therefore been denied the right to vote, in accordance with the penalty laid down in the Constitution, since 31 December 1993.

For more than a decade now, my country, considerably weakened by the civil war of 1979, has been endeavouring in vain to achieve political, economic and financial stability in a global environment which is hardly conducive to this.

In particular, the years 1992-93 and 1994 were marked by grave social problems related chiefly to the non-payment or late payment of public-sector wages. Untimely and protracted strikes brought production to a standstill, which in turn made it impossible to pay wages. Painstaking negotiations with the trade unions were necessary to enable activities to be resumed, and thanks to the international community, it was possible to ensure the payment of wages in arrears and keep up regular payments in the ensuing months, thus breaking the vicious circle in which my country had become trapped. And the corollary of all these actions was the signature of a social pact with the trade unions in July 1994.

This is the turbulent national context in which Chad's relations with the ILO must be seen. It is by no means a question of indifference on our part, and our decision to refrain from participating in any international meetings in recent years, far from being taken lightheartedly, was dictated by the fact that we simply could not afford it.

Our country is taking its first timid steps towards economic and financial recovery thanks to a stringent structural adjustment programme negotiated with the Bretton Woods institutions. Budgetary constraints have been imposed with the aim of ensuring regular payment of salaries and wages as an incentive for staff to work and to help maintain social peace.

For the 1995 fiscal year, credits allocated for contributions to the ILO budget amount to 6.6 million CFA francs, taking account of the country's real capacities. Operations for the transfer of this settlement are under way.

This amount covers only an infinitesimal part of Chad's debt to the Organization, but is a token of the goodwill of Chad, which is striving to meet its commitments.

Chad must continue its efforts until its situation is normalized, and we would like the 82nd Session of the International Labour Conference, in which for the first time for some years a full delegation is participating at the expense of the Government of Chad despite its financial difficulties, to agree to a new arrangement and enable us to recover our right to vote, as a sign of encouragement.

Yours faithfully,

(Signed) Salibou Garba,
Minister of the Public Service and Labour.

9 June 1995

Dear Mr. Director-General,

Reference is made to the letter of 23 May 1995 explaining the difficulties faced by the Government of Chad in meeting the obligations due to the International Labour Organization.

Instructions have now been issued to transfer the amount of FCFA 6,600,000 to the Organization. In spite of the difficult economic situation described in the above-mentioned letter, an additional allocation will be sought to meet the obligations due for 1995.

The Government of Chad wishes to confirm its commitment to the goals and objectives of the International Labour Organization and its desire to take part fully in its work.

I would therefore request your assistance in submitting to the competent authorities of the International Labour Organization the following proposals for the payment of Chad's contributions:

- (a) Chad will pay in full in 1995 its contribution of 33,821 Swiss francs for 1995, and will continue to pay in full its contribution for each year in which it falls due;
- (b) Chad will pay its accumulated contributions in arrears, which at 31 December 1995 amounted to 170,760 Swiss francs, by means of 20 equal annuities of 8,538 Swiss francs. The first annuity will be payable in 1996.

I should be grateful if you would transmit my Government's request to the International Labour Conference so that it may be authorized to participate in the voting at the 82nd Session of the Conference.

I trust that this request will be favourably received and assure you, Mr. Director-General, of my highest consideration.

(Signed) Salibou Garba,
Minister of the Public Service and Labour.

11. The Committee recalled the provisions of paragraph 4 of article 13 of the Constitution of the International Labour Organization, and article 31 of the Standing Orders of the Conference, reproduced above in paragraphs 4 and 5 respectively.

12. In examining the financial relations between Chad and the Organization for the preceding ten years, the Committee noted that at its 69th session (June 1983) the Conference adopted an arrangement proposed by the Government of Chad for the settlement of the arrears of contributions for the period 1975-82 amount to US\$122,107. In addition to payment of its current contributions in full in the year for which they were due, the Republic of Chad would settle the arrears of US\$122,107 by payment of 19 equal annual instalments of US\$6,105 beginning in 1984 and a final instalment of US\$6,112. At the end of 1987, the Government had fallen behind in its payments, but the amount due was paid in January 1988. At its 75th Session (June 1988) the Conference, noting that Chad had brought the payments up to date, agreed that the financial arrangement should continue. The last payment received from Chad was in 1992. The current situation was therefore as follows:

	Swiss francs
Arrears remaining due under the financial arrangement 1975-82	117,532
Arrears of current contributions 1993-94	<u>53,228</u>
Total arrears of contributions	170,760
Assessment for 1995	<u>33,821</u>
Total contributions outstanding	<u>204,581</u>

As the annual instalments and current contributions were not paid in 1993, the terms of paragraph 2 of article 32 of the Standing Orders of the Conference were not met and Chad lost the right to vote on 1 January 1994.

13. The Committee, being satisfied that the failure of Chad to pay its arrears was due to conditions beyond its control, in accordance with the provisions of article 4 of paragraph 31 of the Standing Orders of the Conference, reports to the Conference as follows:

- (a) *the Committee finds that the failure of Chad to pay in full its arrears was due to conditions beyond its control, as explained in the letters appearing in paragraph 10 above;*
- (b) *the financial relations between Chad and the Organization for the preceding ten years have been set out in paragraph 12 above.*

14. The Committee accordingly recommends the adoption by the Conference of the resolution concerning the granting to Chad of permission

to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, the text of which appears at the end of this report.

15. The Committee also agreed to authorize the Reporter to adopt on its behalf the First Report of the Finance Committee of Government Representatives, so as to expedite the consideration by the plenary of the Conference of the requests for permission to vote from the Governments of Cambodia and Chad.

Geneva, June 1995.

(Signed) H.-M. Melas,
Vice-Chairman and Reporter.

Resolutions submitted to the Conference

Resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization

The General Conference of the International Labour Organization,
Having regard to paragraph 7 of the article 10 of the Financial Regulations;
Accepts the arrangement proposed by the Government of Cambodia for the
settlement of the arrears of contributions due for the period 1974 to 1994 to the
effect that:

- (a) in 1995, the Government of Cambodia will pay in full its contribution for the year 1995;
- (b) in subsequent years, the Government of Cambodia will continue to pay its current contribution in full in the year for which it is due;
- (c) the Government of Cambodia will settle arrears that have accumulated up to and including 31 December 1994, amounting in total to 541,234 Swiss francs, by payment of nineteen instalments of 27,062 Swiss francs and a final instalment of 27,056 Swiss francs, beginning in 1995;

Decides that Cambodia be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

Resolution concerning the granting to Chad of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization

The General Conference of the International Labour Organization,
Having regard to paragraph 7 of the article 10 of the Financial Regulations;
Accepts the arrangement for the Government of Chad for the settlement of the
arrears of contributions due for the period 1975-82 and 1993-94 to the effect that:

- (a) in 1995, the Government of Chad will pay in full its contribution for the year 1995;
- (b) in subsequent years, the Government of Chad will continue to pay its current contribution in full in the year for which it is due;
- (c) the Government of Chad will settle arrears that have accumulated up to and including 31 December 1994, amounting in total to 170,760 Swiss francs, by payment of 20 instalments of 8,538 Swiss francs, beginning in 1996;

Decides that Chad be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.



Eighteenth sitting

Friday, 16 June 1995, 10 a.m.

President: Mr. Rosales Argüello, Mr. Halliwell

NINTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – We will start our meeting with the adoption of the ninth report of the Selection Committee, which you will find in the *Provisional Record No. 4H*.

If there are no objections, shall I take it that the report is adopted.

(The report is adopted)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original Spanish: The PRESIDENT – The next item on our agenda is the discussion of the reports of the Governing Body and of the Director-General.

Original Spanish: Mr. CARVAJAL BUSTAMANTE (*Employers' adviser, Mexico*) – I would like to wish the President of the 82nd Session of the International Labour Conference, Mr. Rosales Argüello, Minister of Labour of Nicaragua, every success in work. As a Latin American I am particularly pleased at his election, and I think it is an additional tribute to his personal qualities that he is the first Central American President.

I would also like to extend to Mr. Michel Hansenne very warm greetings from Mexico and I am sure that the efforts that he has dedicated to this Conference will benefit all the social partners.

Mexico, which has often been shaken by very strong seismic upheavals – literally and metaphorically – has recently been exposed to a truly serious earthquake, the effects of which have been felt elsewhere.

I am sure that all of the social partners – the workers, employers and governments – will help us emerge from the crisis stronger than before.

Over the last few years, we have been involved in a process of trade and economic opening whose virtues and consequences can be examined in the light of the general outlook for this opening.

Against this global backdrop, Mexico is feeling the impact and concerned by the widespread problem of unemployment and the creation of jobs.

The phenomenon is not restricted to developing countries, but is also being experienced by almost every country in the world. This has led to discussions in various fora, for example, at the Copenhagen Summit, by the OECD at its May meeting, and also at this meeting, where it is our essential theme.

A major source of concern for my country has for some time been unemployment. Of particular note is the participation of employers who continue to provide support and ideas, actions and solutions to promote the improvement of the employment situation.

Mexico, based on its macroeconomic indicators, has chosen the proper, albeit-painful-path, though it has resulted in a considerable loss of jobs. This is a consequence of recession caused by shrinking aggregate demand. This measure for reducing inflation is a sword hanging permanently over the heads of the people, not only of my country, but those of many countries. To fight and control inflation will be a bitter pill to take.

The exercising of freedom naturally involves risks, and to run them is much more healthy than to avoid them. The result has been the decision in favour of the trade opening and the privatizing of various enterprises formally owned by the Government. It has confirmed the increasingly strong presence of employers and their organizations in decision-taking, with the same happening in the process of tripartite social agreements.

The critical situation in Mexico, by necessity, leads us to seek solutions that will strengthen development, favour growth, and reduce unemployment, serving as a viable support for improving the standard of living of the Mexican people.

In these conditions, we have examined with great interest the national development plan for 1995-2000 submitted in May by the President of Mexico, Ernesto Zedillo. It is a short- and medium-term plan for orienting economic policy, aimed at stability and growth.

We are convinced that the resultant programme of action will achieve its goal of halting the crisis and placing GDP back on the path to recovery. To achieve this we must do two things; favour exports to increase our trade balance, and boost productivity in general. These efforts will require us to place our confidence in the deregulation process as a means of supporting and stimulating exports.

There is no doubt that the support of micro, small and medium-sized enterprises will serve to generate employment, to include self-employment, and will be a step toward eliminating underemployment and informal activities.

Along these lines, small-business financing programmes have been proposed and studied at length. The objective is to create or support feasible projects in which we employers' organizations are involved, so as to have every possible means at hand for creating jobs.

Recently, standards for the creation of integrated enterprises have provided us with another option whereby small and medium-sized enterprises can join forces to attain economies of scale and facilitate their access to the export market while improving their efficiency and productivity.

There is no doubt that since we are a country with a large area and a young population as well as with high demographic growth, it is essential to grapple with the problem of education. We have taken positive strides by tailoring the needs of industry to our universities and technical schools.

We are also coordinating efforts to create various systems: for the certification of vocational skills to facilitate the training and retraining of personnel so that they need not resort only to formal training systems with a limited curriculum, therefore combining needs, potential and skills.

Most of the above activities have emerged from tripartite agreements, at least as far as their conception is concerned, even when each sector could have participated independently in carrying them out. Thus at the core lies the overall vision of the social partners.

This is not an ideal world, but rather a set of situations, actions and options whose intent is to build a better Mexico. That the reference to employment is pertinent can be seen in the Director-General's Report, which analyses the models whose development strategy has been successful and which have boosted economic growth and eliminated unemployment.

There is no doubt that the successful experimental methods can be developed into formulas for orienting countries undergoing, or that could eventually undergo, a critical situation.

Let us hope that at the end of this Conference we can join together all the positive steps to ensure that despite the diverse situation the true path will be found so that unemployment will not become the apocalyptic evil of the end of the century but that instead the hopes of full employment be realized in the next century.

Mr. CAL (*Workers' delegate, Italy*) – On behalf of the Italian workers, I would like to warmly congratulate the President on his election and wish him every success in effectively conducting the work of this session of the Conference. I also express my sincere appreciation to the Director-General for placing employment at the top of the agenda of this Organization and clearly establishing it as its foremost priority.

World Employment 1995 which has received wide approval of its comprehensive approach encourages the search for positive solutions, with the contribution of the social partners and governments that must be coordinated at the world level.

In particular, we agree with those proposals which, in our view, have the potential to create employment. I would like to enumerate some of them: the creation of viable mechanisms for the international coordination of macroeconomic policies; reforms of the international monetary system and the establishment of a transaction tax on financial flows; greater international cooperation to enforce basic labour standards; debt relief for severely indebted countries, and so on.

The growing role of the ILO in the new international context as a body that tries to solve employ-

ment issues, social injustice, poverty and exclusion, has been visibly appreciated in recent months. In particular, the ILO contribution to the preparatory phase of the World Summit in Copenhagen was extremely relevant.

It followed the developments of the meeting of G7 Ministers of Labour held in March 1994 in Washington, and the Informal Tripartite Meeting at the Ministerial Level during the 81st Session of the Conference – an event which was repeated here last week.

The contacts initiated by the International Monetary Fund aimed at the implementation of decisions taken in Copenhagen include an invitation to the Director-General of the ILO to participate in its meetings – a move we hope the World Bank and other United Nations agencies will also follow. They are of vital importance in order to ensure that structural adjustment and development cooperation policies, programmes and projects take the criteria established by the World Summit for Social Development into account.

First and foremost, consultation and agreements with the social partners on the definition, implementation and assessment of projects will have to take place. The only way to guarantee an improvement of present social and economic conditions, and ensure the future well-being of coming generations, is to lay the foundation for stable economic growth, based on environmentally compatible development and on the participation of workers and other sectors of society, with full respect for basic human and trade union rights.

In Italy, a tripartite National ILO Committee was set up to promote a series of important initiatives to carry out commitments defined in Copenhagen. This National Committee, among other things, will help the ILO to establish a national monitoring mechanism to measure the progress made towards the goals and objectives set by the Summit itself.

There is strong evidence that the globalization of world economics is taking place without any ground rules and is guided by one main objective, namely to serve the interests of the powerful and wealthy. The new liberal ideology justifies full deregulation, promotes the free intervention of capital investors wherever chances of profit are the highest. The situation has resulted in massive and dangerous financial operations, that are speculative in nature, do not create jobs or provide for healthier economies, as demonstrated by the recent Mexican debacle and the collapse of the Barings Bank.

To avoid this kind of situation, as has already been stated during the Informal Tripartite Meeting at the Ministerial Level last week, a mechanism should be set up to enable ministers of finance and economic affairs, on the one hand, and ministers of labour, on the other, jointly to review policies that need to be followed, in order to ensure that employment promotion is given high priority in national and international economic policies, with respect for the policies and principles of the ILO.

Otherwise, the new liberal fundamentalism will worsen the existing economic and social development imbalances, widen the already unacceptable gap between North and South, and create very serious economic and social consequences within industrialized countries.

The people of my country recently faced an attempt at structural deregulation. It was stopped,

however, by the determination of the trade union movement, acting unanimously and responsibly by tackling the serious problems that characterized a period of delicate transition. It was a difficult period, after the fall of political and institutional structures which had kept the country running for 50 years, but which proved suddenly unable to lead it into the future.

Owing to a lack of political stability and credibility of most political parties, the trade union movement took on the responsibility to put forward a strong proposal to solve the most serious problems. Contrary to what occurred in 1993, when a tripartite agreement was reached to control inflation and define levels of national collective bargaining procedures, this year, our unions entered into an agreement only with the Government on the vital issue of pensions. We regret that employers' organizations have not supported the agreement and refused to share responsibility for such an important subject in our country.

A global grass-roots consultation among all workers and pensioners was held a couple of weeks ago on this topic and the ensuing agreement was supported by a 65 per cent majority.

This agreement guarantees the essential benefits and rights obtained by workers and trade unions in the pension system and, at the same time, it reduces the impact of pensions on public finances by establishing a closer link between total workers' contributions and the pension he or she will obtain. There is a cost, of course. Retirement age will gradually have to increase to the same level as the other European countries.

Through these agreements, the Italian trade unions have avoided simplistic and unjust solutions, such as budgetary cuts, the liberalization and privatization of social security and the general deregulation of our economy which, in the final analysis, would greatly impair the quality of life of the workers in our country.

The initiative of the ILO in cooperation with world financial and economic institutions must ensure that globalization does not result in major world economic and social chaos.

While there has been economic development in some regions, mainly in the industrialized countries and in part of Asia, a vast number of countries have lost economic clout and importance. They have experienced a significant decrease in trade and have been subject to the imposition of drastic adjustment measures, which has increased their marginalization.

The conclusion of the Uruguay Round and the creation of the World Trade Organization now offer these countries a chance to take part again in the process of development, or at least the potential to do so.

However, this will not occur spontaneously without a special commitment on the part of the wealthier countries to guaranteeing fairness in trade and support towards development. Instead, competitiveness without rules, "a free fox in a free chicken pen", which was attributed to Adam Smith 200 years ago, would cancel out any potential for open world trade and condemn hundreds of millions of people to a life of poverty and despair.

The first inevitable step is the linkage between basic human and labour standards and trade, in order to make sure that fundamental ILO Conventions are

observed in trade agreements. For this purpose, the setting up of a special committee with the World Trade Organization must be undertaken.

The ILO as well must be part of such a committee. There, the system and all procedures needed to facilitate, and promote and reward compliance with these rules must be defined.

As a last resort, compulsory measures should be applied to countries that consistently violate the international labour standards, contained in core ILO Conventions and outlined in the International Confederation of Free Trade Unions's social clause proposal.

In view of this, it is necessary to undertake, within the ILO, a sincere and courageous dialogue between social partners and governments on the future development of technical cooperation and training programmes and projects, with a view to promoting compliance with and observance of international labour standards.

We wish to take this opportunity to express our appreciation and encouragement for the work carried out by the International Training Centre of the ILO in Turin. In view of the new important task the ILO will have to undertake in the future, the Italian tripartite committee believes and requests that the Centre's role should be enhanced by allocating the resources needed to strengthen and expand its activities.

Finally, we suggest again that the ILO take on and promote Jacques Delors' proposal to create an economic security council with the power and the resources needed to intervene and resolve serious problems which are more and more frequently creating crisis situations that negatively affect the life of millions of men and women in our country.

Original German: Mr. NORDMANN (Government delegate, Switzerland) – Allow me, first of all, to congratulate the President warmly on his election. My congratulations are also addressed to the Worker and Employer Vice-Presidents. Furthermore, I take this opportunity of thanking the Director-General as well as his colleagues in the International Labour Office for the good preparations made for this year's Conference as well as for their hard work throughout the whole year.

One impressive result of that hard work is before us in the Report to the Conference, *Promoting employment*. I would like to congratulate the Director-General and his team for this excellent piece of work. Its more detailed version in the form of report *World Employment 1995* may fairly be characterized as one of the basic documents for the World Summit for Social Development and was so regarded by much of the world's press. I hope my compliments on these two reports will encourage you to continue, as planned, to submit annual reports on the world employment situation.

However, the preparation of reports only has a job-creating effect for those directly involved. It is up to us to give practical effect to these works of reference so that they do not just lie around in libraries.

For the first time we can get an overall view of the implications and impact of economic globalization; down-to-earth scenarios – and I mean this in the best sense of the term – make a welcome change from the more emotional discussions on globalization. I gather with satisfaction from the Director-General's Report

that globalization can have positive job-creating effects for all participants, including developing countries, countries in transition to a market economy and industrialized countries, provided that protectionist reactions are avoided.

In this context, I would like to explain how Switzerland is preparing to cope with the competitive situation which has changed as a result of globalization and the measures it feels may facilitate the process of adjustment.

Switzerland, as a strongly export-orientated country, has always been committed to free trade. The export sector has, for the past few decades made a powerful contribution to a balanced increase in employment. However, recently, we have had the painful experience that even flourishing enterprises have created only comparatively few jobs in Switzerland itself while precious jobs have been created abroad. This downside of globalization has hit us relatively hard. As this decline in employment has not only been cyclical but also to a large extent structural, we are concentrating on three specific areas. And when reading the Director-General's Report on employment production, I noted that the ILO experts also considered the same areas to be a priority. Indeed, we are attempting to: eliminate obstacles to the creation of new jobs in Switzerland; place emphasis on reform of the educational system; and adapt our unemployment insurance systems to the new conditions.

The only effective way of overcoming unemployment is to create new jobs. This conclusion was reached by the participants at the Social Summit; and it emerges clearly from the Director-General's Report. It is recommended that any regulation should be examined in the light of its positive or negative impact on job creation so that the pros and cons may be weighed; and I think this recommendation is correct and important. In any deregulation we must be aware of what we are likely to gain and what we are liable to lose. The revitalization of the economy in my country is not being made at the expense of good healthy working conditions but seeks to introduce greater flexibility in order to improve the framework conditions for the economy as a whole. We have in mind not only the labour market but also, for example, new anti-trust and domestic market legislation to stimulate competition. The opening up of our markets in connection with the GATT agreements will tend to stimulate greater competition – and this will help to produce new jobs.

Most of the previous speakers have already emphasized how important education and training are for effective adaptation to the globalization process. For a country which is poor in raw materials, qualified and highly motivated workers are the most valuable form of capital.

Integration in a global economy presents new challenges to the educational system. Switzerland has an even greater need now than before for highly qualified workers for its industry and research. Our system of dual vocational education has been very useful. The combination of practical training in a company and theoretical training in vocational school makes it easier for most young people to find jobs upon completion of their training.

We have noted, however, that fewer and fewer young people are opting for vocational training – not least because of the poor career prospects. The Swiss

Government is seeking to counter this trend by creating technical colleges. These, together with other measures intended to increase the attractiveness of vocational training, seek to make vocational training comparable to university education. A reform of the school-leaving examination and university courses is aiming to overhaul the curricula so that young people are better equipped to cope with the challenges of globalization in their everyday working lives.

Good training, together with effective further training, is and remains the key to success. However, government action alone will not suffice. I am fully aware that the employers and workers have an important role to play. The Swiss employers are investing considerably in the further education of their employees and the trade unions are also contributing to the development of the educational system with their ideas and specific actions.

Despite the improved regulatory framework for enterprises and increased educational programming, not everyone manages to find a job. Even in our country, unemployment levels have risen to such an extent that we are obliged to adjust our system of unemployment insurance. In addition to income guarantees, this will involve a whole range of partly compulsory measures. We are attempting to break new ground by providing jobseekers with advice at regional employment agencies so that they can be quickly brought back into gainful employment.

The ILO has an important role to play in the process of globalization. How it should embark upon this has already been discussed at the Social Summit and at the Informal Tripartite Meeting at the Ministerial Level last Friday. I believe the two following areas are important.

First, the globalization of the economy must be accompanied by a globalization of the fundamental rights of workers. Here we see a particularly important challenge to our Organization. We should not only seek to improve and strengthen standard-setting activity but also act to make the supervisory mechanism more effective.

Second, as *World Employment 1995* shows, globalization may be accompanied by a painful adjustment process. Unfortunately there are no concrete recommendations as to how these restructuring processes may be cushioned. This is another new important area of activity for the ILO. Its experts could provide advice to Members if they so wish and could also draw upon the experience of individual countries in applying various measures to this end – and make this accessible to others. The ILO could thereby become a sort of data bank and know-how centre for information on ways to cope successfully with adjustment. I would therefore support the proposals contained in the follow-up to the World Summit for Social Development. But I believe that emphasis should be laid on advice and accompanying measures. Statistics are important but even more important, given the shortage of financial resources, are specific support programmes. Closer cooperation with other international organizations could not only help to enrich this dialogue but also avoid an overlapping of activities.

Globalization may also provide an opportunity for this organization to strengthen its own activity and to broaden it. The discussions about the budget, however, show that the ILO will have to reckon with less –

rather than more – funds in the future; all the more important, therefore, that it should set its priorities and overhaul its organization.

My country believes in the important mission of the International Labour Organization – a mission which also costs money. In order to be able to carry out its wide range of duties, the ILO needs a sound financial basis. In this sense, my country supports the budget which has been proposed to us.

Original French: Mr. WADE (Employers' delegate, Senegal) – On behalf of the National Council of Senegalese Employers and of the delegation it is my honour to lead, I wish warmly to congratulate Mr. Rosales Argüello on his election to preside over the 82nd Session of the International Labour Conference. I would also like to take this opportunity to congratulate the other elected officials and also Mr. Michel Hansenne, Director-General of the International Labour Organization for the intelligent, incisive and topical ideas and suggestions contained in his Report on *Promoting employment*. I shall come back to the Report at a later stage in my statement.

In the wake of those who have taken the floor before me I will if I may, allude to the historical role that we play together, drawing inspiration and legitimacy from the objectives, principles and rules of our Organization. The binding force of which is tripartism, its own special instrument for analysing questions that concern this world of ours in its tireless quest for peace, happiness and progress.

Today, history has thrown down the gauntlet before us because policies and programmes in so many countries to try and solve the acute problem of unemployment, underemployment, poverty and marginalization have proven themselves to be ineffective and in responding to the challenge the ILO has a vital role to play. In order to do so our Organization must continue to act as the world's social conscience and should accordingly intensify its quest for symbiosis between matters economic and matters social.

That is why the analysis and the proposals contained in the Report are particularly significant. Both here and in our countries we must now take these ideas further and produce decisive measures to promote employment.

The decision you took, Mr. Director-General, to publish periodical reports on the employment situation in the world is a highly commendable one. Nevertheless, we should go even further and convene high-level meetings bringing together the United Nations and the Bretton Woods institutions.

Similarly the fact that the Copenhagen Summit adopted a Declaration and Programme of Action on the subject of employment is very heartening to us. Indeed, it sets us a shining example. The Director-General is quite right to say that unemployment increases economic insecurity and human distress. I would say also that it destroys the principle forces for a stable society in our countries. It makes individuals' lives more fragile and families more vulnerable. In fact, all manner of abuses can spring from unemployment.

Today we should acknowledge that in countries whose economic structure is similar to Senegal's the real economy is gravely fragmented, leading to increasing poverty among broad strata of the population, a decline in real income and more fragile governments.

Furthermore, our countries are having ever greater difficulties in finding their place in the new international division of labour based in particular on stringent output and productivity standards, while at the same time the globalization process and international economic integration are pushing our nations towards an ever more marginal position.

To take the example of the African countries south of the Sahara, their share in output, trade and global direct investment has declined continuously over the course of this decade. As for unemployment, it has become endemic, hitting young people the hardest. Furthermore population growth rate is higher than the growth rate of GNP. Young adults aged from 15-34 account for two-thirds (64 per cent) of unemployed people in my country. We have to act quickly to reverse these trends, but in order to do this we are going to have to bring about economic recovery in our countries to create the right economic environment for expansion of employment and gainful activities because employment cannot be decreed by law; it can only be created by productive investment.

Such growth is going to need more competitive and more flexible economies, a stable macroeconomic and institutional environment that offers genuine incentives. It is going to need government budgets to be rationalized and new harmonization policies to be applied. It is going to call for massive productive investment, better management of human resources, coherent and far-sighted employment policies that provide incentives to hiring, such as a cut in the indirect costs of labour that are very often inflated by high employer contributions. There are going to have to be effective training and education policies that better tailor training to jobs. Our economies are going to have to be integrated. Tariff and non-tariff barriers must be eliminated, as should be dumping and unfair competition. The labour market is going to have to become more flexible, and we need a social consensus based on good management of tripartite arrangements.

As part of such a strategy, the private sector has a central role to play. The National Council of Senegalese Employers got it right last April by organizing a national seminar on employment for young people, by showing more interest in business women by proposing to labour organizations a social compact, and flexible framework for dialogue, and I commend the responsible and constructive spirit that was shown by the workers' organizations. They are our natural partners to make enterprises the driving force of our economy.

Furthermore, we need to emphasize the role of the informal sector in training young people who have not been able to finish their schooling. It is therefore useful, even vital, that the informal sector come closer to and develop complementarity with the more structured sector. The Government of Senegal with help from donors has set up a labour-intensive public works called the Public Works Execution Agency. This has been a very successful experiment and is being taken up by other countries in the region.

It is also opportune to underline the very relevant recommendations that were put forward on these issues at the Tripartite Meeting on the Socio-Economic effects of the Devaluation of the CFA Franc for French-speaking African countries held in Dakar in July 1994, as well as the UTICIA/IOE/CPE/ILO

High-Level Symposium for African Employers' Organizations held in Tunis from 24 to 27 October 1994, and the Seminar for Employers' Organizations in the CFA Franc Area of Africa held in Libreville from 11 to 13 April 1995.

Economic growth on its own is not enough to heal the social rupture created by the labour and social crises. We have to be imaginative and prepare policies and programmes that are based on permanent consultation, on the creation of small and medium-sized enterprises and the identification of job-creating activities.

In the spirit of the Universal Declaration of Human Rights we must do everything to guarantee man his undeniable rights – namely, freedom, equality and dignity. Such dignity, however, cannot be provided without employment. At the moment it is vital that we restore hope in a better world, a world where justice, equality, peace and understanding reign, where poverty, exclusion, intolerance and the arbitrary exercise of power are removed and banished forever.

At the same time we have to assist the ILO to put into practice its noble ideals by reinforcing its authority and the means at its disposal for the projection of its influence.

Mr. ZAINAL (*Workers' delegate, Malaysia*) – I am indeed honoured to have been accorded this opportunity to address this distinguished gathering. Allow me at the outset to convey the fraternal greetings of Malaysian workers to their counterparts the world over, whose representatives are gathered here today.

This year marks the 76th year of the ILO as the conscience keeper of workers' welfare, a role that it has performed well, given the external constraints.

Similarly, the Malaysian Trades Union Congress (MTUC), the umbrella organization for Malaysian trade unions has, in its 44-year history, endeavoured strenuously and relentlessly to ensure that the "toiling class" is accorded its rightful share of economic development and its rightful place in society. We will continue our struggle without fear or favour.

This 82nd Session of the ILC is being held at a time which has witnessed drastic changes in the structure of the world economy. The pursuit of rapid economic growth and the significant shift towards manufacturing has altered the very landscape of world trade. The inability, rather than the ability, of countries to adapt to these structural changes has had an impact on their respective economic performance. For instance, manufactured goods now constitute more than 78 per cent of the total exports of south and South-East Asia; however, Latin America and Africa still continue to be exporters of primary products, while the export performance of eastern European transitional economies actually fell.

It cannot be denied that the Bretton Woods institutions, specifically the International Monetary Fund (IMF) and the World Bank have yet to act positively, especially in combating the debt crisis problem faced by the poor and very poor countries.

The significant changes in the world trade system impose the need for these financial institutions to make the necessary structural adjustments to their lending policies. These institutions must act upon the recommendations, specifically those made at the recently held World Summit for Social Development in Copenhagen, which called for the provision of debt

relief and debt cancellation to enable the poor and the very poor debtor countries to climb out of the dark pit of poverty.

The need to break the shackles of financial restrictions placed on these and other developing countries is urgent, and it is indeed time that these institutions act in the spirit in which they were founded and funded.

It is a sad commentary on our times that developing countries have been reduced to a state of desperation, that they are forced to offer low wages in order to bring foreign investment. It is time for the international community to find a more humane way to bring new investment to the developing countries who are desperate for new employment opportunities.

We are in support of foreign as well as domestic investment as these are sources of new employment opportunities in the modern sector of the economy. However, we remain concerned about the liberal conditions being offered by developing countries in order to attract foreign investment and we are especially concerned about the stiff conditions being extracted by multinational companies (MNCs) from developing countries who are hungry for their investment.

We recognize the need for foreign investments and welcome them as they create jobs; but we are also strongly opposed to what we view as their rampant exploitation of the working class. It is high time that MNCs treat their workers in developing countries in the same way as their workers in their country of origin. MNCs should be an example of good industrial practice in developing countries rather than examples of predatory labour practice.

The failure and reluctance of both the developed and developing countries to ratify several important Conventions of the ILO is indeed saddening, for these standards constitute the cornerstone for humane development and work-related welfare. All ILO constituents must take immediate measures to ensure that the standards, especially the relevant key standards, are enforced immediately. The ratification and implementation of these Conventions will serve to demonstrate that these constituents are indeed honourable and will put an end to the accusation that they are prone to abusive action. Further, there is the need for the ILO to use its offices and machinery to ensure that such member nations do immediately implement these Conventions, both adequately and effectively without any conditions whatsoever.

The significant shift towards manufacturing has resulted in the need for technological advancement. The spectrum of skills development and skills upgrading has not been accorded the due attention it rightfully deserves. I therefore make this clarion call that both MNCs and the constituent nations place adequate if not equal emphasis on training and re-training. The technological skills of the resident workforce must progress in parallel to the development needs of the economy. The failure, and to a certain extent, the reluctance, aimed solely at the creation of a dependent mentality, to provide for adequate opportunities and facilities for skills development and upgrading will only result in a "decadent" economy.

The exploitation of women and the denial of equal opportunities for women has existed from time immemorial. Though numerous announcements and

proclamations have been made and continue to be made, the plight of women continues to remain the same, if it has not worsened. Women constitute a large percentage of the rapidly increasing workforce and they warrant, if not demand, specific and special attention and action. Member constituents must take all the necessary action to ensure that this significant and material segment of society is accorded its due recognition and protection.

The Director-General, in his Report to the Conference, has stated in no uncertain terms that the primary challenge for social and economic policy across the globe is the task of creating sufficient new jobs to overcome unemployment, underemployment and low wages. Employment creation is now perceived as the underpinning for sustainable quality of life and as such has taken centre stage. It is therefore imperative that we dovetail both our material and human resources to attain this laudable objective. Let us, Mr. President and fellow delegates, do this in an atmosphere of undivided commitment and sincerity for human beings.

Original French: Mr. BARDE (Employers' delegate, Switzerland) – Please allow me first and foremost to congratulate the President on his election to the presidency of this session of the International Labour Conference. I would like to publicly state here the interest that I have in following your deliberations and participating in them. Switzerland, and the Swiss Employers who I represent here, have always been very attentive to the search for negotiated solutions on the basis of social and political partnership. This is just an indication of how the tripartite structure of the International Labour Organization corresponds, in its principles to our own way of working. I would like, as an Employers' delegate, to state that I am new here. This is the first session of the International Labour Conference at which I am participating in my present capacity. The fact that I have a fresh view of the situation leads me to a number of reflections that I would like to share with you, and if the assembly should deem them to be excessive, please forgive me.

In all our societies, be they industrialized or developing, the issue of employment is a priority one. The problem is that there are also other priority issues, starting with the protection of the environment, be it land, air or sea. These priorities are going to come up against one another against a background which consists of achieving development for some, and for others to safeguard at least, their achievements. Unbalanced demographic development, even though our Conference may not be dealing with the issue as such, is clearly one of the great question marks linked to employment development. We cannot make employers and the economy the only ones responsible for more or less endemic unemployment, when they are no more in control of one of the central elements of the problem than any other sector of society.

The Report of the Director-General of the ILO is to be commended. It marks to a certain extent a turning point for the Organization in the sense that, beyond the standard-setting aspects that it seeks to promote in the fields of labour law and social rights, it has become aware that the creation of employment is in fact the best social and, indirectly, political safeguard available.

However, as employers we cannot follow all the recommendations contained in this Report. Indeed, at the inaugural ceremony of this session of the Conference, on 6 June, we were struck by the insistence of the calls for greater state intervention, in other words, for interventionist measures, to counter the effects of the market economy, the principles of which are now rarely called into question, although there is a general denunciation of the total lack of humanity, the coldness and consequently the inequality that is generated by the market economy.

The truth lies elsewhere however. There is no market without market participants, and the participants do have a soul and do have feelings, whether they are employers, workers or consumers. And that is what counts, and is why we must let market forces operate freely, without restraint, and, above all, we must not obstruct freedom of association, which our Organization upholds. It is only through the interplay of opposing forces that we will achieve true democracy and the chance to create, and in particular the chance to create employment.

My second remark is the following. The State, no more than the market, does not have its own soul. It is a product of the will of its citizens. To believe that the State, through a sort of divine power, is a just arbitrator, situated over and above the everyday exchanges of the common mortal, is an illusion that has unfortunately been entertained for too long.

The State can be just, and it can be an arbitrator, guaranteeing the tenets of democracy and the respect of all its citizens. But the State can also be grabbing and purely interested in benefiting itself or those who serve it, by growing sluggish in a stifling bureaucracy which is against all dynamic development and creation, including the creation of employment.

In this context, tripartism, which is the very backbone of our Organization upholds the opposing forces to which I just referred; on condition that we respect the balance established and are attentive to the ensuing creation between social protection on the one hand, and employment creation and development on the other. Too much of one can kill the other, and vice versa.

One of these excesses can consist of analysing economic and unemployment problems only in macro-economic terms, while it is often "on the ground", in micro-economic terms, when we can see the actual situation in the place and country concerned, that many decisions are taken. If we are aware, according to a recent OECD study confirmed by a study by the International Economic Institute of the University of Kiel, that it is today small and medium-sized enterprises that create most jobs, if we are aware that the costs generated by legal provisions are per capita significantly higher in a small or medium-sized enterprise than in a larger one, we can assess the burden that these provisions can sometimes represent, and the obstacle that they can constitute for employment. In many developing countries we can see a similar, if not identical, phenomenon taking place, with the focus being on activities and employment in the so-called informal sector of the economy.

Recalling these facts is not to plead in favour of deregulation or of social cutbacks, but rather to plead in favour of greater flexibility, in the codification and application of a certain number of standards, according to prevailing economic and social

circumstances. In short, it is moving from the principle of equality which all our societies try so desperately to attain but never quite manage, and which is naturally accompanied by the trinity – centralization, regulation, uniformization – towards a more complex principle of equity, which is harder to manage, but which is far more fair as regards both the effectiveness of its redistribution and the economics of its taxation.

Freeing creation, freeing employment, is also a form of social progress. We must construct societies based on the pragmatism of actual experience and not fashioned in a common mould. Of course, the minimum standards of our Organization must be respected, but beyond this the balance must also take into account the constraints inherent in the economy, and the need to create jobs, and if possible, solvent jobs.

To refer to the current situation in Switzerland, there are two important aspects I would mention – the first are the efforts undertaken in respect of training in general, and vocational training in particular for young people of course, and also for the unemployed, so that they can have a greater chance of being reintegrated into a constantly evolving labour market. The second aspect is that in the collective labour agreements that we negotiated in this country, greater flexibility is granted to enterprises. In other words, without detracting from the fundamental principles of centralized collective bargaining, we give greater autonomy to the social partners in the implementation of these provisions within their respective enterprises. This philosophy is indeed the philosophy of the future – laying the basic foundations on which the social partners, branch by branch, and, if necessary, enterprise by enterprise, can negotiate the necessary adjustments.

I am aware of the modifications which are inherent in such a philosophy, but it corresponds to the change in mentality seen not only in employers, but sometimes also in workers and governments. Flexibility, in the most common sense of the term, is what we now need. It responds to the aspirations of us all and is one of the conditions for the creation of new jobs. We must not miss the opportunity to link standards relating to social protection to those born of the need to generate employment.

Original French: Ms. SMET (Minister of Employment and Labour, Belgium) – Mr. President, while congratulating you on your election to the presidency of the Conference and wishing it all success in its work, I will not conceal from you that the delegation of Belgium is taking part in this 82nd Session with mixed feelings.

Promoting employment is indeed central to the concerns of the political formations which are negotiating a new government in Belgium, and to the projects of other European governments. The theme of home work has already justified draft legislation in my country, which draws upon the work of the ILO in the run-up to this Conference. There are no longer any mines in my country but there are a number of quarries and we have a good mining code. Labour inspection in Belgium has long been authorized to monitor a number of activities in the non-commercial services sector. The subjects chosen for this Conference do not therefore seem to be of any practical use to my country. To this we must add the disap-

pointment of my delegation on seeing that the discussions in the Governing Body since the last Conference have failed to give the Office any very useful indications as to the direction to be taken in two major controversies, that is to say, the role of the ILO in promoting the social dimension of the liberalization of trade, and the future of the ILO's standard-setting activity. In these circumstances, we are worried about the ILO's capacity to influence international social policy. More than ever, in the new context of rapid transformation, the world of work should not feel it has been left to its own devices, or has lost its bearings.

However, many workers in industrialized countries also undergoing change see no other prospect than unstable employment and the risk of a permanent quest for more flexible labour markets. Furthermore, they note that work relations are growing more tense under the weight of economic constraints, and that growth, if there is any growth, is not creating sufficient jobs. In other words, the political world as well as the world of work is also hoping for new ways of approaching work, training and how to make the best use of unemployment as a time of creativity and training.

The Copenhagen Summit set ambitious targets, beginning with the target of full employment for all. Some people wondered whether this was realistic. That indicates how much we must do in order to overcome the fatalistic outlook on the future of employment. The virtue of the Director-General's Report is that it confronts us with the harsh realities and presents us with new prospects. We must not give way to fatalism. We must find the will to put aside false controversies which may jeopardize the ILO's aims.

While job creation does of course depend on growth, private initiative, particularly in the job-creating sectors, and the conditions available for the creation of small enterprises, it also depends, in countries like Belgium, on more flexible organization of labour and work hours. But this must not be accompanied by a decline in social rights. Those who accept this must not be penalized.

There are many employment opportunities to be developed and supported in the socially useful non-commercial sector. The creation and development of such employment, however, faces an enormous problem of financing, and this we need to think about, because it presents many people with great opportunities. In order to develop this area, we must also refrain from considering that these are less highly qualified jobs. This sector calls for other qualifications in a different context of requirements.

These are the priority concerns of Belgium at this time. However, our delegation will, as usual, try to contribute positively to the work in the technical committees.

We share the Office's view that the question of home work is an important one in order to prepare for the future. It is indeed possible that this organization of work may become more widespread in certain sectors and in various forms. It is, therefore, important that these workers should enjoy the same treatment as workers occupied in more typical jobs in comparable situations. In Belgium, while the practice of home work seems to be limited to a few sectors, experiments are also under way, and we must keep an eye on them to see what happens.

The social partners and the Belgium Government approve the principle of extending the Labour Inspection Convention, 1947 (No. 81) to the non-commercial sector, to the extent that this approach indicates a will to consider this Convention a priority. One cannot imagine promoting labour legislation without at the same time setting up labour inspection which is able to act in the various sectors of activity.

Belgium is always ready to provide technical assistance in the field of labour inspection. In this technical assistance we give priority to approaches which provide a specific response to a specific request and we have noticed a similar preference among a number of our colleagues. When we can, we are happy to be able to associate ourselves with the ILO's actions.

Together with the ILO, Belgium urges a strengthening of international cooperation in regard to jobs. We are encouraged to do so in the ILO by the conclusions of the Copenhagen World Summit for Social Development. The paramount role of the ILO in this area will be exercised by significant actions both inside the Organization as well as outside it.

Inside the ILO we still have a tendency to pay too much attention to national policies to the detriment of the search for common responses to common challenges.

The ILO Report on World Employment is an excellent initiative, particularly if supplemented by other authoritative analyses. The Director-General, in the course of this Conference, has heard appeals for very concrete action by the ILO to promote jobs. There are three areas here which seem critical to us.

First, the informal sector of the Third World where there are millions of people working, particularly women and children. There is doubtless a need to build bridges with protected employment as the freedom of employment must function in order to pave the way for mechanisms of collective defense. There is a need for greater trade union solidarity, and the creativity of employers in this sector can be sustained in many cases.

Secondly, the ILO must be effectively associated with the various approaches to develop and assess structural adjustment programmes so that it supports productive and high-quality employment strategies. We encourage the Director-General to negotiate with the IMF and the World Bank to establish the most useful measures to do this.

Finally, the ILO must seek to promote high-quality employment in all initiatives taken internationally and by governments. Since Copenhagen, there is a growing conviction that the fundamental Conventions of the ILO have a critical role to play in social development and in establishing high-quality employment. It would be desirable for the countries having an interest in technical assistance to avail themselves of the opportunity provided by the Conference, not just to defend themselves, but also to clearly formulate their needs.

I appeal to the ILO, and principally to its Governing Body, to support the Office in its efforts to live up to its responsibilities, at a time when there is considerable uncertainty as to how best apply the conclusions of the Summit. This is not the time to rest on our laurels. That, at any rate, is the spirit in which Belgium will continue to work in Geneva.

Original Spanish: Mr. SALAS MOYA (Workers' delegate, Bolivia) – On behalf of the Bolivian Work-

ers' Confederation and on behalf of all Bolivian workers, I would like to congratulate you, Mr. President, on your election to preside over this 82nd International Labour Conference.

We commend the Director-General for choosing employment as his central theme for this meeting, because there can be no doubt at all that in most countries, perhaps in all, the question of employment – or rather unemployment – is the main problem they are facing at the moment, especially countries with less-developed economies such as Bolivia.

The ideas most frequently expressed in this debate revolve around proposals to generate fresh investment, mainly in productive industries, to ensure a fairer distribution of wealth and to develop international trade without protectionist barriers. Also, and quite rightly, we hear talk of the need to develop human resources for vocational training, training for new kinds of jobs and many other sorts of measures which, depending on the characteristics of the individual economy of each country, have a significant contribution to make in promoting the growth of employment. However, when we take stock of the results, it would appear that all of these efforts come to nothing when one sees that both official and, more especially, unofficial employment figures are going up much faster than we can create new permanent and productive jobs.

In practical terms, this is what is happening in my country, Bolivia, where the so-called structural adjustment programmes have a negative impact on the number and quality of jobs available. The prime victims of privatization are the workers, who are ejected *en masse* from their jobs to make way for new modes of organization and production imposed by private owners, and to allow for the hiring and the wage practices that tend to accompany efforts to make labour more "flexible".

In this and other ways human labour is becoming one more commodity on a market, a market that is saturated by the supply of unemployed workers. It is becoming a commodity that is tailored so that it can be more easily used to reinforce competitiveness in enterprises. Alongside this, open or underhand restrictions make it harder and harder to enjoy trade union rights.

Of course the outcome of all of these policies is seething discontent among thousands and thousands of human beings who cannot meet the most basic of their needs, and who have no chance of doing so in the short or medium-term. Nobody could or should fail to notice that growing social injustice inevitably has consequences of a political kind, the most serious being that poverty and wretchedness are increasingly being identified as being part and parcel of democracy.

There can be no doubt that in today's world the United Nations is foremost in those organizations that are working hard to change this situation. The Social Summit in Denmark and the theme for this 82nd Conference bear this out. However, we are quite convinced that these efforts will not be enough in themselves if they cannot do without the almost domineering oversight of the International Monetary Fund and the World Bank when it comes to adopting uniform economic policies in all countries. Without forgetting that there is an interdependence between each country's economic policy and a trend towards globalization, each nation should nevertheless be

able to carry out its own development programmes in terms of its own needs and resources, and be able to count on international cooperation without ties. What is serious is that these economic policies without any human dimension are being combined with authoritarianism that is striving to offset the absence of sound social and economic policies with the repression of workers and of their representative organizations.

As an example of this I might quote what is happening at the moment in Bolivia. Last April the Bolivian Government ordered the repression of a peoples' and workers' demonstration, the arrest of more than 330 trade union leaders, their deportation to barren and remote parts of Bolivia and the banning of freedom of association and the right to demonstrate, thus riding roughshod over the constitutional and trade union rights of Bolivians and violating Conventions No. 87 and 98 of the International Labour Organization, which Bolivia has ratified. The state of emergency is still in force today, and this is why the Bolivian Workers' Confederation, through the various ILO bodies and instruments, is demanding that the Government of Bolivia be notified about its duty to respect ILO Conventions and that human rights and trade union rights be immediately reinstated.

The Bolivian Workers' Confederation is quite sure that repression is no kind of solution to our problems. Repression only compounds the grievances of workers. That is why we agree with many of the initiatives that have been expressed at this meeting and are demanding that the rights of Bolivian workers are requested.

(Mr. Halliwell takes the Chair.)

Original Arabic: Mr. DJILANI (Employers' delegate, Tunisia) – In the name of Allah, the Compassionate, the Merciful. It is a pleasure for me to extend to the President on my own behalf and on behalf of the Tunisian Employers, our congratulations on his election as President of this session of the Conference. We wish him and the Vice-Presidents success in their work. It is a pleasure to meet again in this framework. The participants will attempt, through a constructive dialogue, to find the best possible solutions to the problems of our society, be they economic, cultural or social in nature.

I would like to recall the statement made by President Ben Ali regarding our strategy leading up to the year 2000. We would also like to state that we are pleased that previous sessions have taken place in a positive context of harmony and complementarity. We have been able to adopt a qualitative approach to meet the challenges of a changing world and, thus, to ensure social peace, organize the world of work and improve the general working environment. We must find new criteria to permit enterprises to improve their competitive capacity and to ensure their development.

Allow me here to recall the success of the structural adjustment programme in Tunisia, which has permitted my country consistently for a number of years to achieve the best economic performance in the region. We have had a relatively high rate of growth and made significant progress in the social field, such as the improvement of living conditions and increases in individual income.

A collective approach has been adopted to enhance our international competitiveness, based on the development of human resources and skill improvement. Vocational training programmes have been set up not only for those who have failed in their studies but also for supervisory staff who want to improve the productivity and competitiveness of their enterprises and enhance their chances of success in competition with international companies which have specialized manpower.

It is in this framework that we can mention the changes which have occurred since November. Wages are periodically revised, not with the aim of keeping up with prices, which are under control, but to improve the standard of living. This has been possible thanks to the dynamic economic growth of the country.

We must continue to lighten the burden imposed on enterprises, to encourage them fully to play their social role. This has already taken shape in the establishment of the national solidarity fund (26-26) for the most disadvantaged. This mechanism is a tool to strengthen the principles of solidarity and cooperation among the various groups in society, to enable the country to enter the coming century with a society free of social exclusion.

What our society expects of enterprises is that they should reconcile economic and social imperatives. The competitive system places a demand on society: that it should demonstrate solidarity. Enterprises too should be encouraged, and especially the most efficient ones, to work for the development and prosperity of all.

The Convention signed by Tunisia and the European Union to establish a free-trade zone has proved to be a turning point in the economic development of the Tunisian economy since it compels us to go to even greater efforts to integrate into this zone and undertake the restructuring of our industry that this entails. It is for this reason that we have adopted a national strategy of supporting Tunisian enterprises and providing assistance to sectors at risk so that they can face up to international competition. This strategy provides for increases in investment, adoption of manpower retraining measures and the scientific organization of work.

We fully realize that to take up these challenges, we must take maximum advantage of our financial and human resources and our technical capabilities – without which we will not be internationally competitive.

We are proud in Tunisia of what has been achieved in improving wages and social security. The ILO forms the ideal framework to enhance our experience, bolster our resolve and to create the best possible conditions for establishing fruitful collaboration between trade unions and professional organizations, which, although different by both nature – when all is said and done – have the same objectives.

Mr. HARRIS (representative of Education International) – This Conference is unlike any other in the international system. The ILO is the oldest of our international organizations and the only institutional survivor of the Treaty of Versailles. Its unique feature of course is that States are represented by both governments and the social partners, who should be able to express their views independently of government.

But the ILO shares with all other parts of the United Nations system the feature that it is composed of States. The question that I want to pose today is this: do we not live in an era when the power of the State is contracting?

I pose that question because so much of the debate at the International Labour Conference as elsewhere assumes that the locus of power continues to reside with States. The assumed power of States still provides the framework of reference for our debates, whether on labour standards, on economic policy, on social policy, on structural adjustment, promoting employment or on the concept of the social clause. In each case the power of the State is presumed to be the determinant factor.

But is that still the reality today? Will it be the reality tomorrow?

Last year, I conveyed to you the anger which could be sensed tangibly among the members of our International. In every one of the 140 countries where we have member organizations, that anger was real then and it remains real today.

The four million teachers and other education employees who have joined our ranks just in the last 12 months (for a total now of 23 million) are just as angry as their colleagues. They are fed up with the gap between rhetoric and reality.

We know this anger and frustration extends well beyond our particular sector. It is general.

The profound changes which have shaken our societies, technological, economic, demographic and social changes, are visibly beyond the power of any State to manage – even the most powerful among them. Yet political leaders strive to maintain the illusion that they are in control. By their failures, they hasten the alienation of people from political institutions.

Consider this irony: it is the fashion for finance ministry officials and central bankers and their agents, the IMF and the OECD, to advocate a dramatic reduction in the role of the State, pressing for deregulation and leaving the provision of even basic services and investments to the market. Yet those officials are supposed to be accountable to elected leaders whose political careers are based more than ever today on a supposed capacity to manage the economy – to create jobs, jobs, jobs.

Consider the G7 meeting today in Halifax. We have read the famous leaked communiqué which has been public for about one week in many circles and is supposed to be released tomorrow. It is full of pious rhetoric about the fight against unemployment and improved management of exchange fluctuations. It then goes on to describe the leaders' concerns for the environment and sustainable development, and their wish to stimulate the information society. These esteemed gentlemen are striving mightily to maintain the illusion that they lead States which still have powers to determine these things. They have put economic issues at the top of their political priority list, but they have little power to influence the markets which they or their predecessors deregulated. So all they do, as the gap between rhetoric and reality becomes flagrant, is to foster even greater frustration and greater scepticism about government.

Consider the issue of child labour – or more exactly child exploitation. I am not talking here about work which youngsters do out of school hours or in vacation time, work which is not only essential to

family welfare, especially in rural areas, but also preserves and respects children's educational opportunities, health and future prospects in life. No, I am talking about degrading, intolerable, soul and body-destroying exploitation affecting up to 200 million children according to ILO estimates. Most countries have legislation banning this kind of child exploitation, but the legislation is not enforced. The gap between rhetoric and reality is flagrant again because of the lack of political will or ability to have national law respected.

What is the World Bank's answer to that flagrant gap? To annul the laws which are not being respected! Words fail me! What is the reaction of some governments? Their reaction is to cloak their willingness to sacrifice young children to the market, with talk of tradition and cultural differences. What hypocrisy! No wonder we are angry.

Consider, if you will, the status of teachers. The ILO/UNESCO recommendation on this matter was adopted unanimously by States in 1966. But the committee of experts set up by the ILO and UNESCO has just provided, in its latest report, irrefutable evidence that conditions for teachers are worse today than when the recommendation was adopted almost 30 years ago. Is it any wonder our people are not only angry but also incredulous about the actions and promises of governments?

Consider the World Summit for Social Development. Will the commitments solemnly adopted by 116 national leaders be implemented? Are they *able* to implement these commitments?

And consider also the question of the social clause. No one denies the reality of serious threats to the safety of workers in certain factories, or the existence of forced labour, or the denial of basic trade union rights, and certainly not the existence of discrimination and the exploitation of children. Yet some governments oppose our proposals to protect workers, with arguments about something quite different: the protection of trade between States.

What is the common feature in all of this? In each case States no longer have the power to deal satisfactorily with realities which everyone recognizes: unemployment, the havoc caused by volatile, unpredictable financial markets, social injustice, and failure to respect international agreements and standards.

During an earlier period of rapid change at the end of the nineteenth century, there were also free-wheeling markets. There was rampant exploitation in the newly-industrialized North and in the colonized South. The conditions of workers were widely recognized as being intolerable and the Conferences of Berlin, Brussels and Paris laid the foundations for what later became the International Labour Organization.

At the end of the twentieth century exploitation is again rampant, as is speculation. The South is politically independent but economically dependent. Anger at social injustice is rising again.

In these 100 years, the power of the State has risen and then fallen. New points of focus for the exercise of power will emerge, probably in the economic sphere, and through a new mobilization of civil society.

If the thesis I have presented today is accurate, there are obvious dilemmas. Even if economic power has shifted away from the State, there is no apparent

substitute for the legislative powers of the State. If the State does not establish common rules; who does? The deregulators would answer, "nobody". So at the end of the day the rule of law, one of the fundamental tenets of civilization, goes out the window.

The oldest of the international institutions, the ILO, may in fact be the best place to respond to this shift in the locus of power which is already under way, for three reasons: because of its unique tripartite structure which involves the social partners; because of its programmes of sectoral activities and technical assistance, which get close to the realities; and because of its mandatory commitment to social justice.

There is a need for new thinking as well as the reaffirmation of some fundamental values about justice which should be found in the ILO Constitution. Actually you will find some of that in the document of the Workers' group, *The ILO towards the 21st Century*.

By looking beyond the State as the framework for its action and by being prepared to rethink policies, the ILO could give a new impulse to the battle for social justice – that battle in which victory is never completely won, but in which defeat must never be conceded.

Original French: Mr. GODONOGA (*Workers' delegate, Moldova*) – It is a particular honour for me to address to the President my most cordial congratulations on his election to the presidency of this session of the International Labour Conference. It is my conviction that, thanks to his skill and experience and to the active participation of delegations, this forum will be most fruitful and will be crowned with success.

The Conference is taking place at a time of radical changes in the world, indeed it is no exaggeration to say that this is a critical time. Problems like unemployment can be solved successfully only if combined with an effort to ensure fundamental human rights, respect for social equity and human dignity. We believe that these principles should constitute the cornerstone for the future work of governments, trade unions and all the social forces that have an interest in creating a prosperous and harmonious society.

Here I should like to turn to the subject addressed in this year's Report by the Director-General of the ILO and to say how urgently topical it is, presenting as it does a clear view of the most acute problems of our time which are causing much concern and much suffering, namely the problems of unemployment and poverty.

I would also like to say that we support and share the concerns addressed in the Report pertaining to employment, a problem that has not previously been examined from a world perspective. These phenomena seriously affect the countries in transition to a market economy, countries like the Republic of Moldova which is now going through an extremely difficult period. Our country's economy, like all those of the former Soviet Union, is in recession. Worse, most of our people are living in a situation of desperate poverty.

One of the saddest consequences of the deplorable state of the economy is unemployment which has in recent years reached alarming proportions. In 1994 it reached 8 per cent including concealed unemploy-

ment. On 1 March the Labour Bureau registered 23,000 unemployed, 64 per cent being women, and the real figure was a good deal higher.

In terms of the psychological shock, unemployment was even harder to bear for the population than price increases.

The experience of transition demonstrates that the best means of social protection is to increase production, and in general to raise economic performance. In other words, to diversify ways of implementing social protection. Here, the trade unions have a major role to play, being called upon to protect the rights and interests of wage-earners.

At the insistence of the Federation of Independent Trade Unions of Moldova there have been increases in unemployment benefit and child-care allowances as well as compensation for work in harmful conditions. The minimum wage has been increased five times in the last two years. We are now entitled to 24 working days of holiday and the working week has been set at 40 hours.

The Moldovan trade unions have shown a responsible attitude to the most acute problems facing our country. Given the worsening socio-economic situation, the Federation has initiated a nationwide civic protest. The main demands presented to the Government and employers have been for the payment of arrears of wages, an end to unemployment, an increase in the minimum wage and indexing the money income of the population. In the course of negotiations within the Republican Collective Bargaining Commission, an agreement was signed setting deadlines for meeting these demands.

In this very grave situation, we have thus succeeded in resolving some of our problems at the negotiating table. We are trying, not without difficulty, to create and develop a system of social partnership, a system upon which the ILO is based. Albeit imperfectly, the tripartite machinery has started functioning. However, the effective participation of the trade unions in protecting the rights of wage-earners is impossible without the establishment of a legal framework based on international practice and in the first instance on ILO Conventions.

Moldova has however ratified only one ILO Convention, namely the Abolition of Forced Labour Convention, 1957 (No. 105). In the last two years, our Federation has proposed to Parliament and Government the ratification of 35 ILO Conventions, including those pertaining to social partnership. We note with regret, however, that no concrete results have been achieved in this area. We hope nevertheless that 1995 will prove to be a more fruitful year in this regard and that Parliament will ratify a considerable number of Conventions.

We believe that in the coming period there will be an end to the decline in production, and signs of an up-turn. Our hopes are associated with the progress of privatization and the adoption of regulations to stimulate foreign investment, with diversification of the institutional framework appropriate to a market economy.

These things can only be achieved, we believe, if there is close cooperation with the trade unions of all continents.

Here, the ILO has a very important role to play. I take this opportunity to express our gratitude for the ILO's ongoing support to Moldova's trade unions as well as expressing the hope that we may continue to

count in future on the wealth of experience and the support of this prestigious Organization, particularly as concerns improvement in the working methods of the Republican Collective Bargaining Commission of the Republic of Moldova.

I would also note the substantial contribution made by the International Labour Organization to the Copenhagen World Social Summit which played an important role in seeking remedies to the key problems of our time: poverty, unemployment and social disintegration.

In conclusion, I would express the hope that the proceedings of this session of the Conference will mark a decisive stage in the improvement of the living conditions of workers.

Original French: Mr. GAOURI (*Minister of the Public Service, Labour and Employment, Niger*) – First and foremost, on behalf of the delegation of Niger and on my own behalf, I would like to convey to the President and to the other elected officials my strongest congratulations on their election to the high offices of this assembly. I am quite sure that under their guidance, the work of this session will be crowned with success.

I would also like to take the opportunity to offer my sincerest congratulations to the Director-General of the International Labour Organization for the excellent Report he has put before us on a question which is one of the major sources of concern for our countries.

In his Report entitled *Promoting employment*, the Director-General has summarized in one sentence the objectives that should guide all governments in the area of employment, namely “the task of creating sufficient new jobs to overcome unemployment, underemployment and problems of low pay”.

The situation in my country corresponds, for all practical purposes, to the one described in the Report. Employment has declined in the modern structured sector, there is more official unemployment and underemployment, there are more precarious forms of employment and more barely productive occupations in the non-structured sector and finally, there has been a drop in real wages. This situation provides us with great concern, but in addition to that there is the fact that many young graduates have reached the market looking for their first job.

That is why the Government of Niger, taking up the struggle against unemployment and underemployment, has centred its economic and social development policy on various areas.

Thus, contemporary economic structures mean that the State must disengage itself gradually from certain economic activities. Indeed, its excessive interventionism in the past in managing public enterprises, and manning their leadership with civil servants, are all factors that may serve to explain their poor performance and the reason why their viability has been called into question.

In order to ensure the survival of these enterprises to make them more able to invest, to make them a more effective locomotive for other economic activities in the country and to preserve and defend jobs, the Government of Niger feels that it is important that the State should cut down its participation in social capital to a level at which it can be managed according to the rules of private enterprises.

We are quite sure that promoting the private sector is crucial to development and diversification of job-creating economic activities and our policies in this sphere are as follows. We wish to reorganize the banking sector; make export-oriented industries more dynamic; create new industries to give support to substitution industries that use local inputs; and promote activities to assist small and medium-scale enterprises to development.

Developing the informal sector is also something we are looking at very closely due to the scope of this phenomenon; however, this does not constitute a matter of major concern for the Government of Niger since it feels that this sector could, in fact, make a very significant contribution to solving problems of unemployment and underemployment. Our programme aims to selectively integrate the most viable activities from this sector into the modern sector by setting up a programme to promote small and medium-scale enterprises and by facilitating access to credit and to training about modern production and marketing techniques.

One of the principal causes of unemployment in the urban areas is the rural exodus towards the towns by people hoping to find jobs there that will give them a decent income. Solving this problem is going to mean offering incentives and boosting paid employment in rural areas.

As part of this we are planning to: continue to analyse institutional problems and to seek solutions to the inadequacy of marketing methods for our crop, forestry and livestock products; encourage economically viable cooperatives; carry out in-depth studies on agricultural product lines that are currently doing well on export markets so as to encourage farmers to switch to cash crops; encourage banks to have an activity in rural areas; promote the emergence of skilled national and foreign private operators and interest them in the production, marketing and processing of agricultural products; promote and develop exports of these products; and bolster our industrial fabric by setting up small and medium-scale enterprises for processing and marketing crop, forestry and livestock products.

This is a brief overview of the broad lines of the activities that the Government of Niger intends to undertake to meet the challenge of the year 2000.

Of course, implementing this policy means setting up permanent legal and institutional structures in conjunction with employers and workers, professional organizations, in addition to the consultative bodies provided for by our labour legislation. We intend to establish a high-level tripartite group designed to plan and implement a genuine employment policy that would take account of all the relevant dimensions. As part of the preliminary talks that have been undertaken on employment policy in Niger, the International Labour Organization has already provided us with much-appreciated technical assistance. So I would like to take this opportunity to express my thanks to the Director-General in this respect.

Now, turning to the agenda of the session, I can see that there are some very pertinent issues before us, in particular the question of safety and health in mines and other equally important matters.

It is for this reason that we are very interested in the discussions on these questions within the Conference.

The Director-General has stressed that globalization and economic liberalization have in some developing countries also exposed weaknesses in national patterns of labour market regulation. Niger has unfortunately not escaped from this phenomenon. But it is our ambition to work with the social partners and discuss the adjustments that have become necessary due to the changing economic and social environment.

In that regard we are planning very soon to organize a national seminar that will bring together the representatives of Government, the employers and the workers; and of course, our development partners will also be invited to this seminar.

The purpose of this tripartite seminar is to look closely at our institutional framework and to propose certain changes to the Government in our labour legislation, so that this legislation can make an effective contribution to economic and social development in Niger.

Before I close I would like to refer to the highly significant role of international cooperation in seeking solutions to employment problems throughout the world. Promoting employment is today something that all countries must undertake, rich countries and poor; however, only genuine cooperation among all can make it possible to attain this objective and bring about general prosperity.

I would also like to offer my Government's support to the endeavours undertaken by the Director-General of the ILO in spheres as diverse as democratization, defence of human rights and of individual freedoms, employment promotion and the war on want.

Mr. REDDY (*Workers' delegate, India*) – We are all gathered here at this 82nd Session convened soon after the adoption of the Declaration and Programme of Action by the World Summit for Social Development at Copenhagen. I take this opportunity to extend to the President my colleagues' and my own felicitations on his being unanimously chosen to conduct the deliberations of this session, while conveying to him and those participating here the greetings of over 314 million working people of India. I also congratulate the two Vice-Presidents on their election.

At the World Social Summit, the Heads of States and Governments from all over the world expressed serious concern about unemployment, poverty and social exclusion, and hammered out a programme of action to deal with these problems, particularly in the context of globalization. They also underscored the need for the International Labour Organization, with its mandate, unique tripartite character and expertise, to play a special role in the realm of employment and social development. I, therefore, compliment the Director-General, Mr. Michel Hansenne, for his intention "to launch a new series of regular reports on the world employment situation with the aim of stimulating discussion and the search for solutions among ILO constituents and the international community at large".

Globalization of economies has serious implications for the establishment of an international economic order of balanced development in the world. This is particularly so in the context of the present unipolar world that has emerged after the collapse of the former Soviet Union.

The imbalances and wide disparities between the developed world and the developing world have further grown. The developed countries have been rather halting and hesitant to commit 0.7 per cent of their GDP to the developing countries and their economic development. Furthermore, in the globally integrated open economies, many of the parameters that guide the construction of the welfare state seem to be under serious threat.

International action has become imperative to put an end to the iniquitous imbalances among nations, to ensure that the world's poorest citizens share in the Earth's resources, so as to create a more civilized and more secure society. Here, I cannot help recalling the words of our all-pervasive leader, Mahatma Gandhi, who said that the world has enough for man's need, and not for man's greed.

Yet several features of the GATT agreement only serve to reinforce North-North trade. The greatest volume of changes in trade is predicted to be in North-North trade in manufactured goods. Yet the developed countries are systematically trying to resort to concealed protectionism. Instead of seeking to reduce non-tariff barriers, they are consistently attempting to impose fresh non-tariff barriers. They are relentless in their pursuit to get the so-called "social clause" included in the Charter of the World Trade Organization, in an attempt to link social policy with trade policy in a bid to deny market access to developing countries in international trade. Our country's highest tripartite body on labour affairs, the Indian Labour Conference, has shown significant solidarity against any move to make market access in international trade conditional on the application of labour standards. The ILO is the instrument to monitor the observance of labour standards set by it non-coercively. Let us not be parties to the loss of credibility of this oldest tripartite agency, arming it with coerciveness. If the ILO lacks teeth, then let us put our heads together to find ways and means to give it the teeth it so badly needs within the framework of its present Constitution and values, rather than dividing ourselves into opposing camps on the basis of our views on the "social clause".

The world has been passing through tremendous technological changes. Yet we continue to see that serious disasters still take place in mines all over the world, destroying a large number of productive lives. In our anxiety to survive in a world with a highly competitive market, we seem to concentrate on more production at any cost, unmindful of the human cost. Setting an updated standard for safety and health of mineworkers doing highly hazardous jobs has therefore become a necessity.

The plight of home-based workers is another issue that the Conference is to consider at this session. There is no doubt about the need to establish a labour standard to ensure social justice and equity for this deprived section of society. At the same time, there is also the need to go into the question of the feasibility of effective implementation of an international labour standard for this purpose.

I also have some comments to make on the observations made by the Committee of Experts concerning India's application of the Forced Labour Convention, 1930 (No. 29), which the country has ratified. The sum and substance of the 13-page report on India is that the Committee notes that "over the years since the authorities of India took the decision to

abolish the bonded labour system in 1976 and the Supreme Court took its landmark decision in 1983, the situation in practice did not appear to have improved very much ... ". Let me not be mistaken to be holding any brief for my Government as such. As a trade unionist, let me point out that as a result of several developmental measures including land reforms, there has been a sea of change all over India in the labour front, and bonded labour is certainly not the order of the day, as the report seeks to make it out. The earlier all of us see this issue in the right perspective, the better.

Our country's policy is for the elimination of child labour, which is a result of broader socio-economic problems. Six ILO Conventions concerning child labour have been ratified and backed by legislative measures. The present regime of labour laws on child labour is consistent with the resolution of the International Labour Conference of 1979, calling for a combination of prohibitory measures and steps humanizing child labour where elimination is not possible in the short run. A programme for the total elimination of child labour from hazardous industries by the year 2000 has just been set in motion. The tripartite constituents in India are also actively involved in the implementation of a programme in this area designed by the ILO-sponsored IPEC. At this point, I would like to re-emphasize that the ILO has not adequately used its technical cooperation arm to assist countries in greatest need of such assistance.

I conclude by drawing attention to the World Summit's Declaration and Programme of Action, which saw the Heads of States and Governments to commit themselves to promoting the goal of full employment as the basic priority of economic and social policies and to enabling all men and women to attain a secure and suitable livelihood through freely chosen, productive employment.

As the Director-General has pointed out, the ILO should provide political and technical leadership in mobilizing action at both the national and international levels to improve the global employment situation by placing the employment issue at the centre of the international agenda. The ILO should play a forceful role in helping to achieve the goal of a more equitable sharing of the costs and benefits of globalization among and within countries, and to bring about a better coordination of economic and social policies for ensuring the reinforcement of economic and social progress.

Mr. SIMION (*Workers' adviser, Romania*) – First of all, I would like to warmly congratulate the President and Vice-Presidents of the 82nd Session of the International Labour Conference and wish them the best of luck in carrying out the important responsibilities they have in guiding the proceedings of this session. Also, allow me to take this opportunity, on behalf of the representatives of the Romanian National Free Trade Confederation, to congratulate Mr. Michel Hansenne, the Director-General of the ILO, for the theme he has selected to be debated during this session of the Conference. The theme of the report to the Conference, *Promoting employment* is an up-to-date issue both at the national and international level, and relates to the promotion of a decent and stable standard of living by ensuring productive and freely chosen employment.

The discussion of this theme is much more expedient now, after the recent World Summit for Social Development in Copenhagen, where a Declaration and a Programme of Action was adopted, engaging the present Heads of State and Government in support for a priority programme of extensive employment for the workforce.

Romania is going through a period of transition from totalitarianism to democracy, from a centrally planned to a market economy, and it is therefore faced with numerous problems. Apart from the problems that are inherent in each transition period, we are faced with difficulties due to the delay in the process of privatization, increased unemployment, reduced purchasing power, the lack of adequate social protection, increased inflation, growing corruption and, last but not least, the passing of some laws which do not observe the rights of the workers such as, for instance, Ordinance No. 1 which limits wage increases without taking into account price increases.

The Report presented by the Director-General analyses the effects of unemployment in industrialized countries, developing countries and countries in the process of transition to a market economy. The Director-General has made some relevant observations concerning countries in the midst of the transition process which, if not checked, could have serious repercussions in the long term. For instance, maintaining a minimum workforce at enterprises, which may be necessitated by the slow restructuring process, keeping bankrupt enterprises open by cutting down on working time rather than on the workforce, will all have a boomerang effect once privatization has been achieved. Our opinion is that unless privatization in Romania is accompanied by a retraining programme, and consequently by the creation of new jobs, unemployment, which is now 11 per cent and 25 per cent in some regions, will not decrease but increase.

The major trade union confederations have pointed out to the Government that the privatization process and economic stimulus should be accompanied by an adequate programme of social protection and retraining for the unemployed.

As has been shown in the Report, every effort should be made to eradicate and reduce unemployment, including: domestic and foreign investment; the establishment of small and medium-sized enterprises; foreign trade development; the reorganization of the infrastructure; and the liberalization of trade. The Director-General rightly advocates a gradual approach to the liberalization of trade, privatization and the restructuring of enterprises, as all these elements influence general policies which have a direct impact on full employment.

In future, the trade unions in our country will continue to promote the speeding up of privatization, social protection for the unemployed, and eventually the elimination of unemployment which in our country has led to a decrease in the living standards of over 1,150,000 habitants.

We believe that the ILO will play a big part in this approach, especially because of its tripartite structure. The ILO has therefore the opportunity to contribute to the implementation of the Programme of Action adopted at Copenhagen with a view to finally eradicating unemployment. As you are aware, Romania has ratified 42 ILO Conventions, which in terms of other countries seems to be an average

number of Convention ratifications. The labour movement in our country is discontented as, since 1989, only a few Conventions have been ratified. We would like the Government of Romania to analyse the possibility of ratifying some Conventions concerning working and living conditions, which would help to improve domestic legislation. Also, we cannot overlook the fact that some Conventions that have already been ratified are not being observed. I am referring in particular to the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), non-compliance with which has led since 1984 to the engine-drivers being fired, and subsequently to Case No. 1788, which contains a complaint filed by the National Trade Union Bloc and the Free and Independent Trade Union Federation of Train Drivers of Romania, which has been discussed by the Committee on Freedom of Association. In the same vein, some strikes have been declared illegal after they have taken place.

In 1991, the Romanian Parliament adopted an Act on trade unions, which states that a trade union cannot be formed within enterprises employing fewer than 15 people. So, in the great majority of private enterprises where there are less than 15 employees, it is impossible to organize trade unions, and of course it is impossible to discuss real social protection. This is the case for over 1 million workers in private enterprises in Romania. We are waiting for the new Act on trade unions with the amendments proposed by trade union confederations to be discussed in Parliament. We believe that the ILO should pay more attention to the problems in Central and Eastern European countries. Therefore, we suggest that the ILO should consider organizing meetings of trade union leaders from Central and Eastern European countries on topics such as the trade unions' role and strategy in the period of transition, social protection and how to achieve it, for example.

Trade unions in Romania are faced with problems concerning the decline in working and living conditions, and increasing poverty of the people.

Recently, in order to become more efficient in their struggle to meet workers' grievances, the three major trade union confederations, CNSLR FRATIA, Alfa-Cartel and BNS, concluded an agreement which includes a joint action plan.

In conclusion, I would like to stress the fact that the trade unions of Romania need the support of the ILO for training, the training of instructors and experts, and so on. We need support to be able to promote social and economic development and to meet international labour standards on the welfare of workers and trade union members in our country.

We are sure that the ILO will continue to promote social justice, tripartism and international solidarity.

Mr. BOTHA (*Employers' delegate, Republic of South Africa*) – May I add my congratulations to the many who have congratulated Mr. Rosales Argüello as President of this 82nd Session of the International Labour Conference. I would also like to congratulate the President, the Vice-Presidents, and most particularly yourself, Mr. Chairman, for the excellent way in which you are conducting the proceedings.

Business South Africa, the South African employers' organization, is honoured to have the opportunity to address this Conference – only the second time it has done so since its formation in April 1994

as a fully inclusive confederation of South African employers.

The establishment of Business South Africa has enabled all South African employers to participate meaningfully and effectively in national tripartite institutions, to affiliate with regional and international organizations of employers and to take up their seat in this Conference.

We hope, as South African employers, to make a significant contribution to this Conference's consideration of health and safety in the mining industry. The mining industry in our country remains not only the backbone of our economy, it is in the forefront of technological development and in particular in the development of technology to bring about improvements in health and safety in mining, which is unfortunately an inherently hazardous activity.

The Chamber of Mines, which represents virtually all of the mining employers, and is an affiliate of Business South Africa, has accepted the recent Judicial Commission finding that mining legislation in our country should be overhauled, that supervisory and enforcement mechanisms be enhanced and that education and training be specially emphasized. We agree with our Minister's statement to the Conference that a culture of occupational health and safety awareness should be created and look forward to participation in the development of international norms in this area during the course of this Conference.

These international norms, we believe, should express the combined wisdom of the Committee concerned, in the form of fundamental principles for security, safety and health in mining, but which permit sufficient flexibility to enable their ratification by all member States in which mining is conducted on any significant scale. The importance of this last point must be emphasized as there is no point in producing a document which has no practical effect.

Our presence here last year followed in the wake of a momentous resolution of what, at the time, often appeared to many observers and South Africans to be insurmountable political problems. Our first non-racial elections in 1994 and the subsequent formation of a government of national unity placed South Africa firmly on the road to the consolidation of both democracy and national reconciliation.

As we enter international markets and begin to address the imperatives of global competition, the major challenge we face is the transformation of our economy. We do so at a juncture in which the problems identified at the World Summit for Social Development, namely poverty, unemployment and social disintegration, are particularly acute in South Africa. We share with our social partners the view that none of these problems is capable of resolution without economic growth; indeed, without growth and the consequent creation of employment, the capacity even to begin to address them in any significant manner remains impaired.

We read with interest therefore the Director-General's Report in which the creation of employment is addressed. We agree with him that the key to achieving sustained growth and productive employment is the adoption of policies which respond positively to globalization and that a successful shift to a more open economy, the acceleration of exports and industrial growth will serve both directly and indirectly to boost employment.

We are concerned, however, that labour market prices should not create barriers to growth by inhibiting or retarding productive employment. Nor should the regulation of labour relations serve to directly or indirectly protect only the interests of those who comprise the elite of the employed. Rigidities which might be sought in the promotion of the interests of the employed and in defence of their conditions and security of employment may ultimately exclude from the benefits of employment those seeking entry into the labour market and those displaced by sectoral restructuring. These comments should be seen in a context of 33 per cent unemployment in South Africa.

An important component of the programme of creating productive employment is the creation of an environment in which the establishment, development and growth of small and medium-sized enterprises might be accomplished, thus establishing an entrepreneurial culture and an environment for enterprise. As an organization representing African employers, we consider this imperative to the establishment of full and equal partnership by African employers, and by Africa itself, in the world economy.

In pursuit of the policies to which I have referred, we are concerned that the process of economic liberalization on the one hand and democratization on the other be reconciled and reinforced. These are not mutually exclusive goals, they are fully integrated and interdependent objectives.

The first steps to create the necessary institutions to enable the social partners, at a national level, to define and support these policies, were taken in February this year when the National Economic Development and Labour Council was launched. While matters relating to trade policy have been the subject of fruitful discussions between the social partners, the draft Labour Relations Bill, submitted to NE-DLAC's social chamber, has tested the fragile institution of tripartism. While employers remain committed to seeking consensus on this important issue, they will not do so at the expense of the reinforcement of the barriers to growth to which I referred earlier, or to the establishment of new barriers.

Employers have endorsed free and voluntary collective bargaining as the primary means of determining terms and conditions of employment and of resolving disputes, freedom of association, the protection of employer and worker rights and the promotion of forms of cooperation between employers and employees in the workplace. We will measure new labour legislation in South Africa against the yardsticks of enhanced competitiveness, the creation of employment and respect for basic employer and worker rights.

We believe that in broad terms the draft Labour Relations Bill has the capacity to secure industrial peace and economic growth without prejudicing labour, management or the unemployed, and that balance, flexibility and equity are the keys to good labour relations. That is why the South Africa employers' negotiating team was given a mandate to support a bill which: protects freedom of association and consequently promotes voluntary collective bargaining at levels decided by the parties involved; protects legally striking workers yet allows employers to take on temporary labour to protect their companies from ruin; provides for freedom of associ-

ation by allowing workers to choose for themselves whether or not they want to belong to a union yet prevent "free riders" by ensuring that non-union members will pay dues (i.e. allows agency shops); provides for the effective involvement of all employees, union and non-union members, in decision-making in the workplace.

In conclusion, the technical cooperation programme agreed between the South African social partners and the ILO last year has benefited South African employers specifically with regard to assistance with the drafting of the Bill and exposing employers' representatives to ILO expertise. We also welcome the decision to establish an ILO Office in South Africa. We are indebted to the Director-General for this support.

Original Spanish: Mr. PARRA GAONA (Workers' adviser, Paraguay) – I would like to extend my congratulations to the President on his election to chair this 82nd Session of the International Labour Conference. I would also like to convey to the Director-General, Mr. Michel Hansenne, our thanks for his document *Promoting employment*.

The national workers' organizations of Paraguay – the Paraguayan Workers' Confederation (CPT), the National Confederation of Workers (CNT) as well as the United Confederation of Workers (CUT) which I represent, would like to express their satisfaction at being present in this international forum to find a way of solving the conflicts that beset our societies.

With the advent of the transition to democracy in Paraguay it must be recognized that the workers' and workers' organizations have enjoyed greater trade union freedoms. They enjoy the right to organize, to collective bargaining, both in the public and private sectors, as well as the right to strike, among other measures.

However, some groups of employers are seeking to change the labour legislation (the Labour Code), while the trade union confederations are committed to defending these rights acquired by the working class in our country.

Despite these changes the trade unions in Paraguay are still subject to all kinds of harassment. Indeed, once a trade union has been set up, the leaders of the union are immediately dismissed or threatened. In these cases, the Ministry of Justice and Labour does not have sufficient punitive force to take action against enterprises and employers.

It must be stressed that the Ministry of Justice and Labour has no difficulty in registering trade union organizations but at the same time 80 per cent of employers wish to have no unions in their enterprises at all. This backward mentality contributes to the exploitation of the workers.

Violation of the labour laws occurs daily. One example of a company where this has occurred is Eximpora where trade union leaders have received death threats. Another in Codema, where workers have been dismissed despite an agreement with the enterprise to put an end to a strike. A third example is that of the Dutch transnational Cervepar-Bengber where the collective contracts signed with the workers' union has not been respected.

The transport sector exhibits the most serious violations of labour laws. Non-compliance with labour agreements is a constant phenomenon and the employers in that sector exploit their workers pitilessly.

Union leaders are also being laid off in the Itagua oil company and the local offices of the Banco de La Nación Argentina.

When the labour courts do intervene in labour conflicts, this has been totally without effect and their procedures are extremely slow. The worker, having limited means, usually has to abandon the case.

The case of Lineas Aereas Paraguayas is a clear example of how privatization is carried out in my country. Agreements are not respected. For example, the payment of double compensation for redundancy has still not been complied with by the due date. Neither is Article 111 of the National Constitution being applied, allowing workers the option of participation in privatized enterprises.

The trade union confederations, as well as church leaders, farmers' organizations, human rights organizations, and other social sectors have denounced the prevailing corruption. Events in the Central Bank of Paraguay and their repercussions in the financial sector are but one indication of the magnitude of the problem.

Unemployment is a source of deep concern. Young women and men, having no opportunity to study either, are forced to emigrate. There are, however, great sources of wealth like the Itaipu hydroelectric dam, shared with Brazil, and Yacyretá, shared with Argentina, which await healthy and transparent investment to achieve greater employment of the workforce.

The rural sector is suffering serious setbacks due to a lack of real agrarian reform leading to better distribution of land. Eighty per cent of all land is concentrated in the hands of 1 per cent of the owners. Repressive measures have been a habitual

method to clear the rural workers from lands occupied by them.

We share the views expressed by the Director-General for the application of new technologies. We have to find mechanisms that respond to this reality, respecting the workers and their families, preserving jobs, and enabling workers to share in profits.

The MERCOSUR project, to our mind, was designed with purely economic ends without taking into account social and cultural objectives, or the Recommendations and Conventions of the ILO. We therefore demand that social clauses should be included in all these agreements. We should like to point out that the Southern Cone trade union confederations are working together, to bring about industrial peace and development, improving the standard of living and quality of life of the workers.

Government, workers and employers are taking part in the tripartite negotiation. Various commissions have been set up in the fields of public transport, employment policy, MERCOSUR and social security, in the hope of overcoming labour conflicts.

In my country, the ILO has held various seminars and conferences which the workers value very much. We hope that the ILO will continue with these programmes, and that they will be further strengthened. Our wish is that this Conference should continue to support the RELASUR project.

I have exposed our situation before the workers of the world so that together we can find a way to overcome conflict. We would like to express solidarity with all workers of the planet, and our hope that the International Labour Conference will achieve its objectives.

(The Conference adjourned at 12.45 p.m.)

Nineteenth sitting

Friday, 16 June 1995, 3 p.m.

Presidents: Mr. Popescu, Ms. Engelen-Kefer

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

Original French: The PRESIDENT (Mr. POPESCU) – We shall now resume the discussion on the reports of the Governing Body and of the Report of the Director-General.

Original Spanish: Ms. CANO DE JAÉN (*Workers' adviser, Panama*) – May I congratulate the President on behalf of the Panamanian workers for having been elected to chair this prestigious session of the ILO Conference. As a Central American, I am doubly satisfied with this election. We also greet the Director-General of the ILO, and congratulate him on his Report, aimed at finding a solution to employment. This is one of our main concerns.

We Panamanians have not escaped from the major problems affecting the developing countries such as high levels of unemployment, underemployment, self-employment and independent work, these last two being mechanisms of bare subsistence. In addition to these problems, we have the privatization of state companies, where, at best, the interests of the workers are not taken into account, nor are they involved in the negotiations.

The last Government privatized the state cement company, Bayano, which was bought by a Mexican company, and in the sale agreement, it was said that they would reserve 5 per cent of the shares to be bought by the workers, over a period of one year. But to the surprise of all the workers who had this right, they were made redundant and they were therefore not in a position, economically speaking, to acquire the shares.

The situation was aggravated by the fact that the Government neither said how many shares were available, nor made them available to the workers for purchase. And the right to these shares by the workers will expire in August this year. Some confederations are negotiating with the new Government to fulfil its obligation and to make the company do likewise. In the case of the telecommunication company, INTEL, and the electricity company, IRHE, under this new Government the workers were able to take part in the negotiations and decisions guaranteeing their interests, right from the drafting of the law up to its application.

Concerned with this issue and based on our past experience, we are trying to ensure the defence of our interests and trying to ensure, too, that public employees can join trade unions, as suggested by the ILO.

In Panama we set up the Labour Foundation, an organization made up of the employers' organizations and workers' confederations, which shows that the two most antagonistic sectors have managed to sit down together so as to find a solution to some extent to the high level of unemployment. For this purpose we are setting up the Labour Exchange, and in this we have had the permanent support and guidance of the International Labour Organization for which we are extremely grateful.

In December 1994 the workers' confederations and employers' organizations who make up the Labour Foundation, the small farmers' organizations, women's and indigenous peoples' organizations, the public and private universities and the Government and the political parties, were invited by the United Nations to consult together in search of a solution to the major problems facing the country. This exercise produced only one agreement, signed by employers, workers and the Government, supported by the Women's Forum and the small farmers' organizations. This agreement has, as its guarantors, the directors of the two universities, the United Nations, the ex-President of Colombia, Belisario Betancur, the ex-President of the United States, Jimmy Carter, and the ILO.

Thanks to this agreement, we now have a Tripartite Commission discussing an updated Labour Law, of which so far 70 articles have been approved, and progress is being made on mobility, unemployment, an unemployment fund and the protection of workers. We hope this effort will reach a successful conclusion.

The workers have tried to ensure that in each article there is respect for ILO Conventions and for those articles of the national Constitution of the Republic of Panama relating to labour and the social provisions protecting the worker. Our concern now is to make sure that the Legislative Assembly respects and adopts the consensus decision of the social partners and the Government. In adopting this position, we are showing that the Panamanian workers have understood and analysed the changes taking place in the world, such as the transformations and the reordering of the world economy.

We also understand the major challenges that these changes represent for the workers; we are not opposed to these changes, as you can see, but neither do we wish to give up the social rights gained through great sacrifice, or accept that changes should be imposed in such a way that only the workers have to tighten their belts.

We have therefore stated that it is necessary to have a platform of basic agreements that would help

Panama to adopt agreed policies to deal comprehensively with the problems of social development and those connected with the efficient integration of the country into the world economy.

We wish to go on record at this Conference before the President and the Director-General that right from the start of the negotiating and the setting up of the Labour Foundation, we have had the advice, guidance and permanent support of ILO experts, Guillermo García, Agustín Muñoz, Daniel Martínez, and at the stage in which we are now, Arturo Bronstein, who arrived at a difficult stage of negotiations and whose visit and guidance were very useful.

Original Arabic: Mr. DJEMAM (*representative of the International Confederation of Arab Trade Unions*) – In the name of Allah, the Merciful and Compassionate. I add my voice to those of previous speakers who have congratulated the President and Officers on their election. I thank the Director-General for his choice of the theme of employment promotion. This is indeed a question which arouses both interest and anxiety, particularly at this time, and whose solution requires the efforts of all the parties concerned.

The Director-General in his Report deals with a problem which has arisen from the charges occurred in recent years.

When we look at the problem of employment we have to think of the scale of the phenomenon, as well as the suffering caused by underemployment, underemployment marginalization, social exclusion and inequality in all its forms. The Director-General shares our concerns in saying any economic system must give priority to the social question, and any economic development must be accompanied by far-reaching social reforms.

We oppose the imposition on developing countries of economic systems which are not appropriate to their conditions, or to the needs of the people. We must create mechanisms for trade, which are favourable for development. We must also ensure the training of technical staff who can make known the needs of their country.

The globalization of communications has accelerated the globalization of the economy. Obstacles to development have multiplied: unemployment and other problems have led to poverty, ignorance, drug abuse and social exclusion. Among the obstacles to development we may cite foreign debt, conditionality imposed by international financial institutions, relentless restructuring, speculation against poor countries' currencies, as well as the protectionism imposed by developed countries and many of the GATT clauses as well as the WTO conditionalities, the arms trade and trade sanctions.

Hence the importance of the social clause and the role of the ILO which is the only international organization which can defend the rights of workers in international trade agreements. We all know the implications of these agreements for the fundamental rights of workers, of their families, and of society at large.

The social clause, as a part of all trade agreements, must try to ensure, at minimum, fundamental rights as enshrined in the ILO's standards, such as freedom of association, collective bargaining, the elimination of forced labour, the exploitation of children as well as equal pay for equal work. The clause should also

include employment, both qualitatively and quantitatively.

International solidarity and the mobilization of human resources to help the developing countries to confront the difficulties that accompany rapid global change, are the only protection against catastrophe.

We must therefore channel financial resources to those countries that need them most, and reorientate the enormous arms expenditure to more noble objectives. We should increase technical assistance to developing countries and facilitate the transfer of modern technologies to promote health-care education, and training.

We think that the ILO has an important role to play in overcoming problems arising from the restructuring of foreign debt and in reinforcing tripartite consultations, as the basis for social dialogue at all levels.

We also believe that the ILO must follow up the Final Declaration of the Copenhagen World Social Summit as well as the ten Commitments and the Programme of Action.

The ILO will continue to be the main defender of the rights of workers who suffer injustice as a result of the globalization of the economy and trade, and it will do all in its power to prevent human beings from becoming mere commodities in international markets.

We are concerned at some proposals as a result of which the ILO could be weakened, and its capacity and resources reduced, precisely at a time when we are drawing up the important tasks which await it, and we would like to reiterate our support for the ILO.

The cooperation between the ILO and the international Confederation of Arab Workers is excellent. Last year we held a number of regional Arab seminars: these dealt with trade union rights, collective bargaining, the social clause, the globalization of the economy and its impact on workers and the problem of women at the workplace. We have had a positive joint evaluation of these activities. Nevertheless, in view of the deterioration of the social situation we are hoping to extend these activities.

One problem of concern to the workers of the Arab countries is the lack of information about this Organization's activity. Language is a major obstacle, and it is for this reason that we reiterate the need to translate ILO documents, studies and analysis into Arabic.

In conclusion I would like to add that apart from the suffering of the workers arising from the above-mentioned cause, we have to think specifically of the workers of the Arab world, who have to confront other problems due to particular political, economic and social circumstances, to the occupation of Arab territories, not to speak of violence and terrorism and the assassination of trade union leaders by extremist groups in Algeria and Egypt, all of which are added to unemployment, social anarchy and economic stagnation.

Arab and migrant workers suffer the consequences of economic sanctions. In the Libyan Arab Jamahiriya this has translated into work stoppages in factories, unemployment and declining incomes. In Iraq the consequences of economic sanctions are becoming tragic and for these reasons we call for the lifting of sanctions, and for dialogue and peaceful negotiation as the only means of settling conflicts.

Mr. SULKOWSKI (*representative of the International Association of Labour Inspection*) – The International Association of Labour Inspection is pleased to have the opportunity to address the plenary of the 82nd Session of the International Labour Conference.

The Association is a non-governmental international organization with consultative status with the ILO. It includes over 60 member organizations from more than 40 countries worldwide. Its mission is to promote professional understanding of all aspects of labour inspection, to provide opportunities for labour inspectors to exchange information and ideas about inspection and the implementation of health and safety and other labour protection laws, to disseminate information about these matters through its congresses, technical symposia, workshops, international enquiries and reports.

The Association is an organization providing a forum for professional discussions among labour inspectors. It is not a political body, and does not seek to interfere in the systems or methods of implementation of labour protection law by its member countries and organizations. Rather, the Association aims to provide an international network for the exchange of information about methods and techniques of inspection and other programmes for influencing and improving the conditions of people at work.

Since the Association was founded in 1974, there has been a series of three year programmes of activity. Recent examples have included symposia in: Geneva 1984, industrial robots, transfer of technology, forestry operation; Warsaw 1986, the management of health and safety by companies; Tunis 1987, labour inspection in the construction industry; Budapest 1988, labour inspection in the food industry; Vienna 1989, the use of computers in labour inspection; Barcelona 1989, health and safety on large construction sites; Geneva 1990, increasing the effectiveness of labour inspection in the 1990s; Wiesbaden 1991, labour inspection and hazardous substances; Albufeira 1993, labour inspection and small enterprises; Geneva 1993, labour inspection and the public services; and Tunis 1994, labour inspection strategies for vulnerable groups.

The next technical symposium is to be held in London from 6 to 8 November 1995. It will be on the subject of inspection for health, that is to say how risks to workers' health can be best tackled by labour inspectors. The symposium will hear views from many international experts on five important areas of interest to inspectors: how health risks can be identified for inspectors; what sort of information do inspectors need about health risks; different approaches to health inspection; inspection techniques that work; and future needs and opportunities for improving health at work.

The Association is already planning its Congress in Geneva in 1996 on "the changing world of work and the preventive role of labour inspectors" with two sub-themes: labour protection management, and exercising judgment in labour inspection. There will also be a technical symposium in Warsaw in 1997 on the subject of "modern management information systems for labour inspection".

We are glad to have the helpful collaboration of the ILO in these events, and we hope that many countries here today who are not members of the Association will be interested in attending the sym-

posium in London in November 1995 and hopefully will want to join the Association so that they can enjoy the benefits of being part of an international network dedicated to the profession of labour inspection. There is information available about the November conference in London, about our International Association, about the report of the 1994 symposium in Tunis, and also on the workshop on the risk assessment for labour inspectors in Wiesbaden in 1994.

The Association is not part of the ILO nor is it formally associated with the ILO, but we have a long tradition of working together both through formal cooperation and informally on matters concerning the improvement of labour inspection, as we are the only independent international professional organization with wide knowledge in this field to whom the ILO can turn for information. We look forward to successful future collaboration with the ILO on practical projects concerning labour inspection.

The proposed extension of the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial services sector, which is being discussed in this session of the International Labour Conference, is naturally of great interest to us. We will do our best in our observer capacity as a non-governmental organization to contribute positively to the debates, supporting any outcome which would improve conditions for people working in this section.

Original German: Ms. ENGELLEN-KEFER (*Workers' delegate, Germany*) – The world economy is growing but this is not of much use to those who are unemployed and poor. Quite the contrary, the social tensions and divisions between continents and countries – but also within nations – are increasing all the time.

In the OECD alone 34 million people are registered as unemployed. At least a further 12 million are demoralized and looking for work.

In Germany, one of the richest countries of the world, poverty has reached new record levels. Mass unemployment, it seems has become a normal state of affairs. It has become a constant companion of a streamlined economy which needs fewer and fewer people, not only for production but also for commercial services.

A never-ending series of currency crises and ruinously high interest rates have had disastrous consequences for jobs in certain sectors and regions. Unemployment is a waste of human skills and resources and it is the greatest threat to democracy.

At international conferences, such as this one, or summits, such as the World Summit for Social Development in Copenhagen, voices are constantly raised to discuss the international interdependence of the world's economy.

The securing and creation of jobs and the effective fight against unemployment are declared to be the highest priorities on the political agenda. And if we are to believe the international documents, we all seem to agree on the objectives we should try to attain.

But as long as in real life, we do not score any successes, these statements must seem increasingly hollow to the people concerned. Many of us are already resigned to the situation, have got used to unemployment or even lost any real will to fight it.

In fact the world would be one step closer to full employment if even only a few of the aims of the ILO were really tackled in a decisive manner.

I cannot help but feel also that those who procrastinate in this Organization seem to gain influence when there is a discussion on practical measures to combat unemployment.

It is therefore most welcoming that the Governments who were party to the Declaration adopted at Copenhagen undertook to promote: "the goal of full employment as a basic priority of ... economic and social policies". But these words must remain a mere declaration of intent; they must be translated into specific policies.

I would like to give the Director-General my express support in his efforts to elaborate specific proposals for action following on from the 1969 World Employment Programme. The most important lesson should be that the serious social problems cannot be solved – or only with great difficulty – if there is no economic growth. But economic growth is not an automatic guarantee for the realization of social aims.

In the past few decades, the blessings of growth have only trickled down very slowly to the poorest of the poor. In many cases there has been a further exacerbation of the differences. And simplistic solutions put forward by neo-liberals merely accentuate the social divisions. Reducing wages and cutting into the social welfare system are not solutions. Deregulation, that magic word – meaning the reduction of labour and social protection – does not in any way boost competitiveness and employment; all too soon, it sets in motion an international spiral effect with negative repercussions for everyone. From the ILO, we are expecting a commitment from Governments, employers and workers to overcome the social divide between the poor and the rich in all parts of the world – regardless of whether they are in the West or the East, the North or the South of our earth. Only then can the aspirations of people for a lasting peace be fulfilled.

This task must primarily lie with the industrialized countries, who hold more than 70 per cent of the world GNP in their hands.

The increasing globalization of markets, the internationalization of products, services and capital flows on to deregulated financial markets, as well as the increasing destruction of the environment, are all creating new challenges for policy-makers.

The highest priority is for the industrialized and developing countries to adopt joint growth and investment policies to create and secure jobs and social security. The social partners must be included in this process. There is a strong need for more work, and for this we must change our approach so that we strive for a more humane concept of work, for protection of the environment and for the establishment and modernization of infrastructures and services. Investment in people is certainly the most productive. It is also important to harness the creativity of people by motivating them in their work and providing them with better working conditions.

The Commission of the European Union is urging its member States to halve the number of unemployed people by the year 2000 – it has to set a goal, because without a goal there is no way forward.

The German trade unions support this goal. Indeed, they propose a five-step strategy, in which they

advocate: a forward thrust in economic policy; a drive for innovation, accompanied by ecologically sound industrial and regional policies; active strategies for education and training as well as skilling of the workforce; more choice for workers in organizing their time and a fairer distribution of work; support for the labour market and extension of labour market policies.

At the same time a new solidarity has to be built up between industrial and developing countries. Global changes clearly show that we share a common destiny, not least through currency crises, environmental and natural disasters. Re-establishing solidarity is not an act of charity – but a prerequisite for our common survival.

Currency speculation is increasingly seen to be the major weakness of our world economic system. With huge turnovers, the speculators swing the world economy from one crisis into another, from which they can make lucrative profits. Urgent attention must be given to an international tax on currency deals. The renewed debt crisis of the developing countries is not an isolated problem. New efforts have to be made to cancel the debt of developing countries – and this includes their debts with international financial institutions.

At the same time a concerted action has to be taken by the developing countries to examine their fiscal and taxation policies. Not only the ILO but also the IMF and the World Bank have to find a way of tying their assistance to the rules of democracy and the observation of human rights. They must also include the social partners in the formulation and implementation of national economic programmes – and the ILO must have the right to veto structural adjustment measures if these violate core labour standards.

The IMF must also be at the centre of efforts to return to a system of stable exchange rates. International trade must not be based on unfair and unsocial practices and carried out at the expense of basic human and trade union rights; this cannot be tolerated.

The trade union call for a social clause does not imply a discrimination against developing countries and a form of protectionism for industrialized countries. Rather it would serve as a protection against violations of human rights throughout the world.

It might also be envisaged to set up an international social fund. Furthermore, sanctions could be applied in the case of serious trade violations.

Finally, we must double our efforts to emerge from the present economic and social crisis.

Original Arabic: Mr. DEMNATI (Minister of Employment and Social Affairs, Morocco) – First of all may I congratulate the President on his election to lead the work of this session. His great experience and acumen are the best guarantees of the success of our Conference. I also extend my congratulations to the other Officers.

There is no doubt that employment is the essential issue requiring the in-depth reflection and discussion of this session of our Conference. The Director-General quite expertly and objectively reflected the importance of this theme in his Report to the Conference. The main characteristic of this problem is that it is global; it affects all regions of the developed and developing world. This feature is in itself a major

challenge. Indeed, we must cooperate at all levels to find appropriate solutions. If we do not, we will lose a major part of human resources which should normally work to the benefit of the economies of countries suffering from an unemployment crisis.

We therefore express the hope that our Conference will not simply produce a declaration of intent at a time when millions of people are hoping for effective solutions and programmes of action that will put an end to their daily suffering.

On this point, I would like to congratulate the Director-General on his approach, which is aimed at strengthening international cooperation in the areas of finance and economic management. We believe that it is time to re-think the cooperation and coordination between the ILO, the World Trade Organization and the international financial institutions so as to find solutions to the problems on our agenda.

International cooperation in the economic and financial fields should not be restricted simply to providing limited and conditional aid and assistance which are dependent on temporary economic considerations, but should go beyond this and represent a real partnership to eliminate the obstacles blocking efforts to promote employment nationally and internationally.

We believe that cooperation efforts should concentrate on the main problems which cannot be solved by national policies alone, particularly in a world which, thanks to globalization, has become increasingly interdependent. It is impossible for countries to master their national policies without a healthy international environment in which there are the necessary conditions for growth and complementarity among countries.

On the occasion of the conclusion in Marrakesh of the Uruguay Round agreements, His Majesty the King of Morocco proposed an examination of the consistency of trade policies, so as to alleviate the negative effects of the liberalization of world trade. A working group was set up for this purpose in the WTO. We hope that the ILO will think of a similar formula, in line with its Constitution and its objectives, so as to examine the possibility of making the monetary, financial and trade policies of the world more consistent in order that they may serve to promote employment and eradicate poverty and exclusion. This has become the overriding priority of the international community in the light of the commitments made by the Heads of State and government in Copenhagen.

Among the most negative elements affecting the economic and social situation, and thus employment promotion efforts, is the drop in foreign demand resulting from increasingly protectionist policies and the use of more technical barriers to trade. In addition there have been extreme fluctuations of exchange rates, and these have had an impact on the flow of productive investments. The weight of foreign debt worsens the situation and makes the developing countries net exporters of capital.

The ILO, with its Constitution and the objectives it has pursued for 75 years, has a major role to play in assisting the developing countries as regards employment. It can make use of its technical cooperation programme, which requires resources commensurate with the aspirations and needs of these countries. While we know that resources are limited and that the Director-General has made a great ef-

fort to present us with a zero-real-growth budget as recommended by the Governing Body, we hope that all member States will pay their contributions so as to enable the ILO to continue to carry out its programmes normally.

Morocco has since independence followed an economic policy of openness to the world economy. It has adopted adjustment programmes that have enabled it to be solvent vis-à-vis the international financial institutions, to restore a balance of payments both internally and externally, to cope with inflation and to have a reasonable growth rate that should have an impact on employment and serve to improve the life of its citizens.

The efforts of the Government are now concentrating on the completion of structural and administrative reforms to create an environment favourable to an increase in productive investments. Priority has been given to reforming the investment system to create a climate of incentive and to strengthen existing privileges and simplify most administrative procedures involved in carrying out projects.

Together with the revision of the financing policy, a privatization programme is being carried out to promote savings and investment among the public.

My country has also taken several measures to liberalize foreign trade and prices, with a view to permitting enterprises to adapt to the competition and variations of a global economy.

At the same time, the banking system has been reformed to facilitate exchange operations and to gradually reduce the tax burden on companies.

Other direct measures have been taken to promote the employment policy. The public and private sectors both play a very important role in this policy. The establishment of the National Council for Youth and for the Future, which is tripartite, should make it possible to find ways to increase employment levels, especially among young people.

Efforts are continuing to reduce unemployment among young graduates both by assisting young industrialists through such measures as tax breaks and project financing and by providing incentives for companies which take part in training and integration programmes. These programmes are part of a partnership between the public and private sectors to promote employment. Other social measures have also been taken to promote the role of intermediaries on the labour market who bring together job-seekers and potential employers.

The development of human resources is one of the priorities of the Government. It has devoted the greater part of the state budget to education and training.

Morocco's employment policy is inspired by the principles contained in ILO Convention No. 122, which encourages States to make use of all economic, financial and trade factors to set up programmes to meet the needs of jobseekers.

We believe that the ratification by all countries of this Convention would strengthen the commitments of States to adopt national policies to promote employment. However, national commitments can only have a limited impact if there are no collective commitments by all member States of the Organization to achieve better coordination and limit the effects of unemployment, poverty and exclusion.

We hope that our Conference can reach a formula that can give concrete expression to these commit-

ments; that can define the responsibilities of the developed and developing States and establish supervisory machinery with a deterrent effect to ensure that the moral obligation to fulfil these commitments is respected in practice.

Original French: Mr. DIOP (*Workers delegate, Senegal*) – Allow me on behalf of the workers of Senegal to extend to the President and to the Officers of the Conference of this 82nd Session of the International Labour Conference our heartiest congratulations on their election. We hope that they will make every effort skilfully and forcefully to guide our discussions so that effective and innovative decisions may be taken, the implementation of which will help us to promote employment and eradicate poverty.

I would like to take this opportunity also to congratulate the Director-General of the ILO for the very well-chosen theme of his Report and his pertinent analysis of the globalization of the economy and its consequences for employment and poverty.

Could he have chosen any other topic, given the state of the world which is now characterized by a lack of jobs, unemployment, poverty and its corollary, exclusion, which is now such a widespread phenomenon in industrialized countries?

So irreversible is the globalization of the economy that no one can today claim to be able to find unilateral solutions to the problems it causes. Either we create employment by drastically reducing individual incomes but increase the number of poorly paid jobs and increase poverty, or else we create jobs in the state sector to ensure employment for all in relatively satisfactory conditions but put a strain on state financing and thus increase budget deficits, we can maintain a certain wage level and provide social security benefits. We cannot create jobs in fact, worse than that, we are doing away with them and prompting further exclusion.

This all goes to show that effective international solidarity, free of the hypocrisy which poisoned relations between States in the past, can solve, once and for all, the painful problem of poverty and unemployment.

The solution to unemployment and poverty does not lie in marginalization or in a world dominated from East to West, from North to South by an unscrupulous financial oligarchy which is more interested in monetary speculation in a bid to further enrich itself than improving the living conditions of the workers. Nor is the solution to be found in xenophobic protectionism which is very often encouraged at the highest level by people in political life whose sole concern is their careers.

Africa, is today, a victim of all of these injustices, and sub-Saharan Africa even more so. There is no doubt that a large share of responsibility for this situation lies with African governments due to their repeated failures in any move towards united action and integration. However, the considerable wealth of this continent does not correspond in any way to Africa's position in world trade.

Despite the structural adjustment programmes thrust upon it, Africa receives very little capital. The Director-General in his Report said that "Clearly, there is more involved in attracting FDI than opening up to foreign trade and investment".

So, what extra should be done? Having imposed all sorts of adjustment policies, devaluation, the re-

view of social legislation, privatization, the reduction of the budget deficit, at the risk of losing such basic rights as the right to education and health, what are we now being asked to do?

For several years, just using my country, Senegal, as an example, we have been in the clutches of the IMF and the World Bank which imposed stringent structural adjustment programmes on us which have put thousands of workers out on the street and forced the State to pull out of such vital sectors as agriculture. This has led to an unprecedented rural exodus and has completely disrupted education and health systems.

In August 1993, a domestic adjustment programme caused the Government to impose wage reductions combined with a tax hike.

In January 1994, the 50 per cent devaluation in the CFA franc doubled outstanding debt and debt servicing costs, halved household purchasing power and forced enterprises to restructure, putting thousands out of work.

In 1995, the provisions of article 47 of the Labour Code concerning the authorization of dismissals were revised.

Large-scale privatizations have already begun, starting with the National Water Commission (SONEES) and soon to be followed by electricity and telecommunications.

Urban workers are increasing by the prey of unemployment and the exodus of rural workers to the towns swells their ranks. Young people completing their education in secondary, tertiary, technical or professional institutions just add to the numbers.

The information technology revolution the Director-General speaks of so positively has not created the hoped for number of jobs. Unemployment is clearly apparent in this sector as it is elsewhere.

In Senegal, it has been clearly demonstrated that the revision of article 47 of the Labour Code has not produced the expected investment results. Workers are subject to the merciless forces of the free market since liberalization erodes, and even eliminates household purchasing power.

Yet, for all this, investors have still not come forward.

The Director General's Report tells us that job creation is only 2 per cent in developing countries. Spiralling living costs due to commodity price increases have plunged the country into a vicious cycle of impoverishment.

Poverty has become endemic in the less well-off sectors of society and is progressively gaining ground among medium-income workers. The speed of economic change, together with rising unemployment and inflation have seriously hampered social security programmes.

Benefit and pension payments, which were already hardly sufficient, have now plunged even further due to unbearable inflation levels.

Economic changes have profoundly altered social structures and therefore social peace. Social security cannot be reduced to a simple accompanying role.

International inequality is a reality already firmly anchored in international relations. Capital in the hands of the most privileged in the financial hierarchy is increasingly attracted to countries where profits are sufficiently easy and high for speculation. We must, however, go beyond pious rhetoric. Our countries' collapsing economies cannot and will not be to

the advantage of any continent or group of countries. What must be achieved is real international solidarity that respects individual features together with international Conventions so that competition is healthier and fairer and speculation gives way to investment in agricultural and industrial development. The social clause – as it has been conceived – is an important step towards this solidarity.

Over the last decade, my organization, the CNTS, has tried to develop a participatory employment-reduction strategy made up of two thrusts, the first was the creation of workers' cooperatives to produce bread from local millet and imported wheat. This project, which received ILO support, gave good results and reduced wheat imports, saved foreign currency, and cut back our balance of trade deficit. It was a major new development in the consumption of local products. The second was to give a boost to a number of enterprises in difficulties. This also entailed support for river valley rural workers' and private sector workers' organizations.

Finally we used cooperation resources to help finance 68 projects for industrial and agricultural workers hit by the situation since it is becoming increasingly clear that the struggle for employment is turning into a struggle for existence: nobody wants to lie in bed dying of hunger.

We wholeheartedly subscribe to and support the Director-General's idea of strengthening international cooperation – the solidarity which is now the only alternative solution for our unemployment and social protection problems. Our institution must safeguard the basics of what has been achieved to date and which feeds the vital humours of international interdependence.

Mr. CALAMATTA (*Workers' delegate, Malta*) – Before I start my rather short speech dealing with the social problem of unemployment, I want first of all to join all the speakers who have taken the floor before me in congratulating the President on having been elected to chair this session of the International Labour Organization Conference. I am confident that his ability and experience will serve to guide each one of us here in making this world forum for discussion of labour and social questions a very fruitful one.

I want also, on behalf of the working population of my country, Malta, and on behalf of the Maltese General Workers' Union and the other Maltese trade unions, to convey to all national delegations at this conference our fondest greetings and our best wishes for a brighter future.

May all of us gathered here today find enough strength and courage to strive harder and achieve our goal of making the world a better place in live in.

This year brought the retirement on grounds of age of my colleague, Mr. Salvino Spiteri, from the trade union scene in Malta after presiding for at least two decades over the Confederation of Malta Trade Unions.

Mr. Spiteri had been coming to this Conference year after year without fail and had contributed with zeal to each and every Conference committee he participated in. His contributions within the ILO fora were always valid and aimed at enhancing economic and social justice.

Therefore please permit me to say from this rostrum that I wish Mr. Spiteri a long and happy retirement.

Allow me also to state that his retirement is surely sad news for this Conference and, even more, an irreplaceable loss for trade unionism in my country. But I am sure that he leaves behind him a legacy that will enrich trade unionism in Malta for many years to come.

The Director-General of the ILO was right to put before us a massive challenge by choosing the promotion of employment as the main theme for discussion at this Conference. Quite rightly, he asserted in his Report that the creation of sufficient new jobs to ease the worldwide unemployment problem is indeed a hard task to accomplish.

And for my part I venture to add that it is an even harder task to find new solutions and new ways forward; a new economic and social strategy for ridding us once and for all of the worldwide scourge of unemployment is beyond our horizon. Therefore, we cannot let ourselves be illusioned – what may seem simple in concept might be complex in implementation.

High levels of unemployment spawn a host of socio-economic problems and, in contrast, a high and stable rate of productive job creation is the mainspring of equitable economic and social development.

Against this background, each and every country represented in this forum is duty bound to strive harder and step up all measures to promote national and international action for diminishing the wave of job losses we have been facing since the beginning of this decade.

If we take a brief look at the European Union, we find that, for the past four and a half years, unemployment has been climbing fast, wiping out virtually all the 10 million jobs created in the late 1980s. This has proved a disappointment, even a disillusionment, on a massive scale.

Consequently, in its Report for 1994 the European Commission concluded that while output is recovering and the increase in unemployment seems to have come to an end, these favourable developments do not signify that the problem of excessive levels of unemployment is about to be resolved.

Still less, generating enough jobs to employ all those who wish to work – whether recorded as unemployed or not – is a thing of the past for most countries.

Despite the short-term improvement in economic fortunes, unemployment remains the major economic problem facing the European Union – both now and for the rest of the decade as the prospects for the long term are highly uncertain.

It is our duty to galvanize ourselves into action. But certain countries are, very unfortunately, not concerned with creating new jobs. It seems that fighting ethnic wars and resolving conflicts at gun point is for some even more important than forging a new world economic order that can provide new structures and offer new opportunities to create new jobs. We are witnessing today the unveiling of scenarios that hold in utmost contempt and are an affront to civilized humanity.

Allow me to ask: is not the contemporary era a chapter of malevolence and destruction? Are we not today the witnesses of enormous suffering, enormous hunger and enormous massacres and bloodshed? Is there anyone who can deny that this is today's reality?

We will be distorting our own history if we make believe that armed conflicts are the only cause of so much misery and deprivation. And I emphasize that unemployment could equally be a cause of misery, poverty and the degradation of living standards that are, moreover, falling far below levels considered decent.

And again I ask: does not everyone have a fundamental human right to have the means to raise living standards? It is here that the ILO is unique. The ILO was established 76 years ago to advance the cause of social justice and, in so doing, contribute to the establishment of lasting universal peace.

Allow me now to turn my attention to the employment situation in my country, Malta, where unemployment stands at around 4 per cent of the labour supply. Measured by international standards, a 4 per cent unemployment level is nothing less than full employment.

But in reality, the employment situation in Malta is not that good, and this for two main reasons: first, more than 1.15 per cent of the gainfully occupied population are in temporary employment; and second, the number of jobless persons over 49 years is increasing while, at the same time, long-term unemployment (those registering as jobless for more than 48 weeks) is becoming more widespread and affecting not only those over 49 years of age but also younger persons – most of whom are, unfortunately, unskilled.

This means that in Malta we have significant unemployment because, for example, and only naturally, employers give preference to younger and more adaptable persons who are easy to train in the new skills and technology that industry requires today.

Therefore, we have to be very cautious and not get carried away by a mirage deceiving us with an illusively bright employment situation when in fact this is not at all so in reality.

For example, what about the short-term trend in the creation of new jobs? We can get an idea of this from the latest half-yearly survey carried out by the Malta Federation of Industry which has found the trend in the provision of additional new jobs to be less positive than six months before.

For example, 36 per cent of the industries surveyed forecast an increase in jobs while 16 per cent envisaged a decrease. This results in an overall balance of a positive 20 percentage points. The forecast for the previous six months stood at plus 32 percentage points; this therefore indicates a negative 12 percentage point movement in the trend.

At last year's session of this Conference, I was very optimistic and expressed satisfaction that, at last, the Maltese Government had recognized the dire need to carry out a general overhaul of the Conditions of Employment (Regulation) Act (CERA).

This piece of important legislation was enacted 43 years ago and, in many of its provisions, it is today outdated and does not match – if at all – today's working environment and modern concepts.

The optimism I expressed last year is today my greatest disappointment because the Government seems to be ignoring its duty to consult the workers' unions and the employers' associations on the changes it is to propose in Parliament to align CERA with today's needs.

If ever there was the need of a tripartite dialogue, that need is on CERA – which is a legal tool used almost daily by trade unionists in the exercise of their work.

So I appeal to the Maltese Government to enter into a meaningful and positive dialogue with the social partners because this is the only way to ensure creation of a new CERA which would be really conducive to today's work environment and which would contribute positively to safeguarding the rights and interests of working men and women in Malta.

(Ms. Engelen-Kefer takes the Chair.)

Mr. LODRINI (*Government delegate, Dominica*) – On behalf of the Government of Dominica, I would like to express my congratulations to President Rosales Argüello, Minister of Nicaragua, on his election as President of this session of the International Labour Conference.

My congratulations also to the Director-General of the ILO for his thought-provoking Report entitled *Promoting employment* which seeks to focus the debates of this assembly and which could be considered as a follow-up to the conclusions reached at the recent World Summit for Social Development.

The Report provides a detailed analysis of the current problems being experienced by countries in the field of employment and addresses the question of how to promote employment.

Unemployment is the central economic and social problem of developing countries. Many of them are experiencing poverty and structural adjustment problems. As the Director-General's Report points out, high unemployment means exclusion and the danger of a breakdown in society. Developing countries, he rightly points out, face the major challenge of employment creation. The Report proposes as a solution to reducing unemployment, underemployment and poverty, the need to adopt policies that respond positively to globalization by shifting to an open economy and the acceleration of industrial growth and exports.

Despite global economic progress in recent times, there is still a prevalence of problems of unemployment, underemployment, widespread inequality and persistent poverty. The effects of the recession in the 1980s, the debt burden of developing countries, structural programmes and dwindling international technical cooperation assistance means that the developing countries are set to face the next decade at a severe disadvantage in the face of the increasing globalization of the world economy and the liberalization of trade which should normally carry dividends.

There must be a commitment to the lowering of unemployment, and the creation of new jobs, as persistent joblessness and low and declining incomes threaten the social fabric of all societies.

The creation and sustaining of productive employment are crucial and are within the mandate of the ILO.

The ILO must respond to the needs of developing countries by directing its technical cooperation to helping countries find solutions to their unemployment problems. It must formulate specific and effective measures directly related and relevant to combating unemployment.

In a country like mine with 14 per cent unemployment, we are intrigued by your proposals for creating new jobs, and the creation of a climate conducive to attracting and retaining domestic and foreign investment of course. We would therefore make a plea for technical and financial support to assist us with our investment programme in order to enable us to achieve the goals of the World Summit for Social Development and indeed those identified in the Director-General's Report.

My country therefore considers it very important that the ILO's assistance should be targeted to assisting developing countries in developing their capacities in certain sectors which are known to generate employment. In the case of my country, the tourism sector covering hotels, restaurants, catering, etc., is one of the economic sectors which require such urgent assistance. Immediate technical assistance is required in this field to encourage enterprise creation and training for the tourist industry since these would significantly contribute to employment creation in the country.

My country would certainly be interested in considering the ratification of the Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172), but before it is able to do this it will require assistance to ensure that it would be able to comply with the provisions set out in the Convention. We would undoubtedly need the ILO's assistance to enable us to be able to meet the requirements of that instrument.

The role of tourism in employment creation for many developing countries cannot be underestimated. Assistance directed at feasibility studies, training and other forms of assistance which would enable countries to develop basic capacities along with the necessary basic structures, would directly assist them in their own bid for economic and social development, and would directly tackle the employment problem.

Countries like mine look to the ILO to help them develop comprehensive strategies and programmes which take account of national conditions so that specific and effective measures are developed and implemented, which will ensure that social justice is effectively promoted and that the quality of life for all people is improved and the stability and development of all nations assured.

Mr. EDSTRÖM (*Workers' delegate, Sweden*) – First may I congratulate the President and Vice-Presidents upon their election. I would also like to congratulate the Director-General for his Report, *Promoting employment*. The fight against unemployment ought to be the top priority for governments all over the world, and we appreciate the efforts made by the ILO in this respect.

It is an excellent Report that describes the process of globalization of the economies and shows the magnitude of the unemployment problem most countries face today. We have to realize that a single country to a large extent is dependent upon what kind of economic policies other countries are pursuing, which of course makes it necessary to agree on joint solutions if we are ever to be able to tackle the problem of mass unemployment. As the Report rightly states, by cooperative international action we will be able to create positive-sum policies which benefit us all. Without a coordinated demand-led ec-

onomic recovery policy, supportive of fulfilling people's basic needs and utilizing the human resources available, social tensions and disparities will continue to grow in our societies.

Swedish trade unions have always emphasized the virtue of keeping full employment as the top priority. We are pleased to note the strong advocacy of the Director-General on this basic point, hopefully convincing some governments to reconsider their present static economic policies.

We fully agree with the Director-General on the need to take joint action internationally to limit the negative effects of the unrestricted freedom of capital movement, now being exploited by currency speculators. Workers in my own country are among those severely hit, with deteriorated social security systems as a result. In the long run people's confidence in our parliamentary political system is at risk, unless measures are taken.

The Report convincingly shows the weakness in the argumentation for labour market deregulation. Employers and some governments claim that labour market regulations constitute rigidities of such gravity that it hampers employment. Enough to say that such claims are not based on empirical evidence, but are put forward for ideological reasons. It would be much more fruitful to engage in a dialogue on "positive flexibility", emphasizing active labour market policies, including training, and taking into account the positive contribution by the workers and their trade unions through their active involvement.

In the Report attention is given to the need to lower interest rates, but from a European perspective this should be stressed even more because of its effects: the private demand for consumption and investments will grow, leading to economic growth and reduced unemployment; as a result, public finances will improve due to increased tax revenues, lower expenditures on unemployment and lower interest on debts; the higher European demand will at the same time increase imports from countries worldwide, creating a more balanced growth in world trade.

There are, however, some points where we disagree on what is stated in the Report. This concerns first of all what is described as the Scandinavian model. Here it says that full employment is guaranteed by job creation in the public sector, with inherent risks of causing high inflation and public deficits. But as long as the Scandinavian countries in reality have upheld full employment as the main goal, they also have had strong public finances. There is a close relationship between high unemployment and public sector deficits, mainly due to the visible and hidden costs of unemployment. Inadequate internal demand results in job losses, further increasing the burden of costs for unemployment on public finances.

We regret that the Report does not give a more in-depth analysis of the negative effects that globalization will have on labour standards unless international action is taken. It is precisely because of this threat that we strongly support a social clause. We want the social clause, not for protectionist purposes – but instead to ensure that basic human rights in the field of labour are respected everywhere. To accomplish this we need economic incentives *not* to exploit human beings! In the long run, it is the only way to guarantee that protectionism will not be relaunched by unilateral measures.

We are also a bit worried when the Report proposes the removal of administrative and other obstacles to the growth of the informal sector. What happens with labour standards? By definition the informal sector is a sector where normal working conditions are not being upheld and where basic ILO Conventions cannot be guaranteed – labour standards which the ILO must promote in all cases.

Finally, I am sorry to have to inform this Labour Conference that two days ago our Parliament took a decision whose effect is the continued violation of the Employment Injury Benefits Convention, 1964 (No. 121) [Schedule I amended in 1980]. We regret the fact that our Government fails to respect the decision of the Governing Body in this case, dealt with in November 1993. This decision by the Swedish Parliament will add to the list of countries not respecting their voluntary commitments made to this Organization.

Mr. AAGAARD JAKOBSEN (*Workers' delegate, Brazil*) – Greetings to the participants in the 82nd Session of the International Labour Conference. We are gratified by the content of the Director-General's Report because of its concern about employment and its contribution to the World Summit for Social Development. We also congratulate the President of this session on his election.

We had the opportunity to participate in the delegation of the ICFTU to the Summit, which we believe to have been a first and important step, although its resolutions were unable to address the gravity of the social situation of humanity today.

The current period is one in which economic growth, arising from adjustment policies and the globalization process, has not contributed to social development. On the contrary, a strong concentration of income, reduction in employment, destabilization of jobs, flexibilization of rights and social exclusion are the rule. All of this occurs in the name of competitiveness, that takes a form that casts labour relations back to the last century.

The Report shows very clearly that there is no relationship between reducing labour costs – with flexibilization of salaries and rights – and job creation. On the contrary, such tactics have increased international financial speculation, reinforcing certain models of economic adjustment based on the attraction of speculative capital, as in Mexico and other Latin American countries. The statement by Michel Camdessus, Managing Director of the IMF, indicating that there are at least ten situations that are potentially like that of Mexico, is a great concern. We all know that sufficient resources do not exist to deal with this.

Therefore, we need to change the adjustment policies, putting social development on the same level of priority as economic development. This implies promoting reforms in the United Nations and multilateral agencies like the IMF, the World Bank and the WTO.

Adjustment models cannot be imposed that have already proven failures in various ways and that have even led to authoritarian practices that restrict international labour rights, as was recently witnessed in Bolivia, where a state of siege was declared and 400 trade union leaders were imprisoned. Demands for freedom of association and collective bargaining in Korea were responded to with the imprisonment of hundreds of trade unionists.

The present Brazilian Government is also showing intolerance in its treatment of labour conflicts during the recent oil workers' strike for compliance with an agreement; it refused to negotiate, sacking 73 union leaders and activists and sending in the army to occupy four refineries. This situation was the object of a denouncement to the ILO for non-compliance with the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and for not respecting the right to strike.

Thus, the ILO's role in the defence of labour rights, ethics and democracy must be reinforced.

The World Summit for Social Development, held in Copenhagen, was unfortunately unable to build a consensus on changes in adjustment policies necessary to finance social development, such as the Tobin tax and the 20-20 formula. Nor did it give a clear definition of a policy to create more and better jobs. It is important to continue what was begun in Copenhagen and the ILO has already shown its capacity to contribute.

On the employment issue, we would like to repeat some proposals already presented on other occasions: (1) We reaffirm tripartism as an alternative to authoritarian practices in labour relations and in the search for national economic, social and job-creation policies. (2) Policies must allocate investments to productive activities that create more jobs even after restructuring, as well as to housing and basic sanitation. (3) Reduction of working hours and elimination of overtime should be part of labour contract negotiations. (4) Land reform in the developing countries has considerable job-creation potential. For example, in Brazil there are 4 million landless peasants. (5) The abolition of child labour, an ethical and humanitarian issue, also has considerable job-creation potential. In Brazil there are at least 2 million children aged under 14 working and taking the jobs of adults.

As for the quality of jobs, we believe it is fundamental to eliminate any kind of forced labour, combat gender and race discrimination in the labour market and establish policies to combat informal labour relations. Special concern about establishing health and safety standards at the workplace is necessary.

The labour world's far-reaching technological changes mean more and more is expected of qualified workers. Good vocational and general education is also important for the exercise of civil rights. Governments should invest substantially in education.

Finally, we would like to express our wishes with regard to international trade and economic integration agreements. These must be reached democratically, with the involvement of the various social partners. Funds should be created to finance the resulting industrial restructuring and workers' basic rights should be an inherent part of the agreements.

We are in favour of including social clauses in trade agreements that, as a last resort, after investigation and attempts at solution, provide for the application of sanctions in the event of disrespect for basic ILO standards. It is unacceptable that countries or economic sectors that improve competitiveness through social dumping, should maintain the same trade advantages as others which respect human and trade union rights.

I dedicate this intervention to Iqbal Masih, a Pakistani of 12 years of age, murdered because of his actions against child labour. Let this boy be the symbol of the democratic struggle against this kind of exploitation.

Ms. FOULKES (*Workers' delegate, New Zealand*) – First I would like to congratulate the Officers of the Conference on their election and wish them well during the course of their office.

I would principally like to congratulate the Director-General on the excellence of his Report to this Conference. The Report is excellent both in terms of identifying employment promotion as the priority for national and international action, and in its technical treatment of both the problem and possible solutions to it.

I sincerely hope that it will inform those who frame macroeconomic and labour market labour policies in my own country.

There are three aspects of the Report that I would like to comment on during my presentation.

The first is the matter of labour market deregulation and the decentralization of industrial relations systems; the second is the matter of the quality of employment, and the last the question of labour standards.

Many delegates to this Conference will be aware that in recent years at least New Zealand has become something of a social and economic laboratory, implementing an almost pure version of neo-liberal policies in most aspects of economic life.

In the labour market, deregulation has gone as far as almost anywhere in the world, and has, even removed any provision for or prescription of the role of trade unions from the law. Collective organizations of workers exist in spite of, not because of, the law in New Zealand.

Our experiment stands in direct defiance of, and is a philosophical and practical rejection of, the notions of tripartism and social partnership. It is our firm belief that although that experiment is relatively young, experiences from it confirm everything that the Director-General's Report says about the limits of deregulation as a panacea for employment growth.

It is true that the economy has been expanding for nearly four years now, and it is true that employment has increased and unemployment declined during that period.

But economists are divided on what caused the expansion. Some cite external factors – lower international interest rates, falling oil prices and unusually good terms of trade – as being of prime importance. Others identify the maturation of horticultural and forestry investments undertaken more than a decade ago as primary determinants for the growth. An additional school of thought says that the growth is largely arithmetic, it simply reflects that the economy has returned to its long-term growth path from an incredibly long six-year stagnation that was brought about by economic restructuring.

The Council of Trade Unions lays a lot of importance on the stimulation given by an easing of monetary policy coinciding with improved terms of trade and an expansion of trade that resulted from the final stages of the creation of a common market with Australia. In this last respect, I would suggest that the positive features of the New Zealand experience

confirm the validity of the macroeconomic policy prescriptions that the Director-General recommends.

The Government, of course says that a lot of the credit for the expansion lies with the deregulation of the labour market, and it is here the validity of *World Employment 1995* comes under the spotlight.

I would suggest that in New Zealand the sustainability of the economic and employment expansion is under threat from two crucial deficiencies in the deregulated labour market model. It is also under threat from other causes, notably the failure of the Government to maintain adequate levels of infrastructure investment, the absence of an effective programme for industry development and the growing social discord that the massively unequal distributional effects of the experiment have precipitated. But these extra factors fall outside the scope of the labour market debate.

Where deregulation has impacted, it has tended to do so through distributional effects. A radical shift of power relationships in the labour market via a massive empowerment of employers has allowed a one-off cut in labour costs and a substantial transfer of national income from wages to profits. The problem is what to do next.

What we lack in New Zealand is an effective mechanism for integrating wage policy with national goals on consumption, savings, investment and employment. The result has been that even after modest expansion, and with unemployment still unacceptably high in social, political and historical terms, the only instrument available to contain inflation is the crude instrument of monetary policy.

Interest rates, both short and long term, have been rising in excess of international interest rates, and the currency has appreciated markedly. This is bound to dampen labour demand in the near future, as monetary authorities use the vicious instrument of unemployment to control wage demands, and a suppression of wage demands as the instrument to contain price stability.

On the supply side, the uncoordinated and voluntarist training regime that goes with the deregulation of the labour market has left training in disarray.

With weak labour demand and a deteriorating skills stock, the longer term outlook for employment in New Zealand is not good.

But even if the quantity of employment has been rising, the quality of employment has been declining. There has been a substantial displacement of full-time work by part-time work, and not all of that is voluntary. One-third of all part-time workers want longer hours or full-time work, so there has been a substantial rise in involuntary underemployment associated with deregulation and decentralization.

For both full- and part-time workers, employment has shifted to a much shorter term basis, and has become more casual, more insecure and more intermittent. There are major concerns about a deterioration in safety standards in workplaces, and about routine undetected infringements of the minimalist employment rights that remain.

We are now seeing in New Zealand the emergence of working poverty, but there are few if any robust statistics that monitor quality of life. The best estimate is that around 18 per cent of New Zealand households are poor, and that a quarter of the households that are poor have at least one member in full-time employment.

Much of the reason for the deterioration in the quality of employment in New Zealand is the disregard of our Government for basic labour standards.

In this the New Zealand Government does not stand alone. New Zealand unions would affirm that employment strategies internationally need to have many dimensions. That it is not just about a job on any terms, but rather that employment should be safe, rewarding, equitable and dignified. The social clause, with its linkage of basic worker rights to the benefits accruing to member States from free trade is clearly the preferred mechanism of workers in New Zealand. We support such a mechanism and a strong role for the ILO in both establishing this regime and supporting governments, workers and employers in meeting its requirements.

The role of this Organization in both establishing standards and monitoring their application is seen as a key to the goals of employment promotion contained in the Director-General's Report. Indeed, at the end of the day, the ILO is itself a key international recognition that both the quality and quantity of employment are best delivered through free, voluntary and independent collective organization and bargaining.

It is therefore with regret that I report this valuing of freedom of association and collective organization has not been reflected in the response of the New Zealand Government or employers to the excellent report of the direct contacts mission sent by the Governing Body to New Zealand and the recommendations of the Governing Body that flowed from it. They have taken no action to correct the clear flaws in our industrial relations and economic system. We as workers will continue to seek change with the support of the ILO.

Those who reject the concept of a strong and active role for the ILO in achieving commitment to basic standards should realize that there is a ground swell of support for such a role – a ground swell we are confident will succeed in the 1990s as it did in the 1940s when the mission of this Organization was re-established.

Original Farsi: Mr. GHADIANI (Employers' delegate, Islamic Republic of Iran) – In the Name of God, the Merciful, and the Compassionate. The idea of labour and employment has a meaning which is as broad as the meaning of life. One can say that the greatest deprivation for an individual is to be deprived of the possibility of earning his living and meeting his needs. Unemployment is an excellent example of such deprivation. An analysis of the notions of employment and unemployment is important on the macroeconomic as well as the micro-economic level. It is an important socio-economic indicator which influences life at every level – individual, family, regional, national and international.

There is a psychological dimension to unemployment and employment, but one must not underestimate the importance of employment as a chance for all to enjoy life's opportunities through more equitable distribution of wealth within political boundaries, that is, on the national level as well as on the international socio-economic level.

As we have been told by the experts on economic questions, the negative repercussions of unemployment are making themselves felt more and more

throughout the world. The level of employment and unemployment, notably in developing countries, depends on the distribution of income and wealth as well as international investments. Consequently, in these countries the solutions to the problem of unemployment, whether it be hidden or apparent, and to the problem of underemployment must be found in the policies and programmes applied on the national level, as well as in imbalances in international relations.

The idea of unemployment or employment has a technical, economic and social element. But powerful countries have always given priority to the technical and economic dimensions at the expense of the social component.

In today's world, problems and difficulties besetting developing countries must be seen as universal problems because these countries cannot find solutions to their problems all by themselves on the national level. Moreover, the trend of the last two decades has been to transfer cheap resources from these countries to industrialized countries, and consequently leading to the concentration of opportunities and know-how in the richer countries of the world. It is quite clear that if the international community does not participate by its efforts in the search for solutions which will gradually correct these socio-economic imbalances and for solutions to the increasing unemployment in the developing world characterized by rapid democratic growth, one may expect widespread social, economic and environmental crises.

Unemployment and its attendant problems need a global and urgent solution. This solution must be characterized mainly by an emphasis on strategies to re-establish the balance and justice in international relations.

The uncertainty of being able to find fundamental solutions to the problem of unemployment and its attendant problems has led to great concern in all countries of the world. But we have to go to the root of the problem. Mr. Hansenne, the distinguished Director-General of the ILO, in the introduction to his Report to the 82nd Session of the International Labour Conference, referred to five problems resulting from increasing unemployment. Among these problems is the growth of inequalities as well as deprivation and social exclusion.

I would also like to briefly look at this latter point. In my opinion, unemployment is one of the causes of social exclusion which continues to grow. Furthermore, the search for full employment is based on the real and sincere concern of the international community to re-establish justice in all of its dimensions, especially through the just and fair sharing of wealth. In this field, the developed countries have an important role to play. Unfortunately, I must note that these countries have shown indifference to these pressing problems, and in many cases have furthered the deprivations and social injustice in the less developed countries. Here I would like to mention some of the reasons why the imperialist countries are not interested in establishing justice in the world.

First, the possibility of acquiring at very low prices the resources of developing countries. Indeed, a plundering of the natural resources of these countries is involved. The delegates are quite aware that the added value of a barrel of crude oil bought by an industrialized country is much higher than the pur-

chase price of this same barrel, and the added value goes only to the industrialized country. The gap between these two groups thus continues to grow, and the difficulties of the developing countries continue to increase.

Second, an unwillingness to transfer technologies to developing countries. There is no need to explain that developing countries must continue to pay colossal amounts for the transfer of technology, even when the dependency contract has expired.

On the one hand, technological backwardness and dependence continue to widen the cultural, scientific and labour gaps, and hamper the creation of new jobs. Furthermore, raw materials continue to acquire added value outside of their country of origin, while trade in raw materials develops into a vicious circle which perpetuates injustice.

Third, the utilization of military, political and economic threats and pressure against those countries which wish to preserve their independence at all costs. These methods will have extremely serious and costly repercussions on newly independent countries and popularly elected Governments. The consequences include killings, neglect, disorganization, unemployment, closing down of those sectors that generate employment, and the squandering of the country's resources for defence and in order to try to correct the anomalies resulting from these methods. These costs will absorb these countries' entire capacity for years and years to come. This will only serve to further widen the gap between rich and poor and accentuate inequalities between the various classes within the same society.

Fourth, interference in the domestic affairs of a country. Since it is greatly in the interest of developed countries to exploit the weak points of developing countries, they will oppose any reform programme that will help developing countries to achieve intellectual, cultural and economic independence.

But it is not only a matter of interfering in the domestic affairs of countries; it is also a major obstacle to the realization of social justice in the countries of the Third World.

Fifth, exploitation of the factors that generate unemployment. We have seen that exploitation of factors such as illicit drugs, subversive leisure activities and the culture of idleness and frivolity sometimes push the productive forces – often consisting of young people – in developing countries into idle and useless pursuits. The statistics on employment and backwardness are evidence of this. Unfortunately, international gangs and networks, as well as major enterprises in imperialist countries, manipulate these hidden, and sometimes even visible, policies throughout the world.

Sixth, the precedence of individual and group interests rather than collective interests. The Report of the Director-General says that between 1960 and 1994 the unemployment rate also increased significantly in industrialized countries. I believe that the reason for this is the lack of importance given to the need to make justice widespread and to maintain it in industrialized countries. The causes of this indifference can be found in the attitude taken by these countries with respect to two notions, of "humanity" and of "profit". From this point of view wellbeing and justice for mankind is not a fundamental principle. What is important is profit, not individual profit

but rather profit for certain groups, they being transnational enterprises. No one worries about the fact that these profits may have been derived from the sweat of many others.

The ILO must dedicate a great deal more attention to the matter of justice and its institution, as well as to the elimination of discrimination between the rich and poor countries. I propose that the ILO set up a committee to look into this question of justice. This committee should have as its mandate to wake up the sleeping conscience of humanity, to obtain its rights and to restore morality, civility and respect for the individuality and dignity of man to the rightful place which they deserve. A committee that would work toward eliminating discrimination and cruelty.

We must realize that only through cultural efforts, efforts to foster a mentality of universal cooperation can we obtain peace and security in the world. With such a mentality, respect for law will no longer pose a problem.

By proposing the creation of a committee for justice, it is not my intent to be a do-gooder. But we must remember that creation is based on justice, that humanity not only has the duty to promote justice among men, but it also has need of such justice, because the worthwhile survival of humanity can only be assured in a world that is just and merciful.

Original Arabic: Mr. MATTAR (Employers' delegate, United Arab Emirates) – I have the honour of addressing this session of the International Labour Conference in the name of the Federation of Chambers of Commerce and Industry of the United Arab Emirates, and would like to congratulate the President on his election to preside over the 82nd Session of the Conference. I would also like to congratulate the Vice-Presidents on their election and to wish the Officers every success in their work, thus enabling the Conference to achieve its set aims. We welcome the new member States. Their participation at this Conference confirms the international nature of the Organization.

Our federation has carefully read the report of the Governing Body on its activities in 1994, the Director-General's Report entitled *Promoting employment*, the report on the Organization's activities in 1994 and other reports relating to the various items on the agenda. We would like to pay tribute to the Chairman of the Governing Body and to the tripartite members for the efforts which they have made in supervising the work of the Office and the activities of the Organization during the past year. We would also like to thank the Director-General for his excellent Report on employment promotion and for the many other reports describing the role of the ILO in the preparation of the work of this Conference.

In the report of the Chairman of the Governing Body which can be found in *Provisional Record No. 2*, one decision in particular attracted our attention – the decision taken by the Governing Body at its March 1995 session, to consider this year's special sitting to be the last to be dedicated to the discussion of the Director-General's Report on the situation of workers of the occupied Arab territories. We wish to express a reservation as to this decision, because the objective causes behind this special sitting still remain. In this connection I would like to pay tribute to the democratic, objective attitude of the em-

players in the Governing Body when this question was raised.

The Director-General made the right choice by dedicating this year's Report to employment promotion. This choice is in keeping with the recommendations of the World Summit for Social Development. Furthermore, employment takes on particular importance in countries suffering from unemployment and all its resultant social problems.

The Report drew attention to employment trends in the world and mentioned all sorts of actions carried out in this area to reduce unemployment as well as the necessary plans to create conditions favourable to employment throughout the world.

We would have liked this Report to include some examples from the Arab world, such as the example of the United Arab Emirates which offer employment opportunities to workers from all over the world, and thereby contribute to finding a solution to the employment problem and evening out the balance of payments of these countries through the transfer of the savings of nationals of these countries working in the United Arab Emirates.

The United Arab Emirates does not have an unemployment problem thanks to the wise economic and social development policies of His Highness the Head of State, the members of the Supreme Council of Rulers and the Governors of the Emirates, aimed at creating a favourable environment for development and a market economy infrastructure through infrastructure liberalization and promulgation of rules and laws designed to ensure peace and stability for all. This is the framework in which my country has made considerable progress in industry, agriculture and the services. Our country still offers numerous employment opportunities in various areas, production and services. There are also all kinds of investment opportunities for self-employed specialists and professionals.

The Conference agenda contains numerous technical topics but we would, in particular, like to comment on the programme and budget for the 1996-1997 biennium. We think it is essential to meet the technical assistance needs of the developing countries, to carry out the Organization's programmes in the various regions, and to strive to reduce administrative costs. The draft budget is a compromise. It has been accepted by the three groups within the Governing Body. In line with the Employers' spokesman, we would recommend adoption of the programme and budget approved by the Governing Body in March 1995. We propose that adequate funds be allocated to technical assistance to help the victims of war and natural catastrophes, and that employers should also benefit from this assistance.

In conclusion we would like to reaffirm the desire of the Federation of Chambers of Commerce and Industry of the United Arab Emirates to cooperate with the International Labour Organization because we believe sincerely in the noble objectives upon which this Organization is founded. The Director-General has done us the honour of visiting the headquarters of our federation when he visited our country in April 1995 and we would like, once again, to express our gratitude for this.

Original Russian: Mr. SHMAKOV (Workers' delegate, Russian Federation) – May I congratulate the President and the Vice-Presidents on their election

to their lofty posts and express my confidence that they will successfully guide the work of this session of the Conference.

The Federation of Independent Trade Unions of Russia is convinced that any State aspiring to the title of "social", should include in its Constitution the commitments signed in Copenhagen by more than 180 Heads of State and Government including "promoting the goal of full employment as a basic priority of our economic and social policies and to enabling all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work".

In our view, the main purpose of this session of the Conference is to examine the practical steps we can take towards achieving this strategic goal.

My country, Russia, is in a situation as described in the Report whereby "large numbers of workers will have to shift from declining to growing activities and problems of transitional unemployment will have to be faced". As Mr. Hansenne has said, we believe in the need for measures to help us adapt successfully. We recognize that this process "may entail losses in real output and employment in the short run". We also agree that "the best policy in the circumstances is to facilitate necessary changes rather than seek to retard them". But we have no right to talk in abstract terms about the real situation in Russia.

In the fifth year of restructuring in the country, we still see no growing sectors of the economy to which the workers from stagnating enterprises could transfer. The high-tech sectors which were until recently the country's pride have been practically wiped out, including the electronics industry, heavy engineering, instrument-making, machine-tool construction, and the aerospace industry. Next on the list are the aircraft industry, shipbuilding and the electrical industries. It is difficult to write them all off as having no future.

What is the significance for Russia of these unavoidable losses in terms of industrial output? As compared with 1991, the GDP has fallen by 43 per cent and industrial output by 48 per cent – and this is a huge country. Capital investment has slumped three times below the level needed for investment in employment. The present fall in productivity, the growth in the level of energy consumed in industry, and the heavy tax burden, all reduce the competitiveness of national industries. They are being squeezed out, not only of foreign, but also domestic markets. To the detriment of domestic industry and agriculture, we are satisfying 50 per cent of total demand by imports. The outflow of hard currency has been put at 100,000 million dollars over the last three years.

Impoverished Russia has at the same time become a net exporter of the best jobs and national capital so necessary to the country. One in 20 of the registered unemployed in the world is a citizen of Russia, which until recently had never known this calamity. The number of people unemployed or underemployed or in jobs but not being paid a full wage has reached 12 million, that is 15 per cent of the economically active population.

According to statistics supplied by the State Employment service, since the beginning of 1995 the number of unemployed has risen by 17 per cent. The territorial and professional imbalance in demand for labour and its supply on the labour market is now

entrenched. Long-term jobseekers now account for more than 60 per cent of the total number of people out of work. Six out of every seven unemployed persons registered with the employment service cannot count on finding a job.

Our federation fully supports the conclusion in the Report that low unemployment benefit puts many people off registering as unemployed and forces them into the "black economy". This process, which excludes the long-term jobless from society, is easy to understand if you bear in mind that unemployment benefit in Russia is less than 25 per cent of a living wage.

One of the reasons for increased unemployment in Russia is the social and economic stratification of society, as rightly pointed out by Mr. Hansenne. As recognized in Russia's report to the World Summit for Social Development in Copenhagen, about 60 per cent of the population is worse off now than before and only 10 per cent has been able to improve their material standard of living. The elite are not in a position to create powerful demand for consumer goods. As a result, the vast differences in income will increase stagnation in terms of production, and therefore, unemployment. Hence, a vicious circle.

Economic security in employment should be the dominant factor of a new structural policy. Our federation, which supports the Summit's conclusion that concern for people should be the essential concern in promoting sustainable development, thinks that the social dimension should be an integral part of any aspect of structural policy.

What does this mean for promoting employment in Russia?

First, we fully agree with the Report's conclusion that the crisis of mass unemployment can only be overcome by increasing industrial production and creating jobs in the most promising sectors. This requires a new impetus of investment, more dynamic movement of capital and greater mobility of workers between regions and branches of industry.

At the same time, we are wary of the Report's recommendation that countries in transition develop first and foremost the textile, clothing and food sectors and those industries which are based on the use of natural resources. The Report also proposed to convert sectors producing the means of production, which it out of hand qualifies as uncompetitive. This is a onesided appraisal. It is no less than a simplistic distortion which could deprive the transition countries of Central and Eastern Europe of their status as developed States in both the social and economic sense.

It is typical that even the negligible amounts of investment which have reached the countries of the former Soviet Union have been placed in sectors which work with raw materials. The Russian trade unions strongly object to the current economic course. We can already see a glimpse of the future of Russia as a fuel and energy appendage of the developed countries; a reservation set aside for environmentally dirty industries; a country without high-tech industry or basic or applied sciences; in other words, a country without a future.

Secondly, from the very beginning of the process of economic transformation in Russia, our position has been the same as the one expressed in the employment policies section of the Report, which states that "there is a strong case to be made for adopting a

more gradual approach to trade liberalization, privatization and enterprise restructuring". As tension rises in the country, the main thing is to ensure that the reforms remain acceptable, by conducting them gradually, without putting millions of people into a state of shock by going too fast. Encouraging the process of widespread bankruptcy would not only lead to obvious inefficiencies, as the Report says, but could also wipe out the real progress made in building a normal economy in Russia and which has already cost the population an inordinate amount.

Thirdly and lastly, the positive adaptation measures mentioned by Mr. Hansenne mean, in the Russian context, that the state employment policy should be seen as one of the components of the federal programme of social and economic development of the country. For the time being, there are in Russia only institutes providing assistance to the unemployed, but there is no proper system for the promotion of employment. In other words, the system simply treats the symptoms and not the causes of the disease.

In its work in the country, our federation insists that programmes for investment promotion, support for entrepreneurship, tax reform and foreign trade privatization, should be preliminarily assessed on the basis of whether or not they will change the demand for labour, and whether they will generate socially useful employment.

At the same time we realize that the problem of employment requires cooperative efforts at the international level. Here, I would like to cite the British economist, Keynes, who said that when one government is more concerned with inflation than unemployment and another has a diametrically opposed position, you cannot expect them to reach agreement to fund joint action. This is why it is so important for the ILO to make the maximum effort to promote the fulfilment of the obligations undertaken by more than 180 countries in Copenhagen.

It is especially important to stress on the one hand that no social development can take place without economic progress, and on the other, that any economic progress must be reflected in social terms. That is why we see the need for an active partnership between the ILO and the World Trade Organization.

The ILO's duty to supervise compliance with the Employment Policy Convention, 1964 (No. 122) means that the ILO has the broadest powers in this area. The advisory assistance provided by multi-disciplinary teams in the ILO's regional offices in solving employment problems in each country could offer more possibilities for action as well.

Today, when the Governments of some countries are considering cutting their financial contributions to the work of the ILO, I would like to remind them of the wise words of the Declaration of Philadelphia: "Poverty anywhere constitutes a danger to prosperity everywhere."

Mr. SUKARTIN (*Employers' adviser, Indonesia*) – First, may I, on behalf of the Employers' Association of Indonesia (APINDO) and its 9,100 member enterprises, take the privilege of extending the most cordial congratulations to His Excellency, Mr. Rosales Argüello on his election as President of this 82nd International Labour Conference and further to Mr. Popescu, Mr. Halliwell and Madam Engelen-Kefer on their respective elections as Vice-President. May I

further express my conviction that their experience and wisdom will ensure the smooth and successful conduct of this Conference.

Representing the Indonesian Employers, I would like to mention the significant changes which are to be anticipated in global economics.

The consensus which was reached on all matters relative to the General Agreement on Tariffs and Trade (GATT) has resulted in the establishment of the World Trade Organization (WTO). The developing countries will enjoy broader opportunities notwithstanding the related unavoidable risks.

May I further briefly touch on the economic prospects of Indonesia for 1995. Growth in 1995 is expected to be higher than in 1994. According to the sixth Five-Year Development Plan, economic growth of 6.5 per cent or more is expected in 1995. The Asian Development Bank and the World Bank are quoting figures between 6.5 per cent and 7 per cent.

Investment in 1995 will be higher than in previous years. The continuing deregulation in commerce and industry and a further decrease of corporate income taxes have attracted larger investments.

The data for growth in agriculture and industry show higher figures than in 1994. The growth in the area of industry is positively affected by the increase in domestic demand for consumer goods, bigger investment and expansion of foreign markets.

Most important in Indonesia is the remarkable growth of the tourist industry which many anticipate will become the number one foreign exchange earner by the turn of the century. Most significant is the rapid increase of the number of incoming tourists, the construction of new hotels and the improvements to the infrastructure of the tourist industry throughout the country.

The expected growth, coupled with the trend of globalization, will undoubtedly have a high impact on the development of human resources in enterprises throughout Indonesia. This will naturally affect the scope of activity of the Employers' Association of Indonesia.

In anticipation of these changes, APINDO has expanded and improved its activities in the area of human resources development.

While in the past years the activities have been focused merely on industrial relations, since 1994 various training programmes have been undertaken, at national level and in the provinces.

Other programmes to be mentioned are as follows: training programmes for enterprise managers; training workshops on topics related to productivity improvement, environmental management, occupational safety and health; specific training programmes conducted by the provincial and district branches; cooperation with the Indonesian Ministry of Education and Culture on the so-called "link-and-match" system of education in technical vocational high schools; cooperation with the Indonesian Ministry for the Role of Women on concerted undertakings for the improvement of working conditions for women workers; the skills development project in three provinces with the support of the World Bank.

In concluding my remarks, I wish to mention in particular the support and cooperation which APINDO has received from the various international organizations, namely the ILO, the IOE, Nikkeiren (Japan), ACCI (Australia), KEF (Korea), MEF (Malaysia), SNEF (Singapore) and others, all

of which have significantly contributed to the progress of the Indonesian employers' association.

Ms. LOCHBIHLER (*representative of the Women's International League for Peace and Freedom*) – As this is the first time the Women's International League for Peace and Freedom has taken the floor during the 82nd Session of the International Labour Conference, we wish to congratulate the President on his election.

In this 50th anniversary year, major United Nations conferences such as the World Summit for Social Development in Copenhagen and the World Conference on Women in Beijing are taking place.

As an international women's organization, we are actively involved in preparing for the World Conference on Women in Beijing and we were present at the five regional preparatory meetings held in 1994. Women's groups and organizations have been leaders in innovative ways of solving social, political and economic problems. They have defended their own rights and worked for the benefit of their families, communities and nations. Women have mobilized to address critical global issues such as poverty, malnutrition, starvation, environmental degradation, armed conflicts and not least women's work and workers' rights.

The emergence of economic liberalization sharpens the disparity between the rich and poor, destroying and displacing national economies and threatening a deterioration in the conditions of life. It also reduces job opportunities and seriously erodes the life of working women and the poor. Poverty is an obstacle to the advancement of women and a persistent cause of the inequality of women. More than 1 billion persons in the world live in extreme poverty – the majority of them are women. More than 820 million are unemployed, and women in particular are affected by unemployment, underemployment and degrading working conditions. Within many societies both in developed and developing countries the gap between rich and poor has increased.

Women worldwide face severe poverty as one-quarter of all households are headed by women. As sole or major income earners, they struggle for their own survival as well as their family's. Family disintegration, urban migration, war and internal displacements are factors contributing to the rise of female-headed households. Yet the restructuring of the economy is driving women into insecure employment, unemployment, unprotected home-based production and dangerous working conditions. Diminishing social security systems and services are becoming the daily reality for women.

Structural adjustment programmes (SAPs) in particular impoverish and overburden women who are forced to make an invisible adjustment in the use of their time. This translates into longer, more intensified workdays, the loss of income (their own and that of other family members) and the closure of basic public health and social services on which women depend both as carers and as a source of wage employment. SAPs shift activities from the public state sector to the individual household and community on the assumption that what happens in that sector, being unpaid carries no cost.

The working group on employment of the NGO Subcommittee on the Status of Women discussed the Director-General's Report to this session on *Promot-*

ing employment and regrets that the Report has not analysed it from a gender perspective. In omitting to mainstream a gender perspective in its economic analysis, it has made women's positive contribution to the economy through both their remunerated and unremunerated work at home, in the community and the workplace once again invisible in employment creation and the alleviation of poverty. We wish to draw your attention to the Draft Platform for Action of the World Conference on Women which states that "the application of gender analysis to a wide range of policies and programmes is therefore critical to poverty-reduction strategies. The failure to adequately mainstream a gender perspective in all economic analysis and planning and to address the structural causes of poverty is a contributing factor to the feminization of poverty". By overlooking the gender specificity of social issues, it has failed to call attention to women's rights to equal opportunity and treatment in human resource development, training and retraining schemes, in equal pay, in equal access to long-term employment, in protection from exploitation in precarious employment, in the "black economy", in sub contract labour, in piece work, in free trade zones (all of which employ mostly women), in loss of social welfare benefits and safety net protection, notably in economies of transition, etc.

We welcome Report V(1) on home work to this session, for its comprehensiveness and attention to a sector where the workers "receive very low levels of remuneration, work excessively long hours and have very low, if any, social protection". Some 90 per cent of homeworkers are women. Homeworking has also increased because of growing pressure on women to contribute to the family income. Many women need to earn money in ways that neither challenge the male breadwinner ethos, nor leave undone their domestic responsibilities. The lack of child care, in particular, ties many women to the home. Employers benefit from women's lack of choice by undervaluing their skills. It is important to recognize that a number of women work at home on their own account – offering a service or running a small business – but many more work on a piece-rate basis.

Let me just draw your attention to an additional fact which was not mentioned in Report V(1), the connection of racism and homeworking. Many women migrant workers are forced into underpaid homeworking by the same structural factors as other women, with the additional oppression of discrimination on the basis of race. A survey carried out among Asian women in London showed that a significant proportion of the women had left their outside job because of intolerable levels of racial and sexual harassment.

In the preparations for the World Conference on Women we congratulate the ILO for organizing a Tripartite Meeting of Experts on Social Security and Social Protection: Equality of Treatment between Men and Women, held in Geneva, November 1994 and to the Caribbean Subregional Tripartite Seminar on Equal Opportunity and Treatment for Workers with Family Responsibilities, in Guyana, December 1994; both meetings are very valid contributions.

We hope that the ILO will be adequately represented at the World Conference on Women in Beijing itself to have substantial input on women workers' issues in the Platform for Action.

In the follow-up to the Beijing Conference we support very much the suggested close cooperation between the ILO and the other specialized agencies and the United Nations in working together to implement the achievements of the Platform for Action.

Mr. FALEIRO (*Labour Minister, State Government of Goa, India*) – Let me at the outset join other speakers in congratulating the Officers of this session of the Conference.

The Report of the Director-General is indeed thought-provoking and throws up a range of issues which deserve serious consideration.

Our country, India, is going through a period of economic liberalization and structural adjustment. Our liberalization policies which came about initially to cover a severe economic crisis in 1991 have now been set on an even keel and have reached take-off stage. Yesterday's detractors have become today's supporters, and I can safely say that the liberalization policies now enjoy the consensus of all the major political parties in India. The issue now is not the fact of change but the pace of it.

In an effort to create more than 9 million jobs a year to meet the growing demands of the population, we have used the vehicle of accelerated economic growth. Creation of employment is our first and primary task and our policies are designed to achieve that. Let us not forget that even the best-intentioned ILO Conventions are of no use if the individual remains unemployed. Our goal is to bring down unemployment levels to a minimum by 2002 A.D.

However, while our pattern of mixed economy ensured a balanced all-round regional development, the influx of foreign investment may not be an unmixed blessing. Foreign investment, triggered by liberalization of economies, tends to flow to areas where infrastructure is readily available already. This can cause regional imbalances in investments vis-à-vis areas lacking in infrastructure with consequent employment and income disparities.

Domestic policies, therefore, should promote evenly spread infrastructure development. In fact, an important strategy should be to invite foreign investments for infrastructure development itself on a priority basis. This would also spur further growth and development in non-infrastructure areas.

An open door to investment and industrialization does throw domestic industries into competition with stronger overseas investors. Exposure to such competition, coupled with withdrawal of domestic industry protection, results in a demand from the domestic industries for a level playing field. This would, therefore, call for careful prioritization of the direction of investment flows instead of leaving them totally to the market forces.

Apart from equitable growth, a higher level of economic growth would certainly have extremely beneficial effects on many of our socio-economic issues including the issue of child labour.

The issue of child labour has recently come into sharp focus as was evident from many interventions in the Plenary. I would, therefore, like to dwell on it at some length.

India has reiterated on numerous occasions its determination to root out child labour and has taken several purposeful strides in this direction. Our legislation and policy have been in line with the 1979 res-

olution of the ILO Conference and we have set in motion a series of measures to tackle not only the problem itself but the broader socio-economic factors which contribute to it. In August last year our Prime Minister, Mr. P.V. Narasimha Rao, announced an ambitious scheme to root out child labour in hazardous employment by the year 2,000 A.D. An amount of US\$300 million has already been earmarked for this purpose.

Child labour is a deep-rooted socio-economic problem which cannot be eradicated overnight as many speakers in the Plenary would lead us to believe. Those who have doubts on this score are living in a make-believe world. The causes are multifaceted, given that in developed countries there is a prevalence of child labour. Its existence in the developing countries is a matter of survival necessitated by extreme poverty and the need to supplement the meagre resources of the family. In this fight for survival, our endeavour, and certainly the ILO's, should be to form part of the solution and not add to the problem. It is important to exercise our minds as much as our hearts to find a well-thought-out policy, not just an emotional one, to bring it to an end.

However, our delegation has received signals from many speakers in this Plenary that they look at this issue primarily as one from which to draw political mileage, and not as a socio-economic problem, as it is in reality. Seen in this light it makes us wonder whether this sudden focus from some quarters has a hidden agenda. Some aspects of the agenda are manifest even now, especially in the moves to promote a social clause. The mood today is confrontational. So instead of working with countries to solve the problem of child labour in a non-confrontational manner, we are being targeted. We see this as a dangerous trend. If this trend were to continue we would end up worsening

the situation rather than helping them. Further, being a socio-economic problem, excessive emphasis on legislative action and prosecution is not the best answer to this issue. Economic growth combined with political resolve is, and this is evident, as only some States in India still face this problem.

The ILO has a long tradition of technical cooperation and we applaud the good work done in this connection. It is important that the ILO strengthens this important arm and stands by to assist developing countries to tackle many issues which are bound to arise from the liberalization and structural adjustment policies. It is wiser that the ILO remains sensitive to our concerns. If the ILO distances itself from realities on the ground in developing countries, then the credibility gap would only become large and result in a far less auspicious role for this Organization on social matters.

I thank you for the time given to me to address this august Conference. Needless to add, India, as a founder member of the Organization, remains committed to the ideals of the ILO and the pursuit of social justice.

TENTH REPORT OF THE SELECTION COMMITTEE:
SUBMISSION AND ADOPTION.

The PRESIDENT (Ms. ENGELLEN-KEFER) – We come now to the adoption of the tenth report of the Selection Committee, which you will find in *Provisional Record* No. 41.

If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

(The Conference adjourned at 5.30 p.m.)

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Twentieth sitting

Monday, 19 June 1995, 10.15 a.m.

President: Mr. Halliwell

RATIFICATION OF INTERNATIONAL LABOUR CONVENTIONS BY EL SALVADOR

The PRESIDENT (Mr. HALLIWELL) – To commence our business, I have pleasure in announcing to the Conference that the Director-General of the ILO has registered the ratification by El Salvador of the following international Conventions: Forced Labour Convention, 1930 (No. 29), Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78), Labour Inspection Convention, 1947 (No. 81), Employment Service Convention, 1948 (No. 88), Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), Discrimination (Employment and Occupation) Convention, 1958 (No. 111), Employment Policy Convention, 1964 (No. 122), Labour Inspection (Agriculture) Convention, 1969 (No. 129), Minimum Wage Fixing Convention, 1970 (No. 131), Rural Workers' Organizations Convention, 1975 (No. 141), Human Resources Development Convention, 1975 (No. 142), Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). This brings the total number of ratifications of international labour Conventions to 6,222.

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We shall now resume the discussion of the reports of the Governing Body and of the Director-General.

Original Russian: Mr. NARMANDAKH (Workers' delegate, Mongolia) – Allow me on behalf of the workers of Mongolia warmly to congratulate the President on his unanimous election at the 82nd Session of the International Labour Conference. I would also like to congratulate all the participants in this session and wish them all the best.

First of all, I would like to give you a brief account of the current social and economic situation of our country. Mongolia is now in a transition period. We are changing social structures, and the further we advance on this path the more difficulties arise. Even though we have made achievements in the political, intellectual and legal spheres, of the many economic and social problems that first appeared in 1990 remain unresolved. The economy is unstable, production is low and the level of unemployment remains relatively high. What is of the greatest concern is that real income, and therefore the living standards of

workers, is continuing to decrease. The differences between rich and poor are growing, poverty is expanding and the principles of social justice are being violated.

Trade unions need to consolidate their position in the changing social situation in our country and are therefore trying to reform our activity and fight for the protection of workers' interests.

I would like to thank the International Labour Organization, the International Confederation of Free Trade Unions and its regional organizations for the contribution they have made to reviving a new democratic trade union movement in Mongolia and to helping us defend our interests in a civil society. We are cooperating in a number of fields, and developing cooperation with trade unions and non-governmental organizations in Japan, the United States of America and other developed countries of the world. As a result of all this, Mongolian workers are increasingly able to reap the benefits of education, improve their working methods, learn democracy, become acquainted with their rights and fight for their own interests and freedoms. A teachers' strike has been going on for over 30 days now, and aims to increase teachers' pay. Our Government is paying very little attention to this event. Instead of respecting their demands and holding negotiations with teachers, the Government has declared that the strike is illegal, and some trade union activists have been taken to court for their participation in the strike. We believe that this is a violation of basic human and trade union rights.

Parliament has passed an Act on the Public Service and in accordance with this Act, employees in the public administration do not have the right to strike. From the outset, the Mongolian Government has aimed to make the public service an area in which workers do not have the right to join trade unions, to engage in collective bargaining or strikes. This policy is being implemented.

Therefore, we believe that we need specialized assistance and support from the ILO with regard to implementing the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

Our workers' organization wishes to pursue negotiations in order to protect our members' interests and will actively move toward this aim.

The Report of the Director-General to this session of the Conference, *Promoting employment*, is highly topical and deserves our full support and approval. An increase in employment and the elimination of poverty are not the only challenges facing our coun-

tries. They have become regional and global issues. Mongolian workers' organizations should do everything possible to solve poverty and unemployment problems and to develop Mongolia so that it can take its proper place in the world economy.

Our Mongolian trade union organization is doing all it can to achieve this on the basis of national unity and social agreement in cooperation with the International Labour Organization.

Ms. ROOS (*Employers' delegate, Estonia*) – Changes in economic relations during the transition period of Estonia, the privatization of state enterprises, the development of human-centred social structures have strengthened and assisted in the development of employers' associations, working on the basis of labour relations and the creation of new associations. This development is naturally, starting from 1992, from when Estonia again became a full Member of the International Labour Organization, based on the stability of the Estonian Republic. Also, the recent birth of our Confederation of Estonian Industries and Employers in May this year, established on the basis of the previous confederation, is a contributing factor to development. With the new statutes of the Confederation, there is a more precise definition of present-day employers and prospective development, based on industry trends and on international labour standards.

Now allow me to present some general data characterizing our new Confederation. At the moment, we are made up of 16 employers' associations with approximately 100,000 workers in all. The objective of the reorganized Confederation is to develop cooperation with all the Estonian confederations and associations of employers who are not members of our Confederation but who have expressed the wish to participate in the activities of the Council of Employers formed by the representatives of primary employers' associations. The Confederation represents small, medium and large enterprises with different forms of ownership, including state, mixed and private stock companies and cooperatives.

The Confederation considers its main task is to protect the interests of employers, representing the employers' viewpoint in negotiations with the State and workers on labour and social relations. We are partners of the Government in working out the basis of labour law and solving problems concerning entrepreneurship.

In the year 1995 the Confederation of Estonian Industries and Employers considers it necessary to hold tripartite consultations and negotiations before adopting new legislative acts which deal with entrepreneurship and the social sphere, social insurance, labour and social relations, regulating taxation and joint participation of employers and employees in paying social taxes. The work involves regional policy and the mechanisms for its application including the reform of the vocational training and retraining system and creating the necessary material framework.

In all the above-mentioned spheres we consider it important to take into account the working trends and recognized practices of the ILO. A great contribution to our working experience has been given by the Confederation of Finnish Industry and Employers. Thanks to their assistance, in 1994, 65 employers' representatives, heads of industry, received

training. Finland has promised to continue the joint training this year also. Above all, we see the need for training in the field of wage-related matters and in inputting and sorting statistical information. It seems that cooperation with Finland will also be necessary as in the future, to direct the activities of the employers' association along the right lines and to create an elementary material framework, we will have to ask for assistance from the European Commission PHARE social assistance programme. The project itself presupposes cooperation with at least one country of the European Union which is Finland.

The Confederation of Estonian Industries and Employers together with the scientists of the Republic have put together and presented to the Government their own standpoints about the development and implementation of Estonian industrial policy. I will mention only the most important of them. Firstly, successful development of the industry of the Republic can only occur by involving science, technical and higher education and technical engineering development work in the innovation process. In spite of the low level of salaries, the high level of skills and information of our specialists will guarantee the progress in the area of science-related matters. Secondly, the privatization of industrial enterprises is at present our primary economic and political task, the main criterion of which is the increased economic efficiency of production and employment. Thirdly, in the preparatory work for joining the European Union, our legislation has to be brought into line with international standards, quality levels and ecological regulations.

The jubilee conference of the International Labour Organization in Estonia in April 1994, in the organization of which we, on behalf of the employers, took an active part, proved once again that the market economy cannot be separated from solving the problems of social protection, that the main precepts of the ILO – promoting negotiations in the labour market – are an integral part of market relations.

The employers have specific aims which, in order to be realized, require the agreement and cooperation of workers' interests and also of the interests of other sectors of society. If Parliament adopts laws concerning employers, but does not take their aims into consideration, or if the law is not in keeping with other social interests, then the Government will be unable to effectively implement the law.

In Estonia it is necessary to form a system to establish public, legal and social insurance. Unfortunately, to date it has not been possible to reach an agreement as to how to structure such a system, in which the State, employers and workers should all be represented. I assure this session of the International Labour Conference that the Confederation of Estonian Industries and Employers is doing all it can to guarantee the development of employers' activities in our Republic, both on a general and economic level, and also to raise representation levels.

Mr. ALI (*Minister of Labour and Manpower, Bangladesh*) – On behalf of the Bangladesh delegation, and on my own behalf, I would like to join previous speakers in congratulating the President on his election to chair the 82nd Session of the International Labour Conference. I would also like to congratulate the Vice-Presidents. With their extensive experience

and able leadership I am confident that the deliberations of this Conference will be brought to a successful conclusion.

Coming on the heels of the World Summit for Social Development, held in Copenhagen in March this year, where the world community pledged to eradicate poverty, enhance productive employment and promote social cohesion, the 82nd Session assumes special importance. The Copenhagen Declaration aims at assisting in the creation of an enabling environment at the national and international levels towards implementing and overseeing the Programme of Action. Thus, the Director-General's Report, *Promoting employment*, presented to this year's session of the International Labour Conference is very timely and appropriate.

The richness of information, content, depth of analysis and aptness in identifying issues in the Report have stimulated meaningful discussions. It has gone into considerable depth in analysing the structure of employment of various groups of countries and at various levels of development. The Report has also tried to link employment with the changes in the patterns of trade and the recent trade liberalization, globalization of economies, changing technologies and investment patterns. It highlights the tremendous potentials created by these changes for generating new employment, and describes the barriers and challenges posed by the existing development paradigm in translating these opportunities into reality.

The successful conclusion of the Uruguay Round and the establishment of the WTO represent a milestone in international trade and the globalization of economies. We join the Director-General in hoping that this will usher in a new era of trade liberalization, leading to rapid growth in investment, employment and trade based on comparative advantage.

We also hope that, in consonance with the tenets of free trade and the open market economy, future negotiations on creating a richer global economic environment will focus on the need to provide free and easy access to labour markets worldwide. If we accept unhindered movement of goods and services in the interests of both the developed and the developing countries, we feel that it is equally important to have free access to labour markets, since labour, along with goods and services, is integral to the process of economic growth and development.

While addressing this point, I would like to point out that migrant workers are not even extended protection deserved under the national law of the host country and face exploitation. Hence the issue of the rights of migrant workers calls for greater attention of this august body.

With the increasing globalization, we in Bangladesh have undertaken wide-ranging economic reforms and structural adjustment measures. Besides liberalization of trade and exchange rate and banking regulations, these include labour market reforms. The updating and modernization of all labour laws is under way, and the principle of tripartism is being strengthened in all spheres to ensure the safety and security of workers and the workplace. While developing countries, and particularly the least developed countries, are undertaking costly and painful measures of restructuring and liberalization with a view to promoting growth and creation of jobs, there appears to be a new threat on the horizon.

It goes without saying that the social standards of the developing countries are poor because they are economically poor. Linking labour standards to trade at this stage would, therefore, be detrimental to the interests of the developing countries, and particularly the least developed ones. Bangladesh would like to reiterate here the position taken by the fifth Conference of Ministers of Labour of the Non-Aligned and Other Developing Countries, held in New Delhi in January this year. International trade should be detached from the question of labour standards, as such a link tends to negate the economic gains of developing countries and will cause acute distress among those whose lot it seeks to improve.

This brings us to the question of labour standards, and particularly the issue of child labour. In Bangladesh, child labour is banned, and legal provisions in this regard are in consonance with international Conventions. Another redeeming feature is that there is no bonded or forced labour in Bangladesh. Bangladesh was one of the first few countries that ratified and adopted various measures to implement the Convention on the rights of the child. However, the problem of child labour cannot be solved merely by the ratification of Conventions or the enactment of laws.

Child labour is a socio-economic phenomenon arising out of poverty and underdevelopment. It is a survival strategy for families in the developing world, without which many of them may, in fact, face hunger and abuse. It cannot be eliminated overnight without the risk of inflating the pool of juvenile delinquents.

Bangladesh has taken some innovative initiatives to deal with this problem. While monitoring the enforcement of legal provisions, it is in the process of formulating a programme of shorter hours of work in light jobs. To begin with, this makes provision for education, skill development and rehabilitation for 12 to 14-year-old children in the garment sector. But it would be difficult for poor countries like Bangladesh to sustain such programmes without significant external assistance.

What, however, is unfortunate is that, despite these serious and arduous efforts undertaken by Bangladesh at the risk of considerable social cost, this problem has of late been blown out of all proportion by some quarters with vested interests. However genuine their concern may be, the symbiotic relationship of child labour with the overall socio-economic conditions of the country concerned should not be ignored. Moreover, child labour should not be confused with apprenticeship and development of skill in certain trades, which traditionally require starting at an early age due to the very nature of the skill. It may be worth mentioning that child labour is a phenomenon not necessarily limited to the developing countries. It was a common practice in the West during the industrial revolution, and continued to be widely used as late as the 1930s and in many of the presently developed countries, when they were even at a higher level of development than many of the present-day developing countries.

Since education is universally recognized as a means of integrating the child into society, in Bangladesh a multi-pronged approach to ensure education for children is being promoted. The Food for Education Programme, launched by Khateda Zia, the Prime Minister of Bangladesh, in rural areas as an

income supplement and stipend programmes for female children, has been undertaken to keep children in school. Apart from regular primary education, a new system of integrated non-formal education has been developed for drop-out children. It is being developed in close cooperation with NGOs.

My delegation is keenly interested in the programme, budget and financial questions which are being debated in the Finance Committee. Bangladesh attaches the highest priority to major programmes relating to employment in the Asia-Pacific region, which contains the largest number of unemployed people in the world. Bangladesh would, therefore, like the budget allocation for field programmes in the Asia and Pacific region to be augmented and more resources provided for supporting programmes that are related to the elimination of child labour, safety and health at the workplace and the skill development of the workforce that will soon be seeking employment.

With the fast changing technologies and increasing interdependence of the economies of the world, the need for technical assistance to cope with the changing world situation has never been greater. I therefore take this opportunity to urge all concerned member States attending this Conference to expand their field of collaboration, both through the technical assistance programmes of the ILO and through other global regional and bilateral agreements.

Before I conclude, may I stress that Bangladesh has been consistently trying hard to take appropriate steps for improving the condition of our working class. As an elected member of the Governing Body of the ILO in 1978, 1981 and 1990, Bangladesh voiced the sentiments and aspirations of the member States of South Asia in particular and the least developed countries in general, and lent active support to the ILO in its standard-setting work to make the world a safer place for workers. Bangladesh would like to continue to play its active role as a Member in furthering the objectives of the ILO in future, particularly in promoting productive employment and poverty alleviation of the least developed countries.

Mr. STRASZYNSKI (*Employers' adviser, Poland*)

– It is a pleasure to congratulate the President and the Vice-Presidents on their appointment, and the Director-General for the Report he has presented to us.

The organization to which I belong has been representing Polish Employers in the work of the International Labour Organization for as long as six years already. At the beginning our participation was first and foremost evidence of economic and political transformations taking place in Poland. Existence of an independent, dynamically developing employers' organization proved that the Republic of Poland had joined the group of sovereign and democratic countries. During the period 1989-95 the number of organizations united in our Confederation has increased from five to 51.

Yet the process of the development of the free market and the institution of a democratic State is not harmonious and uniform throughout our country's social and economic life. Economic freedom is not accompanied by the development of up-to-date regulating mechanisms, especially in the sphere of social relations originating in the labour process. It

has not been possible yet to create an effective mechanism of social dialogue, by means of which it would be possible to solve inevitable conflicts between capital and labour, between employers and employees. Neither in the legislative sphere nor in socio-economic reality has an equilibrium of forces been achieved between the organizations nor have the mechanisms of dialogue between employers and employees been built.

Poland is a country of trade union domination and thus there is a danger that conflicts connected with labour move to the sphere of politics. Since 1989 activists and representatives of trade unions have, as Deputies to the lower house of Parliament, been members of majority coalitions, determining the balance of power in those coalitions.

This is our Polish problem, but certainly not only ours. One should, however, look critically at the generally accepted thesis that conflicts between capital and labour are more and more of a local nature, and that global danger is created first of all by national or religious conflicts.

The thesis is right but only within a very limited period. At present, labour conflicts in highly developed countries are solved by very efficient regulating mechanisms of dialogue and the market. In developing countries they are limited by weakness of employees in the face of strength of employers or the State.

The world arena will be entered more and more actively by countries of the former communist camp with a formation of employers, which is likely to remain weak for some time; a weak democratic State because newly formed, and a strong, well-organized formation of employees motivated by claims which had been put off for dozens of years. All this is accompanied by the lack of respect towards the authorities, eroded by the years of totalitarian communist rule, the lack of experience of social dialogue and compromise, and the lack of trade union activists familiar with mechanisms of the free market and modern economy.

This thesis is based on results of sociological research. To the question: "Are strikes in the present situation of the country the right way to fight for an improvement of living conditions?" as many as 70 per cent of trade union leaders answered: "definitely and rather the right way". The majority, that is 63 per cent, were of the opinion that "further strikes against the economic policy of the Government are inevitable", and another 36 per cent thought that they are "very likely to happen". This means that 99 per cent of trade union activists recognize strikes against the economy policy as "inevitable and very likely to happen". Over 81 per cent of trade union activists are of the opinion that "a general strike is inevitable and very likely to happen". The process of transformations and the privatization are only accepted by trade union activists at a theoretical level. In practice, they opt for the state and public ownership. Their standpoint may resolve itself to the thesis: "Let capitalism (especially a family and workers' capitalism) develop in Poland, but without us."

All this may be conducive to the development of labour conflicts, to moving them to the level of the State and, as a result, this may counteract the development of the world order. In an ever more open world economy and political system, any tension in

such a region as Central and Eastern Europe may turn out to be expensive even for highly stable countries.

The employers' organization which I represent and which brings together a substantial part of Polish employers, especially in economic regions and sectors endangered by social conflicts, wants to become the creator and the anchor of social peace in Poland. We do not, however, find full understanding for the tasks of partnership and social dialogue in the activity of successive governments in our country. Formally we are included in a number of tripartite committees with very little power to bring our influence to bear on the outcome of the results of their work. For example, in the Labour Protection Council there are only two representatives of employers out of 31 members.

For several years we have been unsuccessfully attempting to persuade Polish politicians and Polish authorities to abide by the commitments assumed by Poland, which result from its membership in the International Labour Organization as well as from the Conventions ratified by Poland.

We have still not managed to achieve full equilibrium between employees' and employers' rights. We have no influence on the activity of health insurance institutions, social institutions or the vocational training system. We have no effective influence on the form of the legal framework of labour conflicts or on the process of privatization of state-owned enterprises. There is no equality in the access to financial means necessary to create the organizational base for the collective employers' activity. According to the Trade Union Law, the employers must maintain and finance the activity of the trade union apparatus. In the hard coal industry alone the employers pay salaries to over 470 trade unions activists, but may not spend any company funds for their own organizations.

We are convinced that the International Labour Organization, without any infringement of its Members' sovereign rights to solve economic and social problems, could, in virtue of the powers which it possesses on account of its membership, and of the voluntary obligations it has taken upon itself, exert a more energetic influence on the formation of the principles and mechanisms of partnership and social dialogue in Poland. Intensification of the Polish progress along these lines would be a success of Poles, would contribute to lessening potential tensions and would be a source of increasing prestige for the International Labour Organization, in the same way as its prestige increased when solidarity, due to the efforts of the International Labour Organization, was registered in Poland on the basis of the Freedom of Association and Protection of Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

We hope that it is now the Polish employers' turn. And we hope that in our activity aimed at the intensification and extension of our presence in Polish economic and political life, inspired by the ideas which are the foundation of the activity of the International Labour Organization, we will be actively and strongly supported by this Organization. This is not a complaint, but a true presentation of the situation which the employers in Poland are facing and have to deal with in their own activities.

Mr. TAPIOLA (*Workers' delegate, Finland*) – At this rather late stage of the debate, and as I already congratulated the President on his election when speaking on the Programme and Budget proposals nearly two weeks ago, let me express my appreciation at the way in which he and his colleagues have conducted our deliberations. He has made a valuable contribution to the success of the Conference.

I have carefully studied the Report, *World employment 1995*, of which the Director-General has produced a good summary for this Conference. This shows the importance of having a basic analysis on the employment situation which we can use for different policy-oriented purposes. Apart from our deliberations here, the Report has already significantly strengthened the case of the ILO for being the focal point on employment in the follow-up to the World Summit for Social Development.

A report of this kind is a tool in the necessary dialogue and exchanges with other international institutions, particularly the World Bank, the International Monetary Fund and the World Trade Organization. It should establish its place among those regular surveys published by these organizations and others, such as the OECD. The ILO has to continue to get through to all the fora where a strategic discussion on the future of our societies is carried out, and the ILO should have an impact there, including the G-7 group which most recently met in Halifax.

At the same time a report of this kind is necessary for national decision-making bodies, parliaments and congresses, and administrations as well as for the workers' and employers' organizations. Its main function at this stage should be to help dissipate at least a part of the anxiety felt by normal people – wage-earners and leaders of enterprises of all sizes and categories alike – faced with the realities of the new globalized labour market.

Ours is a period of both great expectations and great fear. The one-world reality which is forged by trade, investment, technological change and the generally welcome demolition of barriers separating peoples has changed the situation in the labour market. The shelter from the consequences of global competition which many people have had may not have been ideal. It has been either oppressive or artificial, but it has been or at least has been felt as one element of security for the people concerned. We have now entered a new reality, and the ILO Report clearly shows the adjustment pressures with which everyone is faced.

The major question is, how can the world community approach this adjustment so that the basics of social justice are respected? This is the component which the ILO has to bring to the efforts of international financial and trade bodies. If this is not done, it is as if treasuries and trade departments would take over the social and employment concerns of all countries. The labour and social affairs ministries would then be assigned a palliative role with insufficient resources.

The question facing us is that of the development model which our common world follows. Many of us have long entertained a rather simplistic belief that gradually the so-called developing countries would achieve the level of those whom we call developed nations, and that the countries in transition would just turn their system upside down and become industrialized democracies.

But we have to think that this rather simple and optimistic vision may, in fact, be fundamentally wrong. It is just as possible that the differences in development will be evened out in another, much less rosy way. Income differentials are growing everywhere. The coexistence of enormous wealth and extreme poverty is not a feature of the industrializing developing countries only. It is very much real in countries in transition. It is true for the capitals of major OECD countries in the Americas and in Europe too.

When old barriers go down, new ones begin to appear. We have new stratifications of our societies all over the world. There is growing exclusion within each of our societies, not only between them, and on close analysis we see that this also increasingly extends into working life. Some categories of workers are in relatively safe core activities while others, due to the changes in the structure of economic activities, are in a growing number of insecure, dependent functions. The further from centres of decision-making we go, the higher the risk of marginalization is.

This is a major challenge for us all, including the trade union organizations. Fragmentation and polarization in our societies provide ample breeding ground for the kind of extremism which threatens to blow up societies and produce internal conflicts and war. We should pause to reflect that it was exactly to minimize the risk for such disruptions that the ILO was founded 76 years ago. I fail to understand that someone could seriously think that the tripartite model of conflict prevention embodied by it would be obsolete now.

All of us develop methods to deal with difficult situations. My favourite one is that when nothing else helps, try common sense. Much of the debates that we have recently had should be subjected to some kind of common sense test. This concerns also the debate on the social clause – which we have unsuccessfully tried to rebaptize.

Now, what is the common sense approach? No one has convincingly denied that there is a link between trade and labour standards, although views differ on the nature of this link. It would seem generally accepted that trade advantage should be sought in a positive way and not through suppressing fundamental workers' rights. This conclusion would seem to stand independently of the question of whether we first should focus on liberalizing trade in the belief that that automatically improves labour standards, or that high labour standards first promote trade. This seems to be a chicken-and-egg discussion which certainly will be pursued, as you cannot really have the one without the other anyway.

Positive measures include dialogue, cooperation and assistance; investments in knowledge, innovation and skills; participatory management methods; the elimination of poverty to create the consumers which a successful economy needs; and giving people good reasons to believe in their future. The signs of desperation in the global labour market are due to a lack of appropriate rules. When countries, enterprises and also whole categories of workers are thrust into unfettered competition with one another, the result is insecurity for all. This pushes many into seeking comparative advantage at any cost, as there is no security that others will abstain from abusing their labour force.

We need to establish the basic level of security for promoting successfully global trade and investment. The question of a social clause is not more complicated than this.

In establishing these rules, we have to dwell on the positive measures which can be made use of when problems arise. They consist of advice, dialogue, assistance and cooperation. These take the form of measures where the ILO has the competence and which can be brought in whenever the appropriate monitoring of the global trade and investment system has identified the need for such measures.

In the debate on such a future system, some people shudder at the mention of possible sanctions. First of all, I should argue that dialogue and assistance are positive sanctions – which does not have to be a contradiction in terms – aimed at solving certain development problems. In the vast majority of cases where problems arise, they would be the right way to find solutions.

The feared trade sanctions would in all probability concern only a small number of hard-core cases. They certainly would not be applicable to the large, medium-sized and small democracies of both the developing and the developed world. I regret that the positive dimension of dialogue and assistance has largely been absent from the discussions on the social clause. Through it we could come to the conclusion that a social clause (or whatever we call it) would, when applied correctly, considerably support the democratic way of development and be beneficial for the large and growing number of countries who have decided to seek a better future for their people on that road.

There should be no taboos in a genuine discussion on what rules should apply in the much expanded global labour market. We have consensus on the importance of fundamental workers' rights, as was expressed by the Social Summit in Copenhagen. We are engaged in a debate on the future of our societies and the linkages governing that future – and no-one should be afraid of continuing this debate.

Original Spanish: Mr. CUSTER (representative, World Confederation of Labour) – Just 75 years ago, the World Confederation of Labour was founded in the Hague, the Netherlands. The ILO, recently established at the time, was also very closely connected with its creation, since it was present at the constitutional congress of the WCL. From its beginning, the WCL has also supported ILO action, in particular with respect to international labour legislation. Albert Thomas, in his report of 1925, confirms this in stating that trade unionists of our international Organization “devote particular attention to labour legislation, and are constantly endeavouring to bring influence to bear on the legislative authorities. Both in the national and international sphere they have done much to stem reaction and to hasten further progress”. It is for this reason that, with humility and modesty we wish to honour the memory of the trade unionists who preceded us and who, in very difficult circumstances, were unstinting in the defence of our values and ILO ideals.

Our organizations fully supported the ILO, and the ILO in turn sought this cooperation because it needed and continues to need the support of all trade union forces in order to accomplish its mission and carry out its role. The WCL organizations have

attributed much importance from the outset to the fundamental principles of the Organization: universality and tripartism. At the 1970 Conference, the General Secretary of the WCL referred to the ILO as the "social conscience of the United Nations", and expressed the desire that it continue to be so more and more.

Today, the role that the ILO has played is more essential than ever. But we must face up to the new challenges and stress the fundamental role of the ILO in an absolutely necessary new international order.

We are now witnessing spreading globalization and interdependence throughout the world. This is a fact, and it may be a positive aspect for social progress, but this anarchical and irrational globalization without rules is leading us to a growing "duality" in society; in each country, power and riches are becoming concentrated in the hands of a few, which is worsening the dependency and poverty of Third World countries.

As we said earlier at the World Summit in Copenhagen: unemployment, poverty and social exclusion are the logical results of a certain model of development and an unfair system of international economic relations.

This problem stems from a liberal conception in which the market, the profit motive, unrestricted competition and flexibility are the determinant and virtually exclusive elements of the economy. The results are clear: 32 million unemployed in industrialized countries, 17 million men and women without employment in the European Union, and growing misery in the countries of the south.

If these consequences are serious for industrialized countries, they are even more so for the countries of the Third World and countries undergoing transition, where democratic advancements are jeopardized by misery. It is essential to realize that if a solution is not found to the problem of international trade (which is even more beneficial to industrialized countries), if a solution is not found to the problem of external debt, and if an end is not put to international financial speculation which sabotages any possibility of a productive and rational economy, we will never find a way out of the crisis.

We do not have even one more second to lose. There is no time left if disaster is to be avoided. The WCL, which invites you to join it in the celebration of its 75th anniversary, does not wish to be pessimistic or negative. But it would be worse not to share the anguish of being unable to react in time to dispel all the threats hanging over us.

These evils are spreading throughout the world. Some sectors are so accustomed to full enjoyment of individual freedoms that they do not realize, or probably never have realized, that the misery of others may contaminate the entire social structure and thus become the misery of all. It is no longer a matter of generosity, charity or solidarity. The current problem is one of survival of people worldwide. With the poorest countries allowed to continue to bear the burden of foreign debt, their people suffocating under adjustment plans whose sole objective is that of making them pay off their indebtedness to financial powers, with illiteracy and epidemics on the rise, with millions of men and women living without the slightest hope. All this is a very potent brew that will create extremely bloody and barbaric reactions;

herein lie the seeds of extreme radicalism and homicidal and suicidal terrorism.

It is obvious that we recognize the importance of the market as a dynamic element of the economy. It is also clear that we defend an efficient economy, but we need one that is humane and rational. The market must be regulated and politically controlled by an effective democratic State which protects the interests of the society as a whole and the common good.

We must once again place mankind at the heart of all our objectives and actions, in a political, economic and trade sense. The mechanisms of mere economic profitability and unlimited competition are the very negation of everything that is human and every relationship involving brotherhood, coexistence and solidarity to which man aspires. We are heading toward the brink of an abyss – we must change course.

During the recent World Summit for Social Development, which many of you attended, the problem was assessed very clearly. Are we prepared to contribute the solutions that are needed as well as the appropriate means of arriving at them? It was pointed out earlier that the role and action of the ILO has to be strengthened. However, some groups are now threatening to withdraw or decrease their financial contributions. Is it because of lack of awareness, or are there more sordid reasons?

When he opened this session the President of the Conference made an appeal very similar to one currently being made by the WCL. What we need is more soul and a greater sense of urgency. Money and finances do not have this. Mr. Rosales Argüello, in referring to banks, said that nothing should be expected from them, because "banks are banks and they have no soul". This is our opinion as well, and we would also include international economic and financial institutions, which are mainly concerned with their role as safekeepers of their richest stockholders' assets.

Only a different world order – just as we attempted to describe at the 23rd WCL Congress in 1993 – which includes the basis of a different development model and new international economic relations will be able to ensure social progress and democracy in our societies.

It is essential that the United Nations and democratic control of financial and economic bodies be reformed. The International Monetary Fund, the World Bank, the World Trade Organization, and certainly the ILO, should coordinate with each other for a true development which goes beyond monetaristic policies.

It is impossible for the world's path to continue to be mapped out by a group of seven countries (it seems that in Halifax they have forgotten about Copenhagen) that are essentially defending their own interests.

The developed countries must arrive at an equitable solution for the problem of foreign debt with the sole condition being transparent management, and the refunding to countries of all monies that have been misused by their leaders.

We must promote international social legislation which protects the rights of the weakest, be they individuals, groups or countries. This includes laws which offer protection from the power exercised by the strongest, from deregulation, speculation and new types of slavery, and from new exploitation of

the defenceless working masses who are bled dry or cast aside at the whim of an all-powerful market.

And it is for this reason that we defend the proposed social clause, but with the clear understanding that there will be neutral multilateral mechanisms which prevent any neo-protectionist shift.

We believe that the ILO must continue with the discussion – and extend it to other international bodies – concerning the fair application of social clauses which foster international legislation.

And finally, we must emphasize that despite certain reservations, the Report *Promoting employment* has some very positive aspects, specifically as regards application of the principles of the Copenhagen Summit. We fully support the Office's ratification campaign, and we also stress the importance of improving effectiveness in supervising the application of standards. These are measures which will enable us to make progress in the right direction. This is our most heartfelt desire, for the good of all and while there is still time. The WCL repeats that it will faithfully cooperate with the ILO, but we have no time to lose – as we have said, and we are firmly convinced – because tomorrow may be too late.

We cannot conclude without recalling that peace is an essential objective as reflected in the ILO's values. We express our solidarity with the peoples of Bosnia, Palestine and Chechnya, without forgetting the situation of Rwanda, Liberia and other countries throughout the world where human and social rights are being violated.

FIRST REPORT OF THE FINANCE COMMITTEE
OF GOVERNMENT REPRESENTATIVES:
SUBMISSION AND ADOPTION

The PRESIDENT (Mr. HALLIWELL) – The next item on our agenda this morning is the first report of the Finance Committee of Government Representatives.

I give the floor to Mr. Boateng, Chairman of the Committee, to submit the report.

Mr. BOATENG (*Government delegate, Ghana; Chairman of the Finance Committee of Government Representatives*) – I have the honour to submit to the Conference the first report of the Finance Committee of Government Representatives. This report is circulated in *Provisional Record* No. 16 and submits two resolutions authorizing Cambodia and Chad to participate in the vote.

The Finance Committee considered the requests received from the Governments of Cambodia and Chad and were satisfied that the failure of these Members to pay their contributions in the past has been due to conditions beyond the control of the Members, and thus adequate measures were proposed for the settlement of the arrears. The Finance Committee adopted two resolutions which proposed that, in conformity with paragraph 4 of article 13 of the ILO Constitution, Cambodia and Chad should be given permission to vote. The draft resolutions before the Conference, which are modelled on previous ones of this kind, do not expressly refer to the restoration of the vote to the Members concerned. In this connection, it seems appropriate that – if the resolutions are adopted – they should enter into force at the same time. I

therefore propose the following amendment to both resolutions before you, relating to the arrears of contributions of Cambodia and the arrears of contributions of Chad.

The title of the resolution for Cambodia should read "Resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization".

The following paragraph should be added at the end of the resolution relating to Cambodia: "Decides that Cambodia be permitted to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business."

Similarly the title of the resolution for Chad should read "Resolution concerning the granting to Chad of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization", and the following paragraph should be added at the end of the resolution relating to Chad: "Decides that Chad be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization after the conclusion of the present business."

The PRESIDENT (Mr. HALLIWELL) – You have heard the amendments to the report proposed by the chairman of the Committee.

If there are no objections, I shall take it that these amendments are adopted.

(The amendments are adopted.)

The adoption of the first report of the Finance Committee of Government Representatives involves the adoption not only of the report itself, which is contained in paragraphs 1 to 15, but also of the two resolutions – as amended – that are appended to the report. These resolutions, which concern the granting of permission to vote to Cambodia and Chad, will be the subject of a record vote.

May I therefore first of all take it that paragraphs 1 to 15 of the report are adopted?

(Paragraphs 1 to 15 are adopted.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE
GRANTING TO CAMBODIA OF PERMISSION TO VOTE UNDER
PARAGRAPH 4 OF ARTICLE 13 OF THE CONSTITUTION OF
THE INTERNATIONAL LABOUR ORGANIZATION

The PRESIDENT (Mr. HALLIWELL) – In accordance with article 13 of paragraph 4 of the ILO Constitution, the Conference may by a two-thirds majority of the votes cast by the delegates present permit a member State in arrears to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

In accordance with article 19, paragraph 5, of the Standing Orders of the Conference, we shall now proceed to a record vote on the resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization.

(A record vote is taken.)

The result of the record vote on the resolution concerning the granting to Cambodia of permission to vote under article 13, paragraph 4, of the Constitution of the International Labour Organization is as follows: 248 in favour: 3 against: 1 abstention. The quorum is 258. Since a quorum has not been attained, the resolution is not adopted.

(The resolution is not adopted.)

I refer this body to article 20, paragraph 3(1), of the Standing Orders of the Conference: "Where a quorum has not been obtained in a vote by a show of hands or in a record vote, the President may take a record vote on the same question at one of the two following sittings". I therefore declare that a record vote on the same question will be taken again tomorrow morning.

Moreover, since a quorum has not been reached and it is apparent that the same situation would arise in respect of the second resolution concerning Chad, the record vote on that resolution too will be held tomorrow morning

(It is so decided.)

REPORTS OF THE GOVERNING BODY
AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We shall now resume the discussion of the reports of the Governing Body and of the Director-General.

Mr. BOATENG (*Government delegate, Ghana*) – It is indeed a great honour for me once again to address this august assembly on behalf of the Government and people of Ghana. Allow me, therefore, to join with the previous speakers in congratulating the President and the Officers of the Conference on their well-deserved election to preside over the deliberations of this session. My delegation and I pledge our fullest cooperation in the interest of successful and fruitful debates.

Permit me also to commend the Director-General of the ILO for both his foresight and tireless efforts in responding promptly to the major challenges that seem to assail workers in various parts of the world as a result of the rapid socio-economic development taking place.

The theme for the 82nd Session of the International Labour Conference *Promoting employment* could not have been more appropriate, coming immediately after the successful World Summit for Social Development held in Copenhagen in March 1995.

The Director-General has once again come up with a theme which is testimony to the fact that he is fully abreast with the challenging developments in the world of work. We hope his concern for the promotion of employment, and the International Labour Organization's determination to ensure that people throughout the world are gainfully employed to enable them to contribute effectively to the social and economic development of their countries will be supported by other concerned international organizations and agencies. Here again we hope that we can count on the usual generous support and cooperation of our friends in the developed countries.

The Director-General's Report undoubtedly seeks to address the realities of the rather dismal situation concerning job creation in the developing countries, especially Africa. We share the concerns expressed in the Report and seek no less than enhanced employment opportunities in our countries. However, with increasing pressures on the labour market as a result of the impact of economic recovery programmes and structural adjustment, people's perceptions of unemployment in our country today ought to be confronted objectively and scientifically.

In pursuance of this policy, we have strengthened tripartite consultations with our social partners to work out agreeable guidelines for determining wages, salaries and other working conditions based on the principles of productivity, profitability, elimination of waste, maximizing efficiency, social justice and the ability to pay.

These measures, if they are to make any meaningful impact on the working population, in view of the modernization process taking place in the economy, should also try to change people's attitudes to work, introduce cost-saving mechanisms at the workplace, eliminate waste and make optimal use of both human and material resources.

Our Government's policy shift from centralized planning to decentralization and the devolution of political power at the district level under the authority of the district assemblies which are now the focal points of political authority and development, is aimed at encouraging our labour force to stay in rural areas so that people can develop their own areas.

To support those initiatives, we have taken a number of measures aimed at helping unemployed people into work. These include Funds for Small and Medium-Sized Enterprise Development (FUSMED) supported by the World Bank, the Rural Business Women's Enterprise Development supported by the ILO and business start-up schemes carried out by the National Board for Small-Scale Industries (NBSSI).

Unemployment remains a global threat affecting all countries, both developed and developing. It will require a tremendous amount of resources to abate its ugly and unpleasant consequences. It is our belief that through the various cooperation and supportive activities we have embarked upon with the ILO and other donors, we shall be assisted in our determined efforts to provide employment for our people.

Our Government, through the adoption of a broad national socio-economic development policy, dubbed Vision 20 20, continues to make human resource development the cornerstone of our development programmes. Therefore, we share the sentiments of the Director-General of the ILO and consequently endorse fully the theme of this 82nd session of the International Labour Conference.

Since October 1992 we have, with the support of the United Nations Development Programme (UNDP), implemented an ILO-based programme on sustained employment generation. Through this programme we have strengthened our Ministry's capacity to generate and analyze employment data for the purposes of evolving policies on employment generation. Another important component of the programme is the improvement of vocational and technical institutions to provide our youth with employable skills for self-employment and entrepreneurial initiatives. Finally, we have also developed

policies for enhanced micro and small-scale enterprise development and promotion in Ghana.

I have the mandate of my colleague, the Honourable Minister of Roads and Highways, to acknowledge with sincere gratitude the assistance of the ILO in helping our Ministry of Roads and Highways to institute viable labour-intensive road and construction programmes. Our Management Development and Productivity Institute has also collaborated with the ILO to develop capacity enhancement and "Improve your business" training programmes for local contractors, artisans and entrepreneurs. We are grateful for this technical assistance programme and are ready to share our experience with colleagues in our sub-region in particular and elsewhere in Africa when required.

As a developing country which is engaged in the development of infrastructure, appropriate technologies, agriculture, industry, trade, commerce, communications, health facilities, schools and transport systems, we have directed our policies and efforts towards harnessing the potential which abounds in our country as the key to our national socio-economic development programme.

It is to be noted however that acquiring, developing and modifying science and technology to our developmental needs have created certain distortions in our labour force. As a result, we need to redirect our vocational and technical training programmes and education to create a new labour force with the capacity to meet emerging challenges in the labour market. In this respect, we shall call on developed and friendly countries to support our efforts to make appropriate technology facilities available to our people.

In his Report, the Director-General rightly raised the issue of the marginalization of countries in our region and the apparent lack of adequately attractive investment policies. However, some countries, including Ghana, have implemented policies aimed at promoting investment in our countries. It is anticipated that our partners in progress will realize the tremendous potential that exists in our country and help us to develop it. At this point, we would like also to reiterate what has been stated here and in other forums, that a continued reduction in trade opportunities regardless of which guise it presents itself in, will only exacerbate an already grave situation in our region.

The ILO has been a special ally in our fight against unemployment. We are grateful for the ILO's support and believe that we shall continue to enjoy its assistance both technically and financially. Similarly, we wish to acknowledge the support and assistance we have received from our multilateral and bilateral donors as well as our friendly colleagues from developing countries.

To our colleagues in our sub-region of West Africa, with whom we have trade links and labour mobility facilities, we are most grateful. Let us remember that the problem of unemployment is a global phenomenon which should engage our collective attention and efforts.

Mr. ROUYNEKOV (*Employers' delegate, Bulgaria*) – On behalf of Bulgarian employers' organizations, I would like to congratulate the President and Vice-Presidents for being elected to their high positions, and wish them success in their work.

In Bulgaria, the transition to a market economy and the development of private enterprise have gradually enhanced the significance and the prestige of the employers' organizations and have increased the opportunity they have to influence national economic policy.

The employers gained the opportunity of acting as a counterweight to the trade unions which had risen to an extremely powerful position over the past years due to the populist governmental and syndical platforms that existed at the beginning of the transition period.

Attempts to restructure the economy through slogans, promises and short-term manipulations were brought to an end. They produced nothing for us, chances were wasted, and the economy collapsed. Turnover went through a difficult period. Enterprises were indebted primarily to the state banks that saved them without instituting refinance programmes. The lack of fresh money and new ideas at that time pulled financial and credit relations into a vicious circle. Prices shot up abruptly. Serious investors waited for the situation to calm down and demanded guarantees and preferences.

Changes took place throughout the system. The administration realized the role of enterprises as the only guarantors and implementers of this transition. Consultations were needed. The struggle for leadership slipped into the background.

Bulgarian employers link employment with political will and social dialogue.

The executive powers took into account our position and moved towards progress and understanding, and resumed social partnership despite the trade union position. We stated clearly that we were against any interruption in the social dialogue.

We insisted on the launch of special incentives aimed at employment promotion, tax incentives and practical help in the development of the small and medium-sized enterprises. A general outline has been given in this respect, but we have insisted that these incentives be clearly defined and that their mode of implementation be specified.

The Bulgarian employers draw up their positions in accord with each other. This has brought progress, but no miracles can be expected since all the employers' organizations have their own ambitions.

Employers' organizations need to be more widely involved on all issues.

In our opinion, the main reasons for unemployment are as follows: first, a disastrous loss of markets – both domestic and foreign markets have been squeezed. Second, investment promotion has been reduced practically to zero as a result of restrictive macroeconomic policies. The very tough situation led to a decrease in the number of jobs created.

Strict maintenance of trade embargoes imposed have had severe consequences for the Bulgarian economy. No one has compromised himself in easing the situation and compensating for damage. We are keen to see these restrictions ended, and working conditions return to normal. We would like to see an agreement with the international organizations on some relief for Bulgarian exporters and on the quotas to be set.

The lack of investment is clear for all to see; it has had a negative impact on the economy, and international projects are needed.

The Bulgarian economy shows signs of a revival. The inflation rate for 1994 was 120 per cent; lower, for the first four months of this year, it was down to 12 per cent and, for April 1995, it was only one per cent. This is a good indication that inflation is calming down.

Mr. Getchev, Bulgarian Deputy Prime Minister and Minister of Economy Development, stated, in his presentation before the 1995 World Summit for Social Development in Copenhagen, that he gave his support to full employment.

However, this is something that is difficult to achieve. Official statistics are scarce. The Government has had to use old data drawn from 1993, which indicate an unemployment rate of 16.4 per cent. The National Institute of Statistics, however, gives a figure of 20.5 per cent. According to our assessment, the real situation is even worse and the employment rate is even higher – with all the complications this entails.

We agree with the analysis made that the rapid rise of mass unemployment, inequality and poverty during the transition period was brought about by the fall in production, and that the prospects for the future continue to be bleak. There is no denying that the transition to a market economy has proved to be a difficult one.

Restructuring of existing institutions and establishing new market institutions has had a very high social cost, and will prove a time-consuming task.

The transition economies' share of world trade has fallen sharply and the inflow of direct foreign investment is underestimated. New economic institutions are being developed very slowly. Consequently, further trade liberalization and enterprise restructuring and privatization are an essential prior condition to achieving an optimal balance between adequate efficiency and bearable damage. Every mechanism that might assist this gradual transition therefore needs to be actuated, protection of non-collateralized credits should be dropped, export and import quotas should be increased and promotion given to the most important national companies. We link job creation with increased production and "relative progress" until the potential for competitive production for both domestic and foreign markets can be more clearly defined.

The basic criterion for new capacity potential is level of investment and infrastructure improvement. If reforms are to be boosted, we need a reliable property and funding market.

An important factor for investment in employment is training and retraining. Part of the funds put aside for training and retraining should go to the enterprises where they will be managed by employers who know best how to adapt to new production requirements.

Businesses in Bulgaria insist that integration into the European Union is the right approach for economic improvement.

The Bulgarian economy is an open one, and about 75 per cent of the gross domestic product is now accounted for by foreign trade.

Bulgaria is open to GATT and the WTO, and we highly appreciate PHARE programmes to support tripartite cooperation in Bulgaria.

Tripartite consultation and negotiation mechanisms should be improved through maintaining strong, representative and effective social partner-

ship. This is where efforts should be focused and where discussions should be instituted for establishing reasonable solutions and for introducing more efficient measures for employment promotion.

There is a need for technical assistance, and dialogue should be maintained with the politicians at national and international levels. Unemployment has been correctly diagnosed as being a global problem, and there should be initiatives at international level to look for new solutions. Dealing with social problems will accelerate liberalization of trade and investment. Our objective is that measures be implemented to achieve an open and effective global economic system.

We welcome the studies on economic efficiency and unemployment reduction in which the ILO is playing a prominent role.

We will be happy to collaborate in attaining the above-mentioned goal, and we give our full support to the initiatives the ILO has launched.

It is not just those who aim for increased turnover and profits who deserve respect but also those who are searching for solutions to society's crucial problems.

Original Arabic: Mr. DAHLAN (*Employers' delegate, Saudi Arabia*) – I am pleased to congratulate the President on his election to preside over this session of the International Labour Conference and on the excellent way in which he has led our deliberations during the past two weeks. I also thank the Director-General for his Report to this session which is focused mainly on the very important theme of employment promotion.

This subject well illustrates the ILO's tireless quest to come to the assistance of workers and to guarantee their rights the world over. Employment is a matter of relevance to people of all countries. It is the development of mankind that is at stake, and the achievement of this objective justifies all possible efforts being made. The objectives of the constituents have changed somewhat with the passage of time. Now economic prosperity is the main priority of workers, and it is their qualifications that constitute one of the main factors of production, and thus of development, in all societies.

If the economic expansion of the developing countries is hindered by innumerable problems, this is not only due to a lack of natural resources, but also to imbalances inherent in the labour force, either of a quantitative or qualitative nature. It is therefore important to establish development objectives for Third World countries and to carry out in-depth studies of the situation of the labour force, so as to define the major problems affecting the labour market and thereby promote employment and employ human resources to the best possible advantage.

A balance should be established that takes account of all the new factors in the international economic arena, and integrated policies should be applied that put the emphasis on the best possible employment of human resources, so as to place society in a better position to increase production and to achieve a level of development that will guarantee the well-being of all. This is all the more important in that these economies need to become independent and autonomous and to become part of the world economy, the specialized activities of which require an increasingly qualified labour force, facts which ec-

onomic restructuring programmes should take into account. These programmes can only be effective if they are based on energetic employment promotion policies and if they are supported by programmes to absorb unemployed persons and to encourage enterprise creation. It is therefore necessary to have specialized, well-trained workers who, through their dynamism, will contribute to development. This policy should have the support of governments and employers' organizations.

In this connection, I would like to inform you of the experience of the Government of Saudi Arabia in the field of employment promotion in our private and public enterprises. There have been considerable achievements made in this area, thanks to government and private sector initiatives and to measures taken within the framework of the Saudi Arabia development plan. The King himself has been particularly insistent that the national economy should serve to raise the standard of living of Saudi Arabian citizens in order to ensure the social stability of the labour force and to increase its productivity.

The Kingdom of Saudi Arabia has adopted an economic approach which is based, most particularly, on recruitment. The Government has developed specific programmes to evaluate requirements for blue-collar and white-collar workers in the various economic sectors. These workers are often brought in from abroad, and investments must be approved to increase the number of jobs and give the necessary boost to the continued economic development of Saudi Arabia.

With regard to working conditions in public and private sectors, Saudi Arabia is particularly keen to guarantee decent working conditions in the various occupations. Furthermore, the Government's wage policy aims to ensure just and equitable remuneration. With regard to training, responsibility lies not only with the State but also with the private sector and chambers of commerce and industry. These chambers of commerce, in cooperation with vocational training centres, play an important role in terms of improving skills in several sectors of the economy.

In conclusion, I would like to express my hope that our efforts will not only bear fruit, but also build upon the efforts made by the International Labour Organization to respond more effectively to the aspirations of the workers.

Original Arabic: Mr. AL-EISSAI (Minister of Social Affairs and Labour, Oman) – In the Name of God, the Merciful, the Compassionate. Allow me first of all to say how pleased I am to be able to participate in the work of this 82nd Session of the International Labour Conference. I am honoured to convey to you the best wishes of His Excellency Sultan Qaboos bin Said, who wishes you every success in your work. I should also like to congratulate the President and Vice-Presidents on being elected to chair the deliberations of this Conference – and I am sure that, with God's help, their work will be crowned with success.

It augurs well for the future that the 82nd Session of the International Labour Conference is being held at the same time as preparations are being made by the Sultanate of Oman to celebrate the 25th anniversary of the rebirth of the nation – led by His Majesty the Sultan on 23 July 1970. This movement,

which is based on the belief that human beings are the means and ultimate goal of development, has set out to ensure a safe and stable life for all citizens, to achieve global development in all sectors of society and promote scientific and technological progress in all areas.

I should like to take this opportunity to express our appreciation for the fruitful cooperation between the ILO and the Sultanate. Indeed, the Organization sent a multidisciplinary mission under Mr. Shukri Dajani, Assistant Director-General of the ILO, to study the Sultanate's needs in the area of technical assistance. This mission carried out its work with success and, at the moment, we are examining the report it submitted with a view to implementing its recommendations in the light of the economic conditions prevailing in my country. We hope to strengthen our links of cooperation with the ILO and to open up areas of common interest between the Organization and the Sultanate of Oman. I would like to thank the members of the mission, as well as the Director-General of the ILO, Mr. Michel Hansenne, who recently visited the Sultanate – thus demonstrating the Organization's interest in the membership of the Sultanate.

Furthermore, we should particularly like to benefit from the achievements of the ILO and apply the regulations laid down in its international labour standards. We agree with the contents of the Director-General's Report, *Promoting employment*, and firmly state that the Sultanate of Oman is determined to implement development strategies to eliminate all forms of unemployment, partial unemployment, low wages and low living standards. In so doing, the Sultanate is adopting a macroeconomic policy, encouraging savings and investment, supporting the system of free exchange and undertaking all necessary efforts to attract direct foreign investment – while introducing social and economic development projects.

The agenda of the Conference contains many interesting items of which the most relevant – in our opinion – is that concerning safety and health in mines.

It goes without saying that the Government of the Sultanate has always devoted considerable attention to occupational safety and health whilst also trying to maintain a healthy working environment. To this end, the Government has promulgated laws, regulations and standards guaranteeing a healthy environment for production and the protection of workers against any possible occupational hazards; it has also concentrated on training of workers in social, health, cultural and occupational areas in order to consolidate links between workers and employers and their cooperation in the area of occupational safety and health.

We hope that the discussions on safety and health in mines will have a positive outcome, likely to fulfil our objectives in the area of the protection of the working environment and safety of workers.

Anxious to update its legislation, especially its labour legislation, so that it is in line with the social and economic developments that have occurred since the rebirth of the nation in July 1970, the Government of the Sultanate recently adopted a decree to amend certain provisions of the Labour Code, especially those concerning disputes procedures in which an independent judicial body has the

last word when the various parties fail to reach an amicable agreement.

We are awaiting the results of this Conference with optimism and hope because we believe that work has always been – and will continue to be – a prerequisite for human civilization – with all that this implies for spiritual, social and economic values.

God is the guarantor of success.

Original Spanish: Mr. GARCÍA SEGOVIA (Workers' delegate, Uruguay) – Mr. President, we represent the International Workers' Assembly – National Convention of Workers (PIT-CNT), which groups together all workers of Uruguay.

We would like to congratulate the President and the other officers on their election and for the efficient way in which they are conducting this Conference. We would like to particularly express our agreement with the central theme of the President's address. With respect to the theme presented by the Director-General, we think that it is extremely appropriate and well chosen. The promotion of employment has a priority interest for all workers.

The globalization of the economy with the opening of borders, State reforms, structural adjustment and the promotion of foreign investments, all of these have been carried out in harsh ways and without any transitional phase, have unleashed uncontrolled market forces, the most adverse effects being felt by the LDCs, condemning the majority of their working population to poverty. We do not deny the need to adapt to scientific development or new technologies or even to State reforms. But what we do reject is the new individualistic conception of society and humanity where competitiveness is worshipped like a God. According to this creed, the world is best off manufacturing any products, no matter what they are, as long as they are consumed. The ethical and solidaristic values of humanistic culture are left by the wayside, while leaders speak emptily about human rights. Those who indiscriminately propound these policies without adapting or adopting measures to defend the most vulnerable sections of society are principally responsible for this situation, and here we are referring to the great powers, to international financial organizations and to transnational companies which are more powerful even than many countries.

The Director-General says that world production in 1990 was almost double that of 1970 and that production per capita was 26 per cent more and if we forget the problems of distribution between countries, there has been considerable economic progress in each country.

So we have to ask how we can accept in silence the overwhelming rise of unemployment and poverty, the breakdown of families with its attendant ills of increase in child labour, crime, drug addiction, when there has been such an increase in wealth?

We do not accept the position of our governments and employers in their attacks on the labour legislation and regulation. For them the solution of problems arising from competition lies in the destruction of labour legislation and regulation. The Director-General gives us very important elements to go against this thesis and to destroy some myths. In a reference to the industrialized countries, which is also valid in its consequences for the entire working world, we are told that in Europe since the mid-1980s, when States have renounced the system

of automatic indexation of salaries, wage increases have lagged behind increases in productivity. Therefore the increase in unemployment cannot be attributed to "excessive wages". With respect to the consequences of "inappropriate industrial relations", which are said to contribute to European unemployment, the thesis of the superiority of decentralized bargaining structures has been invalidated.

The Report also examines the view that safety rules have been a brake on the creation of new jobs, and that the cost of compensation for dismissal has discouraged hiring, concluding that in most countries which acted to reduce such payments in Europe, the main affect was to shift employment from full-time to temporary employment, confirming that the security regulations do not decrease employment.

Turning now to the ILO: for many years employers have been saying that the labour-setting activity of the ILO has now achieved its objective. At the beginning of every session, the Employers refuse to vote in favour of the adoption of new Conventions, arguing that those in existence should first be revised to make them more flexible. Governments then manage, by a small majority, to agree to the study of new Conventions as long as they are sufficiently flexible. The consequence is generally that the new Conventions adopted in recent years have been surprisingly and discouragingly innocuous. They cannot be implemented, and they do not really impose obligations, limiting themselves merely to recommendations. The ILO's work in setting labour standards was initially the *raison d'être* of its existence. It was incorporated into the Treaty of Versailles to prevent unfair competition between States and to make working conditions more humane. If we eliminate these bases we will be undermining the very essence of the Organization, and naturally, if that were to happen, the workers would lose interest in participating actively with all the foreseeable consequences such action would bring.

The solutions suggested by the Director-General seem to be very difficult to achieve. Starting from the premise that the present situation is morally unacceptable and economically irrational, the Report concludes by proposing the creation of mechanisms for coordinating action on the domestic and external front. In relation to the former, it believes in the possibility of growth without inflation, with cooperation agreements between workers and employers. On the external front it advocates equilibrium of the balance of payments to favour more rapid economic growth through action at the international level, due to the reduction of national policy autonomy. It also mentions the debasement of labour standards as a problem to be corrected as a palliative "debt-relief measures for severely indebted countries as well as enhanced trade preferences for the least-developed countries", all of which require greater international macroeconomic harmonization. These are all difficult paths to follow.

In our country, as far as unemployment is concerned, the Government has not exhibited the expected receptivity. True, Law No. 16.320 has created a specialized body for labour retraining, with tripartite participation in its management. Nevertheless, there will be some surprise that this Labour Reconversion Fund is exclusively financed by the workers. Government participation in the direction of this Organization has been far less than that necessary if it is

to achieve its objectives, and the evident indifference of the Employers' representatives has hampered its operation, while the Ministry of Labour has not given it the necessary infrastructure. Other organizations in this same field, on account either of their limited scope or of a lack of infrastructure, have had little impact on the level of unemployment.

We hope that the new Minister of Labour of our country, having spoken so enthusiastically on this subject before this Conference, will carry out the measures she announced.

We would like to say that in Uruguay we have recently approved a fiscal adjustment whose costs also fall on wage-earners, retired persons and pensioners, causing considerable reductions in their income. The objective of this was to achieve fiscal balance and promote exports, but the contribution of capital in this sacrifice was absent.

A draft Social Security reform is now under consideration in the Legislature, and has specific reference to the system of retirement and pensions. Under this reform benefits are decreased, the number of years of work required to qualify are increased, and private sector management of funds is proposed. It is not advisable that a commercial company, whose objective according to liberal doctrine, is to make a profit, should be in charge of managing the compulsory savings accumulated over the entire active life of all workers, especially in view of the constant news of bankruptcies, even in banks with the most solid reputation.

In conclusion, we would like to express our wish for the further strengthening of ILO, we would like to extend our greetings to all participants in this Conference and through them to all the workers in the world.

Original Spanish: Mr. BERNAL CAMERO (*Workers' delegate, Cuba*) – I would like to congratulate Mr. Rosales Argüello for the admirable way in which he is presiding over this session of the Conference. We as Latin Americans are especially proud of his work.

The Report of the Director-General of the ILO, Mr. Hansenne, is very interesting. It is well written and thought-provoking, and presents the most important problems to be resolved by governments and employers of all countries.

Without full employment, the most cherished aspirations of human beings, such as freedom and other aspirations, cannot really be realized anywhere.

For many centuries, humanity has been subjected to chronic and apparently permanent inequality, and in the last few years this inequality has been strengthened still more by the fact that the rich are trying to determine the fate of the whole world.

The hope of finding a solution to the problem of unemployment is faint if not non-existent. Everything seems to indicate that at the end of this session, if we continue on the same path, no matter how many new jobs are created the number of unemployed persons will actually rise.

To put an end to such despair, we would have to mobilize all the capitals of the world to work towards this objective. So far there has been no sign of such a mobilization.

The structural adjustment policies that are being applied are brutal and inhuman. Many trade union

leaders and other persons have expressed and described this in their own terms.

The brilliant statements made at this session of the Conference are no doubt extremely valuable contributions to assessing the present and future situation. They should lead the ILO and its Governing Body to consider the solutions suggested very clearly and calmly, so that more appropriate measures can be taken to solve the very serious problems that hamper the full realization of social justice.

I consider this a very timely opportunity to address questions of interest to the ILO and to my trade unionist colleagues.

During all of the festivities held in Cuba for International Workers' Day, we read a message convening the 17th Congress of the National Committee of our workers' union, the CTC.

This Congress will be held at the end of April 1996. As on other occasions, the agenda will be discussed by trade union leaders and workers from the grass-roots level. This process will be a genuine expression of trade union democracy.

Taking into consideration the general interests of the workers, the CTC and its unions will give due attention to the justified claims of labour collectives and to the individual rights of each worker. All of this requires new approaches, a new style of work and a new mentality. It also requires employers to play fully their role so that we can be able fully to play our own with creativity and responsibility.

We are discussing these and many other questions. But our discussions should really focus on how we will adapt now and later as the country's development prospects change. How can we maintain the unity which has been, and remains, the indispensable precondition for our strength? What can we do to maintain a revolution of the workers, by the workers and for the workers?

We are aware of the very complex situation facing the Cuban nation. It is the most difficult problem in its brief and heroic history.

The economic strategy which has been set out by the Government under the leadership of Fidel Castro Ruz, which rejects neo-liberal solutions and so-called shock therapies which are opposed to our ideas and interests, is the only possible reply to the situation prevailing in the world today. It is the only possible answer to the anachronistic blockade which is attempting to make us surrender by inflicting upon us hunger and disease.

The blockade *inter alia* has the effect of increasing unemployment and reducing the standard of living of all Cubans.

Cuban workers would greatly appreciate any steps taken by the Director-General in his high post and with his well-recognized skill to insist on the need to put an end to the blockade. This is the position which has been expressed by the General Assembly of the United Nations for three straight years.

According to the Government's strategy which I referred to above, state enterprises will continue to play an important role in the economy, and cooperatives will play a decisive role in the production of sugar cane and other agricultural products and in the livestock sector.

These socialist forms of property ownership and production will co-exist with the presence of foreign capital and other elements of the capitalist economic system.

We know that we have to find ways to create a more efficient and competitive economy, with reduced costs and high quality of production.

This strategy demands, together with the measures we adopt to improve the national financial situation and to bring about economic recovery, other measures, such as the rationalization of the workforce, aimed at applying the revolution's principle that no worker should be unprotected.

The policy is aimed at ensuring a voluntary transfer of available workers to enterprises and cooperatives which require manpower and to new jobs, which will have to be created. This includes the retraining of workers and the extension of different forms of self-employment, in addition to making available unused lands to families who would like to settle on them.

We think that the transformations under way in Cuba are a real basis on which the International Labour Organization can work to meet our aspirations for technical cooperation with our country, and especially with the workers.

Our congress will examine many important subjects. For instance, we will discuss how to defend our historic values and moral customs in the face of those who are trying to weaken these principles and who work in favour of intolerable privileges and the encouragement of corruption in our society.

We will consider, in particular, the presence of trade unions in new economic entities such as joint ventures, basic production cooperatives and others, whose workers must be represented and assisted in defending their legitimate rights by freely elected leaders, chosen as always in Cuba by direct and secret ballot, without interference from employers, management or state or party bodies.

Mr. WIN (*Workers' delegate, Myanmar*) – I feel very much honoured and delighted to have this opportunity to deliver an address at this tripartite assembly as a Workers' delegate from Myanmar. First of all, may I congratulate the President on his unanimous election to this high office. I have full confidence in his ability to conduct this session of the Conference. His vast and rich experience and wisdom will ensure that this session will bear fruitful results which will be beneficial to all the working masses of the world.

May I also take this opportunity to congratulate and commend the Director-General for his superb Report entitled *World Employment 1995*. I am indeed very much encouraged and would like to express my sincere appreciation for his promptness in responding to the accords concluded at the World Summit for Social Development held in Copenhagen early this year. There is no doubt that employment matters are the concerns of us all. Indeed, employment is the prime source of income for the livelihood of workers and their dependents. Needless to say, it is an important factor of human dignity.

This being so, our Government has adopted employment-oriented plans and programmes with a view to promoting employment opportunities. Presently, there seems to be no serious unemployment problem prevailing in our country. And yet, we are constantly on guard in monitoring any indication or sign of a serious unemployment problem which, to say the least, can become a threat to society.

Thanks to the adoption and implementation of the policy of all-round development by my Government, along with the policy of transformation and trade liberalization, employment opportunities are rising in various sectors of the economy. Likewise, the services sector and informal sector are also expanding at a rapid rate which makes possible the formation of substantial income-generating employment for a large number of workers. I am fully confident that the market forces will have their tremendous impact on the creation of large employment opportunities.

As a Workers' delegate from the Union of Myanmar, allow me to support and hail the message made by the Chairman of the State Law and Order Restoration Council in honour of both white- and blue-collar workers throughout the Union on the auspicious occasion of 1995 Workers' Day, which falls on 1 May. The message mentioned the crucial role of workers in national development endeavours. It also reiterated that the present encouraging performance of the national development plans is attributable to the concerted efforts of workers and peasants. It further exhorted all workers to continue striving to fulfil or even surpass the targets set for the 1995-96 yearly economic plan, to boost the production of goods and services, and also to improve the quality of products. It urged workers actively to participate in working towards the emergence of a new state Constitution which will bring about a peaceful, prosperous and modern nation.

Allow me to emphasize that the working people in Myanmar are being given their proper place in every national political, economic and social affair. To give you a concrete example, let me inform you that a workers' delegate group has been participating actively in the National Convention, along with other delegate groups, for framing the new Constitution on a firm and enduring basis. Let there be no doubt that Myanmar's workers will have their legitimate rights and proper protection enshrined in the new Constitution.

As a gesture of our acknowledgement of the genuine goodwill of the Government towards the workers and its resolute concern for the welfare and general well-being of workers, we pledged to strive harder for increased productivity. We resolved to give further impetus to the improvement of the national economy and the successful implementation of the development plans. Furthermore, we are determined to follow the guidelines as outlined in the above Workers' Day message, that workers need to be diligent and well-disciplined to possess the essential qualification of an efficient worker.

Our country is rich in both natural and human resources. There is no doubt that human resources need to be tapped and developed properly so as to meet the growing demand of economic and industrial undertakings. In this regard, may I conclude by saying that demand-oriented strategies should be emphasized in the planning and administration of human resources, with a view to giving a helping hand to the newly adopted market economic system of our country.

Original Bulgarian: Mr. DIMOV (*Workers' delegate, Bulgaria*) – On behalf of the Community of the Free Syndicate Organizations in Bulgaria, allow me first of all to congratulate Mr. Rosales Argüello on his election to the office of President of the 82nd

Session of the International Labour Conference. I would also like to congratulate the Vice-Presidents who together with the President have the difficult and responsible task of guiding the discussions, the report of the Governing Body and that of the Director-General, Mr. Hansenne, entitled *Promoting employment*. The excellent explanation of the problems and of the ways to promote employment provide an overview of the situation in the world. We must all contribute to the implementation of the main points and recommendations in the Report, taking into account the views of all the social partners and endeavouring to find common ground, even if we have to reach a compromise, in accordance with the values of the International Labour Organization, namely the progress and welfare of all people around the world without distinction on the grounds of sex, race, faith or political affiliation.

All countries in transition have faced similar processes over the past five years of democratic change.

These problems have been particularly serious in Bulgaria as a result of misguided reform models implemented under the pressure of international financial organizations. Unfortunately, this pressure has not diminished nor has the approach been changed. The problems can be seen through: a 30 per cent fall in gross domestic product as compared to 1989, due to rapid liberalization, the loss of traditional markets, and the direct and indirect adverse effects of observance of United Nations embargoes; a sharp increase in the number of people unemployed, reaching 18 per cent of the active population; a more than twofold decrease in the real income of the population, which for over 85 per cent of the people means that they are living on income which is below the social minimum. This was caused by the transformation of state property which has led to hidden privatization which lays the main burden of the reforms on the workers; the failure of the legal framework to provide guarantees for the transitional process, which has led to chaos and a lack of confidence among the population in democratic changes; the fact that social dialogue has been hampered by political bias and confrontations among trade unions, which reduces confidence in trade unions; an increase in corruption and an unprecedented crime rate; the reappearance, after 25 years, of diseases which we believed we had eliminated; moral and spiritual degradation.

All of these problems must be overcome by various means, the most important of which are the following: development of legal instruments to stabilize the financial system. (It should be pointed out that over the past few years, 25 per cent of GDP was represented by credit without collateral. This has been a barrier to the implementation of mass privatization programmes); the implementation of mass and socially-oriented privatization which would allow workers and pensioners to be at least partially compensated for the national wealth created by them and which was taken from them during the last years of the totalitarian regime; the step-by-step restructuring of the economy which would diminish the risk of unemployment and create jobs; a reduction in the inflation and basic interest rate which would stimulate domestic and foreign investment, and which would, as a result,

increase potential for promoting employment; the establishment of stable quotas as a percentage of GDP for the cultural sphere, which would prevent the degradation of society and create a new set of values for the people; separation of social insurance funds from the state budget and the placing of these funds under tripartite management; a new form of social dialogue which is politically independent and aims to find optimal solutions to the main difficulties facing workers.

The initial negotiations between the Government and social partners within the National Council for Tripartite Cooperation were carried out under favourable economic conditions. The inflation rate has fallen threefold over the first five months of the year as compared to the same period the previous year and industrial production has increased. This has led to the adoption of a package of social agreements regulating the income of the main social groups.

Measures have been taken to ensure the full payment of income and social benefits to pensioners this year. This will lead to a gradual increase in incomes which would bring them closer to the social minimum by the end of the year. The wage mechanism has been liberalized in industrial enterprises and a new mechanism has been adopted for people working in the public sector.

Within the framework of tripartite cooperation, a new mechanism for social contact was introduced. Hence, an information database must be set up, organizational and material conditions must be improved so that efficient activities may be pursued and draft legislation must be brought into line with trade union demands. The proposals of our colleagues from other trade unions are of great importance and we hope that they will contribute to the improvement of these new mechanisms.

Due to the extreme importance of the laws being adopted now, which should be designed to offset the adverse effects of the crisis on income and employment levels, we are concerned that the Government is drafting legislation without consulting us. Unlike our Polish colleagues, we have no opportunity directly to participate in drafting legislation at the national level. However, our relations with all parliamentary factions allow us to submit our proposals to the National Assembly.

Our attention is mainly focused on active tripartite dialogue aimed at concluding collective agreements in all branches and enterprises. If this is not possible, we will organize protest activities within the framework of the law. The Community of the Free Syndical Organizations in Bulgaria is also trying to work out proposals to find solutions to problems so far ignored by Parliament and the Government.

We share the concerns expressed by the ILO with regard to education and have accepted UNESCO and ILO proposals in this sphere and submitted our requests to all state institutions. These requests are accompanied by arguments put forward by our experts and aimed at the priority development of this area. For us, this would mean minimal obligatory amounts from the state budget and would be earmarked as follows: secondary education – 5.5 per cent; higher and college education – 1.5 per cent; scientific research – 0.6 per cent; culture – 0.6 per cent.

The adoption of such laws will slow down the emigration of highly qualified specialists and, conse-

quently, the outflow of our national potential. It will promote employment and our economy will be able to take advantage of the high educational level of the workers. It will also provide an opportunity for the training and retraining of the unemployed. New technologies and scientific advances will be intro-

duced and developed with the help of qualified staff. Each individual will have the possibility for self-fulfilment which indeed is the ultimate objective of every democratic State.

(The Conference adjourned at 1 p.m.)

Twenty-first sitting

Monday, 19 June 1995, 3 p.m.

President: Mr. Popescu

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (cont.)

Original French: The PRESIDENT (Mr. POPESCU) – Let us once again resume the discussion of the reports of the Governing Body and of the Director-General.

Mr. JENNINGS (*representative of the International Federation of Commercial, Clerical, Professional and Technical Employees*) – I am speaking on behalf of FIET, the 11-million strong International Federation of Commercial, Clerical, Professional and Technical Employees. We are the global union federation for private services, professionals and employees in industry and high technology. Our members are on the cutting edge of corporate, technological and structural change where the information society is not a dream but a daily reality. In services employment has expanded but the upheaval in business strategies has cut jobs and changed jobs.

Today we see growing disparities in wealth. The gap is growing between nations and within nations. In 1994, the 48 poorest nations became poorer.

There is a greater distance between the “haves” and the “have-nots”. In the information society, there will be new distinctions between the “knows” and the “know-nots”. The “knows” will be the new conductors on the information superhighway; the “know-nots” will be on a different road named exclusion.

We welcome the Director-General’s Report on employment. The Report emphasizes once again that fighting unemployment and poverty is the priority. The ILO should be looking more into what this new information society means to wealth creation, jobs, working conditions and opportunity. If you are a “know-not” you are bypassed by technological change. What does this mean to civilization, to democracy, to the economy?

In an atomized society, where is the place for solidarity, for community, for welfare? Because of this we support and look forward to the conclusions of the Committee on Home Work.

We are told that security of employment has gone forever – but what new and socially responsible thinking are we seeing from governments and businesses to retrain and re-employ the innocent victims of change? Unfortunately, many governments and business leaders fail to recognize that there are limits to competition.

We need a new sense of global purpose based on partnership, dialogue, respect for basic human dignities and on sustainable development. Why not give

the dialogue and partnership economy an opportunity? A dialogue based on free trade unions and responsible employers; partnership because everyone should have a stake in the creation of wealth. A business is be more likely to meet market challenges if it adopts an approach based on dialogue and a commitment to high ethical standards. Those that accept dialogue, transparency and involvement will be the winners in the global economy.

Today we see businesses publishing so-called vision statements – but with precious little few of a social or human vision. There is a growing demand by workers and their unions, shareholders and consumers for higher ethical standards and that includes human rights and employment conditions.

Unfortunately, old-time reactionary thinking has been directed against the social clause. Perhaps if it had been termed “competitiveness through dialogue clause” or “cooperation and competitiveness clause”, then the opportunities for consensus would have been better. Because that is what the clause is all about.

Neither the ILO nor the World Trade Organization (WTO) can turn away from the challenge to build a social dimension to change. Ways always have to be found for the ILO and WTO to look at the social consequences of a global market place on people. What will the people say when they discover that the WTO can discuss the shelf-life of hot dogs, the storage of oranges and grapefruits and the fungicide used in red wine and yet fail to discuss the conditions of production and people’s basic rights.

The World Summit for Social Development made steps in the right direction and we applaud the initiatives taken by the Director-General to follow up the Summit’s recommendations. His campaign to promote fundamental standards shows the oppressed that we have a champion for basic human rights.

The FIET World Congress takes place in July in Vienna under the theme “One world, one voice, solidarity”. It will be our largest congress with over 1,000 participants. We will be developing FIET’s strategy into the twenty-first century on the information society, the social dimension to globalization, child labour, trade union organization and the working environment.

Our affiliates are taking the message to new generations of workers in new century jobs, to young workers, women and professional and managerial staff, that they need to be union members. They are responding and our unions are growing. We also have a global campaign to recruit professional and managerial staff. We welcome the new recognition that the ILO has given to them. And we

look forward to working together with the ILO to ensure that they all have the right to join trade unions.

In FIET we are prepared for the twenty-first century. We have a global and regional structure that is campaigning for social justice, globally and regionally.

In Europe we have developed a social dialogue with employers in the services sectors which encompasses millions of our members covering such topics as trading, security and working time. We are building union-management company councils and we in negotiation today with over 50 companies to introduce such councils. Unions and management, through dialogue, are thus trying to build a new era in labour relations. Whether it is in ASEAN, APEC, NAFTA or MERCOSUR, ways have to be found of developing a dialogue with trade unions. It may take different shapes and forms. If business and government cooperate in these initiatives then a way must be found to include the unions in this dialogue on the tripartite principles of the ILO.

A global economy is taking shape but of course the nation State is not dead – although their options are more limited. Last year I spoke here in this hall of the power of financial markets: “FIET warns you today of the changes of a collapse of the uncontrolled financial derivative market which will have repercussions on markets everywhere.” Since then we have seen the collapse of Barings Bank, a collapse brought about by old-fashioned greed and an absence of management discipline. We have seen the peso crisis in Mexico which sent shockwaves throughout all emerging markets.

We should be finding ways of giving the cold shoulder to hot money – to ensure that these investments are linked to portfolios and not purely financial instruments. What chances do the newly democratic nations of Central and Eastern Europe, the emerging markets in Asia and Africa, have when in the pursuit of speculative profit, entire financial plans are wrecked by financial markets? For economic progress we require some sense of certainty, of stability and of continuity in financial markets. We do not have it today and it is costing us jobs. In Mexico, in February alone, 350,000 jobs were lost. We need new standards of corporate financial governance. In our campaign to improve ethics to develop a social vision in business, we are confronted with those that simply refuse to be good world citizens.

Let us take “Toys R Us” as an example; they have declared war on any union that seeks normal collective bargaining arrangements with them. We are supporting a strike in “Toys R Us” in Sweden. We have in “Toys R Us” a very serious collapse in corporate ethics; and we warn them that we are in this struggle for the long-term.

The same lack of ethics is rife amongst those businesses that exploit child labour. In FIET we have millions of members in retailing and they want to know more about where and how products are made. We want to reach agreement with employers to eliminate child labour and to help those nations ensure that it is the adults and not the children that go out to work. The ILO’s work on child labour is to be applauded and further developed.

In closing, in my references to a social dimension, to achieving competitiveness through dialogue and to the need for solidarity, it is clear that the ILO has an

important and critical role to play. We condemn those that now play with the destiny of this Organization and all this it has achieved for the sake of domestic politics.

The global economy requires an ILO; workers require the ILO to provide social justice; employers require the ILO because it establishes core standards to help them determine corporate policy and practice.

We need a stronger, not a weaker, ILO. We believe that there will be a voter backlash against globalization when they discover that the ILO, one of the pillars of fairness in today’s harsh global economy, is under threat. We need a new approach to resolve today’s inequalities. Pure capitalism will not work, the planned economy did not work. Through the ILO we should give the dialogue and partnership economy a chance.

Mr. GRAY (*Workers’ delegate, United States*) – I have decided to restrict my remarks today to the question of a social clause, firstly because I strongly believe the inclusion of such a clause in trade agreements is vital to the continued well-being and development of workers of both the third world and the industrial countries. I have said it before and I will continue to say it again, and again, and again.

In all my years of trade union experience, I have never heard a concept more maligned, more twisted and more deliberately distorted than that of a social clause. What are we talking about? I could better understand a discussion or even a dispute if we have a language of a social clause to debate but no one has crafted the language of a social clause, no one has crafted the language of “linkage”, no one has crafted any language on “sanctions”.

All this may eventually come from the WTO, if it decides to set up a working party and if the working party ever manages to come up with a draft.

What are we really talking about? In plain and simple language, we are talking about the enforcement of existing ILO standards: the ILO Forced Labour Convention, 1930 (No. 29); the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98); the Equal Remuneration Convention, 1951 (No. 100); the Abolition of Forced Labour Convention, 1957 (No. 105); the Plantations Convention, 1958 (No. 110) [and Protocol, 1982]; and the Minimum Age Convention, 1973 (No. 138). All of these Conventions, with the exception of No. 138 on minimum age have received well over 100 ratifications involving somewhere between 70 per cent and 85 per cent of the ILO’s constituents. Further, many of the Governments which are so stridently vocal in their opposition to any social clause have already ratified several, if not all, the so-called “core conventions”. Why then the hue and cry? The only conclusion one can draw is that there is a large element of hypocrisy involved – that these countries are not applying and not enforcing the provisions of those Conventions which they made such a show of ratifying. They are fearful, one might say almost paranoid, of the possible ramifications that some sort of social clause including these conventions might be incorporated in trade agreements. In the meantime their workers – the backbone of the nation – pay the penalty of deprivation and rampant exploitation.

Workers do not expect nations to live beyond their commitments but we have every right to expect them to live up to those commitments.

The workers' goal is to seek to enhance and enrich trade between nations. After all what purpose of enterprise can there be more worthy of promoting by democratic societies than the improvement of the conditions of those who do the work and create the values to be exchanged.

But if the multilateral system is not grounded in that pursuit and more particularly in the notion that economic and social progress are wholly dependent on one another, then it cannot fulfil its proper role as a catalyst for progress.

We have no quarrel with capital and markets as such. Trade unions emerged from them, learned to live with them and become the instruments by which they are humanized. But as we do not expect Governments to reform themselves, we do not expect the pursuit of profit to embrace a loftier mission. Capital flows freely across borders and enables flagless and stateless corporations to shop the world for the cheapest, most depressed labour. To say that the question of human and trade union rights somehow stands totally apart from all this is to deny reality.

Our experience in the United States, and I am certain it is replicated in other industrialized countries, is that there is no despot on earth that good gentlemen of commerce will shun if there is money to be made. And there is no limit to the depth to which so-called "market pressures" will drive wages and working conditions in the absence of enforceable standards on freedom of association, the right to organize and bargain collectively, the elimination of forced labour, discrimination in employment and child labour.

This is why such standards are needed and why they should be incorporated in some form in both bilateral and multilateral trading agreements. For my organization, the AFL-CIO, the question of whether labour and human rights standards should be part and parcel of such agreements has long been settled.

Look at history if you will. Where such standards have been pressed and tested and pressed again without flinching or retrenchment, they have been instrumental in helping ordinary working people cast off the yoke of totalitarian repression. Look at the former Soviet Union. We see democracies emerging there today because the Western democracies refused to incorporate a repressive system into the channels of world commerce.

Look at South Africa. Does anyone doubt that last year's non-racial elections would have taken place had it not been for the application of international trade sanctions?

And look at Chile. Today it is a democratic country because its working people courageously demanded their freedom and my country sided with them by revoking their oppressors' special trade privileges.

These events have given body to the idea that freedom comes not from on high, not from governments or ministries, but from the ground, from the workplaces and the streets, wherever ordinary people, backed up by enforceable international standards, stand up and declare that they mean to live on their feet and not on their knees.

Putting standards in place in trade agreements is not only a moral and just thing to do but it is also an economic imperative.

Around the globe the labour of millions of men, women and children is still obtained by force, intimidation or sheer desperation. Many live or die solely at their employer's discretion. These workers are neither players nor beneficiaries in the international free market system. They are its pawns.

The economic consequences are a matter of plain common sense. If workers do not earn enough to purchase the goods they make, you will end up with too many workers with too little money chasing too many goods and services.

On the other hand, a democratic experience has shown that workers who are free to pursue their fundamental rights through their own democratic institutions have been remarkably successful in building the strong consumer markets that support industrial growth and development.

In conclusion, what do workers want? Two things. First, recognition by the world trading system that the spectacle of corporations roaming the world in search of the cheapest and most repressed labour is more perversely protectionist than any tariff or quota and that it serves in the last analysis to restrict and undermine markets and lower standards the world over.

Second, we also want, in the interests of basic fairness and the continuing elevation of the human condition, that the denial of basic workers' rights should be clearly defined internationally as the unfair trading practice that it is.

Original Arabic: Mr. ABDOUN (*Workers' delegate, Sudan*) – In the name of God, the Merciful, the Compassionate. On behalf of the General Confederation of Workers of Sudan, I would like to extend my greetings to all the participants in the Conference.

As we are considering the Report of the Director-General on the promotion of employment, we should like to express our gratitude to the International Labour Organization for the efforts it has made in this field. The problem of unemployment is a vital one; it has been given top priority in most of the countries of the world, and especially in the developing countries where workers are deprived of social security and unemployment benefits. These are essential human rights.

At a time when the ILO is considering the topic of the promotion of employment, we regret to note that the Organization is being inconsistent in its own policy. It is supporting structural adjustment policies and market economics on the terms laid down by the World Bank and the International Monetary Fund. The International Labour Organization must not view things from the perspective of the industrialized countries which are intent upon pillaging the resources of developing countries in order to reduce their exports and increase their imports from industrialized countries. We would like the ILO to help the countries of the Third World reduce their debt to the rich countries, which provide them with assistance subject to unfair conditions.

We believe this is a new form of colonialism. This is confirmed by the advent of an unfair new world order whose advocates are attempting to interfere in the internal affairs of other countries, to foment trouble, provoke tribal and regional conflicts and

subject the poor countries to the hegemony of the rich countries. We cannot accept that the ILO should make its technical assistance dependent on political conditions or that it should toe the line of one of the international trade union federations which represent the workers in this new world order.

In spite of all this, we have not lost hope for the ILO, which represents the conscience of the international community because of its tripartite structure.

This is why we would like the ILO to work within each member country, especially as regards employment issues and the situation of workers. Our Organization should not let itself be influenced by the acts of imperialist, colonialist and Zionist countries. These countries are in fact waging war on the peoples of the world; they punish them if they refuse to accept the regimes imposed by them. I would like to offer the example of my own country, Sudan, which has been suffering from a war in the south. This is a war which has been provoked and financed by colonialist forces, who continue to provide weapons for the war. This war has had a serious impact on the Sudanese economy and on employment in the country. When the Sudanese people lose trust in a regime it is capable of overthrowing it. It has, for example, had two people's revolutions, in October 1964, and in April 1985.

We would urge the ILO to strengthen its efforts to help restore peace in southern Sudan. Workers' organizations in both North and South are working for peace. Thanks to the will of the Sudanese people in both the North and the South, there is peace and security in 90 per cent of southern Sudan. I should also mention the rapid development of the trade union movement in the South. The trade unions and confederations of workers which have been set up in most southern states are playing a positive role in favour of peace.

The situation of the Arab workers in Palestine and in the occupied Arab territories, despite the measures taken to advance the cause of peace...

(The President interrupts the speaker.)

Original French: The PRESIDENT (Mr. PO-PESCU) – Please do not digress from the item on the agenda.

Original Arabic: Mr. ABDOUN (*Workers' delegate, Sudan*) – I am speaking of job opportunities for Palestinian workers. This is a topic which was addressed by the Director-General in his Report. To respect the President's request, I will sum up my point briefly.

Israeli stubbornness and arrogance are responsible for the failure of all attempts to provide employment for Palestinian workers. To bring pressure to bear on Israel and to protect Palestinian workers and the Palestinian people, it is necessary to set up a special committee of the International Labour Conference, along the lines of the Committee on Apartheid. Such a committee would consider violations committed by Israel in the occupied Arab territories.

Finally, I would like to transmit to this Conference the protest of the Confederation of Workers of Sudan against the actions of the Italian Government, which through its embassy in Khartoum, refused to grant an entry visa to a Sudanese trade union leader

who wanted to travel to Italy to come to this session. I ask that the International Labour Office take note of this protest and forward it to the Government of Italy ...

(The President interrupts the speaker.)

Original French: The PRESIDENT (Mr. PO-PESCU) – You must heed what I am saying, Sir. We have well-established rules here.

Original Arabic: Mr. ABDOUN – I do not think that I am departing from the Report of the Director-General.

Mr. RAMAGIMAGI (*Government delegate, Fiji*) – It is indeed an honour and a privilege for me to speak on behalf of the Fiji Government concerning the topic of safety and health in mines in Fiji.

First and foremost, I would like to congratulate the members elected to office and I am certain that their contribution to the Conference will be of the highest standard. I would also like to thank and congratulate the members of the Committee on Safety and Health in Mines at the 81st Session of the International Labour Conference in 1994 for completing such an excellent framework in which to set safety and health standards in such a hazardous and risky industry, especially in the critical area of occupational safety and health and in regard to the welfare of the industry's workers.

I would now like to provide a brief overview of the state of safety and health in Fiji's mining industry and then go on to identify some of the possible strategies that will align the ILO's framework as proposed by the ILO Committee on Safety and Health in Mines in both the 81st and the 82nd Sessions of the International Labour Conference to Fiji's mining policy on health and safety in mines.

Mining in Fiji began in the 1930s. Although mining methods and conditions have changed, the appropriate regulatory statutes have not. The reasons for this are many and interwoven with the internal and external economic, social and political environment of the period.

But the primary reason has been of a political and economic nature. During the first 30-40 years of mining in Fiji, mining's contribution to Fiji's economy was significant, reaching 30 per cent in 1945. The mining industry was then able to dictate mining policy in Fiji with the assistance of the colonial governments of the day, right up until political independence was gained in 1970. But the processes on how mining policy is formulated and implemented that were put into place have continued to the present day. The Mineral Resources Department of Fiji has only recently come to terms with the fact that the mining industry requires a minerals policy that ensures not only that the industry contributes to Fiji's well-being but also that policy measures are in place to then regulate the industry more effectively.

The mining industry in Fiji, comprising mining and processing of economic metal ores, quarrying and dredging activities, and the use of industrial explosives and pyrotechnics, is regulated by the Fiji Mines Act and Regulations, and there is only the Emperor Gold Mines in Vatukoula that are operating. Mining ordinances since 1908 were used initially to regulate and control the use of labour and wage rates at the

mines, and were the precursor to the later amendments of the Mining Act and Regulations, which have survived to their current form. It is still by far an incomplete and inappropriate statute for regulating the mining industry in its current state of operation. The Mineral Resources Department has only recently acquired suitably qualified staff to satisfy its mandate to the Government, and has sought assistance from the West Australian Department of Mines on a ministerial level, to amend the Mining Act and Regulations, and to assist in implementing work standards that satisfy the Australian standards of occupational health and safety.

A lot more work needs to be done to further this end, especially in the light of a possible start-up of the world-class mining operation at Namosi and other new mining operations coming on line in the near future, such as the Tuvatu and Mount Kasi mining operations.

As an indication of the state of health and safety in mines in Fiji, in the 20-year period from 1935 to 1955 there were 27 fatalities. From 1956 to 1975 there were 12 fatalities, and from 1976 to the present there have been 23 fatalities in the industry, for an average mining population of 1,500-2,000 per year.

Although the last five to ten years have seen a dramatic decrease in fatalities in the mining industry, on a yearly basis, when the figures are compared to the size of the mining population, these figures are still quite alarming compared to figures in say, the Australian mining industry.

In terms of health and safety standards, the mines section has relied heavily on work standards used by the mine operators and comparable to the standards stipulated in the West Australian Mining Act and Regulations and other work standards required by that State. Besides routine inspections of working areas underground and in surface facilities, the mines section to date relies heavily on the mine operators' health and safety programmes and standards.

Certification is also an area that needs to be addressed and all these issues can only be addressed adequately if the Fiji Mining Act and Regulations are amended, with an agreement on work standards to be used in the mining industry, and that suitable resources, in terms of capital and labour, are made available to do this.

The current strategies for regulating health and safety in mines in Fiji include: assistance from the sister West Australian Department of Mines; amendment of the Fiji Mining Act and Regulations; the requirement that a more specific section of the recently passed Safety and Health at Work Bill 1994, as passed in Fiji's Parliament, deal with mining and mining-related activities; the incorporation of the ILO Safety and Health in Mines standards as presented in the 81st and 82nd International Labour Conferences; and procurement of resources in terms of capital and labour to achieve this end.

In concluding, the Fiji Government recognizes that its most important national asset is its people, involving the development, training and welfare of its citizens, in particular, its workers in this context, given Fiji's limited resources in terms of natural, capital, labour and land resources.

Occupational safety and health is thus a critical aspect of Fiji's development policy, especially in the formulation of a minerals policy.

Fiji Government policies, mine-operator initiatives, and the ILO's framework for addressing safety and health in mines should then recognize this fundamental precept if the mining industry in Fiji is to provide for a harmonious working environment for its workers, and also contribute to Fiji's sustainable development of its natural resources.

Original Spanish: Mr. BROWN YOUNG (Workers' delegate, Costa Rica) – On behalf of the Workers of Costa Rica I would like to congratulate the President and Officers of the Conference for their election to their high office.

At the last Conference the Workers strongly defended the role of the ILO in the setting of international standards, its tripartite nature, its constant concern for the scourge of unemployment and the growing global problems characterized by the deterioration of the environment, social disintegration and poverty.

Many governments have introduced labour reforms that lead to poverty and deprivation. Injustice is encouraging the return of dictatorships and threatening harmony and coexistence. This prompts us to recall the extreme importance of the standard-setting function of the ILO and that new forms of employment require new standards, as a result of increased flexibility, technological development and modern forms of employment, privatization, the management and provision of public services, and expansion of the informal sector.

The structural adjustment programmes imposed by the international financial institutions – restructuring of the state, privatization, tariff dismantling etc. – have put “emerging” countries in a defenceless position.

The Director-General has put on the agenda for discussion this important issue of employment. From the point of view of solving the problem of extreme poverty, there is no doubt at all that it is impossible to conquer it without a proper employment policy which will provide sufficient jobs paid enough to ensure a minimum acceptable standard of living of a family, in food, clothing, health, housing, education and recreation. This means that at the same time one should consider the prompt payment of wages, and the strengthening of social security through properly supervised and efficient mutual systems.

Employment and proper remuneration give human beings a sense of personal security and strengthen the relationship between the worker and his family and between the family and society.

This will only be possible with an efficient and effective application of the standards for the protection and defence of children, women's work, and the total elimination of forced labour and the real application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Workers' Representatives Convention, 1971 (No. 135), which permit the activities of trade unions and negotiation of collective agreements that have been so weakened in my country in the private sector where, if they but mention the word “trade union”, workers are dismissed and blacklisted, leaving them unable to find work.

I would like to stress that there have been obvious cases of trade union persecution – the dismissal of almost all the pilots from the national airline com-

pany, Geest, with the undoubted negligence of the General Labour Inspectorate; and the Geest Caribbean International, the British banana company – where in spite of decision number 5,000 of the Constitutional Court, the General Labour Inspectorate did not respond efficiently to the request to investigate the denunciations, and many months afterwards concluded by saying that there had been no trade union discrimination.

For decades, Latin American countries have based their economic development on the primary sector of agriculture which has been a sizeable source of employment.

In the case of Costa Rica, neo-liberal policies applied since the beginning of the 1980s have created havoc. In relative terms, the agricultural, forestry and fisheries sectors have reduced the numbers employed by 5 per cent in the last five years (1990-94), while in the manufacturing industry the increase has not even reached 0.5 per cent over the same period. If we analyse the other two sources of employment generation, in the commercial sector, retail and wholesale, there was a real increase of 2.7 per cent in services there has been a fall of 1 per cent. Another source of employment, construction, has hardly grown at even 0.5 per cent. So we are in the same complex situation as those countries where increased activity takes place in the informal sector. The poverty, marginalization, and lack of protection generated by the neo-liberal model ruled exclusively by the logic of profit has generated categories such as migrant workers, homeworkers, *maquila* workers, and free trade zone workers who are not benefiting from labour protection or social security.

A vital role is played by the application of the core ILO Conventions and for that reason bilateral, multilateral and free trade area treaties, should incorporate those Conventions which are indispensable in trade agreements.

The link between trade and workers' rights should be based on the social clause. This is of extreme importance which is why we suggest that the ILO go into this matter in more depth and try to draft an international framework treaty.

Many of our countries have favourable conditions in infrastructure, peace and political stability, but their greatest treasure is to be found in their population and its training and education. This should attract investors. This comparative advantage should also include policies which promote productive employment, which stimulates social mobility, security and better conditions in a country.

Since this 82nd Session of the International Labour Conference is discussing *Promoting employment*, its relevance should go beyond this important Organization if we wish to see in the future harmonious development of humanity.

Mr. ENGELBERTS (*representative of Public Services International*) – On behalf of Public Services International, representing some 20 million workers in 128 countries, I would like to congratulate the ILO, that well over 100 Heads of State and Government singled out as having a “special role” to play in implementing the conclusions of the World Summit for Social Development in the field of employment and social development. The Summit's Programme of Action in Chapter V on Implementation and Follow-up declares that, “nothing short of a renewed

and massive political will at the national and international levels to invest in people and their well-being will achieve the objectives of social development”. But hearing of the difficulties with the ILO budget, one wonders whether that renewed and massive political will is really there. Governments do not seem to want to put their money where their mouth is.

Under item (i) of Commitment 3 of the Social Summit, governments committed themselves to “pursue the goal of ensuring quality jobs, and safeguard the basic rights and interests of workers and, to this end, freely promote respect for relevant International Labour Organization Conventions, including those pertaining to prohibition of forced and child labour, freedom of association, the right to organize and bargain collectively and the principle of non-discrimination”. Paragraph 54 of the Programme of Action further elaborates on this commitment. But do many governments really show respect for these core ILO Conventions?

The ICFTU has just published its 1995 annual survey of violations of trade union rights. More than 500 trade union activists were murdered in 1994, more than 4,000 were imprisoned and some 66,000 were sacked for their trade union activities. The list of individual countries cited for various violations of trade union rights is growing quickly: from 53 in 1991, 87 in 1992, 91 in 1993 to 98 in the current year's survey. Systematic interference in trade unionism by governments and the increase of legal barriers take place at alarming levels. Official interference includes cases of dissolution of unions, denial of or prior permission required for recognition, violent repression of strikes and marches, seizure of headquarters, withdrawal of dues check-off facilities, intimidation of leaders, attempted kidnapping and death threats. Reported incidents of this type grew by 65 per cent in the past three years. The ICFTU further notes that the liberalization of world trade and the competition between employers to find the cheapest labour have further exacerbated anti-union repression.

It will come as no surprise that it is very often the same governments that are most vehemently opposed to the social clause that perpetuate the worst trade union rights violations. Let me give you two examples where our members have suffered. On more than one occasion the Government of Kenya has been condemned for violation of ILO Conventions, most recently last year. Has the Government implemented the recommendations of the ILO Governing Body? No it has not, because the ILO can only exert moral pressure and does not have the possibility of enforcing sanctions. Does the same Government respond to the carrot-and-stick of IMF cash and conditions to adopt and maintain free-market friendly economic policies? Yes it does, because the world bankers and free marketeers have an excellent policeman in the IMF.

Year after year, the outlawing of unions at the United Kingdom Government's communications headquarters has been discussed in the Committee on Freedom of Association. Has the British Government implemented the ILO Governing Body's recommendations? No it has not. A government minister even started to threaten to leave the ILO if there was a special paragraph. Governments have sanctions, the ILO does not. And what did the British

Minister of State for Employment say in the plenary? "Any link between labour standards and trade sanctions is totally unacceptable. Nothing is more certain to depress labour standards than actually preventing countries from trading freely and expanding their economies".

This is what the free marketeers want us to believe with an evangelical delight. A global free market producing all they ever hoped for. In a race for global competition, the nation State has no option but to accept the lowest common denominator. Some go even further and ask themselves: "Who needs the State?" As did James Morgan, an economics correspondent of the BBC, in the *Financial Times* of 27 May 1995. He stated "If some countries, especially in Africa, were to be run along the lines of commercial enterprises rather than States, investors might find much that was attractive. The United Kingdom, New Zealand and others have handed out many government operations to commercial agencies. But nobody has tried to do it with a whole country. What room does this leave for democracy? That question can be asked everywhere. In a world where the bond markets dominate much of the decision-making process in the wealthiest nations, democracy is, in one sense, on the way out. One almost hesitates to re-state the cliché that, in many developing countries what is known as Westminster democracy has no tradition and no roots".

This is what the free marketeers want, back to the times of the East India Company. There are now 37,000 East India or transnational companies and they have benefited in recent years from an unprecedented expansion in their rights and privileges. The GATT, in particular, has limited the regulatory powers of governments while extending corporate privileges into new areas. The Agreement on Trade-Related Aspects of Intellectual Property Rights, for example, enhances the power of transnationals to enforce patents, trademarks and copyrights, while simultaneously impeding governments' efforts to require transnationals to assist with indigenous technological development. Similarly, the Agreement on Trade-Related Investment Measures restricts developing country governments that wish to put conditions on investment. And transnationals have benefited from measures taken voluntarily by national governments anxious to attract more investments. Worldwide we see a liberalization of foreign investment codes. Transnationals are, therefore, in a much better position to expand their activities, and they have also been able to buy up many state corporations that have come on the market as a result of privatization. These greater freedoms and rights for transnationals are raising even more acutely the question as to whether these rights also imply social responsibilities. Many corporate executives argue that social development is not their concern; their primary responsibility is to shareholders and they should not voluntarily take decisions in favour of either their workforce or the community at large that would undermine long-term profitability. Transnationals go to enormous lengths to weaken government regulations – often lobbying for lower environmental, labour and consumer standards – and they can play one government off against another and choose to invest only where they win the greatest concessions.

In Public Services International we believe in democracy. Democracy must permeate all levels of society from international institutions to workplace and community activities. People and their representative bodies must be included in decisions, not excluded. That includes workers and their trade unions.

Democracy has always been accompanied and strengthened by complementary legal systems to ensure that one party does not extend its freedom at the expense of another. The new World Trade Organization protects the freedom of international trade, it does not protect other freedoms, and so risks exacerbating a fundamental imbalance in global society. International business cannot be expected to author its own regulation: this is the job of good governance.

So governments, if you want to benefit from free trade you must free your own workers so that they can have trade union and collective bargaining rights. I fully support what Sneyers of the Federation of International Civil Servants' Association has said in this plenary – this should also apply to international civil servants.

We hope that governments will earnestly implement the text commitments of the Social Summit. One step in that direction would be to adopt in the next Governing Body meeting the conclusions of the Joint Meeting on the Impact of Structural Adjustment in the Public Services, which was held from 24 to 30 May this year.

Mr. CHIWESHE (*Employers' delegate, Zimbabwe*) – May I start by congratulating the President and the other Officers of the Conference on their election to preside over the work of this 82nd Session of the International Labour Conference. My delegation notes with satisfaction that they have so far acquitted themselves admirably.

The World Summit for Social Development has, among others, set the mood and tempo of this Conference. In our view, the most redeeming feature of Copenhagen was that it brought together so many Heads of State and Governments to discuss social and economic issues, resulting in the realization at state level that social and economic issues need to be accorded the same amount of importance as that attached to the international political issues. We commend the ILO for its active participation in preparations for this Summit, and the attendance of a tripartite delegation led by the Director-General.

The ILO report, *World Employment 1995*, treats the subject of employment in a detailed and definitive manner, and points out a number of employment-creation options.

In his Report the Director-General has responded positively to the wish that the ILO should, among others, concern itself more actively with matters of entrepreneurship. It is now accepted – though grudgingly by some – that medium- and small-scale enterprises have many means at their disposal for realizing higher rates of employment creation. It is, therefore, to the benefit of all that the development of this category of enterprise is strenuously encouraged. In this respect the ILO, with its network of officials throughout the world, is in a unique position to help build capacities which facilitate the implementation of this objective.

Technical cooperation, in its widest sense, between the ILO and the social partners is the principle mode

through which the ILO provides assistance. Any international labour standards which question this principle must be reviewed – and where necessary – appropriate action should be taken to delete the provisions in question.

The Employers' Confederation of Zimbabwe (EMCOZ) notes with gratitude that the ILO has created an Enterprise and Cooperative Development Department and has appointed Mr. Hans Hammar as its head. We all know Mr. Hans Hammar very well; he has distinguished himself in every position he has held in the Organization and we congratulate him and wish him success in his new position.

Turning to Africa, we observe that the continent is being increasingly marginalized in economic terms. Lack of investment, both domestic and foreign, has resulted in a poor economic performance during the past 20 years. Growth in economic development has been undermined by – among other things – our systems of government. Other factors have also had a negative effect: brutal tribal laws, corruption, mismanagement of resources, the vagaries of the weather and controlled population growth, rampant inflation, unstable currencies and the debt burden. Almost a third of the continent's countries are ruled by regimes which are not accountable to their people. Almost as many other countries are burdened by such a heavy foreign debt that servicing eats into an unduly large proportion of their gross national products. Natural diseases such as drought and famine – to mention only two – have had a devastating effect on the food resources of sub-Saharan Africa. This has necessitated the importation of basic foodstuffs at a very high cost – and the people are already impoverished.

On the international scene, Africa is a victim of its own economic weakness. It has no competitive capacity and the price of whatever commodity it offers to the trading partners is determined by those partners – obviously to their advantage. For instance, the continent cannot put a halt to the continuous fall in the price of its agricultural and mineral products. Because of the persistent devaluation of the continent's currencies, the importation of capital equipment has become exceedingly expensive. This forces enterprises to remain under-equipped or to be equipped with antiquated machinery; and these produce goods at high cost which are usually sub-standard both in quality and quantity. This is another obvious cause of the negative growth and low rate of employment which we are experiencing in our countries.

We have already pointed out that the sub-Saharan African countries are facing immense problems of rising unemployment, inflation, currency devaluation, limited foreign investment and debt burden. Zimbabwe is located in this geographical region and has not been spared these afflictions. Despite the launching of economic reforms – the IMF and the World Bank prescriptions to boost economic growth and increase employment-creation opportunities date back to 1991 – employment levels have remained depressed to the obvious discomfort of the social partners.

EMCOZ, in tandem with the social partners, is participating in schemes intended to promote measures to help alleviate the depressing effects of unemployment, and high interest and inflation rates. From an economic standpoint, a safety valve has

been the growth of small-scale enterprises and the informal sector. In Zimbabwe, according to statistics, 38.8 per cent of the total labour force is employed in the informal sector. EMCOZ believes that it must vigorously resist the implementation of any regulatory measures which would inhibit the continued growth of this sector. When the economic climate improves, there is every sign that the informal sector will react rapidly and grow. With the growth of the economy and absence of prohibitive regulations, the transition from informal to formal will accelerate and boost economic growth.

It is vital that small-scale enterprise managers be trained to be able to cope with this transition; and that these enterprises should continue to exist and flourish. At the same time, Zimbabwe must step up its exports – both to the regional and international markets. The drought has shown that, without a doubt, the internal market is limited and that it has been seriously affected by: the lowering of wages in real terms over the past four years; the increase in interest and inflation rates; and a drop in the purchasing power of the people.

When to this is added the scourge of AIDS and its cost to the population, it is self-evident that even if the agricultural seasons were to be fairly normal, the internal market would only pick up marginally in economic terms. Consequently, EMCOZ will support any strategy which leads to increases in export performance. It will also ensure that equality of labour regulations prevails within the export processing zones. Indeed, one of the competitive advantages which Zimbabwe has is a stable labour relations environment – and that must be maintained. For the Zimbabwean economy to grow appreciably, more emphasis must be given to productivity improvements. It is therefore imperative that the ILO productivity centre should be developed and used to a greater extent by the employers.

In conclusion, I would like to say that if the ILO is to fulfil its noble objectives, especially that of employment promotion, it must adhere to its major activities – standard-setting and technical assistance, especially to the most needy of its member States.

Mr. MANUFOLAU (*Workers' delegate, Fiji*) – I feel privileged in joining the other speakers who have taken this rostrum before me. It is an historical occasion for me to be one of the Worker delegates representing the working people of Fiji.

For the past 76 years the International Labour Organization has provided unparalleled service to workers of its member States and beyond. This has been possible through the tripartite approach it has adopted involving all three social partners – governments, the employers' and the employees' organizations.

The ILO Conventions adopted over the years are a foundation for social justice in the attainment of social security, equal opportunity and dignity of work. It is the view of the workers' organization in Fiji that economic and social progress should be judged in the light of the achievement of these fundamental objectives. All member States should aim to achieve a balanced economic and social development for all their people.

It is our view that the ILO should play a more proactive role in assisting governments in framing laws and regulations on the basis of these standards.

Furthermore, the ILO should take measures to encourage governments to ratify Conventions and encourage countries not to move backward and adopt regressive social legislation.

Today we are seeing exploitation of workers and suppression of trade unions, carried out in the garb of structural adjustment policies stipulated by the International Monetary Fund and the World Bank and imposed by the Government. So although we have on the one hand an international agency like the ILO using all its resources to alleviate exploitation and promote social justice, we have on the other hand the IMF and the World Bank, who are acting as a parallel counter force, in propagating economic policies which compel governments to adopt measures aimed at eroding the conditions and standards achieved by many countries over many years of hard labour, and reducing workers to exploitation and poverty.

Today every effort is being made to weaken the collective bargaining strength of workers by measures which are completely contrary to the ILO Conventions. This is done mainly by curtailing the rights of trade unions. In the name of deregulation of labour markets and free trade policy the rights of unions are being curtailed drastically. Individual contracts between individual workers and employers are being openly encouraged. These conflicting policies need to be addressed by various United Nations agencies and the social partners in the country, instead of prescribing such doctrines to countries who go ahead and implement these policies. Today social systems are being fractured, causing irreparable damage. The United Nations agencies will have to take the principal share of this blame.

The Government of Fiji has been guilty of implementing such a policy, of which the workers are the victims. In the 284th Report of the ILO Committee on Freedom of Association, in response to the International Confederation of Free Trade Unions' (ICFTU) allegation of violations of trade union rights against the Government of Fiji, came up with a series of recommendations to the Governing Body and recommended that the Government of Fiji amend the legislation and leave the necessary autonomy to workers' organizations. Although the Government of Fiji took some positive steps and reviewed the labour laws, these changes were only nominal. Laws violating trade union freedom still remain on the statute book.

With the elected Government in power, we are still hopeful that it will effect necessary changes to labour laws and restore the rights of workers as recognized by the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Government has been very slow in responding to our call to revoke legislation violating the rights of the workers of Fiji.

It is heartening to report that the tripartite forum has been resurrected after a period of some ten years. We believe that this forum will provide an opportunity to the three social partners to discuss and cooperate on the issues of national interest with a view to providing a better future for the people of Fiji. Already the workers of Fiji have paid most dearly for the political misadventures in the country, and we believe it is our right to demand that solu-

tions be found in the short term. Only then will we experience the economic growth which we all have been waiting for.

We in Fiji and indeed people all over the world want development which reaches the people. This is not true of the current economic policy which has been imposed by the Government without any consultation with its social partners.

Certainly the Fiji Trades Union Congress has never been seriously consulted.

The workers of my country are ready to play their part in reconstructing this country as equal partners. We are capable of creating a society where everybody can enjoy a decent living which every citizen is entitled to.

Our goal is a democratic society, where human rights for all citizens are respected and there is no discrimination on the grounds of gender, race, religion or ethnicity and which recognizes and protects the inalienable rights of indigenous Fijians to land ownership and fishing rights. Such a society will also protect the environment and resources for future generations.

We in Fiji are immensely grateful for the work being done by the ILO in promoting social justice and commit ourselves to this course.

Mr. TAN (*Workers' delegate, Philippines*) – I wish the President and all the elected Officers success and fulfilment in this year's Conference.

This year's session marks yet another watershed for the ILO, the only tripartite international organization in the family of the United Nations devoted to questions of labour and social standards.

The Director-General himself pointed out in still another thought-provoking Report on *Promoting employment*, that this year's theme seeks to translate into concrete global policies the mandate of the recently concluded World Summit for Social Development, to promote the goal of full employment as a basic priority of economic and social policies, and to enable all men and women to attain secure and sustainable livelihoods through freely chosen productive employment and work.

It looks like every so often the dynamism of the ILO is provoked by forceful currents other than its own impetus that drive it to steer a course of reasoned pragmatism if not critical realism, and especially at times when the battering winds of change in a stormy global milieu portend to sink the ship of state of global institutions and international organizations.

In its preface, the Report says that "anxiety over employment problems, and pessimism over the prospects of resolving them reign in many parts of world today". It then attempts, in the next 104 pages or so, to smoothen the ruffled feathers of pessimists by telling them that, in fact, the situation now is not all that bad. I don't know myself if this course will prove auspicious.

But there is always that proverbial light at the end of the tunnel which also serves as a beacon for all of us to exert more positive efforts while traversing the pit-black darkness currently enveloping our march, hopefully to a brighter world beyond.

How else must we interpret the upbeat Report of the Director-General in contrast to a globalizing economy that brought us only recently the Mexican crisis. Its ominous, Tsunami-like waves could yet eas-

ily wash away even the bright economic prospects of East and South-East Asia, whose sterling economic performance – against a background of a world only now emerging from troubled decades of recession and stagnation – has become the envy of many.

And we must ask, would accelerating liberalization of economies in the context of globalizing trade and investments, prevent a looming trade war among the economic giants?

On this last question, it may not take the end of this Conference to get a clear answer.

What happens on 28 June when the United States and Japan must settle their current trade row, and the weeks following this fateful date, will show us with greater perceptiveness whether, indeed, those among us who placed their bets on the positive role of the World Trade Organization in bringing about a peaceful and prosperous regime of trade and investment, would not retreat with their tails between their legs.

This is also one time I wish that my pessimistic calculations are proven wrong, if only because when two elephants fight, it is we the workers and farmers of underdeveloped regions who get trampled upon.

For we agree that a more liberalized and less protectionist economic environment could present greater opportunities to provide jobs for those who have none, and to give better employment for those who are already at work.

Provided, as is always the case in life, that the correct and consensual economic and social policies are followed by nation states, while positive approaches are pursued, energized and rhymed by the international community.

The Report is replete with such realistic and edifying examples, for which we congratulate those who contributed to it. We also know that opposite the scale of verdant opportunities, the balancing factors of lurking threats can only open our eyes and minds to make more realistic assessment of where we are at present and what it is more possible to do in the future.

If hindsight can give us foresight, as the Report of the Director-General does so well in its analysis of the American, Scandinavian and European models, the lesson is that growth does not offer a simultaneous assurance of full employment and a satisfactory improvement of incomes, conditions of work and standards of living for all.

Precisely put, what really matters is this. Equity must be achieved not only in view of future promises of progress expected to come from liberalization and globalization, but also, and perhaps more importantly so, by ensuring that, in the process of adjustment and reforms, growth with equity is attained, maintained and sustained. This is because, sad to say, for some of us in the trade union movement, experience has shaped our attitude of healthy pessimism, even perhaps to the extent of making this a self-fulfilling prophecy. We will applaud the cook only after we have tasted the food.

Seventy-five years of the World Confederation of Labour, whose anniversary we celebrate this year, forces us in WCL to pause, to reflect and to hope that the ILO, an elder colleague by one year, will ably steer its constituencies to make full employment a self-fulfilling prophecy in the near future, at least for our grandchildren, if no longer for ourselves.

Mr. RIMAL (*Workers' delegate, Nepal*) – It is my honour and privilege to convey my own and the greetings and congratulations of the General Federation of Nepalese Trade Unions (GEFONT) on Mr. Rosales Argüello's election as President of this 82nd Session. May I also congratulate the Director-General for his valuable Report, *Promoting employment*. Being a Workers' delegate from one of the least developed countries (LDCs), I welcome the emphasis he has given to the struggle against poverty throughout the world.

It is a great event for us, the workers of Nepal, to be present here at this important gathering. It has been a long road for our own union to be represented at the ILO. We have been petitioning the Credentials Committee for three consecutive years about the erroneous selection process involving the Nepalese Workers' representative during that period by the Government then in power.

I would like to say something about employment promotion in the light of the policy of economic liberalization. I believe that it is this liberalization policy imposed upon the LDCs by global financial institutions like the IMF and the World Bank which has been the cause of serious problems for our labourers. Instances of "no work, no pay", mass layoffs and retrenchments, labour-only contracts, repressive labour legislation in export processing zones, no union-no strike clauses, liberalization to attract incoming capital from the developed countries to the LDCs while restrictions are imposed on the workers of those LDCs who wish to go and work in these developed countries.

I would like to comment on the other distinguished delegates who have categorically stated that "workers are not commodities in the labour market". However, that is exactly what free market policies have achieved! It is an irony, that on the one hand, we are talking about the Termination of Employment ILO Convention 1982 (No. 158), and on the other we are forcefully putting forth policies like the structural adjustment policy which I believe is one of the causes of the mass retrenchments we are witnessing. I refer to the figure of 800 million, which was quoted here earlier, of unemployed and underemployed in the world. I agree that there is a vicious circle of unemployment and child labour. However, I would like to add that in this circle we also have poverty; so it should be unemployment, poverty and child labour. I do not believe that the problem of child labour will be eliminated by only boycotting the goods of a particular country. I know from the little experience that I have in this area that such campaigns have forced the children into the streets and into a life of crime for the sake of survival. This vicious circle can be broken only if programmes are implemented to help poor children and also to help raise the standard of living of their families. In this way, child labour would die a natural death. I must mention here the laudable work being attempted by the International Programme on the Elimination of Child Labour (IPEC). All of us, and especially the developed countries, should provide maximum help to the ILO in this noble cause.

I would like to mention some of the objectives the ILO should set in regard to Nepal and other developing countries. The main problem of my worker members is mass illiteracy. This is a great obstacle to fostering the spirit of tripartism. Therefore I urge the

ILO and the donor countries to make literacy and workers' education campaigns their priority when trying to help the cause of developing countries such as ours.

Before I conclude, I would like to mention here my uneasiness at hearing some delegates praise the Report of the Director-General but not agreeing to support his budget. I somehow feel it is a form of blackmail when a country threatens to pull out of the ILO because it disagrees with reports from the Committee of Experts.

With these few words let me conclude by wishing the President and the Conference a grand success.

Original Russian: Mr. SASNOW (Government delegate, Belarus) – I would like to express our profound gratitude for the opportunity to take part in this forum and to address you. We would also like to congratulate Mr. Rosales Argüello on his election to this lofty post and to express our certainty that under his successful leadership this session of the Conference will achieve its goals.

The Republic of Belarus is a young Eastern European State. Despite our long-standing participation in the ILO, we have little experience of its work. We are taking the first steps toward consolidating our State, and overcoming the problems inherited from the previous regime.

It should be pointed out that these problems constitute a considerable burden on us. Primarily, they are related to the need for structural reform in the economy, given the present lack of investment. This leads to increased unemployment, lower living standards and the loss of traditional markets. I will not go into this in any greater detail since the statement made by the Minister of Labour of the Russian Federation, Mr. Melikian, gave an excellent account of the problems in Russia which are very similar to our own. I would just like to add, however, that Belarus is, almost singlehandedly, trying to cope with the aftermath of the Chernobyl disaster. More than 20 per cent of the state budget is spent on this operation, which is an additional burden on the economy and hinders attempts to resolve the crisis. We are grateful to those countries which are kind enough to offer us their assistance.

Despite the difficulties, we nevertheless note with satisfaction the successful cooperation between the ILO and our country. We are deeply grateful for the active participation of the distinguished experts of this Organization in reforming labour relations legislation and in the development and consolidation of tripartism as the basis for economic and social development.

The International Labour Organization is also providing vital assistance in terms of solving the critical problem of converting military enclaves into areas of business activity and social development. A conference held in April this year in Minsk noted with satisfaction the successful development of this programme. We hope for further fruitful cooperation in this area, because apart from encouraging economic and social development it will also promote further demilitarization and strengthen peace and trust among peoples. I would like to take this opportunity to pay tribute to the work of Mr. de Vries, Mr. Klotz, Mr. Hidalgo, Mr. Kern and others.

Of course, solving our own problems is primarily our own task. We are sure that without close cooper-

ation on a tripartite basis, we will not manage to achieve economic stabilization and consequently economic recovery, to strengthen peace between social classes and achieve higher living standards.

We believe that the strengthening of cooperation with all international organizations, including the ILO, is vital for us. We hope that it will bear fruit.

We note with satisfaction the profound analysis contained in the Report of the Director-General and the practical conclusions which of course will have a decisive impact on the direction of our efforts.

At the same time, on the road to full employment we must avoid the temptation of taking short cuts in the development of social awareness. We are very familiar with the negative effects of such an approach. In our own history we have seen such short-sightedness, and we will continue for a long time to have to live with the consequences, which are far from favourable for our development. We share the concerns expressed by the distinguished Ministers of the Netherlands, Mr. Melkert, and of Italy, Mr. Treu.

This humanitarian goal must serve as an important guide for all of us in choosing strategies for economic and social development.

In conclusion, may I once again present my greetings to you all and wish you success in your work.

Mr. VENERA (Government delegate, Czech Republic) – I would like to join the other speakers in congratulating Mr. Rosales Argüello on his election as Chairman of this year's session of the International Labour Conference.

It is very important that the Director-General's Report stresses the economic aspects of employment and reminds of the direct relationship between job creation, economic growth, the inflation rate, and direct foreign investment. These relationships are fully proven also by the experience of the Czech Republic.

The Government of the Czech Republic has always emphasized the responsibility of each country for its own economic and social prosperity. Nevertheless it is a fact that the present development of the global economy supported by an unprecedented growth of new technologies leads to the interlinkage of national economies and to their interdependence. That is why we welcome the possibility to exchange our experience in the ILO and to seek common solutions where possible.

The Czech Republic has opened itself wide to international trade in the recent years, so international mobility of goods, capital, people and workers are considered to be natural and positive factors. Liberalization and globalization of world trade have led to a pressure for extensive structural adjustment of our industry and agriculture. We are aware of the fact that this pressure will be much stronger in developed economies, challenged by the competition of countries with lower production costs. However, in the present situation it would be a great mistake to insist on maintaining extensive protectionist measures. These measures are not only against the interests of the poorest countries, they also offer no sustainable solution for progress of the developed countries either.

My Government is committed respectfully to fulfil the results of the Uruguay Round.

Let me in this context make several remarks on the problem of international labour standards.

Recent discussions in various international forum have proved that no real linkage of the question of minimal labour standards and international trade is possible. The decision of the Working Group of the Governing Body on the Social Dimensions of International Trade taken in this respect after a thorough discussion was well considered and correct. However, this does not mean that we should tolerate violation of those universal standards concerning fundamental human rights ensuring the respect of basic human dignity.

The Czech Republic, bound by most ILO standards, considers further that the standard-setting work of this Organization is an important part of its activity. However, we will support the adoption of standards that are unambiguous and at the same time flexible enough to be applicable on the national level in all member States; only then can one speak of their universality. New or revised labour standards must offer sufficient space for collective bargaining, eventually even for individual agreement between workers and employers. Only in this way can the requirements of these Conventions be harmonized with the economies and possibilities of national economies and individual enterprises. Adoption of non-realistic and technically complicated Conventions would lead to non-ratification, non-respect, even neglect. In the long term it would undermine the whole standard-setting work of the ILO. A number of quite-recently adopted Conventions ratified by a minimum number of States should be a warning in this respect.

Let me now mention briefly the situation of the labour market in the Czech Republic. Our experience shows that employment is to a great extent influenced by the capability of the Government, but first of all by that of the enterprises and individual employees who adjust to new conditions.

It is frequently noted that in the Czech Republic the annual rate of unemployment is relatively low: in May 1995 2.8 per cent of the economically active population were unemployed.

There are a number of reasons for this, but I would like to mention just the basic ones. The privatization of small enterprises meant a rapid creation of small and medium-sized enterprises, mainly services, able to absorb a large number of workers. The fast "coupon privatization" of the majority of large enterprises enables their consolidation and gradual adjustment to new conditions.

An effective network of public employment offices was created in a short period of time supplemented by a network of private employment agencies. The active labour market policy of the Government, especially by way of retraining and creation of public benefit jobs contribute in particular to the solution of problems at the regional level.

The inflow of direct foreign investment was one of the main reasons for a low unemployment rate. It contributed to the survival, restructuring and development of a number of old enterprises as well to the creation of many new ones.

As in the previous sessions of the International Labour Conference I can confirm this year again that the Government considers social peace and social dialogue to be one of the preconditions for successful economic transformation in the context of global structural changes.

Nevertheless, the existence of tripartite organs, at the national and international levels, cannot deprive Governments of their final responsibility towards Parliament and nation in individual countries. Social dialogue and structures have to be in conformity with actual functions of government and social partners in society.

The Council of Economic and Social Agreement has functioned in the Czech Republic since the very beginning of the economic reforms, mainly as a consultative organ, of the Government. The Council concluded annually a general agreement as a political document on basic policy directions, in particular in the areas of wages, employment and social policy.

The direct involvement of the Government in the economy decreased substantially due to the latest stage of privatization. This was the reason for transforming the Council of Economic and Social Agreement into a new organ the Council for Social Dialogue, created on the basis of an agreement, with representative organizations of employees and employers. This Council has also a tripartite composition, but the emphasis is put first of all on the dialogue of the social partners, which means the employers and trade unions, while the Government creates a suitable legislative framework for dialogue.

Another important way to solve problems of employment is the creation of conditions for the geographic mobility of the labour force within the country.

The importance of international mobility of workers grows significantly in connection with the entry of foreign investors into the Czech economy. Within the framework of liberalized trade in services as well as within the process of association with the European Union, and gradual incorporation into the Single Internal Market of the European Union, the Czech Republic expects a more open approach to the mobility of workers in trade and services especially on the part of the Western European countries. The fact that this is not merely a one-way flow of our workers to the West any more can be demonstrated by the number of several dozens of thousands of Western European citizens legally working in the Czech Republic.

Let me express my hope that not only the member States but the ILO itself will find the courage to adjust radically to the new situation. Globalization and internationalization of the world economy will inevitably require close international cooperation in many areas. This is an undisputed challenge for the ILO. However, let us be realistic. The resources will be limited and this makes it absolutely necessary to focus on acknowledged priorities common to all member States.

The process of reforms which has already started within the ILO and has brought a number of positive changes in the recent past has to be continued. The aim is to bring the ILO nearer to the needs of member States and to use its resources effectively. Flexibility, mobility and adaptation are the requirements of present, and they are not to be met just by the members but also by the ILO itself.

(The Conference adjourned at 4.45 p.m.)

Credentials

Second report of the Credentials Committee

Composition of the Conference

1. Since 8 June, when the Committee adopted its first report, Credentials have been received from Sao Tome and Principe bringing the total number of member States at present represented at the Conference to 160. The number of delegates and advisers who have registered at the Conference at this time is contained in the annex to this report. The table includes a tripartite delegation from St. Vincent and the Grenadines which was admitted to membership of the Organization on 31 May 1995. It is also interesting to note that the Conference was attended this year by 134 Ministers of Labour from the 173 member States of the Organization. A total of 3,269 persons were accredited to the Conference with 2,770 having been registered at this time.

Objection concerning the nomination of the Workers' delegate of Bulgaria

2. The Committee had before it an objection to the nomination of the Workers' delegate of Bulgaria submitted by the Confederation of Labour – PODKREPA, the Confederation of Independent Trade Unions of Bulgaria (CITUB), the International Confederation of Free Trade Unions (ICFTU), and the World Confederation of Labour (WCL).

3. According to the objecting organizations, the Workers' delegate coming from the Community of Free Trade Union Organizations in Bulgaria (CFTUOB) had been nominated in violation of article 3, paragraph 5 of the ILO Constitution as the Government had failed to consult with a view to reaching agreement with the most representative Workers' organizations in the country and had proceeded to a unilateral decision to nominate the representative of CFTUOB. The objecting organizations contended that the Workers' delegate should have come from PODKREPA according to the agreement made in 1991 between PODKREPA and CITUB, and following the agreement they had reached after a meeting of 4 May convened by the Ministry of Labour and Social Affairs which had been attended by the objecting organizations PODKREPA and CITUB but not by CFTUOB. PODKREPA and CITUB were the two most representative trade union centres in Bulgaria with a membership of 516,000 and 1,060,000 respectively. On the other hand, CFTUOB represented only 26,000 workers and, unlike the two other organizations, CFTUOB had only been granted national representative status

in February 1995 despite the failure of that organization to meet the minimum membership requirement (50,000) under the Bulgarian Labour Code. By a joint letter of 30 May to the Minister of Labour and Social Affairs, the Presidents of PODKREPA and CITUB formally refused to participate as advisers to the Workers' delegate. The objecting organizations requested the rejection of the credentials of the Workers' delegate as not being in conformity with article 3, paragraph 5 of the ILO Constitution as the Government had allowed political considerations to override its constitutional obligations to the ILO and had sought to interfere in the autonomy of trade unions thereby violating the principles of tripartism.

4. In a written communication to the Committee made at its request, Mr. Mintcho Koralski, Minister of Labour and Social Affairs of the Republic of Bulgaria and Government delegate at the Conference, stated that at a preliminary and preparatory meeting held on 4 May at the initiative of the Ministry of Labour and Social Affairs which all social partners – members of the National Tripartite Cooperative Council (NTCC) – were invited to attend, PODKREPA and CITUB participated but CFTUOB had been unable to attend for technical reasons. The Ministry of Labour and Social Affairs had requested the organizations at the meeting of the NTCC on 10 May to reach agreement on the composition of their delegation. CFTUOB subsequently protested at the failure of the other trade union organizations to consult them. In this regard, the Labour Code adopted in 1986 and the Decree No. 7 of 1993, set out the criteria – which included membership – for the recognition of trade union organizations as representative. In accordance with those provisions CITUB and PODKREPA were recognised as such in February 1993 and CFTUOB in February 1995. However, there had been no formal trade union membership census and elections since 1989 and there had been an increased movement of members among the organizations which had made it difficult to collect precise data on membership. In addition, the rotation agreement to which the objecting organizations referred had been reached in 1991 before the emergence of CFTUOB as the third representative trade union organization. The Government did not question the representativity of the objecting organizations, which participated on an equal basis in the NTCC. It could confirm that no agreement had been reached between the Bulgarian Socialist Party and CFTUOB as alleged by the objecting organizations. The Workers' delegate had been nominated after it had emerged that the representative trade union organizations had

been unable to reach agreement on the nomination of the delegate and advisers on the basis of bona fide discussions among them and in view of the short period of time left for submitting the credentials of the delegation. The Government had however included in the Workers' delegation the representatives of the objecting organizations including Mr. Trentchev, one of the authors of the objection and their names had been published in the provisional List of delegations to the 82nd Session of the Conference published on 6 June 1995. The Government expressed its willingness to assist representative employers' and workers' organizations in the country in creating conditions for reaching agreement on their inclusion in the delegations to the International Labour Conference in accordance with ILO standards.

5. In an oral statement to the Committee Mr. Emil Miroslavov, Vice-Minister of Labour and Social Affairs and Government substitute delegate, pointed out that his country was at present in a period of transition and that it was continuing to promote tripartite dialogue including trade union pluralism among social partners which it had begun five years ago. Its concern was to enlarge tripartite cooperation and to associate new organizations which had emerged in 1995 in the dialogue. Regulations governing the NTCC enlarged on the criteria set out in the Labour Code. In 1993, CFTUOB had not met the criteria for recognition as being a representative organization, but it had since met them, which enabled CFTUOB to be recognised by the Council of Ministers in February of this year. In response to the question concerning the arrangements made by the Government for the payment of travel and subsistence expenses of Mr. Trentchev, whose name was included in the List of delegations but who had refused the nomination, the Vice-Minister explained that in view of the financial difficulties experienced by his country, the Government could only pay for the titular delegates.

6. In an oral statement to the Committee, the representatives of the objecting organizations stressed that their objection was not based on whether CFTUOB was representative or not as there was no doubt as to representativity, but was directed instead at the unilateral decision taken by the Government after agreement on the name of the delegate had been communicated to it on 4 May at the consultation meeting called by the Ministry of Labour and Social Affairs. At no time did the Minister request the organizations to reach agreement following the meeting of 4 May, nor was the subject included as an item on the agenda of the meeting of the NTCC on 10 May or even discussed by it. The Government's attitude towards what it called its encouragement of trade union pluralism was an attempt by it to undermine and fragment existing trade unions.

7. The Committee received documentary evidence from both the Government and the objectors in support of their respective versions of the facts.

8. The Committee, noting that the author of the objection listed as an adviser had declined to act in that capacity and had not registered in the Workers' delegation of Bulgaria, considered that he could not be regarded as serving as adviser within the meaning of article 26, paragraph 4(c), of the Conference Standing Orders. The Committee concluded that the

author of the objection should not appear as a member of the Workers' delegation of Bulgaria in the List of delegations.

9. The Committee noted that there was no dispute concerning the representativity of the two objecting organizations, nor on which organizations were in fact the most representative in the country. While consultations had taken place on 4 May and agreement had been reached by the most representative organizations on the nomination of the Workers' delegate, the Government had appointed the delegate from an organization which was not among the most representative and which did not attend the consultation meeting to which it had also been invited. The Committee found that the Government had been inconsistent by, on the one hand, recognizing CFTUOB in February of this year as a representative organization and, on the other hand, being unable to provide statistics on membership of that organization since one of the conditions that had to be complied with under Bulgaria's Labour Code related to number of members. In view of the rotation system in place since 1991 and in the absence of up-to-date statistics on representativity, the Committee considered that the Government, although it had to some extent complied with the requirement for consultation, should not have unilaterally set aside the agreement reached on the nomination of the delegate by the two most representative organizations in favour of a representative from CFTUOB.

10. In these circumstances, the Committee considered that there was serious room to doubt the representative character of the organization from which the delegate came and whose credentials had been challenged. In the absence of consultation and agreement with the two most representative organizations on the nomination of the person appointed as Workers' delegate, the Committee concluded that his nomination had failed to comply with the provisions of article 3, paragraph 5 of the ILO Constitution and that there were sufficient grounds for invalidation. However, trusting that in the light of the above the Government would in future take the necessary action to ensure that the nomination of the Workers' delegate was made in agreement with the representative Workers' organizations in the country, the Committee decided not to propose invalidation this year.

Objection concerning the nomination of the Workers' delegation of Sri Lanka

11. The Committee examined an objection to the nomination of the Workers' delegation of Sri Lanka submitted by the Lanka Jathika Estate Workers' Union (LJEWU) and the International Confederation of Free Trade Unions (ICFTU).

12. According to the objecting organizations, the Ceylon Workers' Congress (CWC) with a membership of 417,000 workers was the largest and most representative organization, while the LJEWU and the Jathika Sevaka Sangamaya (JSS) had a membership of 392,000 and 256,000 workers respectively. After a challenge to the credentials of the Workers' delegate at the 1984 International Labour Conference, an agreement had been reached in 1985 between the CWC, the LJEWU and the JSS at a meeting chaired by the President of Sri Lanka to the effect that the CWC would nominate the Workers' delegate every

two years and the LJEWU and the JSS alternately for the other years. This rotation system had been successfully implemented for the past nine years. On 22 March of this year, the CWC had been requested by the Government to nominate one person for inclusion in the delegation, to which it had responded by submitting the names of two representatives, but it had subsequently been announced that the delegate was to be a representative of the Sri Lanka Nidahas Sevaka Sangamaya (SNSS) and that advisers would be nominated from the JSS, the CWC and three smaller unions. The CWC had refused the nomination. The registration returns attached to the objection showed that the organization from which the Workers' delegate came (SNSS) was placed tenth in the order of size of trade union centres in the country with a membership of only 30,000 workers with no representation in the important plantation sector and was politically affiliated to the ruling Party. The objecting organizations concluded that by failing to consult and reach agreement with the most representative organizations and totally disregarding the 1985 agreement by choosing the delegate from a small non-representative organization, the Government had placed political considerations before its constitutional obligations to the ILO. They requested the rejection of the credentials of the Workers' delegation.

13. In a letter addressed to the Chairman of the Credentials Committee, the advisers to the Workers' delegate representing the Ceylon Federation of Trade Unions (CFTU), the Ceylon Federation of Labour (CFL) and the Ceylon Mercantile Industrial and General Workers' Union (CMU) informed the Committee of their agreement to the nomination of Mr. L. Devendra from the SLNSS as Workers' delegate. They contended that the CWC and the LJEWU were confined to the plantation sector, that the membership of the CWC had fallen considerably since 1994 and that they could not be regarded as representative of the Sri Lankan working people. Consultations with their organizations had been held prior to the nomination of the Workers' delegation and also with the CWC and the JSS. The Workers' delegation to the present session of the Conference had a broad representative character.

14. In a written statement to the Committee made at its request, Mr. B.A.B. Goonetilleke, Permanent Representative of Sri Lanka in Geneva, provided a list of the seven largest Workers' organizations in Sri Lanka based on the membership figures given by the organizations themselves. While this list confirmed the figures mentioned by the objecting organizations with respect to the three largest organizations (the CWC, the objecting organization and the JSS), the SLNSS was placed fourth with 163,000 (instead of tenth with 30,000). Whereas the two largest organizations on the list almost exclusively represented the plantations sector, the others (which together represented a membership of 714,000) covered a much wider cross-section of the economy. The Government also noted that the status of the CWC as the largest organization had been challenged by the former Secretary of the CWC. In addition, the CWC appeared to have repudiated the rotation system this year. Moreover, complaints had been made by the organizations that had been left out of the rotation system agreed in 1985, which they considered to be a

violation of article 3, paragraph 5, of the ILO Constitution. This year all seven organizations had been consulted on the nomination of the Workers' delegation, and all except the CWC and the objecting organization had agreed on the selection of the Workers' delegate from the SLNSS. Now six trade unions constituted the Workers' delegation as against the three which had monopolized the Conference for the last ten years, and 75 per cent of the work force was represented compared with less than 25 per cent in previous years.

15. At the Committee's invitation Mr. Goonetilleke, accompanied by members of his delegation, provided further information orally. He stressed the need for a change in the rotation system covering three trade unions, which had had affiliations with a former ruling party and represented less than a quarter of the total work force, primarily in the plantation sector, totally ignoring the other sectors of the economy. The government had achieved agreement with seven major unions, including the JSS, the third largest, which was a party to the 1985 rotation agreement. The government had appointed the CWC as adviser thus taking account of the plantation sector, which would have been overrepresented if another adviser had been appointed from the objecting organization. It had appointed representatives from other unions which had remained unrepresented for over a decade. It had acted responsibly, rationally and democratically in constituting the Workers' delegation in general and choosing the Workers' delegate in particular.

16. In reply to questions from members of the Committee, Mr. Goonetilleke confirmed that the CWC and the objecting organization had expected that the 1985 rotation system would continue to apply this year and that the abandonment or review of the system had not been discussed in the various consultations with the seven organizations.

17. The Committee also invited the objecting organizations to comment orally on the Government's statements. Their representatives said that all the Government had done was to request proposals from the various organizations. There had been no consultations with them. It was not true that the CWC had repudiated the 1985 rotation agreement, nor had the JSS. There had been no split in the CWC, as the Government had suggested. The material that the objecting organizations had submitted showed that the CWC represented several sectors in addition to the plantation sector. The JSS did not exclusively cover the plantation sector. The Government's statistics – and in particular the increase of the SLNSS to more than five times its size in the space of one year – were to be treated with great caution.

18. The Committee considered that there was no reliable factual basis available to the Government for assessing the representativity of the respective organizations apart from the figures in an official report for 1993 based on registration returns. Until this report had been updated, the three organizations that were party to the 1985 rotation agreement should therefore be assumed to continue to be the most representative. The Government's concern to give other major organizations an opportunity to be represented at the Conference and to widen the representativity of the delegation in terms of the sectors

covered was laudable, but it did not justify the abandonment without notice of the rotation system that had been followed for ten years. This system had been accepted by the most representative Workers' organizations as the means of achieving the agreement required by Article 3, paragraph 5, of the Constitution. If, in the light of reliable evidence, the system did not reflect present-day realities concerning the representativity of the workers' organizations, it could be replaced either by an improved system agreed to by the organizations concerned or by another procedure for achieving agreement on the nominations.

19. The Committee accordingly concluded that the nomination of the Workers' delegation had not been made in accordance with article 3, paragraph 5, of the Constitution. However, trusting that in the light of the above the Government would no doubt wish to follow appropriate procedures in future, the Committee decided not to propose invalidation of the credentials of the members of the delegation.

Objection concerning the nomination of Workers' advisers of Romania

20. The Committee had before it an objection to the nomination of two Workers' advisers and substitute delegates of Romania submitted by the National Trade Union Confederation (Cartel ALFA), the National Trade Union Group (BNS) and the National Confederation of Free Trade Unions – Fratia (CNSLR Fratia), whose signatories included the Workers' delegate and one of his advisers.

21. According to the objecting organizations, the nomination of the two advisers – belonging to the Confederation of Miners' Trade Unions of Romania and the Moldova Noua Free Trade Union of Miners (Meridian Trade Union Confederation) – had been made in contravention of article 3 of the ILO Constitution as the organizations to which they were affiliated were not representative of the workers of Romania. In addition, these advisers had been nominated in the place of two representatives of the objectors' confederations, which were the only representative trade union organizations in Romania.

22. In a written statement to the Committee made at its request, on behalf of Mr. Dan Mircea Popescu, Minister of Labour and Social Protection and Head of the Romanian delegation at the Conference, the Government of Romania set out the most representative organizations, in terms of membership, as follows: CNSLR Fratia: 1,700,000 members; Cartel Alfa: 1,200,000 members; BNS: 750,000 members; Convention of Non-Aligned Trade Union Confederations (CCSN): about 1,000,000 members; Confederation of Miners' Trade Unions of Romania: 420,000; the Meridian Trade Union Confederation, including the Moldova Noua Trade Union Federation of Miners: 300,000. The organizations consulted were CNSLR-Fratia, Cartel Alfa, BNS and CCSN. During the consultations, no objection had been raised to the inclusion in the delegation, in addition to the representatives of CNSLR-Fratia, Cartel Alfa and BNS, of a representative of the Confederation of Miners' Trade Unions as an adviser for the item on "safety and health in mines". The acceptance of that inclusion was confirmed by the minutes of the meeting of

25 April 1995. The adviser had in fact participated last year in the first discussion of the Committee on Safety and Health in Mines. Nor had anyone objected to the possibility that the metal mining sector would be represented. The person nominated belonged to the Meridian Trade Union Confederation, the most representative organization in that sector. The Government also informed the Committee that it had submitted to Parliament a bill on collective bargaining, drawn up jointly with the workers' and employers' organizations, which included criteria for assessing the representativity of the workers' organizations.

23. The Committee noted the Government's declaration that the most representative organizations, including the objecting organizations, had been consulted and had not objected to the addition of representatives of the mining trade unions to the delegation. In this connection, the complaint of the objecting organizations was in effect that they had not agreed to the nomination of the two advisers, who did not belong to the most representative organizations; they did not allege that the delegation as a whole had not been appointed in agreement with the most representative organizations or that they had not been consulted on the appointment of the two advisers.

24. The Committee considered it reasonable that the Government should have enlarged the representativity of the Workers' delegation, by including representatives of the mining trade unions, one of whom had attended the Conference last year. At the same time, the Committee had doubts concerning the appointment of the advisers as substitute delegates in view of their lesser representativity with respect to Romanian workers as a whole, but noted that, since the lodging of the objection, they now appeared only as Workers' advisers. The Committee accordingly decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegation of Turkey

25. The Committee had before it an objection to the nomination of the Workers' delegation of Turkey submitted by the Confederation of Turkish Real Trade Unions (HAK-IS).

26. According to the objecting organization, there were in Turkey three most representative Workers' organizations within the meaning of article 3, paragraph 5, of the ILO Constitution. Although this was recognized in statistics provided by the Turkish Ministry for Labour and Social Security, the Government had exclusively nominated the Workers' representative at the International Labour Conference from one Workers' organization, the Turkish Confederation of Trade Unions (TURK-IS). Furthermore, the Turkish Government had never held consultations with the other workers' organizations in an attempt to find solutions acceptable to all the organizations concerned in accordance with the conclusions of the Conference's Credentials Committees based on article 3, paragraph 5. As the Government had taken the same course of action this year – with the result that a considerable proportion of Turkish workers were not represented at the Conference – the objecting organization requested the Credentials Committee to draw the Government's attention to its failure to

comply with article 3, paragraph 5, of the ILO Constitution.

27. In a written communication to the Committee made at its request, Mr. Kutlu Türker, Under-Secretary of the Ministry of Labour and Social Security and Government delegate at the Conference, provided information concerning the membership of the four workers' confederations in Turkey on 1 January 1995. TURK-IS had 1,978,350 members; the next largest was the Turkish Confederation of Revolutionary Trade Unions (DISK) with 329,895 members, followed by the objecting organization (HAK-IS) which had 286,733 members. The fourth confederation had 7,488 members. In order to seek the agreement required by article 3, paragraph 5, of the ILO Constitution, the Government had consulted TURK-IS, as the largest organization, on the composition of the Workers' delegation to the Conference. Since TURK-IS was aware of the constitutional provisions, it could be assumed that it would not act in violation of them. Furthermore the Government traditionally consulted TURK-IS on the possibility of representation of the smaller confederations, but TURK-IS had always opposed such representation. Accordingly the Government had acted in good faith "to do its best", in accordance with the relevant international case law, to achieve an agreement among the various confederations.

28. While not expressing any doubts as to the Government's good faith, the Committee stressed

that the obligation was on the Government – not TURK-IS – to hold consultations with all the most representative organizations, which – on the basis of the statistics provided by the Government – included DISK and the objecting organization in addition to TURK-IS. If no agreement could be reached during such consultations, the Government should then take a decision on the composition of the Workers' delegation giving due weight to the fact that TURK-IS was much larger than the two other most representative confederations.

29. Thus, while the Committee took note that the nomination had been made in agreement with the Workers' organization that was by far the most representative in Turkey, it concluded that the Government had not fully complied with article 3, paragraph 5, of the Constitution in so far as it was the Government's duty to seek agreement with all of the most representative Workers' organizations.

30. The Credentials Committee submits the present report to the Conference in order that the Conference may take note of it.

Geneva, 17 June 1995

(Signed) B. JONZON
Chairman

D. FUNES DE RIOJA.

C. GRAY

1) Government delegates	4) Employers' Advisers
2) Government advisers	5) Workers' delegates
3) Employers' delegates	6) Workers' Advisers

List of registered delegates and advisers

	1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)		1)	2)	3)	4)	5)	6)
Afghanistan.....	2	-	-	-	-	-	El Salvador.....	2	2	1	-	1	-	Malaysia.....	2	7	1	2	1	3
Albania.....	2	4	1	-	1	1	Equatorial Guinea.....	-	-	-	-	-	-	Mali.....	2	1	1	1	1	1
Algeria.....	2	7	1	4	1	6	Eritrea.....	2	-	1	-	1	2	Malta.....	2	3	1	4	1	2
Angola.....	1	1	1	1	1	2	Estonia.....	2	1	1	-	1	-	Mauritania.....	1	1	1	-	1	-
Antigua and Barbuda.....	1	-	1	-	1	-	Ethiopia.....	2	-	-	-	-	-	Mauritius.....	2	3	1	-	1	3
Argentina.....	2	4	1	8	1	8	Fiji.....	2	-	1	-	1	-	Mexico.....	2	7	-	4	1	2
Armenia.....	-	-	-	-	-	-	Finland.....	2	4	1	4	1	4	Republic of Moldova.....	2	1	1	-	1	-
Australia.....	2	5	1	3	1	3	France.....	2	14	1	7	1	8	Mongolia.....	2	2	1	-	1	-
Austria.....	2	6	1	2	-	3	Gabon.....	1	5	1	1	1	4	Morocco.....	1	4	1	4	1	6
Azerbaijan.....	1	3	1	-	1	-	Gambia.....	-	-	-	-	-	-	Mozambique.....	2	-	1	-	1	1
Bahamas.....	2	-	1	-	1	1	Georgia.....	1	-	-	-	-	-	Myanmar.....	2	8	1	-	1	-
Bahrain.....	2	4	1	-	1	2	Germany.....	1	9	1	6	1	8	Namibia.....	2	4	1	-	1	1
Bangladesh.....	2	4	1	-	1	1	Ghana.....	1	2	1	5	1	2	Nepal.....	2	2	1	-	1	-
Barbados.....	1	-	1	-	1	-	Greece.....	2	14	1	7	1	8	Netherlands.....	2	13	1	4	1	5
Belarus.....	2	3	1	3	1	4	Grenada.....	-	-	-	-	-	-	New Zealand.....	2	4	1	1	1	1
Belgium.....	2	11	1	5	1	7	Guatemala.....	2	6	1	1	1	-	Nicaragua.....	2	3	1	-	1	-
Belize.....	-	-	-	-	-	-	Guinea.....	2	2	1	-	1	1	Niger.....	2	1	1	-	1	2
Benin.....	2	-	1	-	1	-	Guinea-Bissau.....	1	-	-	-	1	-	Nigeria.....	2	15	1	2	1	3
Bolivia.....	2	1	1	1	1	1	Guyana.....	-	-	-	-	-	-	Norway.....	2	3	1	8	1	8
The Rep. of Bosnia and Herzegovina.....	2	-	-	-	-	-	Haiti.....	1	3	1	-	1	-	Oman.....	2	4	1	-	1	-
Botswana.....	2	2	-	-	1	-	Honduras.....	2	2	1	-	1	-	Pakistan.....	2	3	1	-	1	1
Brazil.....	2	8	1	7	1	5	Hungary.....	2	7	1	4	1	8	Panama.....	2	4	1	1	1	1
Bulgaria.....	2	5	1	3	1	1	Iceland.....	2	2	1	1	1	2	Papua New Guinea.....	2	-	1	-	1	-
Burkina Faso.....	2	3	1	-	1	-	India.....	2	10	1	5	1	5	Paraguay.....	1	1	1	-	1	2
Burundi.....	2	3	1	-	1	-	Indonesia.....	2	15	1	8	1	8	Peru.....	2	3	1	1	1	1
Cambodia.....	1	-	1	-	1	-	Islamic Republic of Iran.....	2	10	1	2	1	4	Philippines.....	2	16	1	5	1	8
Cameroun.....	2	2	1	1	1	1	Iraq.....	2	1	1	-	1	-	Poland.....	2	9	1	5	1	5
Canada.....	2	5	1	5	1	8	Ireland.....	2	5	-	1	1	1	Portugal.....	1	8	1	6	1	8
Cape Verde.....	2	-	1	-	1	-	Israel.....	2	2	1	-	1	1	Qatar.....	2	2	1	-	1	-
Central African Republic.....	2	2	1	-	1	-	Italy.....	2	8	1	4	1	4	Romania.....	2	6	1	3	1	7
Chad.....	2	-	1	-	1	-	Jamaica.....	2	2	1	-	1	-	Russian Federation.....	2	11	1	5	1	7
Chile.....	2	7	1	4	1	8	Japan.....	2	16	1	5	1	8	Rwanda.....	1	-	-	-	-	-
China.....	2	15	1	3	1	5	Jordan.....	2	2	-	2	1	2	Saint Lucia.....	1	-	-	-	-	-
Colombia.....	2	8	-	5	1	6	Kazakhstan.....	1	-	-	-	1	-	Saint Vincent and the Grenadines.....	1	1	1	-	1	-
Comoros.....	1	-	-	-	-	-	Kenya.....	2	1	1	-	-	-	San Marino.....	2	3	1	3	1	1
Congo.....	2	2	-	-	-	-	Republic of Korea.....	2	12	1	4	1	6	Sao Tome and Principe.....	2	-	1	-	1	-
Costa Rica.....	2	2	1	-	1	1	Kuwait.....	1	8	1	2	1	3	Saudi Arabia.....	2	6	1	-	1	1
Cote d'Ivoire.....	2	4	1	1	1	4	Kyrgyzstan.....	1	-	-	-	-	-	Senegal.....	2	4	1	2	1	7
Croatia.....	1	4	1	-	-	1	Laos People's Dem. Rep.....	2	-	1	-	-	-	Seychelles.....	2	-	1	-	1	-
Cuba.....	2	2	1	-	1	-	Latvia.....	1	1	1	2	1	1	Sierra Leone.....	2	-	-	-	-	-
Cyprus.....	2	3	1	1	1	4	Lebanon.....	2	3	1	3	1	2	Singapore.....	2	3	1	1	1	6
Czech Republic.....	2	8	1	4	1	4	Lesotho.....	2	2	1	-	1	-	Slovakia.....	2	9	1	5	1	6
Denmark.....	2	7	1	1	1	4	Liberia.....	-	-	-	-	-	-	Slovenia.....	2	4	-	3	-	2
Djibouti.....	-	-	-	-	-	-	Libyan Arab Jamahiriya.....	2	4	1	1	1	3	Solomon Islands.....	-	-	-	-	-	-
Dominica.....	1	-	-	-	-	-	Lithuania.....	2	1	1	-	1	-	Somalia.....	-	-	-	-	-	-
Dominican Republic.....	2	2	1	4	1	4	Luxembourg.....	2	11	1	5	1	7	Republic of South Africa.....	2	8	1	6	1	7
Ecuador.....	2	2	1	-	-	3	Madagascar.....	2	4	1	2	1	1	Spain.....	2	12	1	8	1	8
Egypt.....	2	10	1	4	1	7	Malawi.....	2	1	1	-	1	-	Sri Lanka.....	2	5	1	-	1	4

CORRIGENDUM

Provisional Record No. 13

Page 13/32, second column, fifth paragraph, fourth line: for "Austrian Workers' Delegate", read "Austrian Employers' Delegate".

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Provisional Record

Eighty-second Session, Geneva, 1995

Fourth item on the agenda: Safety and health in mines

Report of the Committee on Safety and Health in Mines

1. The Committee on Safety and Health in Mines was set up by the International Labour Conference at its first sitting on 6 June 1995. It was originally composed of 155 members (62 Government members, 35 Employers' members and 58 Workers' members). To achieve equality of voting strength, each Government member was allotted 1,015 votes, each Employers' member 1,798 votes and each Workers' member 1,085 votes. The composition of the Committee was modified several times during this session and the number of votes attributed to each Member was adjusted accordingly.

2. The Committee elected its officers as follows:

Chairman: Dr. A. Békés (Government member, Hungary);

Vice-Chairmen: Dr. J. Stewart (Employers' member, Republic of South Africa) and Mr. J. Maitland (Workers' member, Australia);

Reporter: Mr. R. McGinn (Government member, Canada).

3. At its fifth sitting the Committee appointed members of a Drafting Committee composed as follows: Mr. R. Kuggeleijn (Government member of the Netherlands); Mr. D. Lauriski (Employers' member of the United States); Mr. P. Benjamin (Workers' member of South Africa) and the Reporter of the Committee.

4. The Committee had before it Reports IV(2A) and IV(2B) prepared by the Office for a second discussion by the Conference of the fourth item on the agenda: "Safety and Health in Mines". The proposed Convention and the Recommendation submitted by the Office were contained in Report IV(2B).

5. The Committee held 11 sittings.

General discussion

6. The representative of the Secretary-General of the Conference, Dr. Chandra Pinnagoda, welcomed the delegates at the first sitting of the Committee and proceeded with the election of its Chairman and Vice-Chairmen. Thereafter, he recalled briefly the documents issued since the first discussion in 1994. The Office had received replies from 63 member States and, in addition, replies from 17 member States were received too late for inclusion in Report

IV(2A): these were available to members of the Committee who wished to consult them. The proposed Convention and Recommendation contained in Report IV(2B) had been drawn up by the Office to reflect the observations received. The representative of the Secretary-General pointed out that some minor drafting changes had been introduced to the conclusions which were adopted by the Conference at its 81st Session in 1994 to ensure full concordance between the English and French versions of the proposed instruments. He also drew particular attention to the several modifications which the Office introduced to the texts of the proposed instruments. The first such modification dealt with the word "participation" in the fourth paragraph of the Preamble of the proposed Convention. Since there was strong support for the Office's concern that this word needed clarification, the text was amended to state that workers needed to participate "in the preparation and implementation of safety and health measures" concerning the hazards and risks they faced. The second modification concerned the addition of the word "solid" before the word "minerals" in the definition of "mine" in Article 1 in order to exclude from this definition exploration for or mining of minerals such as oil and gas and water. Thirdly, the word "plant" was inserted in subparagraph (b) of Article 1 for the purpose of its coverage by the definition. The fourth modification concerned the inclusion of the concept of "subcontractor" in the definition of the employer in paragraph 2 of Article 1, which also ensured consistency with Article 11. The fifth modification involved the transfer of Paragraph 3 in the Recommendation and its insertion as paragraph 3 of Article 2 due to its relevance to this Article since it gave examples of criteria on which exclusion might be made, and did not entail any new obligation. This resulted in renumbering the Paragraphs of the proposed Recommendation and the replacement of the word "Scope" in the title of its Section I by the words "General Provisions". For the purpose of clarity, the sixth modification replaced the word "determined" in paragraph 2 of Article 4 by the word "identified". The seventh modification was an amendment throughout the proposed Convention (Articles 5, 9 and 12) to clarify that "dangerous occurrences" should be defined by national laws and regulations. The eighth modification concerned an amendment with regard to the word "facilities" in subparagraph (c) of Article 8 by stipulating that the term be defined by national laws and regulations. The ninth modification concerned the addition of the phrase "by the competent authority" in the new Paragraph 5 of the proposed Recommendation in order to delineate the State's responsibility for this provision. Other modifications were introduced to the text of the new Paragraph 17 concerning: the physical, chemical and biological hazards to which workers might be exposed; the obligation of the suppliers of mining equipment (in Paragraph 7); and coordination among several employers undertaking activities at the same mine (in Paragraph 21). The representative of the Secretary-General outlined the more recent work of the Office in the field of occupational safety and health with particular reference to the publication of the Code of Practice on the Recording and Notification of Occupational Accidents and Diseases and to the promotional activities aimed at the implementation of the provisions of the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161), the Chemicals Convention, 1990 (No. 170), and the Convention on the Prevention of Major Industrial Accidents, 1993 (No. 174), and their ratification.

Regarding the implementation of the ILO Conventions that were applicable to mines as well, the Committee of Experts on the Application of Conventions and Recommendations continued to take measures within the framework of the ILO supervisory machinery on the application of relevant instruments, such as the Guarding of Machinery Convention, 1963 (No. 119), and the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), in order to ensure observance of the provisions contained in those instruments. Reference was also made to the Twelfth Session of the Joint ILO/WHO Committee on Occupational Health, convened in April 1995, and to its recommendation to the Governing Bodies of each organization to consider the launching of a joint programme of action towards the global elimination of silicosis, a scourge that affected approximately 20,000 miners each year.

7. The spokesperson of the Employers' members recalled that his group had emphasized three points during the first discussion in 1994: that the development of the international instruments on safety and health in mines should take account of the diversity of mines and economic realities; that the employers fully accepted their responsibility for safety and health matters and that cooperation with the other parties was essential; and that the employers were committed to the development of an instrument which could be widely ratified. He believed that these three points remained valid for the purposes of the second discussion. As regards the need for wide ratification, the instruments should not deal with social or environmental issues. Overloading the text with detail would work against ratification and thus against the interests of the beneficiaries themselves. He drew attention to the rate of ratification of similar instruments, such as the Occupational Safety and Health Convention, 1981 (No. 155), which after 12 years had now received only 24 ratifications. Although the Employers' members would have preferred the adoption of only a Recommendation, they did not plan to reopen that argument and were ready to work constructively towards the formulation of a Convention provided that it could satisfy three essential criteria: acceptance by the employers, widespread acceptance which would facilitate ratification by member States, and the long-term improvement of safety and health in mines. As regards the Employers' primary responsibility for safety and health matters, this was clearly specified in the texts and endorsed by them. However, ensuring safety and health at the workplace was a team effort and a shared responsibility and it was essential for this second discussion to establish a basis for effective cooperation by clearly covering the responsibilities of all the parties. Finally, as regards the diversity of mines, the Office reports of the previous year had drawn attention to the different sizes, types and depths of mines which could not be adequately addressed by instruments with specific provisions. The proposed texts were tending towards an instrument relating more to coal and deep underground mines. As regards the question of economic realities, mines were a key component of many economies and a major source of jobs. But to exist, they needed to be both safe and economically viable, two requirements which were both desirable and necessary. Neither of these two requirements would be assumed. The Employers reaffirmed their commitment to the development of a Convention and Recommendation which would reflect the combined wisdom of the Committee and have the necessary flexibility to ensure the widest ratification.

8. The spokesperson of the Workers' members reminded the Committee of its responsibility to refine the work carried out during the first discussion and to develop an instrument which would ensure the safety and health of mineworkers. He appreciated the concern expressed by the spokesperson of the Employers' members that the instruments should focus on matters of safety and health, to the exclusion of broader social aspects. He quoted the first two paragraphs of the Preamble to the Constitution of the ILO and emphasized the relevance of their concern to mineworkers and, in particular, the need to develop a Convention and Recommendation which addressed the safety and health needs of the industry. He recalled that a number of mining accidents had occurred in several countries since the last session of the Conference. Mining was one of the most hazardous industries and the Committee had a great responsibility in helping countries to fulfil their aspiration of ensuring the highest degree of protection for their workers. Countries should not be inhibited by any barriers which might limit their scope of action in this respect, and the ILO should provide technical assistance to help them establish such protection over time. A resolution adopted by the Coal Mines Committee of the ILO in January 1995 called on all member States to support the adoption of a Convention and Recommendation on safety and health in mines.

9. The Government member of Australia supported the proposed Convention and Recommendation. The changes introduced to the text should lead to a comprehensive and a flexible standard to ensure the protection of mineworkers. The necessity of developing such a standard had been reaffirmed following the mining accidents which occurred in countries such as Australia, where mining was the most important export-oriented industry but the most hazardous as well. The benefits derived from developing such a standard depended on its flexibility and on the commitment of each member State to ratify it.

10. The Government member of Canada referred to the numerous mining accidents and deaths that occurred worldwide and noted the significant amount of resources which had been invested by the Office and member States to develop these instruments. He urged governments to actively pursue the ratification of the Convention following its adoption.

11. The Government member of France, speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, Member States of the European Union (EU), emphasized the need to protect the maximum number of mineworkers. The protection could be measured by a short-term criterion, which was the adoption of the Convention and a long-term criterion, which was the ratification of the future Convention by a large number of member States. A compromise between the two criteria was necessary for the optimum protection of mineworkers, which the instrument was designed to achieve.

12. The Government member of Mexico noted the value of developing the instruments, as his Government stood to derive benefits from the results during the revision and updating of its national regulations on safety and health in mines.

13. The Government member of India stressed the importance of developing instruments on safety and health in mines and the need for active collaboration

between the workers, employers and governments. Participative management was crucial to the success of all aspects of safety and health.

14. The Government member of China emphasized the importance of developing a Convention and a Recommendation in protecting the lives of mineworkers. Mining remained the main export-oriented industry in a number of countries and required up-to-date and flexible laws and regulations.

15. A number of Workers' members reiterated their support for the development of a Convention and a Recommendation. The Workers' member of Sweden stated that 15,000 lives were lost each year in mining, tantamount to the loss of life in a civil war. The recent mining disaster in South Africa was a cruel reminder that much remained to be done in improving safety and health protection in this industry. A legally binding instrument was needed for the protection of mineworkers. The Workers' member of South Africa pointed out that the recent disaster in his country was not an isolated incident, and that over 6,000 workers were compensated each year for lung diseases. The Workers' member of France also believed that it was urgent to adopt a Convention. He hoped that it would be ratified by the largest number of countries, although it must be a real Convention which would effectively guarantee the health and safety of miners. The Workers' member of Canada said that mining workers had the right to be able to return home safely after their work and the Committee had a collective responsibility to ensure the respect of this right. The Workers' member of China said that unions in his country attached the greatest importance to the safety and health of miners, and that the labour law which was recently adopted in his country included specific provisions on this subject. The Workers' member of Germany said that decisive and swift action was essential to help prevent the continuing tragedies in the mines, and that the Committee could speed up the process by keeping its amendments to the strict minimum. The Workers' member of Saudi Arabia said that safety and health in mines was very important to workers, and could also help reduce absenteeism due to injury. The proposed Convention and Recommendation should therefore be supported by all Committee members.

16. The representative of the International Miners' Organization said that miners did not work in mines out of choice but out of need. Demands were often made of them by employers who justified such demands in terms of the market situation and the economic crisis. He asserted that there was a limit to such demands and that no price could be placed on the lives of mineworkers.

Consideration of the proposed Convention contained in Report IV(2B)

Preamble

17. An amendment submitted by the Workers' members to insert the words "the Employment Injury Benefits Convention and Recommendation, 1964;" after the words "... and Recommendation, 1963;" in the fourth line of the third preambular paragraph was accepted.

18. The Employers' members submitted an amendment to replace the fifth and sixth preambular paragraphs, that contained a reference to environmental protection by the words: "Recognizing that it is desirable to prevent any

workplace fatalities, injuries or illnesses to workers or members of the public arising from mining operations, and". They maintained that the proposed Convention dealt with safety and health in mines and that there was no need to make reference to the environment. In order to adequately cover their concerns, the Workers' members subamended the text by deleting the word "workplace" on the grounds that it was restrictive, replacing the word "illnesses" by the words "ill health" to cover other aspects of health, and introducing the words "or damage to the environment" after the word "public". Following a discussion during which the Employers' members recalled that the Preamble to a Convention did not carry legal force, the amendment, as subamended, was accepted.

19. The Preamble, as amended, was adopted.

Part I. Definitions

Article 1

20. The Employers' members submitted an amendment to clause 1(a)(i) to replace the words "exploration for" by the words "extraction of", insert the words "except off-site exploration drilling" after the word "minerals" and to delete the words "or the extraction of solid minerals;". They believed that the proposed Convention should not include off-site operations, such as drilling for water, which in many countries were not part of mining. The Workers' members opposed the amendment, since "exploration" involving the mechanical disturbance of the ground was an essential part of the industry, and the exclusion of "off-site exploration" would substantially reduce the scope of the instrument. The Government members of the Member States of the EU opposed the exemption of "off-site exploration drilling", as such activities also included tunnelling, for example. The Government member of Australia pointed out that exploration was an integral part of mining in his country and one in which accidents occurred quite frequently, and he therefore opposed the amendment, as did the Government members of Canada, India and the United States. In the face of this opposition, the amendment was withdrawn.

21. The Government members of Czech Republic, India, Norway and South Africa submitted an amendment to delete the word "solid" from both lines of clause 1(a)(i). A similar amendment was also submitted by the Workers' members who emphasized that their amendment was not intended to bring the oil and gas industry within the scope of the definition of mines, which should be the subject of a separate instrument. They meant to prevent the exclusion of a number of mining operations, for example the mining of minerals such as salt and sulphur that involved fluid processes. The Employers' members replied that a literal reading of the text with the proposed amendment would include the oil and gas industry and believed that the reference to the word "solid" in the Office text did not mean that liquid mining techniques used for the extraction of minerals in natural solid state were excluded. The Government members of the Member States of the EU said that it was important for the provision to be as precise as possible and proposed a subamendment to delete the word "solid" and to insert the words ", excluding oil and gas" after the word "minerals" in both lines of the Office text. This was supported by the Workers' and the Employers' members.

Another amendment by the Government members of Australia, Canada, Mexico, Mozambique, New Zealand, Norway, Turkey and the United States was submitted to delete from clause 1(a)(i) the words "or the extraction of solid minerals" and to insert a new clause to read "the extraction of solid minerals" in the interest of greater clarity, which they now subamended in the light of the discussion to read:

"(1) exploration for minerals, excluding oil and gas, involving the mechanical disturbance of the ground;

(2) extraction of minerals, excluding oil and gas;"

This was supported by the Employers' and Workers' members, and the amendment, as subamended, was accepted. Based on the outcome of this discussion a similar amendment submitted by the Government member of China was not discussed.

22. Following the debate regarding the exclusion of the oil and gas industry from the scope of the instrument, the Chairman remarked that a similar discussion had arisen on "biological hazards" in 1993 during the preparation of the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and that the Committee had set up a working party which drafted a resolution on this matter. He added that the present Committee might wish to consider the possibility of setting up a similar working group on this occasion. The Chairman's proposal to set up a working group to discuss the possible steps to be taken for the handling of the special problems arising in relation to the oil and gas industry was opposed by the Employers' members who referred to the extensive work which has already been done by the Office, notably through the ILO's sectoral activities programme. The Workers' members supported the proposal to set up a working group since they represented not only mineworkers but also oil and gas workers, and support was also expressed by several Government members. After further debate and put to the vote, the proposal to set up a working group was adopted by 92,320 votes in favour, 69,296 votes against, with 6,832 abstentions.

23. At the sixth sitting of the Committee, the Legal Adviser, in giving his opinion on the manner in which the Working Group might present its findings, referred to the provisions in the Standing Orders with regard to the submission of resolutions on matters that were either related to or not related to agenda items of the Conference. The decision as to whether the exploration and extraction of oil and gas were related to the Conference agenda depended not on the definition ascribed to the term "mine" in the texts of instruments adopted, but on the understanding attached to the term in ordinary technical language. From the description of the term "mine" given in Report V(1) on Safety and Health in Mines that the Committee had examined during its first discussion in 1994, it could be construed that the exploration and extraction of oil were covered within the definition of a mine, while it appeared less clear whether coverage could be extended to gas. In these circumstances, he confirmed that the concerns of the Committee could be expressed adequately by incorporating the deliberations of the Working Group in the body of its report.

24. The Working Group was comprised of two Government members (the Netherlands and the United Kingdom) and two Workers' members (Egypt and Ireland). At the ninth sitting of the Committee, the Government member of the United Kingdom, speaking on behalf of the Working Group, stated that in

developing a text for consideration, it had taken into account: (a) that the general view of the Committee was that workers in the oil and gas industry should have comparable standards to those employed in mines as defined in the proposed Convention on safety and health in mines; and (b) that the ILO had already initiated work in this area and that this should be developed further. He observed that the statement of their findings had been distributed to the Committee for its consideration. The Workers' members argued that there was an overlapping of responsibility between the mining industry and the oil and gas industry with regard to the provision of safety and health protection to workers and that the statement only invited the Governing Body to note that international standards needed to be developed for the oil and gas industry as well. The Workers' members and a majority of Government members supported the inclusion of the statement in the body of the report. The Employers' members expressed reservations about the competence of their group to assess the appropriateness of the conclusions arrived at by the Working Group, particularly the proposals for additional action by the ILO. They also felt that the competence for work, including safety and health matters, in the oil and gas industry rested with the relevant ILO Sectoral Activities Committee. Based on this they opposed the inclusion of the findings of the Working Group in the report and abstained from expressing any view on them. Following support by the majority of the Committee, it was decided to incorporate in the report the statement of the Working Group which read:

The Committee on Safety and Health in Mines, having proposed the exclusion of the oil and gas exploration and extraction industry from the proposed Convention and Recommendation on Safety and Health in Mines,

- noting that this decision to exclude the oil and gas exploration and extraction industry was based on the need for a separate consideration of the specific safety and health problems within the oil and gas exploration and extraction industry;
- considering that despite efforts by governments, employers and workers and their representative organizations to reduce risks, the nature and extent of safety and health problems in this industry require continued attention and further actions;
- noting that the Convention on the Prevention of Major Industrial Accidents, 1993, applies to major hazard installations in the oil and gas exploration and extraction industry;
- noting the conclusions of the tripartite meeting in 1993 on safety and related issues pertaining to work on offshore petroleum installations;
- recognizing that similarities exist between onshore and offshore activities with regard to safety and health in oil and gas exploration and extraction;
- considering the need for continued improvement of safety and health protection in all mineral extraction;

invites the Governing Body to note:

- (a) that the oil and gas exploration and extraction industry has been excluded from the proposed Convention and Recommendation on Safety and Health in Mines;
- (b) that additional action by the ILO should be pursued to enhance the safety and health of workers in the oil and gas exploration and extraction industry, including the development of relevant instruments.

25. The Workers' members submitted an amendment to insert the words "and waste" after the words "extracted minerals" in clause 1(a)(ii), to ensure that the provision covered components other than "minerals". The Employers' members

opposed the amendment as unnecessary since the Office text was already very broad and included everything taken out of the mine. The Government member of Canada supported the amendment since "preparation" could include compaction and the placement of waste materials of an organic nature stripped from the mine. The amendment was also supported by the Government member of Mexico, who said that waste could also be dangerous and should thus be covered by the provision, and by the Government members of Australia, Czech Republic and China. The Employers' members proposed a subamendment to replace the entire clause by the words "preparation and processing of the extracted minerals", since "processing" was broad enough to include the handling of waste. A further subamendment by the Workers' members to replace the word "minerals" by the word "materials" was accepted by the Employers' members. Several Government members expressed concern about the use of the term "processing". The Government member of Canada said it was vague and member States would have to define its meaning; the Government member of Ireland said that the word would substantially extend the scope of the instrument, and include, for example, the processing of gypsum to manufacture plaster. Similar concerns were voiced by the Government members of Australia, the United Kingdom and France. In the light of these observations, the Workers' members proposed a further subamendment to retain the Office text with the addition of the words "and disposal" after the word "washing", which was opposed by the Employers' members, since it extended the scope to activities which might be carried out far away from mines. The Government member of Canada pointed out that the term might even include the sale and transport of such materials. Faced by this opposition, the Workers' members withdrew this subamendment. As a result their original amendment, as subamended, to replace the word "minerals" by the word "materials", was accepted.

26. The Government members of the Member States of the EU submitted an amendment to replace the definition of the term "employer" in paragraph 2 to read: "The term 'employer' means any physical or legal person who employs one or more workers in a mine, and as the context requires, the principal contractor, the contractor or the subcontractor" to ensure consistency with the definition of the term in the Safety and Health in Construction Convention, 1988 (No. 167). This was subamended by the Workers' members who sought to add the words "the operator" after the word "requires", and accepted as subamended. As a result a similar amendment by the Workers' members concerning the definition of the word "employer" in paragraph 2 was not discussed.

27. The proposal by the Employers' members to add a definition of the term "safety and health representatives" was the subject of an extensive discussion during which it emerged that the provisions of Article 12 covered the definition of the term. In the face of opposition the amendment was withdrawn.

28. Article 1, as amended, was adopted.

Part II. Scope and means of application

Article 2

29. The Workers' members submitted an amendment to delete subparagraph 2(a) arguing that the Convention should apply to all mines without exception. Following opposition by the Employers' members and by several Government members on the grounds that the Office text offered the flexibility needed for wide ratification by member States, the amendment was withdrawn.

30. The Government members of South Africa and the United States submitted an amendment to replace subparagraph 2(a) by the following text: "may modify specific provisions of the Convention as applied to certain categories of mines so long as the modification provides no less than the same level of protection provided by the Convention" which they considered provided for more flexibility. This was further subamended by the Government member of the United States to delete the words "... of the Convention ...", as the provisions of a Convention could not be modified. The subamendment was opposed by the Employers' members who proposed the introduction of a text to allow for the exclusion of certain categories of miners from the application of the provisions of the Convention. The Workers' members opposed the subamendment and subamended it to safeguard that the provisions in Articles 12, 13 and 14 were not subject to any exemption. Following a lengthy discussion on the acceptability of the implication of the subamendments on the status of a Convention, the Government member of the United States introduced a new subamendment which read: "may exclude certain categories of mines from the application of the Convention, or certain provisions thereof, when the overall protection afforded in pursuance of national law and practice is not inferior to that which would result from the full application of the provisions of the Convention;". This was supported by the Employers' and the Workers' members, and the amendment, as subamended, was accepted. The amendment which was submitted by the Government members of South Africa and the United States to delete subparagraph 2(b) was subsequently withdrawn.

31. Two amendments were submitted by the Government members of South Africa and the United States and by the Workers' members to delete paragraph 3 that dealt with some criteria for exclusion. Based on the outcome of the revision of the previous paragraph that omitted any reference for criteria for exclusion, the two amendments were supported and accepted.

32. On the basis of a discussion on a previous amendment, the Workers' members withdrew, without discussion, an amendment they had submitted to delete paragraph 4.

33. The Government members of Australia, Canada, India, South Africa, Turkey and the United States submitted an amendment to replace the words "the first report" in paragraph 4 by the words "its reports" in order to allow member States the flexibility of reflecting progressively the coverage of excluded categories of mines in other reports. With the support of the Employers' and the Workers' members, the amendment was accepted.

34. Article 2, as amended, was adopted.

Article 3

35. An amendment to insert the words “which ratifies this Convention” after the word “Member” in the Article submitted by the Government member of China and seconded by the Government members of Zambia and Zimbabwe was withdrawn when the representative of the Secretary-General explained that Conventions were binding only on member States that ratified them.

36. Article 3 was adopted without change.

Article 4

37. The Government members of Canada and Turkey submitted an amendment to end paragraph 1 with the phrase “or by other means of application in accordance with national conditions and practice”, and subamended it without discussion by altering the proposed new phrase to read: “or by other means of application consistent with national practice” in order to allow for more flexibility of the instrument and to enhance its ratification possibilities. Whilst the Workers’ members expressed their appreciation of the intent of the amendment, they decided it was more appropriate under paragraph 2 that dealt with subsidiary legislation, a view which was supported by the Employers’ members. Following a request by the Government member of Australia as to whether the word “national” applied equally to federal and state levels, the Legal Adviser replied in the affirmative. Following discussion, the amendment was opposed and rejected.

38. The Government members of Canada and Turkey submitted an amendment to insert the words “or other means of application” after the word “regulation” in paragraph 2 and subamended it without discussion by inserting the words “or other means consistent with national practice” after the words “shall be supplemented”. This was further subamended by the Workers’ members to insert “or other means consistent with national practice” after the words “or codes of practice”. With the support of the Employers’ members, the amendment, as subamended, was accepted. An amendment by the Government member of China to replace the word “authority” by the word “authorities” in paragraph 2 was not seconded and therefore not discussed.

39. Article 4, as amended, was adopted.

Article 5

40. The Government members of Canada, Czech Republic, Japan and Turkey submitted an amendment to insert the words “or other means” after the word “regulation” in paragraph 1 and withdrew it without discussion. They also submitted another amendment to insert the words “or other means” after the word “regulations” in the opening line of paragraph 2 and subamended it without discussion by inserting the words “or other means consistent with national practice” after the word “regulation”. Following discussion the amendment, as subamended, was opposed by the Workers’ and the Employers’ members and subsequently withdrawn.

41. The Workers' members submitted an amendment to end subparagraph 2(b) by the words: "by inspectors independently of mine employers and mineworkers" in order to ensure the independence of the inspectors. The Employers' members argued that in cases where the size of the inspectorate was limited, the inspectorate relied on inspections undertaken by the employer. Following discussion, the Government member of Canada subamended the amendment by inserting the words: "by inspectors designated for the purpose by the competent authority" after the word "mines" in subparagraph 2(b). The word "designated" was supported by the Employers' members and the amendment, as subamended, was accepted while its formulation was left to the Drafting Committee.

42. An amendment submitted by the Employers' members to insert a colon after the word "investigating" in subparagraph 2(c) was subamended by them to reposition the words "as defined by national laws or regulations," after the colon for clarity; to delete the words "fatal and serious accidents and" in the first and second lines and to insert the words "fatal and serious accidents" after the word "regulations". This was supported by the Workers' members and the amendment, as subamended, was accepted.

43. An amendment by the Government members of Australia, Canada, Czech Republic, Japan, New Zealand, Poland, South Africa, Turkey and the United States to delete the words "and serious" in the first line and to insert the words "or other means, serious accidents," after the word "regulations" in the second line of paragraph 2(c) was withdrawn without discussion.

44. The Government members of Czech Republic, Japan, Switzerland and Turkey submitted an amendment to insert the words "the measures helpful for" at the beginning of subparagraph 2(d) so as to allow flexibility in implementing the provisions of the instrument with regard to the compilation of statistics of accidents in the workplace. This was opposed by the Employers' and the Workers' members and the amendment was rejected.

45. The Employers' members submitted an amendment to delete the word "all" and to insert a colon after the word "on" in subparagraph 2(d), which they subamended in the light of the earlier discussion to read: "the compilation and publication of statistics on: as defined by national laws or regulations accidents, occupational diseases and dangerous occurrences". This was supported by the Workers' members, and the amendment, as subamended, was accepted. Another amendment to the same subparagraph submitted by the Government members of Canada, Czech Republic, Japan and Turkey was withdrawn in the light of the earlier discussion.

46. The Employers' members submitted an amendment to subparagraph 2(f) to replace the word "measures" by the word "matters". A subamendment by the Workers' members to insert the words "measures and" before the word "matters" was supported by the Employers' members and subsequently accepted on the understanding that the wording would be referred to the Drafting Committee.

47. The Workers' members submitted an amendment to add a new subparagraph under paragraph 2 to read as follows: "the supply and maintenance in hygienic condition of sufficient sanitary conveniences and facilities to wash, change and eat". This was opposed by the Employers' members, who considered

it too detailed a provision for a Convention covering a wide variety of mines, and that a similar provision was already contained in Paragraph 26 of the proposed Recommendation. The Government members of the Member States of the EU submitted a subamendment, by analogy with clause 3(b)(ii), to begin the subparagraph with the words “the obligation of supplying and maintaining”, which was supported by the Workers’ and opposed by the Employers’ members. Whilst two Government members opposed the subamendment, arguing that such a provision should be contained in a Recommendation, one Government member supported it. The Government member of Canada proposed a further subamendment, to insert the words “where appropriate” before the words “the obligation of supplying and maintaining”, which was opposed by the Workers’ members. The Employers’ members stated that although the addition of these two words did make a difference, the text was still drifting in the wrong direction. Following lack of support, the subamendment was not accepted and the discussion returned to the preceding subamendment submitted by the Government members of the Member States of the EU. The Employers’ members proposed a further subamendment to insert the words “where appropriate” before the words “the obligation of supplying and maintaining”, which was initially opposed by the Workers’ members, who subsequently withdrew their opposition following support for the subamendment from the Government members. The amendment to add a new subparagraph to paragraph 5.2, as subamended, was accepted and its text left to the Drafting Committee for finalization.

48. An amendment submitted by the Government members of Canada, Czech Republic, Japan and Turkey to insert the words “or other means” after the word “regulations” in the introductory line of paragraph 3 was withdrawn in the light of the earlier discussion.

49. An amendment submitted by the Government member of Zaire, seconded by the Government member of Australia, sought to insert the words “manufacturing, sale, importation” after the words “provide that the”, and to insert the words “or similar products,” in the first line after the word “explosives” in subparagraph 3(a). The two parts of the amendment were examined separately. The Government member of Zaire said that the first part was intended to enhance the protection provided by the instrument. This was supported by the Workers’ members and opposed by the Employers’ members, who stated that it went beyond the scope of an instrument on safety and health in mines. Following similar opposition by the Government members of the Member States of the EU and others, the Government member of Australia submitted a subamendment to delete the words “sale, importation” and insert the phrase “at the mine” after the words “initiating devices”. The Employers’ members said that they would support the subamendment on the understanding that the words “at the mine” applied to all the activities listed in the provision, which the Government member of Australia confirmed was his intention. The Workers’ members opposed the subamendment, since explosives were also manufactured by miners near but not at the mine, and submitted a further subamendment to insert the words “and their manufacture at the mine site” after the words “initiating devices”. This was accepted by the Employers’ members. The Government member of Canada remarked that although he supported the subamendment, the wording was not clear and would limit the reference of the words “at the mine”

to only the word “manufacture”, which was clearly not the original intention. The Government member of the United Kingdom expressed similar views. In the light of these observations, the Employers’ members withdrew their support for the subamendment by the Workers’ members, which was then withdrawn. Following lengthy discussion and clarification that the words “at the mine” in the subamendment submitted by the Government member of Australia were intended to indicate that all such activities took place at the mine site, the Employers’ and Workers’ members voiced their support, and the first part of the amendment, as subamended, was accepted as follows: “provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine shall be carried out by or under the direct supervision of competent and authorized persons”. The Government member of Zaire explained that the second part of his amendment sought to include substances such as ammonium nitrate used during the operation phase which although not explosives, did become explosives on contact with fuel. This was supported by the Workers’ members, but opposed by the Employers’ members who maintained that the word “explosives” would include such products. The Government member of Canada said the words “similar products” were vague and would broaden the scope to include ammunition or firecrackers and proposed a subamendment to replace the proposed words by the words “or oxidizing components of explosives”. Following lack of support for the subamendment from both the Employers’ and Workers’ members, the Government members of Czech Republic, Mexico, Australia and the United States said that the words “similar products” were too broad. The Workers’ members subsequently withdrew their support for the second part of the amendment, which was then rejected.

50. The Government members of Australia, Canada, Czech Republic, South Africa, Switzerland and the United States submitted an amendment to subparagraph 3(a) to replace the word “trained” by the word “competent”, since the concept of competency also included experience and the ability to perform work in a safe manner. Following support from both the Employers’ and Workers’ members, the amendment was accepted.

51. The Workers’ members submitted an amendment to insert the words “and maintain adequate” after the word “provide” in clause 3(b)(ii), which was supported by the Employers’ members and accepted.

52. The Workers’ members submitted an amendment in two parts. The first part sought to replace the word “waste” by the words “hazardous substances used in the mining process and waste produced at the mine” in clause 3(b)(iv). This was accepted. The second part which sought to substitute the word “résidus” for “déchet” in the French text was referred to the Drafting Committee since it was of a linguistic nature. Another amendment to clarify the same word “waste” was withdrawn by the Employers’ members in favour of the Workers’ amendment, which was accepted.

53. An amendment submitted by the Government members of Canada, Czech Republic, Japan and Turkey to insert the words “or other means” after the word “regulations” in paragraph 4 was withdrawn in the light of the earlier discussion. Another amendment submitted by the Workers’ members on the same paragraph to replace the words “employers prepare” by the words “the employer

in charge of the mine prepares” sought to provide consistency with the provisions of Article II. This was subamended by the Employers’ members, with the word “prepare” being replaced by “ensures that”, since it would be more appropriate to the wide variety of mines and modes of operation which would include the plans being prepared by a third party. The Workers’ members accepted that the subamendment enhanced the text and the amendment, as subamended, was accepted. The consistency of the wording was referred to the Drafting Committee.

54. Based on the result of a previous discussion, the amendment submitted by the Government members of Australia, Canada, Switzerland, South Africa and the United States to amend the text of paragraph 4 was withdrawn without discussion.

55. Article 5, as amended, was adopted.

Part III. Preventive and protective measures at the mine Responsibilities of employers

New Article

56. The Workers’ members submitted an amendment to introduce a new Article after Article 5 to read:

“In taking the preventive and protective measures the employer shall comply with the following order of priority:

1. eliminate the risk;
2. combat the risk at source;
3. minimize the risk by designing safe work systems;
4. use personal protective equipment in so far as the risk remains.”

The purpose of this amendment was to give an order of priority and hierarchy in outlining the protective measures. Whilst several Government members supported the amendment, it was opposed by the Employers’ members who maintained that similar provisions had already been covered elsewhere in the proposed Convention. The discussion was followed by a subamendment which the Government member of Canada submitted to replace the word “comply” in the opening statement by the words “deal with the risks in”, and the word “combat” in item 2 by the word “control”. This was supported by the Workers’ members and by several Government members. The Employers’ members maintained their opposition for reasons similar to those they had forwarded earlier and submitted a subamendment replacing the word “taking” by the word “assessing” and the words “order of priority” by “prioritization” in the opening lines and eliminating the words “by designing safe work systems” in item 3. This was opposed by the Workers’ members and by several Government members. At this juncture the Government member of the Netherlands submitted a subamendment reintroducing the word “taking” after the word “assessing”, which was further subamended by the Workers’ members who reintroduced the words “by designing safe work systems” in item 3. Following support by the Employers’ members, the Government member of Canada remarked that it was difficult to understand the meaning conveyed by the combination of the assessment and the taking of preventive measures and proposed that the word “assessing” be dropped from the

opening lines and that the list and sequence of priorities be headed by a new item 1 to read "assess the risk". At the request of the Chairman, to state the guiding principles for demarcation among the hierarchical order, the spokesperson of the Workers' members explained that the intent of their original amendment could be described by the phrase "reasonable, responsible and feasible, with due diligence and in accordance with best practices". The explanation was acceptable to the Employers' members who proposed the incorporation of the phrase as a separate item 5 with best practice being replaced by good practice in the light of the views of the Government member of the United Kingdom that reference should be made to "good" practice rather than "best" practice. Given the range of details provided by the text, the Workers' members opposed this proposal on the grounds that such language was more suited in the Recommendation. After a lengthy debate the Workers' members settled on a new text of a subamendment which read:

"In taking the preventive and protective measures the employer shall deal with the risk in the following order of priority:

1. assess the risk;
2. eliminate the risk;
3. control the risk at source;
4. minimize the risk by means including the design of safe work systems;
5. use of personal protective equipment in so far as the risk remains."

Following a reading by the Chairman of the text of Article 13 of the Chemicals Convention, 1990 (No. 170) that dealt with a similar order of priority for control measures, the Workers' members maintained their position which was supported by several Government members and subsequently supported by the Employers' members, subject to the elaboration of more detail in the related sections of the proposed Recommendation.

57. The new Article, as amended, was adopted.

Article 6

58. The Employers' members submitted an amendment to insert the words ", to the extent reasonably practicable," after the word "minimize" in the opening lines of the Article. The proposal sought to qualify the word "minimize" so as not to place on the employer an obligation which was impossible to achieve. The Employers' members referred to a similar text used in Article 4.2 of the Occupational Safety and Health Convention, 1981 (No. 155) and in the Asbestos Convention, 1986 (No. 162) and subamended their amendment by replacing the text by the words: "so far as is reasonably practicable". The Workers' members opposed the subamendment on the grounds that this additional qualification was better suited to a Recommendation, or could be noted for the record in the report. Other Government members voiced their opposition to the subamendment on the grounds that the text would create confusion and might weaken the intent of the original Office text. Following this opposition, the Employers' members withdrew their amendment on the understanding that the matter be addressed in the Recommendation.

59. The Employers' members submitted an amendment to replace the words "secure safety in its operation" in subparagraph (a) by the words "provide

conditions for safe operations” since it was not possible to guarantee results, but only the means to achieve them. This was subamended by the Workers’ members to replace the word “operations” by “operation”, which was supported by the Employers’ members, and the amendment, as subamended, was accepted.

60. The Workers’ members submitted an amendment to delete the words “take steps to” from subparagraph (c). This was opposed by the Employers’ members who maintained a previous argument that it was only possible to guarantee means of action but not the results. Following further opposition by the Government members, the amendment was withdrawn.

61. An amendment by the Workers’ members to insert the words “at least” before the words “two exits” in subparagraph (d) was withdrawn without discussion.

62. An amendment submitted by the Government member of Zaire to insert the words “and related equipment” after the word “environment” in subparagraph (e) was not seconded and therefore not discussed.

63. Article 6, as amended, was adopted.

Article 7

64. Since no amendments were proposed, Article 7 was adopted without change.

Article 8

65. The Workers’ members submitted an amendment to end subparagraph (a) with the words “and of relevant preventive and protective measures in a comprehensive manner”, which they subamended to replace the word “comprehensive” by the word “comprehensible”. This was supported by the Employers’ members, and the amendment, as subamended, was accepted.

66. The Employers’ members submitted an amendment in three parts to insert the word “and” before the word “clothing”, to insert the words “as necessary” after the word “clothing” and to delete the words “and other facilities defined by national laws or regulations” in subparagraph (c). They believed that the word “facilities” was an all-embracing term which would lead to confusion and that “protective equipment” was broad enough to encompass the concept. The Workers’ members submitted a subamendment to delete the word “and” before the word “clothing” and to insert the words “as necessary” after the word “clothing” and to restore the words “and other facilities defined by national laws or regulations”. They maintained that the concept of “protective equipment” did not cover everything that was required, and the facilities would be defined at the national level, if the need arose. The Employers’ members opposed the subamendment for the same reasons which had motivated their original amendment. Following support for the subamendment by several Government members, the Employers’ members withdrew their opposition and the amendment, as subamended, was accepted.

67. The Workers’ members submitted an amendment in three parts to subparagraph (d) to delete the word “injured”, to insert the words “who have suffered from an injury or illness at the workplace” after the word “workers” and

to add the words "first aid at the mine and" after the word "with". The first two parts were taken together and discussed first. The Workers' members said the original provision was too restrictive and that injury and illness were two different concepts. These two parts were supported by the Employers' members. An amendment by the Government members of Australia, Canada, Czech Republic and Poland to insert the words "emergency first aid, with" after the word "with" in the same subparagraph was withdrawn in the light of the third part of the amendment submitted by the Workers' members, which was subamended by the Employers' members to delete the words "at the mine", so as to avoid delays in treatment. This was supported by the Workers' members, and the amendment, as subamended, was accepted. The amendment submitted by the Government members of Botswana, Lesotho, Malawi, Zambia and Zimbabwe to add the words "and quickest" after the word "appropriate" in the same subparagraph was opposed by the Workers' members who said that the quickest transportation might not be the most appropriate, and by the Employers' members as redundant. As a result it was rejected.

68. The Government members of Australia, Czech Republic and Switzerland submitted an amendment to add a new subparagraph as follows: "undertake risk analysis and hazard assessment to identify risks to the safety and health of mineworkers and develop and implement appropriate systems to effectively manage these risks". The Employers' members opposed the amendment as superfluous following the earlier discussion on the hierarchy of control concept. The Workers' members supported the amendment as reflecting a growing trend in the industry towards the development of risk management systems. The Government members of the United States and Panama opposed the amendment as being too ambitious for global application. The Government members of the Member States of the EU pointed out that such management systems were very complicated and since it might not be possible to extend them easily to all countries, such a provision might be an obstacle to ratification. The Government member of Australia withdrew the amendment in the light of the discussion, although he emphasized that such systems did enhance long-term performance.

69. The Workers' members also submitted an amendment to add a new subparagraph as follows: "promote a suitable programme or system for the rehabilitation of injured workers so that their health is restored as quickly as is practicable". The Employers' members said that although the concept was good, and in fact reflected what was usual practice, the provision would be more appropriate in a Recommendation. The Government member of Australia supported the amendment, saying that early rehabilitation was a key factor in restoring workers' health and would also help employers protect their own investment. The Government member of Mexico said that employers in his country were already partially responsible for the rehabilitation of workers afflicted with work-related injuries. The Government members of Botswana and Pakistan also supported the amendment, as did the Government member of the United States, who pointed out that the amendment merely required the employer to "promote" a suitable programme or system. The Government member of Panama concurred, and said there was a need for employers to be involved in such measures. The Government member of Czech Republic opposed the amendment, as did the Government members of the Member States of the EU,

who said that it was more appropriate for a Recommendation. Put to a vote, the amendment was rejected by 395 votes against, 349 in favour, and 25 abstentions.

70. Article 8, as amended, was adopted.

Article 9

71. The Government members of Botswana, Lesotho, Malawi, Zambia and Zimbabwe submitted an amendment to subparagraph (a) to replace the word “for” by the words “at no cost to”. The Employers’ members opposed the amendment as being unnecessary. The Workers’ members submitted a subamendment to insert the words “at no cost to the worker” after the word “matters”, which would clearly indicate who the recipient was. The subamendment was opposed by the Employers’ members, who said it was still redundant. Following wide support for the subamendment from the Government members, the Employers’ members withdrew their opposition, and the amendment, as subamended, was accepted.

72. The Government members of the Member States of the EU submitted a two-part amendment, the first part of which sought to replace subparagraph (d) by the following: “all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken”. This sought to ensure that accidents, and not just dangerous occurrences, should fall within the scope of national definition. While the Employers’ members expressed their support for part 1 of this amendment, the Workers’ members opposed it. Following an explanation by the Government members of the Member States of the EU that not all accidents and all dangerous occurrences would be investigated, the Government member of Australia opposed the amendment as he believed that all accidents should be investigated by the employer to determine the causes for the purpose of prevention. His view was shared by a number of Government members. The Employers’ members explained that national authorities should be able to define accidents in a way which was appropriate to their circumstances. In the light of this argument, the Workers’ members withdrew their opposition to this part of the amendment, which was accepted. Based on this outcome, another amendment submitted by the Government members of Australia, Canada, Czech Republic, Islamic Republic of Iran, Japan, Poland, South Africa, Turkey and the United States to delete the words “and a report is made to the competent authority” from subparagraph (d), was not discussed. Similarly, the amendment submitted by the Workers’ members to add the words “as soon as possible” at the end of the subparagraph and the Employers’ amendment to the text of the subparagraph, were not discussed.

73. In part 2 of their amendment, the Government members of the Member States of the EU sought to add a new text after subparagraph (d) to read: “a report is made to the competent authority on accidents and dangerous occurrences, as defined by national laws and regulations”, so as to grant the competent authority the flexibility of deciding which accidents and dangerous occurrences should be subject to reporting. They further subamended the text to read: “as defined by national laws and regulations, a report is made to the competent authority on accidents and dangerous occurrences”. This was subamended by the Workers’ members to end the phrase by the words “as soon as possible”. The Employers’ opposition to this amendment was shared by several Government

members who explained that their national legislations adequately covered the conditions for reporting, which led the Workers' members to withdraw their subamendment, and part 2 of the amendment, as subamended, was accepted.

74. The Government members of Australia, Canada, Czech Republic, Switzerland and Turkey submitted an amendment to add a new paragraph as follows: "Employers shall ensure compliance with the requirements of national standards relating to the safety and mining equipment and appliances, the labelling of products and the provision of comprehensible instructions." This was aimed at placing on the employer the responsibility of ensuring compliance with standards which would also result in pressure on the suppliers of mining equipment and appliances. It was supported by the Workers' members but opposed by the Employers' members who argued that the provision placed on the employer an administrative burden and an obligation which was not possible to achieve. The amendment was subamended by the Government member of France who proposed the text to read: "Employers shall verify that the requirements of national legislation related to the safety of equipment and appliances are complied with." This was further subamended by the Workers' members to read: "Employers shall not permit the use of machinery, equipment, products and other substances in their mines that do not comply with relevant legal instruments." Following continued opposition by the Employers and several Government members, the amendment was withdrawn.

75. Article 9, as amended, was adopted.

Article 10

76. The two similar amendments by the Government members of Botswana, Lesotho, Malawi, Zambia and Zimbabwe and by the Workers' members to replace the words "workers' exposure" by the words "workers exposed" were supported by the Employers' members and accepted.

77. Article 10, as amended, was adopted.

Article 11

78. The Government members of Botswana, Lesotho, Malawi, Zambia and Zimbabwe submitted an amendment in three parts which sought to replace the word "they" by the words "the employer in charge of such a mine", to replace the words "The employer in charge of the mine shall undertake this coordination and" by the words "as well as be", and to end the Article as follows: "This shall not be deemed to relieve the individual subordinate employers from coordinating the implementation of all measures concerning the safety and health of their workers." Whilst the first two parts of the amendment received the support of the Employers' and Workers' members, and were accepted, the third part was subamended by the Employers' members to replace the word "coordinating" by the words "responsibility for". This was further subamended by the Workers' members to delete the words "be deemed to" and "subordinate" which the Employers' members supported, and the amendment, as subamended, was accepted.

79. An amendment submitted by the Workers' members to add a new paragraph to Article 11 as follows: "Arrangements pursuant to Article 11(1) for coordination between several employers do not diminish the responsibility of those employers for the safety and health of workers under their authority or for any matter under their control" was withdrawn without discussion since the intent had already been reflected by a previous amendment.

80. Article 11, as amended, was adopted.

Rights and responsibilities of workers and their representatives

Article 12

81. The Employers' members proposed a motion of procedure for paragraphs 1 and 2 to be discussed after paragraph 3, which provided a framework for the rights established under the preceding two paragraphs. The motion was opposed by the Workers' members, who said that there had been a significant increase in the role of workers in most countries and that it was very important to know what kind of rights were being discussed. Following lack of support from the Government members, the motion of procedure was rejected.

82. The Government members of the Member States of the EU submitted an amendment to insert the words ", dangerous occurrences" after the word "accidents" in subparagraph 1(a), which was supported by the Employers' and the Workers' members and accepted.

83. The Government members of the Member States of the EU submitted an amendment to delete the words ", at the workers' request," from subparagraph 1(b). Although workers could request inspections and investigations, the employer and the competent authority should have the right to decide whether such procedures were justified. The amendment was withdrawn in favour of a similar amendment submitted by the Government members of Canada, Czech Republic, Japan, New Zealand, Poland, South Africa and Switzerland, to delete the words "have, at the workers'" and to delete the comma after the word "request", which also sought to protect the employer and the competent authority from being bound on demand to comply with all requests made. The Employers' members opposed the amendment as still establishing an absolute right, which needed to be qualified, and submitted a subamendment for the subparagraph to read: "to request, where there is cause for concern on safety and health grounds, inspections and investigations to be carried out by the employer and the competent authority". Although the Workers' members accepted the second part of the subamendment, they opposed the first part on the grounds that it sought to remove a very important workers' right. The Government member of the United Kingdom said that the intent was not to remove the right to request, but rather the right to demand that inspections and investigations be carried out. The Government member of the United States stated that he did not support the subamendment as such, since in his experience such a right had been used judiciously. He did, however, support the underlying principle of the second part concerning the qualification. The Workers' members submitted a subamendment, to add the words "and obtain" after the words "to request". The subamendment was

supported by the Government member of Canada, who remarked that the qualification meant that the final decision would be made by the employer and the competent authority. In the face of similar views from several Government members, the Employers' members withdrew their opposition and the amendment, as subamended, was accepted so that the text of subparagraph 1(b) would read: "to request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the employer and the competent authority".

84. An amendment by the Government member of India to replace subparagraph 1(b) by the text: "to request that inspections and investigations be done by the employer and the competent authority", and another by the Employers' members to insert the words "where there is cause for concern on safety and health grounds" after the word "request" in subparagraph 1(b) were withdrawn in the light of the earlier discussion.

85. The Government members of Australia, Canada, Japan, New Zealand, Switzerland and the United States submitted an amendment to insert the words "as much" before the word "information" and the words "as possible" after the word "information" in subparagraph 1(d). The amendment was supported by the Workers' members and opposed by the Employers' members, who said that the additional words were an inappropriate requirement for a right, since their scope was potentially unlimited. Following lack of support from several Government members, the amendment was withdrawn.

86. An amendment submitted by the Government members of Canada and India to replace the word "or" after the word "employer" by the words "and if not available from the employer then from" in subparagraph 1(d) was opposed by both the Workers' and Employers' members and rejected.

87. An amendment was submitted by the Employers' members to replace the words "collectively select" by the words "democratically elect" and to add the words "from among the workers employed at the mine" in subparagraph 1(f). As a right, which would include for example access to property in terms of later provisions, such a provision should be restricted to workers employed at the mine, although this did not preclude other arrangements to be agreed and added on, over and above this provision. Both parts of the amendment were opposed by the Workers' members who believed there was little difference between "collectively select" and "democratically elect", while the addition of the words "at the mine" could be detrimental to small mines with few workers which might need outside expertise on safety and health matters. Several Government members pointed out that their legislation made no provision for the direct election of safety and health representatives, and as such, those functions were carried out by other bodies, such as works' councils. The Government member of the United States opposed both parts of the amendment, since the words "collectively select" were sufficiently wide in scope to encompass such bodies as works' councils, and the words "at the mine" would preclude the possibility of a person being a representative at more than one mine. The Government members of Australia and Egypt also preferred the words "collectively select" for the same reasons and thus opposed the amendment. In the light of the discussion, the Employers' members submitted a subamendment, to add the following after the word "mine":

“Alternatively workers at the mine may reach agreement with employers on some other arrangements for the appointment of such representatives”, which they said would address some of the concerns raised. The Workers’ members opposed the subamendment as unworkable, and following lack of support from Government members, the subamendment was withdrawn. In the face of continued opposition from the Government members, the Employers’ members withdrew their original amendment.

88. In answer to a question by the Government member of the Netherlands as to whether the term “collectively select” covered works’ councils in subparagraph 1(f), the representative of the Employers’ members replied that the answer could not be definitive since there were variations among countries with regard to the interpretation of the term “works’ council”, as well as the basis of the representation on those councils. The Workers’ members affirmed that other representations such as works councils would be covered. Most Government members did not express a view on this. The Chairman therefore concluded that the term “safety and health representatives” would carry the broad interpretation attached to it by the Committee. Following discussion, an amendment submitted by the Government members of Canada and India to delete the word “collectively” and to insert the words “collectively or according to local practice” after the word “select” in subparagraph 1(f) was withdrawn.

89. The Employers’ members submitted and withdrew, without discussion, an amendment to begin paragraph 2 with the words “Under national laws and regulations” in favour of another amendment submitted by the Government members of the Member States of the EU, which sought to insert after the word “shall” in the opening lines of paragraph 2 the words “in accordance with national laws and regulations”. The purpose of this amendment was to ensure that the workers’ rights referred to under this paragraph were governed by national laws and regulations. This was subamended by the Workers’ members who preferred to maintain consistency with the language used in paragraph 1 and proposed to begin paragraph 2 with the words: “Under the national laws and regulations referred to in Article 4”. The subamendment was opposed by the sponsors of the original amendment on the grounds that it restricted the text to the provision as stated under Article 4 which would also curtail the flexibility required for ratification of the Convention. Following a clarification by the Government member of the Netherlands who explained that in paragraph 12.1 the rights would have to be established, whereas in paragraph 12.2 the ratifying State had the power to have the rights established in accordance with national laws and regulations, the Workers’ members withdrew their subamendment. Subsequently, the amendment was accepted.

90. The Employers’ members submitted an amendment to insert the word “workplace” before the word “safety” in subparagraph 2(a) for clarity. This was supported by the Workers’ members and the amendment was accepted.

91. The Government members of Canada, Czech Republic, Switzerland and Turkey submitted an amendment to insert the words “as defined by national laws and regulations or other means of application” after the words “inspection and” in subparagraph 2(b), which they subamended by deleting the words “or other means of application” from the original amendment. This was supported by the

Workers' members but opposed by the Employers' members for the reasons presented during a previous discussion, who reiterated that the subamendment gave the right to workers from outside the mine to conduct investigations and inspections in the mine. This, they further explained, could give rise to conflict with national practice. The Employers' members proposed a subamendment to read: "to participate in inspections and investigations conducted by the employer and the competent authority," which was opposed by the Workers' members since they believed it took away from the workers their right to inspect and investigate mines. Following this discussion, the Government member of Canada, while expressing his sympathy with the subamendment put forward by the Employers' members, withdrew the original amendment, which was then reintroduced by the Employers' members along with their previous subamendment. Faced with continued opposition by the Workers' members and some Government members, the amendment was put to vote and rejected by 712 votes against, 704 votes in favour and 48 abstentions. Upon the Employers' members' request, the amendment was put to a record vote and rejected by 736 votes against, 632 votes in favour and 96 abstentions.

92. The Government member of India withdrew, without discussion, an amendment which sought to delete the words "and the competent authority" from the text of subparagraph 2(b) in favour of an amendment by the Government member of the Member States of the EU which sought to insert the words ", when appropriate," after the word "and" in the second line of the same subparagraph. Following opposition by both the Employers' and Workers' members, the amendment was rejected.

93. The Employers' members submitted an amendment to add the words "at the workplace" after the word "authority" in subparagraph 2(b), which was supported by the Workers' members and accepted.

94. The Employers' members submitted an amendment to insert the words ", relevant to the area for which the safety and health representative has been appointed," after the word "receive" in subparagraph 2(f). Expressing their support for the underlying concept, the Workers' members submitted a subamendment to replace the last two words by the word "responsibility", which was supported by the Employers' members. The amendment, as subamended, was accepted.

95. The Employers' members submitted a seven-part amendment to paragraph 3 to insert the words "at the mine level" after the word "rights", to replace the word "by" by the words "within the framework of", to insert the word "and" after the word "regulations", to replace the word "with" by the word "between", to delete the comma after the word "employers" and then to add the word "and", to replace the word "and" in the third line by the word "or" and to insert the words "safety and health" after the word "their". They subamended it to read: "The procedures for the exercise of the rights at the workplaces referred to in paragraphs (1) and (2) above shall be established by and within the framework of national laws and regulations and after consultations between employers and workers and their respective representatives." The Employers' members said the subamendment, to which they attached much importance, was based on a two-tiered approach whereby national laws and regulations would establish a

framework within which detailed procedures would be determined at the mine level. To attempt to establish procedures by national laws and regulations which could be applied in all mines would be both ineffective and impracticable. This subamendment was opposed by the Workers' members because they believed it did not capture the intent behind the concept of the hierarchy concerning the rights of the workers, a concern which was raised during the previous year's discussion, whereby national laws and regulations would establish such rights through consultations. They submitted a subamendment so that paragraph 3 would read: "The procedures for the exercise of the rights referred to in paragraphs (1) and (2) above shall be established (a) by national laws and regulations; (b) through consultations with employers, workers and their representatives." The Workers' members clarified, at the request of the Employers' members, that in the context of Conventions and Recommendations, the text referred generally to the workers and to their representatives and also to situations involving employers and their representatives. In response to a clarification sought by the Government member of the Netherlands, as to whether the text could still be interpreted to mean that the procedures could be established by either national laws and regulations or through consultations, they further reiterated that the rights of workers were established under national laws and regulations, and procedures to establish the implementation of those regulations were developed through consultations between employers and workers and their representatives. The suggestion by the Government member of Canada to insert a colon after the word "established", and a semi-colon followed by the word "and" before the word "through" was supported, and the amendment, as subamended, was accepted.

96. Article 12, as amended, was adopted.

Article 13

97. The Employers' members submitted an amendment to replace the words "use of" by the words "care and use of protective clothing" in subparagraph (b). This was supported by the Workers' members and accepted.

98. The Workers' members submitted an amendment in two parts to replace in subparagraph (c) the word "forthwith" by the words "as soon as possible" and to insert the words "to their health and safety or that of other persons" after the word "risk". The first part of the amendment was opposed by the Employers' members on the grounds that it eliminated the sense of urgency required in the reporting of the risk, and was subsequently withdrawn. Since part 2 of the amendment aimed to ensure the safety of other workers, it was supported, and the amendment, as subamended, was accepted.

99. An amendment by the Employers' members to introduce a new subparagraph to read: "cooperate with the employer to enable duties and responsibilities placed on the employer by this Convention to be complied with" was supported and accepted.

100. The Employers' members submitted another amendment to introduce a new subparagraph to read: "carry out any lawful instruction which has been given in the interests of securing safety and health at the mine." This was opposed by the Workers' members who argued that the text involved legal complications and that its thrust had already been covered by Article 13(a). Following opposition

from several Government members, the Employers' members withdrew the amendment on the understanding that their concern was reflected in Article 13(a).

101. The Government member of India, supported by the Government member of Zimbabwe, submitted an amendment in two parts to introduce a new subparagraph. The first part, which introduced a text to read: "obey instructions on safety and health measures given to them by their supervisors and mine officials", was withdrawn without discussion. The second part, to introduce the words: "make only legitimate use of the information obtained from the employers or the competent authority and be responsible for its inappropriate use" was subamended by the sponsor to delete the words "and be responsible for its inappropriate use". While this was supported by the Employers' members, it was opposed by the Workers' members who believed that the text implied the illegitimate use of information by the workers and restricted the dissemination of information. Following a discussion during which some Government members supported and most opposed the subamendment, the Employers' members withdrew their original support and the amendment was rejected.

102. Article 13, as amended, was adopted.

Cooperation

Article 14

103. The Government member of India, supported by the Government member of Botswana, submitted an amendment to add a new paragraph as follows: "Employers and workers shall each share their part of responsibility in ensuring that prescribed safety and health measures are implemented" which he subamended, without discussion, by replacing the word "share" by the word "assume" and the words "part of" by the word "respective", emphasizing that the intention was to address the implementation of the safety and health measures. This was opposed by the Workers' members as an unnecessary complication and by the Employers' members as confusing, and was subsequently rejected.

104. Article 14 was adopted without change.

Part IV. Implementation

Article 15

105. The Workers' members submitted an amendment as a new subparagraph to read: "take no measure, and ensure that employers take no action in pursuance of the Convention, which results in a reduction of the level of health and safety protection afforded to workers in mines under existing laws and regulations and practices at the time of ratification of the standards under consideration." The representative of the Secretary-General referred to paragraph 8 of article 19 of the Constitution of the ILO which states that: "In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation." The Workers'

members stated that they too had intended to refer to the same provision and withdraw their amendment, which they did.

106. Article 15 was adopted without change.

107. In response to a clarification sought by the Government member of the Netherlands, the representative of the Secretary-General replied that the final provisions of the Convention were inserted by the Conference Drafting Committee. The Government member of the Netherlands remarked that several governments had problems with the long period provided for in denouncing a Convention. The proposed Convention, as amended, was adopted.

Consideration of the proposed Recommendation in Report IV(2B)

Preamble

108. The Preamble of the Recommendation, replaced by the text of the Preamble to the Convention that had already been amended and adopted, was adopted.

I. General provisions

Paragraph 1

109. Since no amendments were proposed, Paragraph 1 was adopted without change.

Paragraph 2

110. Since no amendments were proposed, Paragraph 2 was adopted without change.

Paragraph 3

111. The Employers' members submitted an amendment to delete subparagraph (1) as they believed the provision was covered by Article 3 of the proposed Convention, and that its repetition was unnecessary. This was opposed by the Workers' members who argued that its deletion would deprive Members which did not ratify the Convention from applying an important provision, if they so wished. Following an explanation by the Office that provisions appearing in Conventions are also repeated in accompanying Recommendations, the amendment was further opposed by other Government members as a result of which it was withdrawn.

112. The Government members of Canada and Turkey submitted an amendment to replace the word "should" after the word "Convention" by the word "could" in subparagraph (2) explaining that there could be situations where there was no need for consultation when the effect of working hours, night work and shift work on the workers' safety and health were not an issue. This was subamended by the Employers' members to insert the words "where appropriate" after the word "should" in order to deal with situations where there was need for consultations. The Workers' members opposed the subamendment, arguing that

the words “where appropriate” added an unacceptable qualifier, following which the amendment was withdrawn.

113. On the basis that the issue of working time could be broad and involve other industries, the Employers’ members submitted an amendment to delete the second sentence of subparagraph (2). This was opposed by the Workers’ members who noted that the text belonged to a proposed Recommendation and was intended for guidance only. Their view was shared by several Government members, following which the amendment was withdrawn.

114. The Government of India submitted and withdrew, without discussion, an amendment to delete the word “daily” from subparagraph (2).

115. Paragraph 3 was adopted without change.

Paragraph 4

116. The Workers’ members submitted an amendment to insert the words “in adequate number” after the word “staff” and subamended it by putting the word “number” into the plural. This was opposed by the Employers’ members and by several Government members on the grounds that it posed difficulty to the competent authority and was vague, and was subsequently withdrawn.

117. The Government member of India submitted and withdrew, without discussion, an amendment to replace the word “and” by the words “so as” after the word “Convention”, and to add the words “by the employer” at the end.

118. Paragraph 4 was adopted without change.

New Paragraph

119. The Workers’ members submitted an amendment to add a new Paragraph after Paragraph 4 to read: “Inspectors appointed by the competent authority should be independent of workers and employers”, in order to ensure the independence of the inspector, a concept which they had attempted to introduce in the proposed Convention. This was opposed by the Employers’ members who argued that the provision was in some circumstances impracticable. Following discussion, the amendment was withdrawn.

Paragraph 5

120. The Workers’ members submitted an amendment to add a new clause as follows: “programmes or systems for the rehabilitation and reintegration of injured and ill workers so that their health is restored as quickly as is possible and they are returned to suitable employment with their employer at no loss to the worker.” The Employers’ members opposed the amendment as going beyond the scope of the instruments and of national laws and regulations, and said that it might not be possible for a worker to return to the original employer. The Government member of Australia agreed that it would be difficult to apply the provision, especially since compensation pay for injured or ill workers might not be equivalent to their normal pay. The representative of the Government members of the Member States of the EU also opposed the amendment as falling outside the scope of the instrument. In the light of the discussion, the Workers’ members

submitted a subamendment to insert the words “, where practicable,” after the word “returned” and to delete the words “at no loss to the worker”. The Employers’ members said that the law could not guarantee that workers’ health would be restored as quickly as possible, and submitted a further subamendment for the clause to read: “programmes or systems for the rehabilitation and reintegration of workers who sustain workplace injury or illness”. This was further subamended by the Workers’ members to replace the word “workplace” by “occupational”, which was supported by the Employers’ members and the amendment, as subamended, was accepted.

121. Paragraph 5, as amended, was adopted.

II. Preventive and protective measures at the mine

New Paragraph

122. The Employers’ members submitted an amendment to add a new Paragraph before Paragraph 6, under the heading “Preventive and protective measures at the mine”, as follows: “In taking the preventive and protective measures in accordance with Part III of the Convention, it is intended that the employers take those measures that are reasonable, diligent, feasible, practicable and in accordance with good practice.” Following informal consultations with the Workers’ members, the Employers’ members subamended the proposed text to read: “In taking the preventive and protective measures of Part III of the Convention, the choice of method or methods to be applied in respect of a particular hazard or risk should be determined having regard to what is reasonable, practicable, feasible, the exercise of due diligence and good practice, and with the risks being dealt with in the order of priority set out in Article 6(b)-(e).” This was supported by the Workers’ members because the text was the result of considerable consultations between them and the Employers’ members. However, they pointed out the need to place the new Paragraph in the right sequence and that consideration should be given to the translation into French and Spanish of the terms “reasonable” and “good practice”. The amendment, as subamended, was accepted. It was left to the Drafting Committee to determine where this new Paragraph should be placed or alternatively, the positioning of the heading “Preventive and protective measures at the mine” in either the Convention or Recommendation.

Paragraph 6

123. The Workers’ members submitted an amendment to replace the word “could” by the words “should, where appropriate” in the introductory lines, which was supported by the Employers’ members and accepted.

124. The Government members of Canada, Japan, New Zealand, Norway, South Africa, Turkey and the United States submitted an amendment to delete the words “on behalf of the employer” from clause (b), which was supported by the Workers’ and Employers’ members and accepted.

125. The Workers’ members submitted an amendment to add at the end of clause (c) the following: “and hazardous substances used in the mining process and waste produced at the mine.” The Employers’ members said that not all waste

might be hazardous and submitted a subamendment to add the words “or produced” after the word “used” and to delete the words “and waste produced at the mine”, which was supported by the Workers’ members and accepted.

126. Paragraph 6, as amended, was adopted.

Paragraph 7

127. A two-part amendment was submitted by the Government members of Australia, Canada, Norway, Slovenia, South Africa, Switzerland, Turkey and the United States to insert the words “and Article 9, paragraph 2” after the words “paragraph 3(b)” and to insert the words “and installers” after the word “suppliers” in paragraph 7. In the light of an earlier debate, the first part was not discussed and the second part was withdrawn.

128. The Workers’ members submitted a two-part amendment to replace the words “mining equipment and appliances” by the words “equipment, appliances, products and substances to the mine” and to insert the words “information and” after the word “comprehensible”. The Employers’ members submitted a subamendment to the first part to insert the word “hazardous” before the word “products”, which was supported by the Workers’ members and accepted. The Employers’ members supported the second part, and the amendment, as subamended, was accepted.

129. Paragraph 7, as amended, was adopted.

New Paragraph

130. The Government member of India submitted an amendment to add a new Paragraph, which he subamended as follows: “The competent authority where it considers necessary may specify or approve the use of machinery, equipment, appliance apparatus or material for work or operations in the mine.” The amendment was opposed by the Employers’ members as inappropriate for a Recommendation, and following lack of support from both the Workers’ and Government members, it was rejected.

Paragraph 8

131. The Workers’ members submitted an amendment to add the words “and appropriate medical facilities” after the word “aid” in the introductory lines. The Employers’ members opposed the amendment, as going beyond the concept of first aid and mine rescue requirements, and therefore contrary to the intent of this clause. They submitted a subamendment to insert after the word “Convention”, the following text “, and to appropriate medical facilities for emergency care,”. This was supported by the Workers’ members and the amendment, as subamended, was accepted.

132. The Government members of Botswana, Lesotho, Malawi, Zambia and Zimbabwe submitted an amendment to replace in clause (g) the word “a” by the words “an effective” and to replace the words “assist in safe escape” by the words “alert of imminent danger”. The Workers’ members submitted a

subamendment to delete the word “imminent”, which was supported by the Employers’ members and the amendment, as subamended, was accepted.

133. The Workers’ members submitted an amendment to replace the word “team” in both lines of clause (i) by the word “teams”, which was subamended by the Employers’ members to read: “team or teams” in both lines. This was supported by the Workers’ members and the amendment, as subamended, was accepted.

134. The Workers’ members submitted an amendment to add a new clause before clause (k) to read: “coordination with local authorities”. This was supported by the Employers’ members on the understanding that not everything could be included in this list, and the amendment was accepted.

135. An amendment by the Government member of India to add a new clause as follows: “observance of strict discipline and instructions by trained personnel”, was withdrawn without discussion.

136. Paragraph 8, as amended, was adopted.

Paragraph 9

137. The Workers’ members submitted an amendment in two parts. The first part which sought to insert the words “and standards” after the word “specifications” was supported by the Employers’ members and accepted. The second part which proposed to insert the words “and other mines where appropriate” after the word “outbursts” was amended by the Workers’ members without discussion to add a new sentence at the end of Paragraph 9 to read: “The development and deployment of wearable self-contained self-rescuers having sufficient duration to provide for workers to escape to a safe area should be encouraged.” This was opposed by the Employers’ members on the grounds that such a provision could not be incorporated into regulations. The Government member of the United States considered the text to be useful and supported the amendment as subamended. Following discussion, the Employers’ members proposed to retain the text of the original amendment and the Workers’ members withdrew their subamendment to retain part 2 of their original amendment. This was supported and part 2 of the amendment accepted.

138. Paragraph 9, as amended, was adopted.

Paragraph 10

139. The amendment submitted by the Workers’ members to insert the words “all necessary” after the word “take” in the introductory statement was subamended by the Employers’ members to replace the words “all necessary” by the words “all appropriate”. This was supported by the Workers’ members and accepted.

140. Paragraph 10, as amended, was adopted.

New Paragraph

141. The Workers’ members submitted a three-part amendment as a new Paragraph and subamended it without discussion to read only the third part to

read: "Employers should undertake risk analysis and hazard assessment to identify risks and hazards and develop and implement appropriate systems to manage these risks and hazards." This was subamended by the Employers' members who recalled the debate relating to the Convention and the need for progress in technological development and proposed the following text: "Employers should undertake hazard assessment and risk analysis and then develop and implement, where appropriate, systems to manage the risk." Following the support by the Workers' members, the amendment, as subamended, was accepted.

142. The new Paragraph, as amended, was adopted.

Paragraph 11

143. The Workers' members submitted an amendment to insert the words "best international standards, when they exist, and where higher with" after the word "with" in clause (a). The Employers' members opposed this amendment on the grounds that the text was the subject of discussion during the previous year's discussion, and explained that the international standards could be totally impracticable to mining conditions. The amendment was also opposed by the Government members of the Member States of the EU because of the difficulty of defining the word "best". It was also opposed by several Government members who argued that it was necessary to adapt international standards to suit local conditions in some countries. Following discussion, the Government member of Ireland submitted a subamendment to end clause (a) with the phrase: "or consider international standards where national standards do not exist", which was further subamended by the Workers' members to end the subamendment with the words "or are inferior". The Employers' members maintained their opposition by recalling that the original text meant that it was the responsibility of the competent authority to look for standards and that the text should be adhered to. Following a lengthy debate, there was agreement to accept the subamendment by the Government member of Ireland on the understanding that the Drafting Committee could adjust the wording of the text to suit the introductory words to paragraph 11.

144. An amendment submitted by the Workers' members to add the words "pursuant to Article ..." after the word "minimized" in clause (b) was withdrawn in the light of the earlier discussion.

145. The Workers' members submitted an amendment to delete the words "while work is in progress" from clause (c). The Employers' members opposed the deletion, which they said would extend the provision to areas where no work was being undertaken and require those areas to be adequately ventilated. Following support for the amendment from the majority of the Government members and opposition by some on the basis of the inconsistency and weakening of the provisions, the Employers' members withdrew their opposition and the amendment was accepted. The French text of the amendment was referred to the Drafting Committee to ensure consistency with the English version.

146. The Workers' members submitted an amendment to add a new clause, which they subamended to read as follows: "pursuant to Article 6(d) of the Convention, separate means of egress should be as independent of each other as possible; special arrangements should be made and equipment provided for the

safe evacuation of workers in case of danger.” The Employers’ members submitted a subamendment to delete the word “special”, since it might not be necessary in all cases, which was accepted by the Workers’ members. The Government members of the Member States of the EU requested clarification as to whether means of egress which shared some common part would be considered as “independent”. The Workers’ members pointed out that although they would have preferred such means of egress to be totally independent, the provision in the Convention included the words “wherever practicable”. Furthermore, two physically separate shafts might well share the same source of power, or two separate paths might have the same ventilation circuit. Other examples were given by the Government member of the United States and the Employers’ members. The Government member of the United Kingdom pointed out that the means of egress should be totally independent and separate, since the egress was to the surface, and that the words “as independent ... as possible” in fact diluted the provision of Article 6 of the Convention, a view supported by the Government member of France. Since the subamendment had the support of the Workers’ members, the amendment, as subamended, was accepted. As proposed by the Government member of Greece, the decision to number the amendment as a new Paragraph was referred to the Drafting Committee.

147. Paragraph 11, as amended, was adopted.

Paragraph 12

148. An amendment submitted by the Workers’ members to add the word “explosions” at the end of clause (a), which they subamended to read “and explosions”, was supported by the Employers’ members and the amendment, as subamended, was accepted.

149. An amendment by the Government member of India, seconded by the Government member of Zimbabwe, to delete the word “underground” from clause (a) was supported by both the Employers’ and Workers’ members and accepted.

150. Another amendment submitted by the Government member of India, and seconded by the Government member of Zimbabwe, to add the words “and collapse of ground” at the end of clause (e) was withdrawn after opposition from both the Employers’ and the Workers’ members, who said the list was not intended to be exhaustive.

151. The Workers’ members submitted an amendment to delete the word “extremely” from clause (g), which was opposed by the Employers’ members, who argued that some qualification was necessary since the Paragraph concerned special procedures. Following general consensus in the Committee to return some qualification, it was agreed to refer to the Drafting Committee the replacement of the word “extremely” in the Office text by the word “particularly”, following which the amendment was withdrawn.

152. An amendment by the Workers’ members to add a new clause to read: “loss of ventilation” was supported by the Employers’ members and accepted. As the amendment by the Government member of India to add another new clause was not seconded, it was not discussed.

153. Paragraph 12, as amended, was adopted.

Paragraph 13

154. Since no amendments were proposed, Paragraph 13 was adopted without change.

Paragraph 14

155. The Workers' members submitted an amendment to add a new sentence to the opening lines to read: "The self-contained chambers should be easily identifiable and accessible so that they can be reached by workers under all circumstances, also in cases where visibility is extremely poor", and subamended it to replace the word "also" with the word "particularly". This was opposed by the Employers' members who explained that the requirement was impossible to achieve since the necessary systems were not available. They subamended the text to terminate after the word "accessible", which was further subamended by the Workers' members to add the words "particularly in cases where visibility is poor" after the word "accessible", explaining that this could be achieved by light lines and reflective material. Following elaboration, the Employers' members supported the amendment which was accepted.

156. Paragraph 14, as amended, was adopted.

New Paragraph

157. An amendment by the Government members of Australia and Canada to introduce a new Paragraph concerning the measures set in a previous Article in the Convention was withdrawn without discussion.

Paragraph 15

158. The Government member of India submitted an amendment to introduce a new clause in three parts as follows: (1) "refrain from carrying, possessing or consuming any intoxicating drug or be in a state of intoxication or drunkenness while on duty"; (2) "refrain from sleeping on duty"; (3) "refrain from obstructing others in discharge of their duties". This was opposed by the Workers' members and subamended by the Employers' members by deleting points 2 and 3. Faced with opposition by several Government members who argued that such matters were dealt with by national legislation, the Employers' members subamended the text further by replacing it with the following text: "refrain from being under the influence of any intoxicating drug or alcohol while on duty". The Workers' members and several Government members maintained their opposition for the reasons stated above. Put to vote, the amendment was rejected by 35,552 votes against, 29,920 votes in favour, and 1,408 abstentions.

159. An amendment by the Workers' members to introduce a new subparagraph to read: "Employers' should have a duty to provide workers with appropriate training and instructions so as to enable them to comply with these duties" was supported by the Employers' members and accepted.

160. Paragraph 15, as amended, was adopted.

Paragraph 16

161. The Government member of India withdrew without discussion an amendment to add the words “in the mine” at the end of clause (d).

162. Paragraph 16 was adopted without change.

Paragraph 17

163. The Government members of the Member States of the EU submitted an amendment to insert the word “natural” after the word “other” and to replace the words “noxious and other” by the words “and asphyxiating” in clause (b). This was opposed by the Employers’ members on the grounds that the original text was the result of an exhaustive deliberation during the previous year’s discussion, and by the Workers’ members for the same reason, and was rejected.

164. Based on the outcome of the previous amendment, the Government members of the Member States of the EU withdrew without discussion an amendment to replace clause (c) by the following: “toxic gases and vapours, and other man-made dangerous chemical substances introduced in the mine.” An amendment by the Government member of India, seconded by the Government member of Zimbabwe, to add the words: “noxious and toxic” at the beginning of clause (c) was opposed by both the Workers’ and the Employers’ members and rejected.

165. Clause (c) was also the subject of an amendment by the Workers’ members who proposed to replace the word “chemicals” by the word “substances”. This was supported by the Employers’ members and accepted.

166. An amendment by the Workers’ members to add a new clause as follows: “work in confined spaces” was supported by the Employers’ members following clarification by the Workers’ members that the term did not refer to large sections of the mine having narrow stopes. The Government member of Greece said that redrafting would help the amendment reflect its intention more clearly, and at the suggestion of the Workers’ members, it was agreed to insert the text of the amendment in clause (h).

167. An amendment by the Workers’ members to introduce the text: “hazard related to stress” as a new clause was opposed by the Employers’ members as a broad and vague concept. The Government member of Pakistan’s proposal to insert the text in clause (f) was rejected since the clause specifically addressed temperatures. The amendment was also opposed by the Government members of the Member States of the EU who explained that the notion of stress was not covered by Article 8 of the Convention to which the Paragraph under discussion was related and that clause (n) took care of the combined effects. Following similar opposition by several other Government members, the amendment was withdrawn.

168. Paragraph 17, as amended, was adopted.

Paragraph 18

169. The Workers’ members submitted an amendment to add the following at the end of clause (b): “such protective clothing should at least include items

such as: (i) overalls suitable to the conditions; (ii) gloves; (iii) protective footwear”. This was withdrawn following opposition by the Employers’ and several Government members.

170. The Workers’ members submitted an amendment to replace the word “salary” by the words “remuneration and benefits” in clause (c) in order to reinforce the notion of no cost to the worker. This was opposed by the Employers’ members because the term “benefits” could refer to a broad range of bonuses. The Government member of Canada subamended the text by replacing the word “remuneration” by the word “salary”. This was supported by the Workers’ members but opposed by the Employers’ members for the same reasons they had stated earlier. Following further opposition by other Government members, both the subamendment and the amendment were withdrawn.

171. An amendment by the Government member of India, seconded by the Government member of Zimbabwe, to add the words: “including remedial action where necessary” at the end of clause (d) was opposed by the Employers’ and the Workers’ members and rejected.

172. Paragraph 18 was adopted without change.

New Paragraph

173. The Government members of Australia, Canada, South Africa and the United States submitted an amendment to introduce a new Paragraph as follows: “The types of protective equipment and facilities referred to in Article 8(c) of the Convention could include engineering or other means of control such as: (a) emergency safety showers and eye wash bays; (b) self-contained rescue chambers; (c) remotely operated dust collection systems; (d) roll-over and falling object protective structures; (e) equipment seat belts and harnesses; (f) fully enclosed pressurized cabins.” While the Workers’ members supported the amendment as a useful indicative list of the types of protective equipment and facilities, it was opposed and subamended by the Employers’ members to replace the word “could” by the word “might” which they agreed to refer to the Drafting Committee and to delete the text in (c), (d) and (e). Faced with opposition, the Employers’ members further amended their subamendment by restoring the text under (d) and (e) and deleting (c) only, which was supported and accepted.

174. The new Paragraph, as amended, was adopted.

Paragraph 19

175. The Government members of the Member States of the EU submitted an amendment to replace clause (a) by the following: “ensure appropriate inspections of each workplace at the mine, and in particular, of the atmosphere, ground conditions, machinery, equipment and appliances therein, including where necessary pre-shift inspections; and”. This was aimed at introducing the notion of pre-shift inspections. Supported by the Employers’ and the Workers’ members, the amendment was accepted. Based on this result, an amendment by the Employers’ members to add the words “, as appropriate,” after the word “and” in the same clause was not discussed.

176. Paragraph 19, as amended, was adopted.

Paragraph 20

177. The Employers' members submitted a two-part amendment to the introductory lines of Paragraph 20, the first of which sought to insert the word "unfair" before the word "discrimination". This was opposed by the Workers' members as suggesting that there could be "fair" discrimination, a view broadly supported by the Government members. On the understanding that it might sometimes be necessary to discriminate lawfully against a worker for health reasons, the Employers' members withdrew this part of their amendment. The second part of the amendment sought to replace the word "whatsoever" by the words "any person or party", to clarify that the retaliation might be in either direction between employers and workers. Following opposition from the Workers' and Government members, this second part of the amendment was also withdrawn.

178. The Workers' members submitted a two-part amendment to clause (a), the first of which sought to insert the words "related to the requirements of the tasks to be performed," after the word "examination". This was supported by the Employers' members and accepted. The second part of the amendment sought to insert the words "with medical records being accessible to workers only" after the word "basis". This was opposed by the Employers' members, who argued that such information sometimes needed to be provided to other bodies and might be necessary to the employer to ensure the safety of the same or other workers. Following wide opposition from the Government members, the Workers' members submitted a subamendment to replace the words "to workers only" by the words "according to national laws and regulations relating to privacy", which was opposed by the Employers' members as redundant. A further subamendment by the Government member of India to replace this phrase by the words "to persons authorized by national laws and regulations" was opposed by both Employers' and Workers' members and rejected, and in the face of continued opposition from Government members, the Workers' members withdrew the second part of their amendment.

179. The Workers' members submitted an amendment to replace clause (b) by the following: "provide programmes or systems for the rehabilitation and reintegration of injured and ill workers so that their health is restored as quickly as is possible and they are returned to suitable employment with their employer at no loss to the worker." This text was opposed by the Employers' and Government members and was withdrawn.

180. Paragraph 20, as amended, was adopted.

Paragraph 21

181. An amendment by the Employers' members to delete Paragraph 21 as redundant following an earlier debate was supported by the Workers' members and accepted.

182. Paragraph 21 was deleted.

Paragraph 22

183. The Employers' members submitted an amendment to the introductory lines of the Paragraph as follows: "Pursuant to Article 12 of the Convention, workers and their safety and health representatives should receive or have access to, where appropriate:". The Workers' members opposed the deletion of the word "include", which now made the provision into a closed list. The Employers' members said that this was not their intention and submitted a subamendment to replace the colon at the end of the introductory lines by a comma and to add the words "information which should include:". This was supported by the Workers' members and accepted. In the light of this discussion, another amendment submitted by the Government member of India to the introductory lines was not discussed.

184. The Workers' members submitted an amendment to replace the word "authority" by the words "authorities, other organizations" in clause (c), which was opposed by the Employers' members, who argued that it was beyond the scope of the instrument to prescribe obligations for other organizations. Following similar opposition from Government members, the amendment was withdrawn and the matter of transforming the word "authority" into the plural was referred to the Drafting Committee.

185. An amendment submitted by the Workers' members to delete the words "where practicable" at the beginning of clause (g) and to insert the words "upon arrival" after the word "notice" was also withdrawn after opposition from the Employers' and Government members.

186. Another amendment to the same clause was submitted and subamended by the Employers' members to insert the words "safety or health related" after the word "any". This was supported by the Workers' members and the amendment, as subamended, was accepted.

187. An amendment submitted by the Workers' members to delete the word "health" in clause (h) was withdrawn.

188. Paragraph 22, as amended, was adopted.

Paragraph 23

189. The Employers' members submitted an amendment to replace the word "danger" by the words "reasons for," in clause (e) and to delete the word "of" before the words "the fact that", since the perception of danger might have been unjustified. The Workers' members supported the amendment, which was accepted.

190. Paragraph 23, as amended, was adopted.

Paragraph 24

191. Since no amendments were proposed, Paragraph 24 was adopted without change.

New Paragraph

192. The Employers' members submitted an amendment to add a new Paragraph before Paragraph 25, as follows: "The safety and health representative should give reasonable notice to the employer of his or her intention to conduct inspections or investigations provided for in Article 12, paragraph 2(b)", as the rights provided in the Convention allowed that workers' representatives not belonging to the mine could also conduct inspections. The Workers' members submitted a subamendment to insert the words ", where practicable," before the word "give", which was supported by the Employers' members and the amendment, as subamended, was accepted.

193. The new Paragraph, as amended, was adopted.

Paragraph 25

194. The Employers' members submitted an amendment to delete the words "and regular" before the word "inspections" in clause (a) as they considered it to be prescriptive. The Workers' members, noting that the emphasis in the provision was on the idea of joint inspections, supported the amendment, which was accepted.

195. The Employers' members submitted an amendment to delete clause (c) which they considered as redundant and covered by Article 9(a) of the Convention. After opposition from the Workers' members and several Government members, the amendment was withdrawn.

196. The Workers' members submitted an amendment to insert the word "ongoing" before the word "safety" in clause (d), which was supported by the Employers' members and accepted.

197. The Workers' members submitted an amendment to insert the word "regular" before the word "exchange" in clause (e). Following opposition from the Employers' and Government members, it was subamended to replace the word "regular" by the word "ongoing", which was supported by the Employers' members and the amendment, as subamended, was accepted.

198. The Employers' members submitted an amendment to delete clause (f) as they believed it was already covered by Article 12(2)(d) of the Convention. The Workers' members opposed the amendment, since clause (f) placed the initiative for consultation on the employer and was intended to ensure that there would be such consultation. Following opposition from the Government members, the amendment was withdrawn. Another amendment submitted by the Employers' members to delete clause (g) was withdrawn in the light of the debate.

199. Paragraph 25, as amended, was adopted.

200. The Government members of Australia, Canada, Czech Republic, Poland, South Africa, Switzerland, Turkey and the United States submitted an amendment to add a new Paragraph after Paragraph 25, as follows: "The requirements in pursuance of Article 6(a) and Article 8(c) of the Convention relating to the provision of electrical, mechanical, protective and other equipment should ensure that the suppliers and installers of such equipment comply with national standards on safety and health, label equipment clearly and provide

information and comprehensible instructions for worker safety and health.” The Workers’ members submitted a subamendment to delete the words “in pursuance of Article 6(a) and Article 8(c) of the Convention”. Following an observation by the Government member of Greece that the provision was already covered by Paragraph 7 of the Recommendation, the Government member of Australia said the original amendment sought to provide a broader context beyond mine rescue equipment in which the employer would have certain obligations. The Employers’ members opposed the subamendment as inconsistent, since it now meant that it was the equipment which should comply with such standards. Following opposition from the Government member of the United Kingdom, who pointed out that in the mining industry the installer was often the employer, and that his duty was to comply with statutes, not standards, the Workers’ members withdrew their subamendment and supported the thrust of the original amendment, subject to clarification of the wording. The Employers’ members continued to oppose the amendment, which they subamended to read: “With regard to Article 6(a) and Article 8(c) of the Convention relating to the provision of electrical, mechanical, protective and other equipment, suppliers and installers of such equipment should comply with national standards on safety and health, label equipment clearly and provide information and comprehensible instructions necessary for worker safety and health.” This was subsequently withdrawn after the Government member of Mexico said that the provision was now setting standards for suppliers. Following continued opposition from the Employers’ members and from several Government members, the original amendment was withdrawn.

Paragraph 26

201. The Workers’ members submitted an amendment to replace the introductory statement by the following: “Pursuant to Article 5.2(g), where appropriate, employers should provide and maintain at no cost to the workers:”, which was supported by the Employers’ members and accepted. Based on the results of this discussion, the amendment by the Employers’ members to the introductory statement was not discussed.

202. The Employers’ members submitted an amendment to delete clause (d), which they withdrew without discussion on the understanding that the matter would be referred to the Drafting Committee with a view to replacing the word “accommodation” in the Office text by the word “facilities”.

203. Paragraph 26, as amended, was adopted.

New Paragraph

204. The Workers’ members submitted an amendment which sought to introduce a new Paragraph as follows: “National laws and regulations should contain appropriate measures for the protection of workers working alone or in isolation; these measures should include: (a) methods of communication and reporting; (b) the conditions under which such work is authorized and monitored.” The amendment aimed at including particular types of hazards associated with mining which were not covered by the Convention. The Employers’ members maintained that the amendment was too detailed and

subamended it by deleting the words “alone or” from the opening sentence and the text under (a) and (b). Their view was supported by the Government members of Member States of the EU for the same reasons, and due to the fact that the text did not relate to any of the Articles of the Convention. Following an explanation by the Workers’ members that working in isolation was not the same as working alone, a view which was supported by the Government member of Canada, and that the amendment was relevant to the provisions of Article 5, the Government member of France explained that it was difficult for national legislation to cover such provisions and subamended the text to read: “National laws and regulations should specify that appropriate measures should be taken by the employer to ensure the protection of workers working alone or in isolation; these measures should include: (a) methods of communication and reporting; (b) the conditions under which such work is authorized and monitored.” This subamendment, he explained, related to Article 5(3)(b)(i) which addressed rescue, safety and assistance measures. The subamendment did not satisfy the concerns of the Employers’ members who maintained that if a worker was working alone on a piece of machinery, that did not mean work in isolation. To overcome the confusion, they subamended the text further to read: “National laws and regulations should specify that appropriate measures for the protection of workers working alone and in isolation should be taken by the employer”, which was subamended by the Workers’ members to replace the word “and” after the word “alone” by the word “or”. Following a lengthy debate during which several Government members pointed out that such detail was for national legislations to define, this last amendment was supported by the Employers’ members on the understanding that the word “alone” incorporated an element of separation between workers, and was subsequently accepted.

205. The new Paragraph, as amended, was adopted.

New Paragraph

206. The Workers’ members submitted another amendment to introduce a new Paragraph to read: “National laws and regulations should prescribe, in pursuance of Article 5.4 of the Convention, that employers submit such plans and their revisions to the competent authority for approval.” This was opposed by the Employers’ members, who recalled that the issue was discussed extensively during the previous year’s discussion, as impractical and because it transferred the responsibility from the employer to the competent authority. This view was supported by the Government member of Canada who proposed to subamend the text to read: “National laws and regulations should prescribe, in pursuance of Article 5.4 of the Convention, that employers submit, on request by the competent authority, such plans and their revisions for examination.” The Workers’ members opposed the subamendment and highlighted the importance of having records at the mine in cases of inquests on disasters. They subamended the text by the addition of the words “where practicable” at the end of their original amendment. This was opposed by the Employers’ members and by several other Government members as an unnecessary provision, prompting the Workers’ members to withdraw their subamendment in favour of that which was submitted

by the Government member of Canada. Faced with continued opposition, the Workers' members withdrew their amendment.

207. The third amendment by the Workers' members to introduce a new Paragraph to read: "National laws and regulations should prescribe measures for the safe use of remote control equipment; these measures should include: (a) the circumstances under which the use of such equipment is permitted; (b) the protection of workers servicing and maintaining such equipment, particularly in a hazardous location." was opposed by the Employers' members who explained that such details were not necessary and were in fact detrimental to the development of remote control equipment. Faced with opposition by several Government members for similar reasons, the Workers' members subamended the text by terminating the sentence after the word "equipment" in the second line and inserting of the words "and maintenance" after the word "use". This was supported by the Employers' members and accepted.

208. The new Paragraph, as amended, was adopted.

Paragraph 27

209. The Employers' members submitted an amendment which read: "There should be no discrimination or retaliation against any worker who exercises rights provided by national laws and regulations, or agreed upon by the employers, workers and their representatives.", which they subamended, explaining that there should be no retaliation in either direction, to replace the word "worker" in the first line by the word "person". This was opposed by the Workers' members, who said that it broadened the scope beyond the concept of workers' rights and might compromise the latter's right to strike over safety and health issues. Following opposition to the subamendment from Government members, the Employers' members withdrew it in favour of their original amendment, on the understanding that the concept of "worker" would also include that of "supervisor". This intention was acknowledged by the Workers' members and the amendment was accepted.

210. Paragraph 27, as amended, was adopted.

Paragraph 28

211. An amendment was submitted by the Employers' members to delete the Paragraph, which they said was unnecessary and broadened the scope of the instrument and introduced concepts which had already been addressed elsewhere in the text. The Workers' members opposed the amendment, since the mining industry was often considered as a threat to the environment and it would be unwise to delete a provision which stated only that "due regard" should be given to possible environmental consequences. The Government members of Member States of the EU said that although it was the general understanding that the protection of the population and the environment did not fall within the scope of the instrument, they opposed the deletion of the Paragraph, which was couched in mild terms following a lengthy debate last year. Following further opposition from the Government members of Australia and Zambia, the amendment was withdrawn.

212. The Government members of Australia and Canada submitted an amendment to insert the word “fly-rock” after the word “vibration”, which was supported without enthusiasm by the Employers’ members and supported by the Workers’ members and accepted.

213. Paragraph 28, as amended, was adopted.

New Paragraph

214. The Workers’ members submitted an amendment to add a new Paragraph after Paragraph 28, as follows: “Member States and employers, in consultation with workers’ organizations, should promote systems, including planning control, to minimize the adverse effects of mining activity on the public and the environment, including those matters referred to in Paragraph 28.” The Employers’ members opposed the amendment, which would require national authorities to consult with workers before taking measures. Following further opposition from the Government member of Australia and the Government members of Member States of the EU, the amendment was withdrawn.

215. The proposed Recommendation, as amended, was adopted.

Adoption of the report, the proposed Convention and the proposed Recommendation

216. In the course of the consideration of paragraphs 1 to 215 of the draft report, some alterations with a view to clarifying, specifying, correcting or completing the text of some paragraphs were suggested by some members of the Committee.

217. Subject to modifications agreed on, the Committee adopted the report unanimously.

218. In examining the proposed Convention, the Employers’ members proposed to amend Article 6 by adding after subparagraph (d) the following text that applied to all the subparagraphs: “and having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence”. This was to ensure that there were no impossible obligations placed on the employers. In supporting the amendment, the Workers’ members proposed to delete the word “and” from the beginning of the amendment, which was supported by the Employers’ members and Article 6, as amended, was adopted.

219. The Employers’ members also proposed to amend Article 13 by replacing the text of subparagraph 2(b) by the following: “b. to: (i) participate in inspections and investigations conducted by the employer and by the competent authority at the workplace; and (ii) monitor and investigate safety and health matters”. The Employers’ members argued that the right to conduct inspections rested with the competent authority and that the proposed text would remove any obstacle to the support and the ratification of the Convention as well as to conflict with the right to property ownership. Based on this explanation, the Workers’ members supported the amendment. They acknowledged that the proposed amendment would overcome concern of possible establishment of rival inspection systems and stressed the need for widest possible ratification of the Convention.

However, a few Government members expressed some concern about the amendment on the grounds that participation of workers in investigations as a right was not allowed under their national legislation and proposed the addition of a qualifier such as the words "where appropriate". Following an explanation by the representative of the Secretary-General that such concerns were addressed by the preambular text of "... in accordance with national laws and regulations, ..." the amendment was accepted, and Article 13 as amended, was adopted.

220. Subject to modifications agreed on, including concurrence between the English and the French texts, the Committee adopted the proposed Convention as a whole.

221. Based on the outcome of the discussion of Article 13 in the proposed Convention, Paragraph 12 in the proposed Recommendation was deleted. The Committee has also decided to modify Paragraph 30 in the proposed Recommendation to read as follows: "Safety and health representatives should, where appropriate, give reasonable notice to the employer of their intention to monitor and investigate safety and health matters as provided for in Article 13, paragraph 2(b) of the Convention." A subamendment by the Government member of Australia to delete the words "monitor and" was withdrawn after a clarification by the Employers' members that the word "appropriate" covered the concern. A further subamendment by the Workers' members to replace the word "and" by the word "or" after the word "monitor" was accepted.

222. Subject to modifications agreed on, the Committee adopted the proposed Recommendation as a whole.

223. The Government member of Australia said that the proposed instruments, which had been developed with a view to their wide ratification, would offer long-term benefits to the mining industry and he fully supported their adoption. He would pursue action to seek ratification of the proposed Convention by Australia.

224. The Government members of the Member States of the EU also emphasized the importance of wide ratification and said that it was now up to individual States to make the maximum effort towards that goal.

225. The Government member of South Africa, also speaking on behalf of the Government members of Botswana, Lesotho, Zambia and Zimbabwe, said that the proposed Convention and Recommendation would help improve safety and health in the mining industry, which was a vital component of the economy. In the case of South Africa, the texts would be particularly valuable in the drafting of the new Mining Act. Support for the instruments was also expressed by the Government member of Poland and by the Government member of the United States, who said that the provisions of the instruments were in keeping with his country's legislation.

226. The Employers' Vice-Chairman thanked the Committee as a whole for its contribution to the noble cause of improving safety and health in mines. He also congratulated the Chairman for the successful outcome of the deliberations, and to the Drafting Committee, the secretariat and the interpreters for their contributions.

227. The Workers' Vice-Chairman said that mining was a difficult industry and that there were different approaches to the subject of safety and health in different countries. He said that a number of sensitive issues had been successfully navigated, and that his group had tried to accommodate the views of both the Employers' and Government members. He now hoped that his tripartite colleagues would endeavour for their part to ensure the adoption of the proposed instruments. He expressed his appreciation to the Employers' Vice-Chairman.

228. The Reporter said that as Government member of Canada he would work diligently in his country, where mining was an important industry, to ensure ratification of the proposed Convention.

229. The representative of the Secretary-General thanked the Committee for the decorum which had characterized the debate. Working conditions in the mines had changed considerably over the years and the proposed instruments would, if followed by further tripartite consensus and ratification, lead to further improvements of working conditions in mines. He thanked the Vice-Chairmen for their collaboration, and expressed his appreciation for the manner in which the Chairman had steered the work of the Committee.

230. The Chairman also thanked the Vice-Chairmen and the Committee for the sense of dignity which had marked their discussions, and the Government members for their active and constructive participation. Although those discussions were necessarily held within an abstract, legal framework, their essential and practical objective, namely the improved safety and health of mineworkers, would be achieved only through ratification of the proposed instruments and their incorporation into national legislation.

231. The texts of the proposed Convention and the proposed Recommendation are produced below.

232. The report of the Committee and the texts of the proposed Convention and the proposed Recommendation are submitted to the Conference for consideration.

Geneva, 20 June 1995.

(Signed) Dr. A. Békés,
Chairman.

Mr. R. McGinn,
Reporter.

Proposed Convention concerning safety and health in mines

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-Second Session on 6 June 1995, and
Noting the relevant International Labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Employment Injury Benefits Convention and Recommendation, 1964; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; 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; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training and genuine consultation on and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health affecting workers or members of the public, or damage to the environment arising from mining operations, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations, and

Having decided upon the adoption of certain proposals with regard to safety and health in mines, which is the fourth item on the agenda of the session, and

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

adopts this day of June of the year one thousand nine hundred and ninety-five the following Convention, which may be cited as the Safety and Health in Mines Convention, 1995:

PART I. DEFINITIONS

Article 1

1. For the purpose of this Convention, the term "mine" covers —
 - (a) surface or underground sites where the following activities, in particular, take place:
 - (i) exploration for minerals, excluding oil and gas, that involves the mechanical disturbance of the ground;
 - (ii) extraction of minerals, excluding oil and gas;

-
- (iii) preparation, including crushing, grinding, concentration or washing of the extracted material; and
 - (b) all machinery, equipment, appliances, plant, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.

2. For the purpose of this Convention, the term “employer” means any physical or legal person who employs one or more workers in a mine and, as the context requires, the operator, the principal contractor, contractor or subcontractor.

PART II. SCOPE AND MEANS OF APPLICATION

Article 2

1. This Convention applies to all mines.
2. After consultations with the most representative organizations of employers and workers concerned, the competent authority of a Member which ratifies the Convention:
 - (a) may exclude certain categories of mines from the application of the Convention, or certain provisions thereof, if the overall protection afforded at these mines under national law and practice is not inferior to that which would result from the full application of the provisions of the Convention;
 - (b) shall, in the case of exclusion of certain categories of mines pursuant to clause (a) above, make plans for progressively covering all mines.
3. A Member which ratifies the Convention and avails itself of the possibility afforded in paragraph 2(a) above shall indicate, in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

Article 3

In the light of national conditions and practice and after consultations with the most representative organizations of employers and workers concerned, a Member shall formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention.

Article 4

1. The measures for ensuring application of the Convention shall be prescribed by national laws and regulations.
2. Where appropriate, these national laws and regulations shall be supplemented by:
 - (a) technical standards, guidelines or codes of practice; or
 - (b) other means of application consistent with national practice, as identified by the competent authority.

Article 5

1. National laws and regulations pursuant to Article 4, paragraph 1, shall designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines.

2. Such national laws and regulations shall provide for:

- (a) the supervision of safety and health in mines;
- (b) the inspection of mines by inspectors designated for the purpose by the competent authority;
- (c) the procedures for reporting and investigating: as defined by national laws or regulations, fatal and serious accidents, dangerous occurrences and mine disasters;
- (d) the compilation and publication of statistics on: as defined by national laws or regulations, accidents, occupational diseases and dangerous occurrences;
- (e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds, until the condition giving rise to the suspension or restriction has been corrected; and
- (f) the establishment of effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted on matters and to participate in measures relating to safety and health at the workplace.

3. Such national laws and regulations shall provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine shall be carried out by or under the direct supervision of competent and authorized persons.

4. Such national laws and regulations shall specify:

- (a) requirements relating to mine rescue, first aid and appropriate medical facilities;
- (b) an obligation to provide and maintain adequate self-rescue respiratory devices for workers in underground coal mines and, where necessary, in other underground mines;
- (c) protective measures to secure abandoned mine workings so as to eliminate or minimize risks to safety and health;
- (d) requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine; and
- (e) where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.

5. Such national laws and regulations shall provide that the employer in charge of the mine shall ensure that appropriate plans of workings are prepared before the start of operation and, in the event of any significant modification, that such plans are brought up to date periodically and kept available at the mine site.

PART III. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE
RESPONSIBILITIES OF EMPLOYERS

Article 6

In taking preventive and protective measures under this Part of the Convention the employer shall assess the risk and deal with it in the following order of priority:

- (a) eliminate the risk;
- (b) control the risk at source;
- (c) minimize the risk by means that include the design of safe work systems; and
- (d) in so far as the risk remains, provide for the use of personal protective equipment;

having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

Article 7

Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

- (a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to provide conditions for safe operation and a healthy working environment;
- (b) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;
- (c) take steps to maintain the stability of the ground in areas to which persons have access in the context of their work;
- (d) whenever practicable, provide, from every underground workplace, two exits, each of which is connected to separate means of egress to the surface;
- (e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;
- (f) ensure adequate ventilation for all underground workings to which access is permitted;
- (g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;
- (h) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions; and
- (i) ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

Article 8

The employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

Article 9

Where workers are exposed to physical, chemical or biological hazards the employer shall:

- (a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- (b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;
- (c) where adequate protection against risk of accident or injury to health including exposure to adverse conditions, cannot be ensured by other means, provide and maintain at no cost to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations; and
- (d) provide workers who have suffered from an injury or illness at the workplace with first aid, appropriate transportation from the workplace and access to appropriate medical facilities.

Article 10

The employer shall ensure that:

- (a) adequate training and retraining programmes and comprehensible instructions are provided for workers at no cost to them on safety and health matters as well as on the work assigned;
- (b) in accordance with national laws and regulations, adequate supervision and control are provided on each shift to secure the safe operation of the mine;
- (c) a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location;
- (d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken; and
- (e) a report, as specified by national laws and regulations, is made to the competent authority on accidents and dangerous occurrences.

Article 11

On the basis of general principles of occupational health and in accordance with national laws and regulations, the employer shall ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining.

Article 12

Whenever two or more employers undertake activities at the same mine, the employer in charge of the mine shall coordinate the implementation of all measures concerning the safety and health of workers and shall be held primarily

responsible for the safety of the operations. This shall not relieve individual employers from responsibility for the implementation of all measures concerning the safety and health of their workers.

RIGHTS AND DUTIES OF WORKERS AND
THEIR REPRESENTATIVES

Article 13

1. Under the national laws and regulations referred to in Article 4, workers shall have the following rights:

- (a) to report accidents, dangerous occurrences and hazards to the employer and to the competent authority;
- (b) to request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the employer and the competent authority;
- (c) to know and be informed of workplace hazards that may affect their safety or health;
- (d) to obtain information relevant to their safety or health, held by the employer or the competent authority;
- (e) to remove themselves from any location at the mine when circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health; and
- (f) to collectively select safety and health representatives.

2. The safety and health representatives referred to in paragraph 1(f) above shall, in accordance with national laws and regulations, have the following rights:

- (a) to represent workers on all aspects of workplace safety and health, including where applicable, the exercise of the rights provided in paragraph 1 above;
- (b) to: (i) participate in inspections and investigations conducted by the employer and by the competent authority at the workplace; and (ii) monitor and investigate safety and health matters;
- (c) to have recourse to advisers and independent experts;
- (d) to consult with the employer in a timely fashion on safety and health matters, including policies and procedures;
- (e) to consult with the competent authority; and
- (f) to receive, relevant to the area for which they have been selected, notice of accidents and dangerous occurrences.

3. Procedures for the exercise of the rights referred to in paragraphs 1 and 2 above shall be specified:

- (a) by national laws and regulations; and
- (b) through consultations between employers and workers and their representatives.

4. National laws and regulations shall ensure that the rights referred to in paragraphs 1 and 2 above can be exercised without discrimination or retaliation.

Article 14

Under national laws and regulations workers shall have the duty, in accordance with their training, to:

- (a) comply with 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, including the proper care and use of protective clothing, facilities and equipment placed at their disposal for this purpose;
- (c) report forthwith to their immediate supervisor any situation which they believe could present a risk to their safety or health or that of other persons, and which they cannot properly deal with themselves; and
- (d) cooperate with the employer to permit compliance with the duties and responsibilities placed on the employer pursuant to the Convention.

COOPERATION

Article 15

Measures shall be taken, in accordance with national laws and regulations, to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

PART IV. IMPLEMENTATION

Article 16

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; and
- (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 tasks.

Proposed Recommendation concerning safety and health in mines

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its Eighty-second Session on 6 June 1995, and

Noting the relevant international labour Conventions and Recommendations and, in particular, the Abolition of Forced Labour Convention, 1957; the Radiation Protection Convention and Recommendation, 1960; the Guarding of Machinery Convention and Recommendation, 1963; the Employment Injury Benefits Convention and Recommendation, 1964; the Minimum Age (Underground Work) Convention and Recommendation, 1965; the Medical Examination of Young Persons (Underground Work) Convention, 1965; 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; the Safety and Health in Construction Convention and Recommendation, 1988; the Chemicals Convention and Recommendation, 1990; and the Prevention of Major Industrial Accidents Convention and Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training and genuine consultation on, and participation in the preparation and implementation of safety and health measures concerning the hazards and risks they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health affecting workers or members of the public or damage to the environment arising from mining operations, and

Having regard to the need for cooperation between the International Labour Organization, the World Health Organization, the International Atomic Energy Agency and other relevant institutions and noting the relevant instruments, codes of practice, codes and guidelines issued by these organizations, and

Having decided upon the adoption of certain proposals with regard to safety and health in mines, 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 Mines Convention; adopts this day of June of the year one thousand nine hundred and ninety-five the following Recommendation, which may be cited as the Safety and Health in Mines Recommendation, 1995:

I. GENERAL PROVISIONS

1. The provisions of this Recommendation supplement those of the Safety and Health in Mines Convention, 1995 (hereafter referred to as "the Convention"), and should be applied in conjunction with them.

2. This Recommendation applies to all mines.

3. (1) In the light of national conditions and practice and after consultation with the most representative organizations of employers and workers concerned, a Member should formulate, carry out and periodically review a coherent policy on safety and health in mines.

(2) The consultations provided for by Article 3 of the Convention should include consultations with the most representative organizations of employers and workers on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, the Member should take the necessary measures in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

4. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.

5. Measures should be taken to encourage and promote:

- (a) research into and exchange of information on safety and health in mines at the national and international level;
- (b) specific assistance by the competent authority to small mines with a view to:
 - (i) assisting in transfer of technical know-how;
 - (ii) establishing preventive safety and health programmes; and
 - (iii) encouraging cooperation and consultation between employers and workers and their representatives; and
- (c) programmes or systems for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses.

6. Requirements relating to the supervision of safety and health in mines pursuant to Article 5, paragraph 2, of the Convention should, where appropriate, include those concerning:

- (a) certification and training;
- (b) inspection of the mine, mining equipment and installations;
- (c) supervision of the handling, transportation, storage and use of explosives and of hazardous substances used or produced in the mining process;
- (d) performance of work on electrical equipment and installations; and
- (e) supervision of workers.

7. Requirements pursuant to Article 5, paragraph 4, of the Convention, could provide that the suppliers of equipment, appliances, hazardous products and substances to the mine should ensure their compliance with national standards on safety and health, label products clearly and provide comprehensible information and instructions.

8. Requirements relating to mine rescue and first aid pursuant to Article 5, paragraph 4(a), of the Convention and to appropriate medical facilities for emergency care could cover:

- (a) organizational arrangements;
- (b) equipment to be provided;
- (c) standards for training;
- (d) training of workers and participation in drills;
- (e) the appropriate number of trained persons to be available;
- (f) an appropriate communication system;
- (g) an effective system to give warning of danger;
- (h) provision and maintenance of means of escape and rescue;

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- (i) establishment of a mine rescue team or teams;
 - (j) periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team or teams;
 - (k) medical attention and transportation to receive medical attention, both at no cost to workers who have suffered an injury or illness at the workplace;
 - (l) coordination with local authorities;
 - (m) measures to promote international cooperation in this field.

9. Requirements pursuant to Article 5, paragraph 4(b), of the Convention, could cover the specifications and standards of the type of self-rescuers to be provided and, in particular, in the case of mines susceptible to gas outbursts and other mines where appropriate, the provision of self-contained respiratory devices.

10. National laws and regulations should prescribe measures for the safe use and maintenance of remote control equipment.

11. National laws and regulations should specify that the employer should take appropriate measures for the protection of workers working alone or in isolation.

II. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE

12. Employers should undertake hazard assessment and risk analysis and then develop and implement, where appropriate, systems to manage the risk.

13. In order to maintain the stability of the ground, in accordance with Article 7(c) of the Convention, the employer should take all appropriate measures to:

- (a) monitor and control the movement of strata;
- (b) as may be necessary, provide effective support of the roof, sides and floor of the mine workings, except for those areas where the mining methods selected allow for the controlled collapse of the ground;
- (c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and
- (d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed, constructed and controlled to prevent dangers from sliding material or collapse.

14. Pursuant to Article 7(d) of the Convention, separate means of egress should be as independent of each other as possible; arrangements should be made and equipment provided for the safe evacuation of workers in case of danger.

15. Pursuant to Article 7(f) of the Convention, all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to maintain an atmosphere:

- (a) in which the risk of explosions is eliminated or minimized;
- (b) in which working conditions are adequate, having regard to the working method being used and the physical demands placed on the workers; and

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- (c) that complies with national standards on dusts, gases, radiation and climatic conditions; where national standards do not exist, the employer should give consideration to international standards.

16. The particular hazards referred to in Article 7(g) of the Convention requiring an operating plan and procedures might include:

- (a) mine fires and explosions;
- (b) gas outbursts;
- (c) rockbursts;
- (d) an inrush of water or semi-solids;
- (e) rockfalls;
- (f) susceptibility of areas to seismic movements;
- (g) hazards related to work carried out near dangerous openings or under particularly difficult geological circumstances;
- (h) loss of ventilation.

17. Measures that employers could take pursuant to Article 7(h) of the Convention should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

18. Pursuant to Article 7(i) of the Convention, mine facilities should include, where appropriate, sufficient fireproof and self-contained chambers to provide refuge for workers in the event of an emergency. The self-contained chambers should be easily identifiable and accessible, particularly when visibility is poor.

19. The emergency response plan referred to in Article 8 of the Convention might include:

- (a) effective site emergency plans;
- (b) provision for the cessation of work and evacuation of the workers in an emergency;
- (c) adequate training in emergency procedures and in the use of equipment;
- (d) adequate protection of the public and the environment;
- (e) provision of information to, and consultation with, appropriate bodies and organizations.

20. The hazards referred to in Article 9 of the Convention might include:

- (a) airborne dusts;
- (b) flammable, toxic, noxious and other mine gases;
- (c) fumes and hazardous substances;
- (d) exhaust fumes from diesel engines;
- (e) oxygen deficiency;
- (f) radiation from rock strata, equipment or other sources;
- (g) noise and vibration;
- (h) extreme temperatures;
- (i) high levels of humidity;
- (j) insufficient lighting or ventilation;

- (k) hazards related to work carried out at high altitudes or extreme depths, or in confined spaces;
- (l) hazards associated with manual handling;
- (m) hazards related to mechanical equipment and electrical installations;
- (n) hazards resulting from a combination of any of the above.

21. The measures referred to in Article 9 of the Convention might include:

- (a) technical and organizational measures applied to relevant mining activities, or to the plant, machinery, equipment, appliances or structures;
- (b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;
- (c) where reproductive health hazards and risks have been identified, training and special technical and organizational measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding;
- (d) regular monitoring and inspection of areas where hazards are present or likely to be present.

22. The types of protective equipment and facilities referred to in Article 9(c) of the Convention could include:

- (a) roll-over and falling object protective structures;
- (b) equipment seat belts and harnesses;
- (c) fully enclosed pressurized cabins;
- (d) self-contained rescue chambers;
- (e) emergency showers and eye wash stations.

23. In implementing Article 10(b) of the Convention, employers should:

- (a) ensure appropriate inspections of each workplace at the mine, and in particular, of the atmosphere, ground conditions, machinery, equipment and appliances therein, including where necessary pre-shift inspections; and
- (b) keep written records of inspections, defects and corrective measures and make such records available at the mine.

24. Where appropriate, the programme of health surveillance referred to in Article 11 of the Convention should, at no cost to the worker and without any discrimination or retaliation whatsoever:

- (a) provide the opportunity to undergo medical examination related to the requirements of the tasks to be performed, prior to or just after commencing employment and thereafter on a continuing basis; and
- (b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

25. Pursuant to Article 5, paragraph 4(e), of the Convention, where appropriate, employers should provide and maintain at no cost to the worker:

- (a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;
- (b) adequate facilities for the storage, laundering and drying of clothes;

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- (c) adequate supplies of potable drinking-water in suitable places; and
 - (d) adequate and hygienic facilities for taking meals.

III. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

26. Pursuant to Article 13 of the Convention, workers and their safety and health representatives should receive or have access to, where appropriate, information which should include:

- (a) where practicable, notice of any safety or health related visit to the mine by the competent authority;
- (b) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;
- (c) copies of orders or instructions issued by the competent authority in respect of safety and health matters;
- (d) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;
- (e) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;
- (f) any other documentation concerning safety and health that the employer is required to maintain;
- (g) immediate notification of accidents and dangerous occurrences; and
- (h) any health studies conducted in respect of hazards present in the workplace.

27. Provisions to be made pursuant to Article 13, paragraph 1(e), of the Convention could include requirements for:

- (a) notification of supervisors and safety and health representatives of the danger referred to in that provision;
- (b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;
- (c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;
- (d) non-loss of pay for the worker and, where appropriate, assignment to suitable alternative work;
- (e) notification, to be given to any worker who is requested to perform work in the area concerned, of the fact that another worker has refused to work there and of the reasons therefor.

28. Pursuant to Article 13, paragraph 2, of the Convention, the rights of safety and health representatives should include, where appropriate, the right:

- (a) to appropriate training during working time, without loss of pay, on their rights and functions as safety and health representatives and on safety and health matters;
- (b) of access to appropriate facilities necessary to perform their functions;
- (c) to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and

(d) to assist and advise workers who have removed themselves from a workplace because they believe their safety or health has been endangered.

29. Safety and health representatives should, where appropriate, give reasonable notice to the employer of their intention to monitor or investigate safety and health matters, as provided for in Article 13, paragraph 2(b), of the Convention.

30. (1) All persons should have a duty to:

- (a) refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings; and
- (b) use such safety devices correctly.

(2) Employers should have a duty to provide workers with appropriate training and instructions so as to enable them to comply with the duties described in subparagraph (1) above.

IV. COOPERATION

31. Measures to encourage cooperation as provided for in Article 15 of the Convention should include:

- (a) the establishment of cooperative mechanisms such as safety and health committees, with equal representation of employers and workers, and having such powers and functions as may be prescribed, including powers to conduct joint inspections;
- (b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (c) the training of workers and their safety and health representatives;
- (d) the provision of ongoing safety and health awareness programmes for workers;
- (e) the ongoing exchange of information and experience on safety and health in mines;
- (f) the consultation of workers and their representatives by the employer in establishing safety and health policy and procedures; and
- (g) the inclusion, by the employer, of workers' representatives in the investigation of accidents and dangerous occurrences, as provided in Article 10(d) of the Convention.

V. OTHER PROVISIONS

32. There should be no discrimination or retaliation against any worker who exercises rights provided by national laws and regulations or agreed upon by the employers, workers and their representatives.

33. Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular, this should include the control of subsidence, vibration, fly-rock, harmful contaminants in the water, air or soil, the safe and effective management of waste tips and the rehabilitation of mine sites.

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Sixth item on the agenda: Extension of the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial services sector

Report of the Committee on Convention No. 81

1. The Committee on Convention No. 81 was set up by the International Labour Conference at its first sitting on 6 June 1995. The Committee was originally composed of 160 members (68 Government members, 35 Employers' members and 57 Workers' members). To achieve equality of voting strength, each Government member was allotted 1,995 votes, each Employer member 3,876 votes and each Worker member 2,380 votes. The composition of the Committee was modified ten times during the session, and the number of votes allotted to each member was adjusted accordingly.¹

2. The Committee elected its Officers as follows:

Chairperson: Ms. A.S. Trosdahl Oraug (Government member, Norway) at its fourth sitting.

¹ The modifications were as follows:

- (a) 7 June a.m.: 164 members (71 Government members with 2,030 votes each, 35 Employers' members with 4,118 votes each, 58 Workers' members with 2,485 votes each);
- (b) 7 June p.m.: 166 members (73 Government members with 2,030 votes each, 35 Employers' members with 4,234 votes each, 58 Workers' members with 2,555 votes each);
- (c) 8 June: 164 members (75 Government members with 126 votes each, 35 Employers' members with 270 votes each, 54 Workers' members with 175 votes each);
- (d) 9 June: 150 members (79 Government members with 1,188 votes each, 27 Employers' members with 3,476 votes each, 44 Workers' members with 2,133 votes each);
- (e) 10 June: 153 members (79 Government members with 644 votes each, 28 Employers' members with 1,817 votes each, 46 Workers' members with 1,106 votes each);
- (f) 12 June: 151 members (80 Government members with 301 votes each, 28 Employers' members with 860 votes each, 43 Workers' members with 560 votes each);
- (g) 13 June: 150 members (81 Government members with 1,148 votes each, 28 Employers' members with 3,321 votes each, 41 Workers' members with 2,268 votes each);
- (h) 14 June a.m.: 143 members (83 Government members with 297 votes each, 27 Employers' members with 913 votes each, 33 Workers' members with 747 votes each);
- (i) 14 June p.m.: 144 members (84 Government members with 99 votes each, 27 Employers' members with 308 votes each, 33 Workers' members with 252 votes each);
- (j) 19 June: 140 members (84 Government members with 261 votes each, 27 Employers' members with 812 votes each, 29 Workers' members with 756 votes each).

Vice-Chairpersons: Mr. F. Diaz Garaycoa (Employers' member, Ecuador), and Mr. K. Tapiola (Workers' member, Finland) at its first sitting.

Reporter: Ms. E. Delang (Government member, Sweden) at its ninth sitting.

3. At its ninth sitting, the Committee appointed a Drafting Committee composed of the following members: Ms. E. Delang (Government member, Sweden), Mr. C. Platt (Employers' member, Australia) and Ms. B. Ashe (Workers' member, Australia).

4. At its first, second and third sittings, in the absence of a chairperson, Mr. Tapiola (Workers' member, Finland) took the chair.

5. The Committee held 14 sittings.

Introduction

6. The representative of the Secretary-General of the Conference presented Reports VI(1) and VI(2), which had been prepared by the Office to serve as a basis for the Committee's discussion on the extension of the Labour Inspection Convention, 1947 (No. 81). The first was prepared following the Governing Body's decision in November 1993 to place the question on the agenda of the 82nd Session of the International Labour Conference, 1995. He explained that this decision had been taken after years of research, including preparation of law and practice reports on the issue; it was now appropriate and necessary that the Conference examine how best such an extension could be discussed.

7. The representative of the Secretary-General wished to stress three matters: first, he recalled the extraordinary job the Conference had done in 1947 in adopting the Labour Inspection Convention (No. 81) and Recommendation (No. 81), 1947. These instruments were as relevant and forward-looking today as they were in 1947. Convention No. 81 had been ratified by 116 countries. The Convention and Recommendation themselves and the influence that the ILO supervisory mechanisms had on countries having ratified the Convention to apply it in practice, as well as the technical cooperation programmes and advisory services based on these instruments, had all made an important contribution to the establishment, by many States, of systems of labour inspection in industrial and commercial workplaces. There could be little doubt about the continuing validity and influence of existing international labour inspection instruments.

8. Secondly, the representative of the Secretary-General noted that the proposal before the Committee to extend the protection afforded by Convention No. 81 to what the Committee of Experts on the Application of Conventions and Recommendations had called the "non-commercial services" (NCS) sector, did not in any way suggest that the substance of Convention No. 81 itself be revised. The NCS sector, which made up anywhere between 10 to over 50 per cent of the active labour force in member States, was a rapidly expanding domain. It would seem necessary to ensure that workers in this sector enjoyed the same protection against occupational hazards as was extended to workers in industrial and commercial workplaces. This principle should apply likewise to guarantees to ensure the application of other legal provisions regulating their conditions of work. The representative of the Secretary-General pointed out that nearly all of those member States which had replied to the Office questionnaire had agreed that

action should be taken to correct the shortcomings in the scope of Convention No. 81, and to extend it accordingly.

9. He continued by explaining that both the Committee of Experts in its 1985 *General Survey* on the application of the labour inspection Conventions and Recommendations, as well as the Governing Body at its 258th Session (November 1993) had suggested that an appropriate way to deal with the issue was to extend Convention No. 81 to the non-commercial services sector by means of a Protocol. This issue would, of course, be for the Conference to decide.

10. Thirdly, the representative of the Secretary-General reminded the Committee that whatever its decision, this standard-setting exercise was an important one. It was the responsibility of the Committee to ensure that its decisions reflected the Committee's consensus as to the degree of protection which millions of workers should enjoy. Whatever was recorded on the ILO statute books, whether it be a binding Protocol, a Recommendation or, less likely, even both, the Governing Body had indicated that the question be dealt with under the single-discussion procedure provided for in article 38 of the Standing Orders of the Conference.

11. He pointed out that international labour standards should not be rigid; they were, and should be, constantly examined and revised, and in some cases extended to bring ILO law into line with modern realities and social needs. Standards should be responsive to changing realities; they should be flexible enough so as not to hinder efficiency or economic growth; but they should always guarantee an adequate measure of protection for the workers concerned.

12. The representative of the Secretary-General hoped that the Office had, in its proposal, objectively reflected the general consensus that had emerged from the answers to the questions put to member States in the Office questionnaire. The proposition contained in Report VI(2) was meant to be one possible, effective response to the problems identified in Report VI(1). It was, however, the Committee's responsibility to reach its own conclusions as to what action should be taken. He was confident that the Committee would produce a solid, realistic and common sense instrument on this important topic.

General discussion

13. The Employers' Vice-Chairperson recalled that the Employers' group of the Governing Body had given its resolute support to including the extension of Convention No. 81 on the agenda of the International Labour Conference. This Convention, given the high number of ratifications, should provide equal protection to all workers. Exclusions from this protection should only be foreseen in particular circumstances, such as those envisaged in the proposed Office texts. The special features of some subsectors, however, could lead to difficulties in the application of the proposed new instrument. Although much time had elapsed since the adoption of the respective standards in 1947 and 1969 (the Labour Inspection (Agriculture), Convention No. 129), labour inspection in many countries still did not fulfil its major functions. The envisaged extension was bound to imply considerable additional efforts being made for labour inspection to be able to extend its coverage to this sector, which represented a high

percentage of the labour force. In many countries, certain services were provided by both public and private organizations or undertakings, and this could lead to difficulties, as well as differences in treatment under the law. Therefore, the Employers' members considered that the proposed extension definitely did present an effort to increase equality and prevent disparities.

14. The Workers' deputy Vice-Chairperson emphasized that the discussions in the Committee as well as the decisions to be taken were the culmination of many years of work, reflecting a change of attitudes towards workers regardless of where and by whom they were employed. Since the adoption of the Labour Inspection Convention, 1947 (No. 81), some member States had carried out reviews extending labour inspection to the non-commercial services sector. Others had moved more slowly.

15. The text prepared by the Office as a basis for debate was in the form of a Protocol, in effect, an appendix to the Convention, covering a large number of workers not included in the original Convention. The Workers' members believed that a Protocol was the most appropriate form for a number of reasons: (a) it was an extension of an existing Convention; (b) it had the same impact as a Convention, and governments who ratified the Protocol were subject to the same enforcement provisions as under a Convention; (c) it ensured equity of treatment across workplaces by providing for a global approach; (d) it was a step towards full coverage of the non-commercial services sector; (e) the workers in this sector were often exposed to significant health and safety risks at a higher rate, in many instances, than in sectors already covered by Convention No. 81.

16. She affirmed that the Workers' members were not seeking to reopen a discussion on Convention No. 81, which had served the interests of workers well since its adoption in 1947. She called attention to the fact that in recent years some employers and governments had argued for greater flexibility and weakening of ILO Conventions. To some extent, this had been taken into account in the text. There was considerable scope for exceptions, either through generic exclusions under Article 2, or through the provisions for special arrangements in Article 4.

17. While appreciating the desire for greater flexibility, the Workers' members viewed with concern any calls for flexibility which had as their objective the dilution of workers' health and safety, and referred in this connection to the EEC Directive on Safety and Health. The Workers noted with concern the apparent attitudinal shift in the implementation of standards as significant as EEC Directive 89/391.

18. The Workers' members wanted to discuss several issues: reference to other relevant instruments such as the Labour Inspection (Agriculture) Convention, 1969 (No. 129); changes to the text of the Protocol; ways to ensure consultations with the workers' organizations; and limiting proposed exclusions in the text, which were particularly generous. The key to the debate was the need to ensure that flexibility did not adversely affect the workers' right to protection. Careful attention should be paid as to how protection through labour inspection could be provided in the non-commercial sector, in such special areas as national security, defence and rescue operations. There were many good examples of how this had been done successfully. The Workers' deputy Vice-Chairperson closed by asserting that it was not the intent of the Workers' members to impose heavy

burdens on employers or governments. It was, however, time to remove the anomalies and inequities which existed in the provision of labour inspection across different sectors.

19. The Government member of the Republic of Korea said that, in principle, his Government supported the extension of Convention No. 81 to the non-commercial services sector, but he raised two points. The new instrument should be flexible enough to accommodate conditions already existing in member States, both developed and developing countries. This flexibility should be reflected in the clauses of the new instrument. The Republic of Korea already carried out inspection in some parts of the non-commercial services sector, for example telecommunications, electricity services, private hospitals and schools. In these and other sectors, labour standards concerning occupational safety and health were in place. Compliance was predominantly an issue for the public sector, with the majority of workers in public services: civil servants, police, education, fire protection, armed services. In these cases, local laws for civil servants existed and took priority. He remarked that while the proposed instrument would be in the public interest, it would be desirable that it take the form of a Recommendation rather than a Protocol so that each country could take its particular conditions into account.

20. The Government member of Cyprus thought it necessary to first implement existing international standards. He also emphasized the need to eliminate conflicts with existing standards. His Government fully supported the proposed Protocol. However, given the particularities of the NCS sector, provisions in the proposed instrument should be balanced to allow ratification by as many member States as possible.

21. The Government member of France, speaking on behalf of the Member States of the European Union with the exception of Luxembourg, stated that they agreed on the need to adopt a new instrument extending Convention No. 81 to the NCS sector, as occupational risks for safety and health of workers existed in this sector also. He recalled that the European Directive 89/391/EEC dealt with similar issues. Nevertheless, two points of divergence were likely to surface in the forthcoming discussions: firstly, whether there should be a Protocol or a Recommendation; and secondly, whether certain reservations or exemptions concerning certain public services or administrations were acceptable. He underlined that the new instrument should be flexible in order to benefit from a large number of ratifications.

22. The Government member of Japan said that safety and health for workers in the NCS sector should be ensured through labour inspection. Such inspection could take various forms. His Government believed that the different inspection systems in Japan functioned effectively and impartially in both commercial and non-commercial sectors. The new instrument to extend Convention No. 81 to the NCS sector, however, should be flexible. It should take the form of a Recommendation having due regard to domestic laws and regulations.

23. The Government member of China stated that his country attached great importance to extending Convention No. 81 to the NCS sector. Developments in technology had had a growing impact on this area. In many aspects, industry and non-commercial services were becoming increasingly similar. He recommended

that the proposed Protocol provide member States with the flexibility to exclude specific categories of sectors from its coverage. However, the scope of labour law in China was in accordance with the Protocol, as it provided protection for workers in commercial as well as non-commercial services. The Committee debate would be of assistance to the Government of China. By sharing experiences with other countries, China would be able to improve its own system. He noted that China had not yet ratified Convention No. 81 but was actively considering it.

24. The Government member of the Netherlands agreed with most of the points raised by the Government member of France, on behalf of certain Member States of the European Union, except that his Government preferred a Recommendation. The complex and diverse nature of the NCS sector with its specific requirements should be recognized. A flexible instrument, providing guidance rather than imposing obligations would be more suitable.

25. The Government member of Lebanon stated that in her country the private sector was covered by the Labour Code, 1946, and was subject to labour inspection. The public sector was governed by its own laws and regulations, and not by the Labour Code. Therefore, she suggested that flexibility was necessary. Coordination between public and private sectors on health and safety matters was important. Her Government would make known its reservations about the proposed Protocol in further discussions.

26. The Government member of the United States emphasized the need for a full, comprehensive discussion with all social partners on the issue of labour inspection in a global situation. His Government wanted to ensure that any instrument adopted by the Conference would attract tripartite consensus. It was concerned that the instrument be consistent with law and practice in each country, so as to ensure a maximum number of ratifications. He voiced certain concerns regarding the proposed Protocol's relationship with existing Conventions and Recommendations, and hoped that a full and lively discussion would address these issues.

27. The Government member of Turkey affirmed that the extension of Convention No. 81 to the NCS sector was in line with general principles of the ILO. Flexible implementation of the principles reflected in the proposed Protocol would be a positive step. Labour inspection in Turkey covered both industrial and commercial sectors, and certain categories of workplaces such as in fire fighting, postal and telecommunications services, and public transport were also covered. Specially authorized labour inspectors monitored workplace health and safety conditions of civil servants employed in the army. She mentioned that to increase the effectiveness of the labour inspection system, field surveys had been undertaken and close relations between the social partners and related institutions established. Special emphasis was placed on the training of labour inspectors, notably with respect to communication techniques. She concluded by re-emphasizing the importance of having the Protocol on the agenda of the International Labour Conference, and added that the ILO's unique tripartite structure and the development of country-specific frameworks for industrial action would enable the Protocol to reach its aim.

28. The Government member of Norway said that her Government favoured extending Convention No. 81 to workplaces not considered to be industrial or commercial. She congratulated the Office on the work done on the proposed text and stated that the new instrument should take the form of a Protocol.

29. The Government member of Australia expressed concern that workers in the NCS sector should have the same degree of protection as those in other workplaces. He pointed out that according to Report VI(1) a Recommendation alone would not ensure this. It would weaken the protective guarantees sought for the NCS sector, as binding obligations could only be achieved through a Convention or a Protocol. He further emphasized that Report VI(1) had established that workers in the NCS sector often undertook similar work and were exposed to similar risks as those in industrial and commercial undertakings. Therefore, they should be afforded the same binding protection. A Protocol was the best way forward to achieve such binding protective obligations. He invited other Government members to engage in an exchange of views to arrive at a reasonably coordinated position.

30. The Workers' member of Germany wished to offer some comments to help move closer to the idea of a Protocol. In the recent past a tendency had been noted on the side of public employers not to observe labour protection standards. Public services did not have to spend money on occupational safety and health. He referred to trends towards "lean" administration, leading towards reduction in protection. Certain public services were being provided in competition with commercial services, possibly even leading to cases of bankruptcy in the private sector since the public sector did not have to observe occupational safety and health standards. Costs incurred in the public sector due to industrial accidents or diseases were transferred to the taxpayer. Commercial services were thus at a disadvantage. Furthermore, if governments required young people to be subject to military service, they should ensure that the latter remain in full health and return to the economy free from disease or injury. It would, therefore, be important to consider whether peace-time military service should not be subject to occupational safety and health standards. He made an appeal to governments and employers to remember that they were dealing with the health of human beings.

31. The Workers' deputy Vice-Chairperson noted that while many Committee members spoke of the need for flexibility, Governments and Employers without exception had agreed upon the need to extend labour inspection protection to the NCS sector. She also noted that quite a few governments favoured a Protocol, while some, in line with Employers, preferred a Recommendation. She asked those who favoured a Recommendation to reconsider their position in the light of the inequity that would otherwise result. It would be detrimental to the aims of the Committee to argue for different standards. Adopting only a Recommendation would create such a difference for workers belonging to different sectors but doing the same kind of work. Those in favour of such a proposal should review their position to ensure equity of protection for all workers. The majority of members seemed to support a Protocol, and a Protocol was in order.

32. The Government member of the Russian Federation expressed support for the proposed Protocol. Its substantive content was already implemented in his

country. Labour inspection covered both commercial and non-commercial activities. His Government would have no problem with the proposed extension. Convention No. 81 was an extremely useful instrument for the protection of human rights. The Russian Federation did have problems in the field of labour inspection, but they were related to the size of the country rather than the scope of labour inspection legislation.

33. The Government member of Panama explained that in his country the labour inspection system covered the private sector, but only parts of the government sector. An extension of Convention No. 81 should ensure flexibility. A recurrent problem in the ILO was that member States discussed issues, reached consensus but did not subsequently implement the results of their agreements because of domestic constraints. The Conference should only adopt standards that could subsequently be ratified and implemented. This meant giving special consideration to the problems of developing countries.

34. The Employers' Vice-Chairperson replied that except for governments which had indicated that they already had a system of labour inspection covering the NCS sector, the majority of member States appeared to be in favour of a Recommendation. Thus, the Governments' position at present seemed divided. A similar situation in fact existed among the Employers' members. As there was presently no clear majority, the Employers' members wished to study the matter further when specific amendments were being proposed to the text.

35. The Chairperson then closed the general discussion on this agenda item.

Consideration of the proposed texts contained in Report VI(2)

A Proposed Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)

Preamble

36. Although the amendment submitted by the Employers' members to replace the word "Protocol" by the word "Recommendation" where it appeared in the title and in the text of the Preamble, was the most far-reaching, it was agreed to deal with it after discussion of the other amendments to the Preamble.

37. The Workers' members submitted an amendment to add the following phrase, after the subparagraph referring to Convention No. 81: "Noting that the provisions of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), apply to workplaces in agricultural undertakings, and". The Workers' deputy Vice-Chairperson explained that this short amendment would complete the Preamble by recognizing the importance of both Convention No. 129 and agricultural sector activities.

38. The Employers' Vice-Chairperson underlined the relevance of a specific reference to Convention No. 129, even though it dealt essentially with the same subject-matter as the Convention under review. He proposed a subamendment as follows: after the words "workplaces in" add the words "commercial and non-commercial". He indicated that Convention No. 81 was more restrictive.

39. The Workers' deputy Vice-Chairperson asked the Office for confirmation that Convention No. 129 did not distinguish between commercial and non-commercial activities. This was confirmed, and the subamendment accepted by the Workers' members. The amendment, as subamended, was then adopted.

40. The Employers' Vice-Chairperson put forward a further amendment to add after the words "Noting that the provisions of the Labour Inspection Convention, 1947 (No. 81), apply only to industrial and commercial workplaces, and" the following "Further noting that, by national laws or regulations, ratifying States may exclude mining and transport undertakings or parts of such undertakings from the application of the Convention; further noting that ratifying States may exclude commercial workplaces from the application of the Convention." Its purpose was to clarify and add precision to the scope of Convention No. 81 in that it would allow for the exemption of workplaces in mining and transport from the application of the proposed instrument, just as was the case for commercial workplaces. This disposition was of great consequence; it would therefore be useful to mention it in the Preamble, since many countries had made use of it when ratifying Convention No. 81.

41. The Workers' deputy Vice-Chairperson argued that it was unnecessary to repeat, in the Preamble to the Protocol, words already contained in the Convention itself. She also pointed out that exemption for mining and transport undertakings had not been made by any significant number of member States. The Workers' members were unable to accept the amendment for two reasons: new standards should be kept as short as possible; and the proposed amendment did not add to clarity.

42. The Government member of France, speaking on behalf of the Member States of the European Union, with the exception of Austria, indicated that on this amendment the Governments he represented would support the Workers' members. Besides, the amendment appeared to call into question the original construction of Article 2, paragraph 2, of Convention No. 81.

43. The Employers' Vice-Chairperson underlined that the Employers' members were not making a proposal that affected the Articles of the new instrument. Employers were usually spartan. But in this instance they had to insist that a pattern established by the Workers' members be followed. All relevant aspects of labour inspection should be included in the Preamble.

44. The Workers' deputy Vice-Chairperson, while acknowledging the background to the Employers' arguments, asked them none the less to withdraw their amendment.

45. The Employers' Vice-Chairperson, with reference to the spirit of cooperation that appeared to reign supreme, thereupon withdrew the amendment.

46. The Employers' Vice-Chairperson then presented an amendment to replace the phrase "Noting the relevance of the Occupational Safety and Health Convention, 1981 (No. 155)" by the following: "Noting that the Occupational Safety and Health Convention, 1981 (No. 155), applies to all sectors of economic activities including the public service". He recalled that this illustrated the full scope of Convention No. 155 on occupational safety and health and the working environment.

47. The Workers' deputy Vice-Chairperson indicated that the Workers' members had no problems with the proposed amendment and supported it.

48. The Government member of France, speaking on behalf of the Member States of the European Union except Austria, thought it inappropriate to refer only to the title of Convention No. 155. He insisted on the need for the Committee to adopt a more global view and ensure coherence between the general propositions of the Preamble and the provisions of the instrument itself. He also asked the Chairperson whether the amendment proposed by the Government members for whom he spoke should not be discussed first.

49. The Chairperson indicated that adoption of the amendment under discussion would have consequences for the amendment proposed by Member States of the European Union and that, in accordance with past practice, they should be treated separately.

50. The Government member of Lebanon sought clarification on whether or not Convention No. 155 applied to the public service. In response, a member of the secretariat referred to Article 3 of Convention No. 155 and confirmed that this includes the public service.

51. The Government member of France, speaking on behalf of Member States of the European Union except Austria, felt that a reference to Convention No. 155 would be more appropriate and in keeping with the reference to Convention No. 81. He also pointed out that Convention No. 155 had not been the subject of ratification by the majority of European Union Member States. The Committee should not engage in an effort to define the scope of Convention No. 155 or other relevant instruments.

52. The Government member of the United States supported the amendment. He pointed to Article 3 of the proposed Protocol, which would extend occupational safety and health protection to all workers except when exclusions were foreseen. He indicated that discussion would be necessary on the apparent overlap between the various international instruments.

53. The Government member of France, speaking on behalf of Member States of the European Union except Austria, wished to introduce the amendment proposed by the Government members he represented as a subamendment to the amendment under review. It read as follows: "In the seventh line, replace the words 'the relevance' by the words 'in particular the existence'."

54. The Employers' Vice-Chairperson declared that he could not agree with the subamendment because it would in effect invalidate their own amendment.

55. The Workers' deputy Vice-Chairperson agreed with the Employers' members. She said that the subamendment proposed by the Government member of France, speaking on behalf of Member States of the European Union with the exception of Austria, would be unacceptable. Their amendment should not be treated as a subamendment to the Employers' amendment.

56. The Chairperson clarified that the amendment tabled by certain Member States of the European Union was not yet being discussed, but that the Employers' members' amendment had been subamended in such a manner as to cover much of the content of the amendment proposed by certain Member States of the European Union.

57. The Government member of France, speaking on behalf of the Member States of the European Union with the exception of Austria, thereupon withdrew the subamendment.

58. The Chairperson declared the amendment adopted. Consequently, the amendment tabled by the Government member of France, on behalf of certain Member States of the European Union, fell.

59. The Employers' Vice-Chairperson then introduced a further amendment. He wished to see the words: "Having regard to the special risks to which workers in the non-commercial services sector may be exposed, and the need to ensure that they are subject to the same or an equally effective and impartial system" replaced by the words: "Considering the need to subject workers in the non-commercial services sector to the same system of labour inspection or to an equally effective and impartial". The way the term "special risks" was used in the proposed text could give rise to the assumption that all workers in the NCS sector were affected by such special risks. If that were the case, consideration should be given to drawing up a separate Convention for that sector. If not, then such risks should not be qualified as "special". Of course, the Employers' members acknowledged that in special circumstances there could be special risks. But the Preamble should not speak about special risks in such a general manner.

60. The Workers' deputy Vice-Chairperson stated that the amendment was unacceptable to the Workers' members for two reasons. First, she contended that it was inappropriate to suggest that workers themselves, rather than workplaces, be subjected to labour inspection. Second, she argued that Report VI(1) clearly established that special risks existed in the NCS sector. She cited the second full paragraph on page 7 of Report VI(1) as an example. She pointed out that the "special risks" referred to in the Preamble signalled one of several reasons why a Protocol was necessary. The proposed amendment sought to remove any reference to these special risks. None the less, the Workers' members were willing to discuss alternative terminology.

61. The Government member of Australia did not support the amendment for the reasons given by the Workers' members. She emphasized that special risks did exist, and the proposed Protocol should take account of them.

62. The Government member of Switzerland proposed a subamendment to delete the word "special", which was too specific, and replace it with the phrase "having regard to all risks to which ..."

63. The Workers' deputy Vice-Chairperson asserted that if the Preamble merely referred to all risks, it would fail to recognize that some risks were special. To address concerns of terminology, she proposed that the word "particular" replace the word "special", as "all" risks did not sufficiently highlight the issue, which was that workers in the NCS sector were often employed in high-risk areas.

64. The Employers' Vice-Chairperson thanked the Workers' members for their efforts to compromise. The Employers' members original amendment had aimed at eliminating the reference to "special" risks. Of course these existed, and the Employers did not ignore this fact. They did, however, wish to ensure that

the Preamble referred to all risks. Therefore, they were ready to accept the subamendment.

65. The Workers' deputy Vice-Chairperson said that the Workers' members accepted the adoption of the amendment as subamended by the Government member of Switzerland.

66. The Government member of the United Kingdom underlined that since labour inspection should target workplaces, not workers, the subamendment to the amendment proposed by the Government member of Switzerland should be reworded to replace the words "they are" by "it is".

67. The Employers' Vice-Chairperson accepted the proposal of the Government member of the United Kingdom, who thereupon read the text of the amendment, including the subamendment, as follows: "Having regard to all the risks to which workers in the non-commercial services sector may be exposed, and the need to ensure that it is subject to ..."

68. The Workers' deputy Vice-Chairperson accepted the proposed amendment as subamended by the Government member of the United Kingdom.

69. The Chairperson declared the amendment adopted, as subamended.

70. At the beginning of its fourth sitting, the Committee elected Ms. A.S. Trosdahl Oraug (Government member, Norway) as Chairperson. Ms. Trosdahl Oraug thanked the Committee for the confidence placed in her.

71. The Employers' Vice-Chairperson thereupon introduced the amendment referred to in paragraph 36 above. The new instrument should take the form of a Recommendation. In spite of the efforts undertaken by the Office, there was still no comprehensive definition of the NCS sector. Certain subsectors would in consequence be left outside the scope of the instrument. Therefore, the Committee should adopt a Recommendation, which would allow for a gradual transition from exclusion to full inclusion at a later time. It would thus act as a bridge, offering flexibility in application to all member States. This was in line with article 19 of the ILO Constitution. Report VI(2) indicated that only 37 governments were in favour of a Protocol. A Recommendation would be more than a declaration of intent. It could be implemented through national regulations and other means. Therefore, it was the proper form for an international instrument at the end of the twentieth century.

72. The Workers' Vice-Chairperson also congratulated the Chairperson upon her election. He went on to say that he appreciated the problems the Employers' members had with a Protocol, but hoped that their position was not totally rigid. There was nothing sinister about a Protocol. Report VI(2) indicated that while 37 governments were in favour of a Protocol, a further ten favoured a Protocol and a Recommendation. When the Governing Body had suggested ways to make the ILO more efficient, it had agreed upon a procedure for the revision of Conventions with a view to adapting them to social reality. The current exercise was in fact such a revision of Convention No. 81. The alternative was either to revise Convention No. 81 itself, or to revise it through other means such as this Protocol. However that was done, the outcome should legally be at the same level as the Convention. A Recommendation was clearly not at that same level. Recommendations expressed views not included in the texts of Conventions

themselves; as a rule, they accompanied a Convention and gave guidance on how it should be interpreted. They were useful references, indicating how certain issues should be perceived. This was the case of Recommendation No. 81 to Convention No. 81. Recommendations were not instruments through which the scope of a Convention could be extended to areas not covered.

73. The Workers' Vice-Chairperson went on to state that a Recommendation only would weaken protective guarantees that were sought for the NCS sector. For the ILO it would in fact mean increasing inequality of treatment between workers in commercial and non-commercial services. The adoption of a Recommendation would not be a neutral step. It would go against what had already been expressed at this stage and what already was the practice in a large number of countries.

74. The Government member of India said his Government had ratified Convention No. 81 some time ago. He would welcome a Protocol instead of a Recommendation. Standards should be set by increasing the number of exclusions in Article 2. The Government of India wished to see other activities excluded, in particular the national, provincial and local government administrative services, fire brigades, postal services, etc. But his Government would support a Protocol.

75. The Government member of France indicated that Member States of the European Union, except the Netherlands, on whose behalf he spoke, supported a Protocol.

76. The Government member of the Syrian Arab Republic was of the opinion that workers in the NCS sector deserved as much protection as those in other sectors. This could only be achieved through a Convention or a Protocol. A Recommendation would not guarantee such protection. His Government therefore supported a Convention or a Protocol.

77. The Government member of Lebanon suggested the Committee leave the issue in abeyance until after the discussion of Article 2, where many of the points now under debate would come up again.

78. The Government member of Cyprus said that the instrument should take the form of a Protocol. This would encourage countries to ensure that appropriate legislation for the protection of workers in the NCS sector were introduced.

79. The Government member of the Russian Federation underlined that his Government favoured a Protocol. The issue was a question of equality of labour protection for a very large number of citizens. Report VI(2) indicated that, in all, 47 member States had expressed preference for a Protocol. Two-thirds of the member States having replied to the questionnaire thus supported a binding international instrument. This Committee should give a signal that governments were prepared to ensure equality of rights for all workers. The proposed text provided sufficient flexibility for each member State, for instance through Article 3. A Protocol should therefore be the final decision.

80. The Government member of the Republic of Korea expressed his country's desire that the instrument take the form of a Recommendation.

81. The Government member of Poland said that his Government could not accept the proposition of the Employers' members. Poland was in the process of transforming its economy, and labour inspection had an important role to play in

this transition. For this reason, the Polish Government had recently ratified both Conventions Nos. 81 and 129. His Government was in favour of a Protocol because it constituted a legal instrument which would have an effective influence on national legislation and permit significant improvements of working conditions.

82. The Government member of Panama recalled that during the previous days' discussions the emphasis had been on flexibility and on taking into account the special conditions of member States. Panama had ratified Convention No. 81. But the issues raised by the proposed Protocol needed further study. A Recommendation would be a prerequisite for the implementation of the substantive elements of the new instrument.

83. The Government member of the United States wanted to see the discussion expanded. He asked the Office to explain briefly what impact a Protocol would have on the adoption of Convention No. 81 in a given country.

84. The representative of the Secretary-General thereupon clarified the differences between the various instruments — Protocol, Recommendation and Convention — under the ILO Constitution. A Protocol was, in fact, a Convention and once adopted by the Conference, contained legally binding obligations which member States which ratified it were bound to implement. It avoided the necessity of having to formulate a new Convention under the double-discussion procedure. It was a Convention itself in that it extended all the obligations contained in Convention No. 81, once adopted by a two-thirds majority of the Conference. On the other hand, a Recommendation, while containing useful guidelines for governments wishing to legislate on the subject, contained no obligations that could be enforced.

85. The Government member of Egypt supported the Protocol; it would be in compliance with her country's legislation. She would express certain reservations later in the discussions.

86. The Government member of Norway expressed her country's support for a Protocol.

87. The Employers' Vice-Chairperson thought that, given the explanations by the representative of the Secretary-General, there could be no more doubt as to the consequences in the choice of instruments. He also referred to the ILO Constitution. Recommendations were not mere appendices of Conventions. There were issues on which the Conference had adopted a Convention and a Recommendation, and others that had been regulated by a Recommendation only. The Employers' members were of the opinion that Conventions should stand by themselves, without the need for an additional Recommendation. There were situations that called for adopting a Recommendation only, as in the case before the Committee. The questionnaire to the Office Report VI(1) specifically envisaged adopting only a Recommendation, and this continued to be the Employers' members' preferred choice. If, however, the majority of the Committee were in favour of a Protocol, the Employers would prefer a Protocol and a Recommendation.

88. The Workers' Vice-Chairperson thought that the Employers' members appeared ready to accept a Protocol and withdraw their amendment. The proposal for both a Protocol and a Recommendation might not be feasible in the time

available. The Committee should seek clarification on the possible preparation of a complementary Recommendation.

89. The representative of the Secretary-General affirmed that it was not feasible to discuss a separate, additional Recommendation since no such text was currently before the Committee. A Protocol had been drafted by the Office because the replies by member States, as reflected in Report VI(2), had revealed that this was the preferred instrument. He recalled that only a very small number of countries responding to the questionnaire had wanted to adopt a Protocol and a Recommendation. It would be possible, however, to recommend in the report of the Committee that, in the future, a Recommendation be discussed.

90. The Employers' Vice-Chairperson thought the Committee's mandate to adopt a Protocol extended also to the adoption of a Recommendation. The Office should therefore have prepared a separate text in case the Committee wished to discuss this alternative. The Committee was the place for decisions to be taken. Under the circumstances, however, the Employers' members would withdraw their amendment.

91. The Chairperson then declared the Preamble adopted, as amended.

Article 1

92. The Government member of Lebanon presented an amendment to Article 1, paragraphs 1 and 2, seconded by the Government member of the United States. At the end of paragraph 1, she wished to add the words: "in a manner consistent with its national law and practice and in so far as the non-commercial services sector comes under the competence of the labour inspectors." Further, at the end of paragraph 2, she proposed to add the phrase: "as indicated in the general concept of paragraph 1". She stressed that if the extension of Convention No. 81 were enforceable by labour inspectors, it would obviously come under the competence of labour inspectorates. Every member State would have to consider enforcement procedures according to national law and practice. Therefore, there were other categories of workplaces in the NCS sector that should also be excluded.

93. The Employers' Vice-Chairperson was of the opinion that the text of the Protocol already contained the substantive elements of the first part of the amendment in Article 3, paragraph 1. It was therefore unnecessary. The proposed amendment at the end of paragraph 2 was redundant, as the text of the Protocol had to be read in its whole context. The Employers' members therefore did not support the amendment.

94. The Workers' Vice-Chairperson did not think that Article 1 was the place to discuss exclusions, if indeed the Committee were to consider exclusions in the Protocol at all. The Workers' members did not want to have exclusions applying to broad categories of workers in the Protocol. It was not logical to extend the scope of an instrument and to foresee exclusions in one and the same Article. The logic of the Committee's work was to extend the Convention. He therefore suggested that the amendment be withdrawn.

95. The Government member of Lebanon responded that if the amendment repeated a phrase in Article 3 of the proposed Protocol, this was consistent with the practice of recalling the content of other Conventions, and of making

references for the sake of clarity. The Protocol should not extend the scope of the Convention to parts of the NCS sector which did not come under the competence of labour inspectors. However, there being no support for her amendment, she withdrew it.

96. The Chairperson then declared Article 1, paragraphs 1 and 2 adopted without change.

97. The Government member of France, on behalf of the Member States of the European Union with the exception of the Netherlands, exposed the motives which were at the origin of the amendment he had tabled. It proposed to replace the phrase: "included among industrial or commercial workplaces to which legal provisions relating to conditions of work and the protection of workers while engaged in their work apply that are enforceable by labour inspectors" by the words: "covered under the Labour Inspection Convention, 1947 (No. 81), subject to the exceptions foreseen in this Protocol." The amendment sought to simplify the Office text, which seemed complicated as it referred to definitions in Convention No. 81. At the same time, the amendment sought to retain the essence of the original text. Furthermore, it already anticipated Article 2 and other elements in the text concerning exceptions.

98. The Employers' Vice-Chairperson said his members had examined the amendment and found it a good one. Everything the Office text said was in fact already contained in Convention No. 81. However, in the Spanish version of the amendment, the words "*observados en*" ("included in") should be replaced by "*cubiertos por*" ("covered by") which was more relevant.

99. The Workers' Vice-Chairperson invited any proposal that would improve the text. The Workers' members were prepared to give their support to the amendment. But there were other amendments foreseen later in the Protocol dealing with exceptions, and he would not like to see any reference made to them in this Article. He therefore proposed a subamendment to delete the words "subject to the exceptions foreseen in this Protocol".

100. The Government member of France, speaking on behalf of the Member States of the European Union with the exception of the Netherlands, pointed out that the amendment did in fact announce a number of exceptions to be embodied in other Articles of the Protocol. However, the Government members he represented could accept the Workers' subamendment, and would revert to the substantive issues later.

101. The Employers' Vice-Chairperson was concerned that the subamendment proposed by the Workers' members could give rise to misunderstandings. However, it seemed to be more a question of editing than of substance. As the Government member of France, speaking on behalf of other Member States of the European Union, had accepted the subamendment, the Employers' members would not oppose it.

102. The Government member of France, speaking on behalf of the Member States of the European Union he represented, felt there was a problem of translation in paragraph 3 of Article 1 concerning the French word "*établissements*". The appropriate translation of the English word "workplaces" would be "*lieux de travail*". He asked the secretariat to examine this point.

103. The representative of the Secretary-General explained that a formal Drafting Committee would be set up by members of the Committee to take care of any problems between one language and another.

104. Thereupon, the Chairperson declared the amendment to Article 1, paragraph 3, adopted as subamended, and in consequence, Article 1 was adopted, as amended.

Article 2

105. The Workers' Vice-Chairperson introduced an amendment to delete Article 2, though he wished to reassure the Committee that this would only change the construction of the Protocol. Substantive elements of current Article 2 (paragraphs 2, 3 and 4) should be retained but incorporated in a slightly different form elsewhere in the Protocol. The Workers' members would propose further amendments at a later stage because they recognized that special circumstances did exist, for example to avoid having labour inspectors follow fire-fighters into a burning house. However, the Workers' members could not accept that broad categories of workplaces be excluded from the scope of the Protocol and considered such an approach to be contrary to the aim of extending the coverage of Convention No. 81. Special procedures could be envisaged for special circumstances, but such considerations should not destroy the whole exercise. He encouraged the Committee to engage in a constructive discussion on the right place for noting any special circumstances that might call for special arrangements. Too many holes in the Protocol would make it look like Swiss cheese. He wanted an indication of other Committee members' opinions on what the Workers' members considered to be a major issue.

106. The Government member of India stated that the amendment was not acceptable.

107. The Government member of France, speaking also on behalf of other Member States of the European Union, underlined the great importance that Article 2 had for the Member States he represented. One should not see Article 2, paragraph 1, as an exclusion, although the text used the term "exclude". Rather, it should be read in its entirety. Paragraph 2 and, in particular paragraph 3, in fact envisaged modalities for allowing labour inspection systems to adapt to different circumstances, given their different structures and historic origins. It was not a question of exclusion, as many of the countries he represented already had effective and impartial alternative systems of inspection for the public service. The aim was not to deny workers in these workplaces the protection in safety and health which member States' legislation already accorded them. Furthermore, the amendment he had proposed would introduce an element of flexibility that could not but facilitate ratification of the Protocol.

108. The Government member of the United Kingdom offered a comment in support of his colleague from France. For the United Kingdom, as well as for several other European countries, exceptions such as those proposed in Article 2 were not necessary. But the Committee should take a long view on this issue. In the United Kingdom, it had taken 20 years to calm the fears of NCS sector employers, notably the police, the armed forces and the fire services, to accept that they would be open to a system of labour inspection which they did not

readily understand. He expressed concern that the deletion of Article 2 would rekindle such fears. He added that Report VI(1) had shown that substantial changes in public sector labour inspection continued to take place. Therefore, the number of exceptions that member States would ask for should gradually decrease.

109. The Government member of Korea insisted that Article 2 was essential to the proposed Protocol.

110. The Workers' Vice-Chairperson regretted that he still did not know the mood of the Committee on this amendment. He suggested that some of the points made by the Government member of France, also on behalf of certain Member States of the European Union, supported the notion that special arrangements should be considered under the special mechanisms to be provided for in Article 4 rather than as exclusions in Article 2. As to alternative inspection arrangements proposed in Article 2, paragraph 3, the Workers' members did not accept, for example, that armed forces personnel should inspect themselves. The Workers' members suspected, on the evidence of the proposed amendments, that a number of governments were moving towards a significant expansion in the scope of exclusions compared with what was contained in the draft text of the Protocol. The sum of what was to be excluded would leave little else in the text. Report VI(2) showed that only 28 member States of those in favour of adopting a Protocol were also in favour of a general exclusion of certain categories of workplaces. He urged the Committee to explore the question further, and called for a clarification of the Employers' members' position.

111. The Government member of the Russian Federation was of the opinion that an amended Article 2 would not automatically give labour inspectors the right to inspect workplaces in, for instance, the armed services or the police. This would be settled by national legislation in accordance with Article 4. Nor did he think that Article 2, with the present exclusions, would deprive governments that considered it necessary to carry out inspections of the right to do so. In the Russian Federation, no problems had been encountered with such inspections. He felt that Article 2 was sufficiently flexible to accommodate specific situations in each member State. Therefore, it should be left as it was.

112. The Government member of the United States supported the remarks made by the Government member of France, also on behalf of other Member States of the European Union. He emphasized that flexibility was absolutely critical for most governments.

113. The Government member of Sudan commented that the Committee on the Application of Standards would address some of the concerns raised by the Workers' members in their presentation of this amendment. He agreed with other Government members who had spoken on the importance of flexibility in international instruments in order to ensure better application. He was in favour of retaining Article 2, and of later amending Article 4 to accommodate the concerns of the Workers' members.

114. The Employers' Vice-Chairperson said the Employers' members had listened carefully to the Workers' Vice-Chairpersons' statements but could not see how, on procedural grounds, they could make concessions on questions related to Article 2, while the Workers' members' position on amendments to Article 4

was not yet known. More Government members should declare their intentions, and the Workers' members should be more precise when presenting future amendments.

115. The Workers' Vice-Chairperson reiterated that the exact wording on subsequent amendments to Article 4 was not yet available. However, he requested that the current discussion focus on appropriate ways of dealing with the issues raised in paragraphs 2, 3 and 4 of Article 2 in the context of special arrangements. The question before the Committee was in fact one of the structure of the Protocol. In general, the text should not speak of exclusions. He again asked that Employers' members state their position before a decision was made. If one group did not declare itself, such a decision was not possible.

116. The Employers' Vice-Chairperson thought that the statements made by the Workers' Vice-Chairperson should have been submitted as further amendments. The Employers' members could not decide on a matter to which no precise proposals had been made. They would abstain from taking a position, all the more so since the matter concerned the Government members first and foremost.

117. The Workers' Vice-Chairperson mentioned that he understood the problem raised by the Employers' members and pointed to the constitutional difficulty of submitting specific amendments to Article 4 at this point. What he had asked for was support for the Workers' members' position to focus more on special arrangements rather than general exclusions.

118. The Government member of Egypt affirmed that Article 2 was very important because of the need for flexibility.

119. The Workers' Vice-Chairperson re-emphasized the importance placed by his members on the issue before them. He suggested that since uncertainty existed, it might have been appropriate to proceed to a vote, and that such an approach would have been a legitimate means of addressing the evident uncertainties. However, in order to avoid sending the wrong signals and thereby creating a confrontational situation, and in the interest of engaging in constructive dialogue, the Workers' members would withdraw their amendment. He asserted that they would none the less continue to come back to the question of how the Protocol should be constructed and argued that the exclusions proposed now were too broad. In future, when the Workers' members presented subamendments, they should be received by the Committee in a constructive manner to facilitate consensus. But he cautioned that it would henceforth be difficult to even discuss any new extensions of categories of exclusions under Article 2.

120. The Chairperson accepted the withdrawal of the Workers' members' amendment and thanked the Workers' members for their cooperation. The examination of Article 2, paragraph 1 then began with a discussion of an amendment submitted by the Employers' members, to insert the words "at any time" after the phrase "which ratifies this Protocol may" in the first line of paragraph 1.

121. The Employers' Vice-Chairperson stated that this amendment had one obvious reason: to make the Protocol more flexible and consequently to enable more member States to ratify it. The present text was very rigid. The solution

contained in Article 25 of Convention No. 81 was preferable, and this was reflected in the amendment.

122. The Workers' Vice-Chairperson said that he had difficulties with the logic of the amendment. First, since the declaration allowed in Article 2 should be appended to the instrument of ratification, the amendment to add the words "at any time" would create an ambiguity. Second, he remarked that paragraph 4 of Article 2 already foresaw the kind of situation that the Employers' members' amendment sought to address. He then submitted the following subamendment: "A. Member which ratifies this Protocol may, by a declaration appended to its instrument of ratification, exclude from its scope of application certain categories, subject to the special arrangements outlined in Article 4 of this Protocol."

123. Thereupon, the Chairperson asked for an opinion by the Legal Adviser of the Conference on the admissibility of this subamendment.

124. The Legal Adviser of the Conference was asked to advise on whether the subamendment submitted by the Workers' members, to the Employers' members' amendment under discussion, was acceptable, or rather an amendment in itself and therefore inadmissible. He referred to article 63.6 of the Standing Orders of the Conference whereby a subamendment is considered to be an amendment to an amendment under discussion. It has, *inter alia*, the advantage of not being subject to deadlines. Therefore, in order to be receivable, it must refer to the text of the amendment and not merely to the original text. In the present case, the Workers' members' subamendment did not refer to the Employers' members' amendment but to another part of the Office text.

125. The Chairperson thereupon decided that the subamendment proposed by the Workers' members was a new amendment, and therefore inadmissible.

126. The Workers' Vice-Chairperson requested clarification regarding the limitations imposed upon Committee members in the use of subamendments. He asked whether there were any limitations to finding a different way of drafting a whole paragraph if the intention of the original amendment remained the same.

127. The Legal Adviser replied that if the aim of the subamendment were to change the text without changing its meaning, that would be acceptable. The wording could always be improved; any such suggestion could go directly to the Drafting Committee.

128. The Workers' Vice-Chairperson accepted the ruling and reaffirmed that the Workers' members could not agree to the amendment under review.

129. The Government member of Sudan asked for further clarification of the reasons behind the amendment.

130. The Employers' Vice-Chairperson asserted that the proposal introduced more flexibility and clarity to the text.

131. The Workers' Vice-Chairperson observed that the Employers' members seemed to be subamending their own amendment. He requested further clarification from the Office as to how the wording of this Protocol compared with usual practice.

132. The representative of the Secretary-General explained that the proposed Office text referred to, and was aligned with Article 25 of Convention No. 81.

133. The Workers' Vice-Chairperson commented that the Committee might have to go to a vote on several occasions, but wondered if the issues under discussion were sufficiently important to the Employers' members to do so on this amendment. He would have wished for more statements from Government members on the subject. He understood that many were seeking flexibility in this Protocol, but wondered if there were not another way to express it.

134. The Employers' Vice-Chairperson said that the Employers' members had originally submitted the amendment as a sign of support for the Government members, as the issue really concerned them most. If there were no support, then the Employers' members would withdraw it. The amendment was so withdrawn.

135. The Committee proceeded to discuss an amendment submitted by the Government member of France, on behalf of the Member States of the European Union with the exception of the Netherlands. He declared that its purpose was to introduce further flexibility into the structure of the instrument. Article 2, paragraph 1, as proposed by the Office, did not *strictu sensu* mention public administration, at any level. Their amendment therefore came in three parts: firstly, they proposed to add a new subparagraph (a) as follows: "the national, regional or local public administration"; secondly, to add the words "emergency and rescue" after the words "and other public" in subparagraph (b); thirdly, after subparagraph (c) to add the words "domestic services". He underlined the fact that the Government members, on whose behalf he spoke, stressed that supervisory systems for safety and health in public administrations could be arranged within the framework of specialized organizations. This would link up with Articles 2 and 3, which envisaged other inspection mechanisms for workplaces excluded from general labour inspection. The proposed amendment with respect to subparagraph (c) concerned quite a different problem: not the public service but rather the principle of freedom of the individual. Private households should not be subject to labour inspection, and labour inspectors should not be empowered, through the principle of universal coverage enshrined in the new instrument, to enter the homes of private individuals employing domestic servants to inspect conditions of work.

136. The Workers' Vice-Chairperson remarked that he was puzzled by the amendment. Referring to the first subparagraph, he pointed out that only two countries out of 58 having answered the Office questionnaire had suggested excluding these administrative services. He drew attention to Article 2 of EEC Directive 89/391 which stated that: "This Directive shall not be applicable where characteristics peculiar to certain specific public service activities, such as the armed forces or the police, or to certain specific activities in the civil protection services inevitably conflict with it." Thus, the amendment under discussion had been proposed by a group of Government members which had not excluded any government administrative sector from their own supranational legislation.

137. Referring to the second subparagraph, the Workers' Vice-Chairperson asked whether there was not an error in drafting, as the text of the proposal appeared confused. The amended phrasing would result in a sentence which read "(b) the police and other public emergency and rescue security services". He asked whether those proposing the amendment also wanted the word "security" to be deleted. Finally, he voiced surprise at the reference to domestic services.

He was concerned that the acceptance of such a formulation might permit such abuse as child labour; he feared that the Committee was dealing with subjects outside its competence, particularly since the issue of "Home work" was being discussed by another Conference Committee. He wondered what could be understood by "non-commercial" domestic services and added that more accidents occurred in the home than at any other location. For a multitude of reasons, the Workers' members would not agree to this amendment.

138. The Government member of the United Kingdom sought to clarify two points raised by the Workers' Vice-Chairperson in response to the latter's reaction to the fact that some Member States of the European Union had allied themselves with an amendment which went against their position as stated in Report VI(2). He suggested that the Conference had two options in extending labour inspection to the NCS sector. The first was to set a very high standard which could only be met by a handful of countries; the second was to allow for exemptions, which many member States would seek, and therefore commit a larger number of countries to ratification. The other point concerned domestic services. While he accepted the concern of the Workers' members that this Committee should not be debating issues which were discussed elsewhere, Article 1 of the Protocol sought to extend labour inspection in a uniform way, and this had not always worked in the United Kingdom. "Domestic services" was perhaps not the appropriate wording, but labour inspectors should be prevented from entering private employers' households and inspecting the conditions of domestic workers.

139. The Government member of Lebanon emphasized that her country had presented its own amendment, with another list of exclusions to be added to Article 2, paragraph 1. She challenged the Workers' members' suggestion that member States should be bound by their answers to the Office questionnaire; otherwise there would be no need for the Conference. The exclusions to the proposed Protocol offered more flexibility, which was absolutely necessary and would allow a greater number of member States to consider ratification.

140. The Government member of Sweden agreed with the Government member of the United Kingdom. In Sweden domestic service was defined as work in a private employer's house and nothing else.

141. The Government member of France, speaking on behalf of other Member States of the European Union except the Netherlands, declared that the amendment was in no way intended to question the validity of EEC Directive 89/391. But this Directive did speak about an appropriate system of inspection. Thus, the amendment was aimed rather at the modalities of supervision. It was the concern of the Government members that had supported it to find more appropriate control mechanisms for the public administration sector.

142. The Government member of the Syrian Arab Republic supported the amendment proposed by the Member States of the European Union, with the exception of the Netherlands. It would be consistent with legislation in force in Syria regarding the application of labour standards in the public sector, including education and other public services. The proposed exemptions would help the Syrian Government ratify the Protocol.

143. The Government member of Algeria wished to note two points: first, in limiting the scope of Convention No. 81, Article 2 of the Protocol introduced

considerable flexibility, allowing member States to adapt their labour inspection systems to their specific conditions; second, working conditions in the NCS sector, which consisted in the main of public agents governed by special statutes, were completely different from those of workers in sectors covered by Convention No. 81. It would therefore be useful to leave member States the latitude to define the scope of their labour inspection, either by limiting its functions to those referred to in Article 3, paragraph 1 of Convention No. 81 (working hours, wages, and safety and health) or only to safety and health. He emphasized that in Algeria the Law of 6 February 1990 concerning labour inspection ensured that inspection services covered the NCS sector, while leaving the question of their methods of intervention to special regulations.

144. The Government member of the Republic of Korea said the amendment contained the substance of an amendment that he had submitted which was to be discussed later. Therefore, he could support it. He asked the Committee to consider the ratification record in respect of other Conventions relating to labour inspection. He concluded that lack of flexibility reduced a Convention's chances of being ratified.

145. The Government member of China said that the amendment proposed by the Member States of the European Union, except the Netherlands, was necessary because it allowed for greater flexibility and would encourage more ratifications.

146. The Government member of Australia stated that her Government would not support the amendment. Australia would prefer not to list categories at all, but rather to accept the Office text whose proposed exclusions were sufficient.

147. The Government member of Poland expressed his support for the proposal in the amendment of certain Member States of the European Union to amend subparagraph (b), and to add the words "domestic services" after subparagraph (c). Since Polish labour inspection legislation already covered national, regional and local public administration, he would not like to see this sector excluded from the scope of the Protocol.

148. The Government member of Japan expressed his support for the proposed amendment.

149. The Government member of Egypt expressed her support for the amendment because she considered that it would add greater flexibility to the Protocol.

150. The Government member of Malaysia supported the amendment since in Malaysia public administrative services were well taken care of by special government machinery. He agreed with the exclusion of domestic services because he considered inspection of dwellings to be impossible from a practical point of view.

151. The Government member of India stated that the proposed amendment was fair and reasonable, and expressed his support for it. He affirmed that it gave considerable flexibility which would enable many member States to ratify the Protocol.

152. The Government member of Indonesia declared his support for the amendment. He asserted that the special regulations for the public administration

in Indonesia were completely on a par with those in the private sector, and that special inspectors responsible for the public administrative sector carried out their jobs effectively.

153. The Government member of Mauritius supported the amendment, as the constitutional and legal system in his country applicable to public officials was completely different from that applicable to the private sector. The sanctity of the home was protected by the Constitution, therefore, it would be unacceptable to introduce a system of labour inspection in family households.

154. The Government member of Sudan held a different view. He requested clarification from the Office regarding the exclusions mentioned in Article 4 concerning special arrangements for the public sector. He did not think the amendment was necessary.

155. A member of the secretariat explained that the Office text of Article 4, paragraph 1 would allow for special arrangements to be applied in regard to the inspection of workplaces of "national (federal) government administrative services". Article 2, if amended, would allow for a generic exclusion of the entire national, regional or local public administration sector.

156. The Government member of Norway was not in favour of the amendment. Article 2 of the Protocol should stand unchanged.

157. The Employers' Vice-Chairperson reiterated that while flexibility stimulated ratification, the Employers' members were not in favour of flexibility at any cost. An analysis of the proposed amendment showed that it was appropriate to bring Article 2 into harmony with Article 4, where national (federal) government administration was already mentioned. Allowing for the possibility of an exclusion did not automatically mean exclusion. It was a permissive clause. The second part of the amendment, concerning emergency and rescue services, was imprecise. The Employers' members wished to table a subamendment to delete this part. Article 5 already referred to such services, allowing for a number of restrictions. The Employers' members were prepared to support the last part of the amendment concerning domestic services, but were unsure about its ambit. It would be preferable to use the term "household services".

158. The Workers' Vice-Chairperson remarked that even with the subamendment, the amendment was not acceptable to the Workers' members. He argued that although ratification should be encouraged, excessively low standards in international instruments would make them irrelevant. He was puzzled by the fact that the Employers' members had accepted the amendment, as it would mean that competitors in the public sector would not be held to the same standards as those in the private sector. As to allowing member States to exclude domestic services from the Protocol, he thought that the discussions of the Committee on Home Work would show that compatibility could be reached between the need for improved worker protection and concerns for privacy in the home. He expressed particular discomfort with this exclusion noting that it opened a Pandora's box of problems relating to child workers, migrants, etc. He suggested that the Committee seriously reconsider the implications of such an exclusion. He also thought that the proposed wording of subparagraph (b) of the amendment was unclear.

159. The Government member of France, speaking on behalf of the authors of the amendment, withdrew subparagraph (b).

160. The Workers' Vice-Chairperson wished to know from the representative of the Secretary-General how many parts of an amendment could be withdrawn before the whole amendment fell. The latter called the Committee's attention to article 63.8 of the Standing Orders of the Conference. He remarked that the Legal Adviser of the Conference had confirmed that withdrawal of parts of an amendment was acceptable when the individual parts were in essence individual amendments. Whatever remained of the amendment should then be discussed and dealt with.

161. The Government member of the United Kingdom — also speaking on behalf of the Government members of Denmark, Finland, Germany and Sweden — announced that he and his colleagues had reflected carefully upon the previous day's interesting discussions and, having taken further advice from their Governments, now withdrew their support for the amendment under review. Their countries, by and large, did not require the flexibility sought for in this amendment. They had nevertheless supported it in a spirit of cooperation, a stance underlined by the degree of support of other Governments. Instructions from their own Governments, however, had now reversed this position. He added that previous concerns regarding subparagraph (c) were not founded and there was no longer a need for this exclusion.

162. The Government member of Switzerland argued that it would be necessary to define the term "domestic services" in subparagraph (c). He wished to know if it were the Employers' members' view that this concerned people employed in private households or, as the Workers' Vice-Chairperson appeared to imply, people working at home. Home work was undertaken by a worker in his or her private home through a contract with an outside employer. This was the subject on the agenda of the Committee on Home Work. If what was meant concerned house work or domestic services, such activities could not be considered non-commercial. His Government therefore did not support the amendment.

163. The Government member of Egypt indicated that the law in her country recognized two different categories of domestic servants. It would be difficult to accept the need to establish inspection services in either of these categories.

164. The Government member of Lebanon supported the exclusions suggested by the Government member of France, speaking also on behalf of other Member States of the European Union, and encouraged the Committee to consider other exclusions, as in the amendment awaiting discussion.

165. The Government member of France wished to insist on the importance, for his Government, of elements of flexibility in the Protocol. It should allow systems for supervising working conditions to be adapted to the specific context of different administrations. It was not his Government's intention or that of those for whom he spoke, to exclude workers in the different administrative services from all guarantees of protection. But one simply had to give these governments the possibility of organizing specific inspection services in line with their specific administrative systems. This did not mean that the Government of France would not strictly apply the provisions of Convention No. 81. He wished to allay any

fears that Workers' and Employers' members might harbour in this regard. The Government of France had set up a very advanced, special inspection system which monitored regulations in all administrations. The basis of this rather unique system had been worked out through tripartite consultation. The Government of France would, therefore, have difficulties in ratifying the Protocol if this system would subsequently have to be changed. If, on the other hand, the amendment were adopted, it would lead to more flexibility and ratification by more countries.

166. The Government member of Belgium declared his continued support for the amendment. The problem in his country was to identify which inspection service should have responsibility for the NCS sector. He hoped that the Protocol would permit governments to set up inspection mechanisms distinct from, but equally effective and impartial as, those envisaged by Convention No. 81.

167. The Government member of Cyprus remarked that his country had legislation and mechanisms in place to effectively protect workers in public administration. His country recognized the problems that might be associated with the application of the Protocol to national, regional and local public administrations in other countries, but he affirmed that an independent system of labour inspection was indispensable in order to attain an adequate level of protection. Therefore, his Government did not support the amendment.

168. The Government member of the Republic of Korea expressed support for the full text of the amendment. However, if subparagraph (c) were dropped, subparagraphs (a) and (b) should still be adopted.

169. The Government member of Portugal continued to support the amendment for the reasons given by the Government members of France and Belgium.

170. The Government member of Malaysia supported the statement made by the Government member of France. The amendment should be accepted for reasons of practicality. ASEAN and other developing countries had urged the ILO to introduce greater flexibility in Conventions, so as to open more options for ratification. In Malaysia, the NCS sector had an elaborate and sophisticated system to regulate the relationship between Government, statutory bodies and local authorities on the one hand, and their employees on the other, in particular as regards terms and conditions of service and disciplinary procedures. A National Joint Council provided the machinery and the system to ensure adequate protection of civil servants. Therefore, workplaces in the federal and national government should be excluded from the Protocol. He was further of the opinion that domestic services were difficult to define. He interpreted the term as referring to people working in a home or dwelling, not in a trade. He agreed that inspection in this field would be impractical.

171. The Government member of Spain supported the amendment because it would permit a total or partial exclusion of specific areas, whereas the remainder of the guarantees in Article 2 were left untouched. In his country, the labour inspectorate had not encountered problems in monitoring occupational health and safety of employees in the public sector, so in that respect the Protocol could be applied. Matters were different concerning other elements of working conditions, as these were subject to other supervisory mechanisms under a separate inspection system.

172. The Government member of Botswana recalled that the objective of extending the Protocol was to subject workers in the NCS sector to similar standards of protection as those applicable in industry and commerce. In the general discussion, almost all members had insisted on the importance of establishing impartial systems of labour inspection for the NCS sector. Now these considerations were giving way to concerns for flexibility. The proposed amendment would deny workers essential protection and result in a travesty of equal treatment. Underlining the need to strike a balance between equity and flexibility, he supported the exclusion in subparagraph (a) only.

173. The Workers' Vice-Chairperson asked for clarification on the status of the amendment now that some of the Government members originally promoting it had withdrawn their support. He had been under the impression that item (c) had been withdrawn, but now it had been brought back into the discussion.

174. The representative of the Secretary-General explained that there was an amendment on the floor. Several of its authors had withdrawn their support, but that did not affect its status, as a number of Government members continued to support it. Further, there was a subamendment proposed by the Employers' members, to withdraw the words "emergency and rescue" from subparagraph (b), which seemed to have support from the Committee. The Committee would have to vote on the subamendment. Following that, it would proceed to vote on the amendment, or what was left of it.

175. The Government member of France — speaking also on behalf of the Governments of Belgium, Finland, Greece, Italy, Portugal and Spain — declared that he withdrew subparagraphs (b) and (c) of the amendment. The main issue was subparagraph (a), which should be accepted as proposed.

176. The Employers' Vice-Chairperson noted the change in the Government members' position. It obliged the Employers' members to change theirs also. They had supported the amendment with all three subparagraphs, but now that two of these had been withdrawn without prior consultation, this was creating a difficult position.

177. The Chairperson accepted the withdrawal of subparagraphs (b) and (c) of the amendment. She stated that unless consensus were now reached, the Committee would proceed to a vote on the remainder of the amendment.

178. The Workers' Vice-Chairperson affirmed that even in its rudimentary version, the amendment was unacceptable to the Workers' members. He argued that the proposed exclusion of national, regional and local public administrations was too broad and would leave the proposed Protocol with a drastically reduced scope of application. The Workers' members wished to propose a subamendment to the remaining text, to replace the words "national, regional or local public administration" in subparagraph (a) by "essential national (federal) government administration". The Workers' Vice-Chairperson mentioned that this proposal, if accepted, would also have to be included in Article 4.

179. The Employers' Vice-Chairperson repeated that the Employers' members had originally supported Article 2 as proposed by the Office. Then they had supported the amendment because they were of the impression that it had the support of most Government members, though to varying degrees. The

amendment had gradually lost supporters, but the Employers' Vice-Chairperson felt it should not be rejected completely. There was still concern for flexibility, but they did not wish to see the impact of the Protocol completely placed in doubt. They were, therefore, now inclined to support the Workers' members' subamendment.

180. The Workers' Vice-Chairperson sought to clarify whether or not the Employers' members had reservations about the word "essential".

181. The Employers' Vice-Chairperson replied that he had made no reference to the word "essential". It was used nowhere else in the Protocol. He wondered what its implications were, in particular whether it referred exclusively to national administrations, whatever their scope. He asked the Workers' members for clarification.

182. The Workers' Vice-Chairperson explained that the word "essential" echoed a term current in jurisprudence on freedom of association. While the context was not entirely comparable, he asserted that in the jurisprudence under reference, coherent exceptions existed with respect to authority exercised in the name of the State, if it were essential to the functioning of the State at different levels.

183. The Government member of Lebanon did not support the insertion of the word "essential" in the subamendment. She insisted that all public services were essential.

184. The Chairperson observed that a consensus had been reached between the Workers' and the Employers' members.

185. The Government member of the Republic of Korea insisted that exclusions for national and regional public administrations should be retained in the Protocol. He maintained his Government's support for subparagraph (a) of the amendment without the Workers' members' subamendment.

186. The Employers' Vice-Chairperson asked for a clarification as there were problems in the Spanish version of the subamendment, which had been translated as "special" instead of "essential". Once it had been confirmed that it referred to essential national (federal) government administrations, the Employers' members supported the subamendment.

187. The Government member of India reiterated his Government's stance not to support any further dilution of the expression "national, regional or local public administration". He argued that instead of providing more flexibility, the subamendment tended to create confusion.

188. The Government member of France — speaking also on behalf of the Government members of Belgium, Finland, Greece, Italy, Portugal and Spain — wished to know whether the subamendment submitted by the Workers' members also included local government.

189. The Workers' Vice-Chairperson repeated that the proposed subamendment read: "(a) essential national (federal) government administration". It did not include regional or local government.

190. The Government member of France made it clear that his Government could not support the subamendment. The introduction of the word "essential"

risked creating delicate problems of management for French public administration, not to speak of the elimination of any reference to regional and local authorities.

191. The Government member of Lebanon reiterated her objections and reservations to the introduction of the word "essential".

192. The Chairperson then proceeded to take a vote on the subamendment proposed by the Workers' members to the amendment under discussion. Put to the vote, the subamendment was adopted by 95,887 in favour; 18,032 against; with 8,901 abstentions. The amendment as subamended was also adopted.

193. The Employers' Vice-Chairperson presented an amendment to subparagraph (c) of Article 2, paragraph 1, to insert the words "public and private" immediately before the words "prison services". The aim was to make its scope clearer. While prison services were generally run by the State, they could also be operated by the private sector. Thus the amendment would harmonize the text of the Protocol with social reality and avoid double standards in application.

194. The Workers' deputy Vice-Chairperson thought that the amendment would confuse the issue by adding a reference to the private sector when this was clearly already covered by Convention No. 81. She proposed a subamendment to delete the word "private".

195. The Employers' Vice-Chairperson insisted that their aim had been to improve the Office text. If the subamendment were accepted, the Committee would be accepting a restriction and inequality of treatment. The fact that a service was provided by a private organization did not necessarily mean that it was commercial, even though the organization might receive payment. The Employers' members, therefore, wished to retain their amendment as proposed. If the word "private" were deleted, public prison services would be excluded, while private services would not. This would create unacceptable disparities.

196. The Government member of Sudan noted that the Protocol referred to prison services, and this implied both public and private prisons if the latter were non-commercial.

197. The Government member of the United Kingdom asked the Employers' members to explain further how private prisons could be considered non-commercial. He was inclined to support the position of the Workers' members.

198. The Employers' Vice-Chairperson, taking note of the point made by the Government member of Sudan, asked the secretariat whether the present text also covered private prison services.

199. A member of the secretariat stated that the term "prison services" itself included all forms of prison services, public and private. Workplaces of employees in private prisons were already covered by Convention No. 81.

200. The Government member of Sudan found this explanation to be consistent with his interpretation. He wondered whether the Employers' members could withdraw their amendment.

201. The Employers' Vice-Chairperson also found the explanation satisfactory and, therefore, withdrew the amendment.

202. The Government member of India presented an amendment to Article 2, paragraph 1, to insert the following text after subparagraph (c): "(d) national

(federal) government administration services; (e) provincial, regional, district or local administrative services; (f) fire brigades and other rescue services; (g) postal services”; and in addition, to delete the words “if the application of the Convention to any of these categories would raise special problems of a substantial nature”. This amendment was seconded by the Government member of Lebanon. The Government member of India recalled that India had ratified Convention No. 81. His Government supported the extension of Convention No. 81 to the NCS sector, provided certain categories of workplaces were excluded. The exclusions in the proposed text were not sufficient. The Government member of India wished to exclude services that were vital to the State. Public servants in India were expected to maintain discipline and political neutrality. Labour laws for private sector industry were not applicable to any of the categories referred to in his amendment, for which alternative arrangements for the redress of grievances were guaranteed under the Constitution of his country. He concluded that the Protocol should be flexible enough to allow for ratification by as many member States as possible. If the additional exclusions he had proposed were not included in Article 2, the Government of India would find it difficult to ratify the Protocol.

203. The Government member of France supported the amendment except for the deletion of the last sentence. It was necessary to retain it in order to cover exceptional circumstances.

204. The Government member of the United States said that it was critical to address the question of flexibility. He recalled the discussion on the Night Work Convention, 1990 (No. 171). Many member States were not able to ratify Conventions because of relatively small differences in scope, points of detail or variations in national laws. It was desirable to take such differences into account. Governments would ratify Conventions if they were within the framework of their national laws and practice.

205. The Employers’ Vice-Chairperson asked for clarification as to whether the whole amendment was being discussed. He believed that the matter of national (federal) government administration had already been disposed of by the Committee’s decision to insert a new subparagraph (a) into Article 2, paragraph 1.

206. The Chairperson confirmed that the issues raised in points (d) and (e) of the amendment had already been dealt with. The only items still open to debate were subparagraphs (f), (g) and the proposal to delete the last sentence of Article 2, paragraph 1.

207. The Workers’ deputy Vice-Chairperson agreed. The same issues would come up again in further amendments, but the debate should not be reopened. The Committee should avoid shopping lists of exclusions. The Workers’ members could not agree to the exclusion of fire and other rescue services, the specific problems of which would be addressed in Article 5, nor to that of postal services, which in many countries were fully open to labour inspection, nor to the deletion of the last phrase. Exceptions should be related only to special problems of a substantial nature. She could therefore not agree to deleting this sentence.

208. The Government member of Belgium declared support for the views expressed by the Government member of France.

209. The Government member of Lebanon supported the proposal referring to fire brigades and other rescue services. They were generally public, but private associations could also run them. She also supported deletion of the final phrase. A sovereign State should have the right to exclusion without having to give reasons.

210. The Government member of the United Kingdom, speaking also on behalf of the Government members of Denmark, Finland, the Netherlands and Sweden, supported the remarks made by the Workers' members.

211. The Government member of the Republic of Korea supported the amendment proposed by the Government member of India. The Government member of Japan also supported the amendment.

212. The Government member of Australia supported the position of the Workers' members.

213. The Government member of Panama supported the position taken by the Employers' and the Workers' members on issues regarding public services, which he believed had been resolved as a result of earlier discussions.

214. The Government member of Ireland also supported the position of the Workers' members.

215. The Government member of Egypt supported the amendment presented by the Government member of India, including paragraph (f) which referred to services carried out by special public servants. In Egypt, this also applied to the postal services. It would be difficult to ratify the Protocol without the proposed exclusions.

216. The Government member of Poland supported the exclusion of fire brigades and other rescue services, but not of postal services.

217. The Government member of India agreed to withdraw points (f) and (g) of the amendment.

218. The Government member of Malaysia expressed his support for the first part of the proposal. He echoed the statement made by the Government member of the United States on the need for flexibility. As to the last section of the amendment, to delete the whole phrase would be going too far. He proposed a subamendment to insert the phrase "in the opinion of the government concerned" before the word "would". Governments should have the option of proposing exclusions. However, there being no seconder, the subamendment was not accepted.

219. The Workers' deputy Vice-Chairperson reiterated her group's position. The last part of paragraph 1 was an essential component of the Protocol, and would assist governments. The Committee had considered a series of exclusions. Labour inspection should cover all workplaces except where there were problems of a substantial nature. She requested that the Government member of India withdraw the amendment.

220. The Employers' Vice-Chairperson agreed with the Workers' members. The final phrase was important in maintaining the harmony of the text. It required governments to make a judgement regarding whether a special problem existed, and to justify the measures they subsequently proposed. The Employers' members were, therefore, opposed to the deletion.

221. The Government member of India thereupon withdrew the amendment.

222. The Chairperson requested that the amendment submitted by the Government member of the Republic of Korea, proposing to insert the words “(a) national (federal) government administrative services; (b) provincial, regional, district or local administrative services”, after the words “the following categories” in Article 2, paragraph 1, and to insert “(d) fire brigades and other rescue services” after subparagraph (c), be withdrawn, since it covered the same subject that had just been dealt with. For the same reason, she asked the Government member of Lebanon to withdraw her amendment intended to delete the words “if the application of the Convention to any of these categories would raise special problems of a substantial nature” from Article 2, paragraph 1.

223. The Government member of the Republic of Korea withdrew his amendment but stressed that without diversity and flexibility, uniform social justice could not be achieved.

224. The Government member of Lebanon withdrew her amendment, but asked the Office how the term “problems of a special nature” would be defined in every member State, and what criteria the Office would apply in accepting that they were “special”.

225. The representative of the Secretary-General replied that it would be the responsibility of member States which ratified this instrument to interpret it. However, under article 22 of the Constitution, they were responsible for reporting on its application in law and practice. These reports were examined by the Committee of Experts on the Application of Conventions and Recommendations, and there could be difficulties if the Experts disagreed with the view of a member State.

226. The Government member of Lebanon then proposed to amend Article 2, paragraph 1 by adding the following subparagraphs: “(d) the judiciary; (e) government administrations and municipalities which have special regulations and special inspectorate systems; (f) public agencies which have relevant inspectorate systems; (g) proprietors of establishments employing family members and administered by the father, mother or other custodians”, after paragraph (c).

227. The amendment was seconded by the Government member of Egypt.

228. The Chairperson observed that subparagraphs (e) and (f) had already been discussed. The Workers’ and Employers’ Vice-Chairpersons agreed, and discussion was then limited to adding subparagraphs (d) and (g).

229. The Government member of Lebanon argued that since the judiciary formed part of public administration, it should be possible to exclude it from the Protocol. With reference to subparagraph (f), she suggested that although public administrations had previously been discussed, public utilities had not. She also wished to add domestic servants to the categories that could be excluded. Subparagraph (g) was introduced because these establishments were excluded from the scope of the Lebanese Labour Code.

230. The Workers’ Vice-Chairperson noted that only proposed subparagraphs (d) and (g) remained to be discussed. He reminded the Government member of Lebanon that she could not subamend her own amendment and so could not add “domestic workers”. As to subparagraph (d), he urged the Committee to consider

the logic of any such exclusion. Article 2, paragraph 1 applied to special concerns such as state security, or the special nature of the work. He saw no justification for refusing the protection contained in the Protocol to the judiciary. Its functions and the nature of the activities of those working in it did not prevent it from being subject to regular labour inspection. Regarding subparagraph (g), it had already been disposed of in the discussion of the amendment concerning “domestic services”, and the Workers’ members strongly disagreed with this proposed exclusion.

231. The Employers’ Vice-Chairperson also demanded that only subparagraphs (d) and (g) be dealt with. The Committee had already agreed that any potential exclusion be limited to essential national (federal) government administration. The judiciary was part of government, but not an essential service, and its possible exclusion from the scope of the Protocol was, therefore, not justified. Subparagraph (g) referred to proprietors of establishments, whereas the Committee had agreed that the Protocol should refer to workplaces. The Employers’ members, therefore, did not support the rest of the amendment either.

232. The Government member of Egypt proposed that the words “domestic work” be added to the list of potential exclusions. Both “domestic workers” and those categories described in subparagraph (g) fell outside the system of labour inspection in Egypt.

233. The Workers’ Vice-Chairperson reminded the Committee that the Protocol would apply to the NCS sector only. The activities being discussed formed part of commercial services and were covered by Convention No. 81. With reference to subparagraph (g), he reiterated the Employers’ members’ view that labour inspection applied to workplaces, not to proprietors. He suggested that the amendment be withdrawn.

234. The Government member of Lebanon asserted that she wished to pursue discussions, explaining that in Lebanon the judiciary and government administration had their own central inspection board that covered most, if not all, of the functions mentioned in Convention No. 81. She expressed support for the Government member of Egypt’s subamendment.

235. The Government member of Egypt said her subamendment would add another subparagraph after subparagraph (g), referring to domestic servants and related services.

236. The Chairperson ruled that the proposed subamendment was a new amendment and as such it could not be accepted. She also pointed out that neither the Workers’ members nor the Employers’ members were willing to accept the amendment, and suggested it be withdrawn.

237. The Government member of Lebanon withdrew the amendment due to lack of support. She also stressed that she wished her position on the issues of substance to be reflected in the report of the Committee.

238. The Chairperson then declared Article 2, paragraph 1, adopted as amended.

239. The Employers’ Vice-Chairperson proposed to amend Article 2, paragraph 2, by deleting the words “in the absence of such organizations”, and adding the words “in accordance with national laws and practice” at the end of

the paragraph. The purpose was to allow governments sufficient flexibility to choose between consulting the most representative organizations or consulting directly with the representatives of workers without the conditional priority implied in the draft text. It did not intend to limit consultations just to avoid imposing a fixed order. The most representative organizations of employers and workers played an important role in the NCS sector; however, it was also important to put the workers concerned on an equal footing with government, particularly in the absence of most representative organizations.

240. The Workers' deputy Vice-Chairperson indicated that she could agree to delete the words "in the absence of such organizations", but wished to subamend the amendment by deleting everything after the word "or". She referred to the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which was pertinent to the situation foreseen in Article 2, paragraph 2, of the Protocol. Article 1 of that Convention defined "representative organizations" to mean "the most representative organizations of employers and workers enjoying the right of freedom of association".

241. The Employers' Vice-Chairperson did not agree with the subamendment. It would prevent any consultation with the representatives of workers concerned in many countries where representative organizations did not exist. There was a serious risk that in such circumstances the government would act unilaterally, without consultation, in violation of the Protocol. In Report VI (2), the Office had stated that on the question of consultation, no clear pattern had emerged from the replies. The Office had, therefore, indicated that it would prepare a text which left the matter open. However, paragraph 2 in fact did not entirely reflect this position. Therefore, the Employers' members wanted their amendment to be adopted.

242. The Government member of Egypt supported the Employers' members' proposal because it allowed more flexibility.

243. The Government member of the Syrian Arab Republic wished to see paragraph 2 retained as formulated, since workers' and employers' organizations might not exist in all countries. The reference to national law and practice would be more appropriate if included elsewhere in the Protocol. He did not support the Workers' members' subamendment.

244. The Government member of Sudan noted that the amendment had not obtained the support of the Workers' members. He agreed with the opinion of the Government member of the Syrian Arab Republic that paragraph 2 should be left unchanged, since it was well integrated.

245. The Government member of the Russian Federation opposed the amendment. The deletion of the phrase "in the absence of such organizations" did not allow for situations where there were no representative organizations. The Protocol should be universally applicable. The proposed reference to national laws and practice was redundant, since the phrase appeared in Article 3, paragraph 1, which applied to all provisions of the Protocol.

246. The Government member of Algeria supported the original text of paragraph 2 as it provided flexibility in situations where there were no representative organizations.

247. The Government member of Cameroon shared this opinion.

248. The Government member of Lebanon proposed a subamendment to insert the word “concerned” after the word “workers”. This was seconded by the Government member of Australia.

249. In response to a question by the Workers’ Vice-Chairperson, the Government member of Lebanon replied that apart from the insertion of the word “concerned”, no further change was being proposed.

250. The Government member of Australia withdrew her support for the subamendment proposed by the Government member of Lebanon, as it had been her understanding that a full stop would have followed the words “most representative organizations of employers and workers concerned”.

251. The Chairperson ruled that since the subamendment proposed by the Government member of Lebanon had not been seconded, it would not be discussed.

252. The Government member of Malaysia appreciated the Employers’ members’ call for flexibility, but paragraph 2 already contained the necessary flexibility and should be retained as it stood. It would enable government agencies to consult with the most representative organizations of workers or directly with their representatives. He called for sensitivity to differences in national circumstances. In the public service the government was the only employer. In Malaysia the most representative organizations of public service workers were clearly identifiable. The text should be left unchanged.

253. The Workers’ Vice-Chairperson considered that to add the words “in accordance with national laws and practice” would enable governments to negate the consultation requirements by arguing that national practice was not to consult. The subamendment proposed by the Workers’ members sought to remedy that problem, to ensure that consultation always took place. They could however accept the addition of the word “concerned”, so that the proposed subamendment to paragraph 2 would read as follows: “Before a Member avails itself of the possibility afforded in paragraph 1, it shall consult with the most representative organizations of employers and workers concerned.”

254. The Employers’ Vice-Chairperson said that the amendment was a positive contribution to flexibility and recognized reality. They still wished to delete the words “in the absence of such organizations”. As to its second part, they had no wish to nullify the Protocol. However, it might be that, as a Government member had suggested, the matter was already adequately covered in Article 3. The first part of their amendment gave governments the choice of whom to consult. He wished to maintain this first part but, if allowed, to withdraw the second.

255. The Workers’ Vice-Chairperson observed that the Employers’ members’ suggestion to delete only the words “in the absence of such organizations”, had not addressed the ambiguity created by the word “or”. It would enable governments to choose either the most representative organizations or any other organization which they might happen to prefer.

256. The Government member of Cyprus proposed a subamendment to insert the words “and the most representative organizations of employers and workers

concerned", in the second line, between the words "workers" and "or". It was not seconded.

257. The Government member of the Russian Federation supported the Employers' members' position to delete the words "in the absence of such organizations", but suggested taking account of the Workers' members' concern by replacing the word "or" by the word "and".

258. The Chairperson proceeded to call for a vote on the Workers' members' subamendment. The Employers' Vice-Chairperson objected that he had submitted a subamendment. The representative of the Secretary-General, when asked, indicated that the Employers' members' action should be considered as a withdrawal of part of the amendment, rather than a subamendment.

259. The Workers' Vice-Chairperson commented that if the Workers' members were to lose a vote on this issue, they would support the Office text of paragraph 2.

260. The Chairperson then proceeded to take a vote on the subamendment. The results of the vote were as follows: 26,789 in favour; 28,122 against; with 3,612 abstentions. The subamendment was not adopted.

261. The Employers' Vice-Chairperson withdrew the second part of the amendment under review. This left only the first part, viz. to delete the words "in the absence of such organizations".

262. The Chairperson called for a vote, which produced the following results: 24,080 in favour; 29,197 against; and 7,826 abstentions. The amendment was therefore not adopted. With respect to an amendment proposed by the Government member of Cyprus, the Chairperson was of the opinion that its substance had already been discussed.

263. The Government member of Cyprus argued that it was still before the Committee. When a similar amendment had been discussed previously, it had been on the condition that the rest of the paragraph be deleted. He would, therefore, wish this amendment, seconded by the Government member of the United States, to be discussed.

264. The Workers' deputy Vice-Chairperson, on a point of order, asserted that these same provisions had already been voted on, and that it would be inappropriate to continue the discussion.

265. The Employers' Vice-Chairperson agreed.

266. The Chairperson ruled that the amendment submitted by the Government member of Cyprus need not be discussed and declared Article 2, paragraph 2, adopted.

267. The Government member of Egypt submitted an amendment to delete paragraph 3 of Article 2. It was seconded by the Government member of the Syrian Arab Republic, who added a subamendment. The Chairperson reminded the Committee that amendments could not be subamended during seconding.

268. The Government member of Egypt presented the amendment, which aimed at providing greater flexibility in the Protocol. She said it would provide for alternative solutions and allow countries to describe their special difficulties and the special machinery that applied to these exclusions. She also wished to propose a subamendment.

269. The Chairperson ruled that it was unacceptable to change an amendment when presenting it. The Government member of Egypt accepted that the amendment be discussed as submitted.

270. The Employers' Vice-Chairperson declared that an amendment to delete a whole paragraph was rather radical. The Office text was important in the context of the ILO Constitution, the text of the Convention and that of the Proposed Protocol. The exclusions in Article 2, paragraph 1, were qualified. A member State that made such exclusions had to give reasons for doing so. The words "to the extent possible", furthermore, did not constitute an obligation. But in order to keep the text consistent, paragraph 3 was relevant. The Employers' members, therefore, did not support the amendment.

271. The Workers' deputy Vice-Chairperson said that she supported the position of the Employers' members and therefore not the amendment. Paragraph 3 went to the heart of the issue, namely the supervisory mechanisms of the ILO. It was appropriate and essential, and should therefore remain in the text.

272. The Government member of France declared that he did not support the amendment because it would destroy the balance in Article 2, which opened the possibility to member States of setting up alternative inspection systems for the categories of workplaces excluded from the extension of Convention No. 81. Nevertheless, these sectors should not be left without any control system as regards occupational safety and health. He added that, contrary to what the author of the amendment appeared to think, the content of paragraph 3 was not excessive. It did not impose obligations that could not be readily met.

273. The Government member of the Syrian Arab Republic said that his support for the amendment had been based on the understanding that it would only apply to the second half of paragraph 3, which could be deleted since the reference to special arrangements for national (federal) government administrative services was contained in Article 4.

274. A subamendment was proposed by the Government member of Lebanon. In response, the Chairperson declared that it was not possible to subamend an amendment which sought to delete a whole paragraph.

275. The Government member of Lebanon withdrew the subamendment, noting that the interpretation which had been put forward by other members would not place governments under a commitment to provide alternative inspection systems for areas not already covered.

276. The Government member of the Netherlands supported the position of the Workers' and Employers' members. The mechanisms in Article 2, paragraph 3, were important and should not be paralysed. The Government member of the United Kingdom also added his support for the position of the Workers' and the Employers' members.

277. The Government member of Cyprus emphasized that the text should remain as it stood because it would oblige member States having excluded certain categories of workplaces to introduce alternative inspection arrangements. Furthermore, the Office text offered the flexibility that so many members had asked for.

278. The Government member of Sudan added that the Article lent credibility to the process of extending labour inspection to the NCS sector while providing flexibility through the reporting process. It did not prescribe undue burdens for governments.

279. In view of the fact that the Workers' and Employers' members, as well as several Government members, had agreed on the issue, the Workers' deputy Vice-Chairperson wondered whether the Government member of Egypt would not wish to withdraw her amendment.

280. The Government member of Egypt withdrew the amendment.

281. The Committee turned to the discussion of an amendment submitted by the Government member of Lebanon which was, however, not seconded. The Government member of Lebanon withdrew the amendment but stated that governments should not be expected to make alternative inspection arrangements.

282. The Chairperson thereupon declared Article 2, paragraph 3, adopted. She then moved on to a discussion of an amendment to paragraph 4.

283. The Employers' Vice-Chairperson presented an amendment proposing the insertion of the words "in accordance with the provisions of this Article" at the end of the paragraph and said that it would contribute to clarification.

284. The Workers' Vice-Chairperson endorsed the position of the Employers' members.

285. The Government member of Australia also supported the amendment.

286. The Chairperson declared the amendment adopted, and Article 2 was adopted as amended.

Article 3

287. Three amendments were proposed by the Workers' members, the Employers' members, and the Government member of Cyprus, respectively. All three amendments related to matters that had already been discussed and voted upon under Article 2. The amendments were accordingly withdrawn and Article 3 was adopted unanimously.

Article 4

288. The Government member of Lebanon proposed an amendment to delete Article 4. This was not seconded.

289. The Government member of the Netherlands proposed an amendment to paragraph 1, seconded by the Government member of the United Kingdom, as follows: "In the first line, before the word 'inspection', insert the words 'equally effective', and in the third and fourth lines, replace the words 'so as to limit the powers of labour inspectors' by the words 'as far as these are required for the adequate functioning of such services or the security of the State'".

290. The Government member of France, speaking also on behalf of the Government members of Belgium and Italy, supported the amendment.

291. The Government member of the Netherlands explained that article 4 of the Protocol referred to workplace inspection systems other than labour inspection. Article 12 of Convention No. 81, after which it had been modelled, however, referred to the powers of labour inspectors. The amendment sought to

accommodate situations in which other bodies would be empowered to carry out inspection. Such special arrangements should have to be well justified and restricted to special circumstances. He had therefore proposed that the only acceptable justifications in the instrument would be to protect the adequate functioning of the services concerned and the security of the State.

292. The Workers' deputy Vice-Chairperson confirmed that the Workers' members understood the principles outlined by the Government member of the Netherlands. However, she wished to raise several concerns. First, the Workers' members were not clear about the term "equally effective". Second, she noted that the amendment had been phrased in quite general terms and was thus open to misunderstanding. Third, she doubted whether it was consistent with the proposed wording of the first part of Article 4, paragraph 1. In that provision, as originally proposed, the reference to public security services had been linked to Article 12 of Convention No. 81, thus referring to labour inspectors. She suggested that the Committee seek clearer, more effective wording.

293. The Employers' Vice-Chairperson said that the Employers' members had studied the amendment. It raised certain doubts. He asked the secretariat to clarify whether the term "a Member" meant any Member having ratified the Protocol and/or Convention No. 81, or any Member of the ILO.

294. The representative of the Secretary-General responded that "a Member" referred to a member State which was subject to the obligations of the Protocol which it had ratified. He suggested that it would be redundant to add anything to that term.

295. The Employers' Vice-Chairperson noted this explanation but replied that other international standards used the phrase "a Member which has ratified ...". Therefore, the text under discussion should say: "a Member which has made a declaration according to Article 2 of the Protocol". This could not be considered redundant.

296. The Government member of the United Kingdom said that the amendment's intention was to provide a standard by which the special arrangements would be judged. He assured the Workers' members that it would not dilute paragraph 1, but would strengthen it. The reference to "equally effective" was an echo of the Preamble. With regard to avoiding some of the technical wording difficulties raised by the Workers' members he suggested that the reference to Article 12 of Convention No. 81 might be removed.

297. The Workers' deputy Vice-Chairperson replied that considering the interpretation given of the words "equally effective", the Workers' members would accept that part of the amendment. Problems still persisted with the second part. She regretted that notions of state security had been raised at an inopportune moment in the discussions. She still preferred the reference to Article 12 of Convention No. 81, but expressed a willingness to consider the views of other Government members.

298. The Employers' Vice-Chairperson stated that he did not consider the term "equally effective" to be pertinent. Paragraph 1 of Article 4 referred to labour inspection, not to any other inspection system. Labour inspection, albeit with the limitations listed; was understood to be effective. Therefore these words were unnecessary and could create ambiguity. In the Preamble they referred to

systems other than, and substituting for, labour inspection. Concerning the second part of the amendment, the proposed insertion would also tend to create distortions and ambiguities. It was necessary to have congruence in the text. He asked the author of the amendment for clarification.

299. The Government member of the Netherlands indicated that in his country, labour inspectors coordinated their inspection responsibilities with other inspections, e.g. traffic inspectors controlling hours of work, etc., through agency agreements to ensure that the latter did inspections according to the standards of the labour inspectorate. But since it appeared that the flexibility proposed in his amendment was not considered necessary, and that other proposed amendments could convey the parts of its content of concern to him, he would withdraw it.

300. The Chairperson proceeded to the consideration of an amendment proposed by the Workers' members.

301. The Workers' deputy Vice-Chairperson read the text of the amendment as follows: "In the second line, delete the words 'national (federal) government administrative services'; in the third line, delete the words 'and other public security services and of the prison services'; and in the third line replace the word 'limit' by the word 'regulate'." She pointed out that while the amendment came in three parts, its substance concerned the proposed deletions.

302. With regard to the first part of the amendment, the Employers' Vice-Chairperson sought clarification as to whether it referred to a Member which had ratified the Protocol, or only to a Member which had made a declaration in accordance with Article 2. He also noted that Article 4 contained restrictions, but not so as to impede effective inspection. He wondered why it was thought necessary to limit the possibility of undertaking inspections in public administration in general, if in fact only specific services were to be excluded. Furthermore, national administration should be dealt with on the same basis as the armed forces and prison services, subject to inspection but with restrictions. Finally, the deletion of the reference to other security services and prisons from this paragraph was not pertinent, because again they would be subject to inspection, but under restriction. In sum, the Employers' members rejected the amendment.

303. The Workers' deputy Vice-Chairperson apologized for failing to comment earlier on the Employers' members' concern regarding the ambiguity surrounding the meaning of "a Member" in Article 4. She requested that the Drafting Committee deal with the issue.

304. The Government member of France, speaking also on behalf of the following Member States of the European Union: Belgium, Finland, Germany, Greece, Italy, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom, supported the last part of the amendment, to replace the word "limit" by "regulate".

305. As concerned the rest of the amendment, the Government member of France, speaking on behalf of France, wished to reject it. Article 2, as adopted, did not encompass all administrations, whether central, regional or local. It was all the more necessary for them to be covered by Article 4. Furthermore, he was not in favour of the deletion of the words "public security services" and "prison services".

306. The Government member of the Russian Federation agreed with the Government member of France to replace the word "limit" by the word "regulate" in the third line. This change could permit States to improve efficiency through the use of administrative levers by allowing the possibility of increasing the inspectorates' areas of authority. However, he could not support the first and second parts of the amendment. He agreed with the Employers' members that the paragraph needed targeting. He further requested that the Drafting Committee pay special attention to the translation of the subparagraph limiting entry to inspectors having appropriate security clearance. As to subparagraph (c), he wondered if this would include all manner of documents. He noted that subparagraph (d) covered a different matter with its reference to confidentiality. In the opinion of his Government, the restriction in this clause should be extended to non-confidential documents.

307. The representative of the Secretary-General drew attention to the Final Provisions in Part III of the Proposed Protocol which would be for discussion once the substantive Articles had been disposed of. Since these provisions were part of the text under consideration, they were, strictly speaking, open to amendment. However, the possibilities for amending these provisions were very limited since they had been drafted strictly in accordance with the Final Articles Revision Convention, 1946 (No. 80), the Final Articles Revision Convention, 1961 (No. 116), the ILO Constitution and the obligations of the ILO under the UN Charter. Any proposal to amend them would, therefore, have to be submitted to the Legal Adviser of the Conference for an opinion. Should there be anything further to amend or add to the Final Provisions, this could be dealt with by the Drafting Committee working with the Legal Adviser.

308. The Workers' Vice-Chairperson then proposed a change in wording to align the text under review with Article 2 as amended, by changing "national (federal) government administrative services" to "essential national (federal) government administration". The rest of paragraph 1 could stay the same, except for the word "limit" which should be replaced by "regulate". This appeared already to have been accepted.

309. The Government member of the United States agreed to subamend the Workers' members' amendment using the formulation of the Workers' Vice-Chairperson.

310. The Government member of the Netherlands seconded it.

311. The Government member of Sweden supported it.

312. The Employers' Vice-Chairperson said that he also accepted the subamendment.

313. The Chairperson declared the amendment to paragraph 1 adopted as subamended.

314. The Government member of the Netherlands then proposed an amendment to delete subparagraph (c) of paragraph 1. In the context of health and safety at the workplace, certain important documents were not for publication but fell under confidentiality arrangements of the labour inspectorate. He cited as examples enterprise policy on health and safety, annual reports on the execution of safety plans, risk evaluations, noise abatement plans, the inventory of

dangerous substances at the workplace, etc. He argued that there was no reason why government services should not be obliged to produce such documents, as similar confidentiality arrangements existed in many countries.

315. The Workers' Vice-Chairperson seconded the amendment. Subparagraph (d) of paragraph 1 made subparagraph (c) redundant. The question of the retention of confidential documents on the premises was important. Article 12, paragraph 1, subparagraph (c), clause (ii) of Convention No. 81, requiring "the production of any books, registers or other documents, the keeping of which is prescribed by national laws or regulations relating to conditions of work, in order to see that they are in conformity with the legal provisions", was pertinent to this arrangement. It was clear that the documents in question would relate to conditions of work and thus did not call for restriction.

316. The Employers' Vice-Chairperson pointed out that the Workers' members had submitted an amendment to insert the term "confidential" into subparagraph (c), but were now seconding a proposal for the total deletion of that subparagraph. The Employers' members supported the retention of subparagraph (c) unamended, since it was simply a restriction or limitation which was appropriate to the special conditions of particular services. It was not a ban on the production of documents, but a provision which was convenient and logical and one which should be retained.

317. The Government member of the United Kingdom explained that he could not support the amendment of the Government member of the Netherlands, because the term "document" could be construed to have a wider meaning than the documents referred to in Article 12 of Convention No. 81. If that were the case, then there should be a restriction.

318. The Government member of France declared his opposition to the amendment. Subparagraph (c) provided flexibility, as it authorized governments to design more flexible modalities for the supervision of working conditions. He would prefer to see the restriction limited to confidential documents rather than to retain the original text or to delete the subparagraph altogether.

319. The Government member of the Republic of Korea supported the Employers' members' opinion that paragraph (c) of Article 4 was necessary.

320. The Government member of Lebanon opposed the amendment. Armed services, police and other public security services had their own regulations and were workplaces of a particular type subject to security considerations.

321. The Government member of Egypt endorsed what had been said by the Government member of Lebanon since the same situation prevailed in Egypt. Paragraph 1 should be implemented in accordance with national laws or regulations and should not be altered or deleted.

322. The Workers' Vice-Chairperson made a suggestion regarding the meaning of subparagraph (c). At the beginning of the paragraph there was reference to Article 12, paragraph 1, subparagraph (c) clause (ii), of Convention No. 81, which defined "documents" as "documents, the keeping of which is prescribed by national laws or regulations relating to conditions of work ..." In this context, the amendment to delete the whole subparagraph was better than the Workers' members' partial amendment to insert the word "confidential".

323. The Government member of Australia supported the amendment for the reasons given by the Workers' Vice-Chairperson.

324. The Chairperson then called for a vote. The results of the vote were: 110,208 for the amendment; 118,244 against; and 11,480 abstentions. The Chairperson declared that the amendment had not been adopted.

325. The Workers' Vice-Chairperson then introduced an amendment to delete subparagraph (b) of Article 4, paragraph 1, and in subparagraph (c) of the same paragraph to insert the word "confidential" after the word "produce". The first proposal stemmed from the fact that Article 12, paragraph 1, subparagraph (a), of Convention No. 81 provided for inspectors to be empowered to "enter freely and without previous notice ... any workplace liable to inspection" which was an important principle. Once it were accepted that this could be regulated or subject to limitations, it could have dire consequences for other sectors also. The Workers' members could therefore not accept a provision in the Protocol providing for inspection "only by appointment".

326. The Employers' Vice-Chairperson recalled that all the subparagraphs of Article 4, paragraph 1 involved restrictions. If it were possible to apply Article 12 of the Convention to the NCS sector without restriction, there would be no need for Article 4 of the Protocol. For inspection of essential or confidential areas it would be necessary to make an appointment. This did not reduce the impact of inspection, since there were many instances where inspection by appointment was more effective. The Employers' members did not therefore agree with the first part of the amendment. As to the second part, the Employers' members supported the insertion of the word "confidential" for the reasons already given.

327. The Government member of France, speaking also on behalf of the following Member States of the European Union: Belgium, Finland, Germany, Greece, Italy, the Netherlands, Portugal, Sweden and the United Kingdom, said he was in favour of inserting the adjective "confidential" before the word "documents" in subparagraph (c) of paragraph 1. He was, however, not in favour of the deletion of subparagraph (b) concerning inspection only by appointment. He reminded the Committee that in paragraph 1 the word "limit" had been replaced by "regulate". In short, it was possible to allow greater flexibility by envisaging that inspection in these sectors would not be exclusively by appointment. For this reason, he would propose a subamendment to delete the word "only" from subparagraph (b) of paragraph 1.

328. The Government member of Austria indicated agreement with the views expressed by the Government member of France.

329. The Government member of Lebanon wished to retain subparagraphs (b) and (c) of paragraph 1 as originally drafted. She opposed the amendment.

330. The Government member of the Republic of Korea also opposed the amendment and stressed the importance of maintaining subparagraph (b).

331. The Government member of Egypt argued against the proposed amendment, since all the provisions of the Protocol would be implemented in accordance with national law or other means. There was no need to add more detail.

332. The Government member of Sudan pointed out that this amendment related to the title of Part II of the Protocol, namely "Special Arrangements". The issue was which special arrangements were appropriate in extending the scope of the Convention. The amendment, if adopted, would simply refer the matter back to Convention No. 81. He could not agree to the restriction in subparagraph (b), limiting inspection to being permitted only by appointment. He agreed, however, with the addition of the word "confidential" in subparagraph (c).

333. The Government member of Poland said that he could not support the Workers' members' amendment and would prefer to see the text as proposed by the Office retained.

334. The Government member of India also indicated that he did not support the amendment, arguing that paragraph 1, subparagraph (c), contained a sufficient degree of flexibility. He added that vital installations could not be opened for inspection without appropriate limitations. He considered that the proposal to add the word "confidential" to subparagraph (c) would only reopen a discussion that had already been closed.

335. The Workers' Vice-Chairperson said that the Workers' members would be amenable to retaining subparagraph (b) of paragraph 1, if the word "only" were deleted as already proposed.

336. The Employers' Vice-Chairperson wondered whether the subamendment proposed by the Government member of France to delete the word "only" was receivable.

337. The Chairperson decided that it could be accepted.

338. The Employers' Vice-Chairperson thought that the word "only" made the provision too rigid. In extreme situations, it could create problems. He was therefore content to accept the subamendment.

339. The Chairperson declared that general agreement had been reached, and paragraph 1 was adopted as amended.

340. The Workers' Vice-Chairperson then submitted an amendment to transfer subparagraph (a) of paragraph 2, to the end of paragraph 1, as a new subparagraph (e). He reasoned that the matter addressed in the subparagraph should more aptly be put in paragraph 1, since it related to the powers referred to in Article 12, paragraph 1, subparagraph (c), clause (iv), of Convention No. 81, and Article 4, paragraph 1, of the Protocol dealt with restricting the powers of labour inspectors under Article 12.

341. The Government member of France, speaking also on behalf of the following Member States of the European Union: Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Sweden and the United Kingdom, agreed that the proposed amendment was timely and reflected concern that the structure of the instrument should be clear and consistent. It was logical to link the subparagraph with the limitations in paragraph 1. He therefore supported it.

342. The Employers' Vice-Chairperson observed that paragraph 2 referred exclusively to the armed services, the police and other public security services so that if the subparagraph remained in Article 4, paragraph 2, it would not apply to inspection of essential national (federal) administrations or prisons. Since the

intention was to extend rather than restrict the regulation of labour inspectors' powers, the Employers' members supported the amendment.

343. The Chairperson declared that since consensus reigned, the amendment was adopted, and Article 4, paragraph 1, was adopted as amended.

344. The Workers' Vice-Chairperson then submitted an amendment to Article 4, paragraph 2, to delete the words "and of other public security services" in the second and third lines; to replace the word "prohibition" by the word "restriction" in subparagraphs (b) and (c); to replace the word "tension" by the word "emergency" in subparagraph (d); and to delete subparagraph (e). He explained that the amendment sought to tighten the wording in the proposed text. He suggested that paragraph 2 should only refer to the armed services and the police, and hence the words "and of other public security services" should be omitted. He also considered that it was more appropriate to refer to a "restriction" rather than to a "prohibition" in the context of special arrangements contained in subparagraphs (b) and (c), since an outright prohibition was excessive. He suggested that it would be clearer to employ the term "periods of emergency" rather than the current reference to "declared periods of tension". The Workers' members failed to see any justification for retaining subparagraph (e), and he suggested that it simply be deleted.

345. The Government member of the United Kingdom expressed his opposition to the deletion of the words "and of other public security services". He considered that although the reference might be open to interpretation in some countries, in the United Kingdom it encompassed the intelligence and internal security services, both of which were subject to labour inspection, although necessarily restricted in some ways. He cautioned that since the matter was obviously a delicate one, it should be adequately regulated. He then endorsed the proposal to replace the word "prohibition" by the word "restriction", affirming that it was a broader, more sensible interpretation of the intent to cover sensitive actions rather than prohibit them altogether. As to the use of the word "emergency" over the word "tension", he expressed his preference for the text proposed by the Office because it encompassed situations in which an emergency might be envisaged but had not yet arisen, such as the threat of a prison riot. With respect to subparagraph (e) of paragraph 2, he submitted a subamendment that would insert the word "classified" before the word "explosives" to make clear that it applied only to transport of explosives for military purposes.

346. The Government member of France said he was also against deleting the words "and of other public security services". As to subparagraph (b), he was not opposed to replacing "prohibition" by "restriction". Concerning subparagraph (c), it was not conceivable to allow mere restriction. Prohibition should be retained. In the case of subparagraph (d), he preferred the Office term "tension" since the term "state of emergency", proposed by the Workers' members, was very restrictive and involved issues of constitutional law. Finally, he was opposed to deletion of subparagraph (e).

347. The Employers' Vice-Chairperson was opposed to deleting the reference to "other public security services", since they were treated in the same way as the police elsewhere in the Protocol; there was no reason to deal with them differently in paragraph 2. As to subparagraphs (b) and (c), the term

“prohibition” might be too radical, but it did refer to very special circumstances such as manoeuvres, where it might be justified. He noted that in subparagraph (d), the Office had used the phrase “restriction or prohibition”, thus shading the meaning to create a well-balanced Article. The same words were appropriate to subparagraphs (b) and (c). In subparagraph (d), he favoured the original text, as “state of emergency” was a much more restrictive term requiring a formal declaration. Finally he was opposed to the deletion of subparagraph (e) considering that inspection should be restricted but not prohibited. In short, he did not agree with any part of the amendment.

348. The Government member of the Netherlands supported the amendment.

349. The Workers’ Vice-Chairperson indicated that he was ready to withdraw the part of the amendment which deleted the words “and of other public security services”. He proposed the following changes in the text: in subparagraph (b), replace the word “prohibition” by the word “restriction”; in subparagraph (c), before the word “prohibition”, add “restriction or”. In the light of the discussion on the term “tensions”, the text in subparagraph (d) should be left unchanged. The important thing was that periods of tension were declared. As to subparagraph (e), the subamendment presented by the Government member of the United Kingdom had merit. He wished to change it only slightly to read “limitations in respect of the transport of explosives and armaments for military purposes”, thus retaining its essence.

350. The Government member of the United Kingdom agreed with the Workers’ Vice-Chairperson on all the four proposals for changes in the wording of paragraph 2 now before the Committee.

351. The Employers’ Vice-Chairperson greatly appreciated the efforts of the Workers’ members to reach agreement. He reread the amendments now proposed, including the unchanged retention of subparagraph (d), and declared his acceptance of the subamendment of subparagraph (e). The Employers’ members were therefore in complete agreement with the changes summarized by the Workers’ Vice-Chairperson.

352. The Government member of Australia added her support to the changes proposed to the text of paragraph 2.

353. The Government member of the Republic of Korea also supported the changes proposed to the text of paragraph 2.

354. The Government member of Lebanon favoured maintaining the term “prohibition” in subparagraphs (b) and (c). She reasoned that in the case of military manoeuvres or exercises, or in the front line or during active service, it would be difficult to carry out an inspection. She would like to add the phrase “as the case may be” at the end of subparagraph (d). She also queried whether subparagraph (e) would apply to the transport of explosives and armaments, for instance for storage purposes, or only to transport for military purposes.

355. The Government member of France agreed with the changes proposed by the Workers’ Vice-Chairperson.

356. The Chairperson congratulated the Committee on reaching consensus on a difficult issue and declared paragraph 2 adopted as amended.

357. In light of the previous discussion, the Workers' Vice-Chairperson withdrew an amendment to replace "tension" by "emergency" in paragraph 3, so as to maintain harmony between the different passages of the text. He then presented a further amendment, namely to insert a new paragraph after paragraph 3 reading: "Before a Member avails itself of the possibilities afforded in paragraphs (1), (2) and (3), it shall consult with the most representative organizations of employers and workers." He explained that there was an omission in the Protocol in that it contained no proposed method as to how special arrangements should be arrived at. He would favour using the same wording as in Articles 2, paragraph 2, and 3, paragraph 2.

358. The Employers' Vice-Chairperson remarked that in Article 3, paragraph 2, the Committee had retained the words "or in the absence of such organizations, the representatives of employers and workers concerned". To maintain consistency the wording would have to be the same. In fact, however, the amendment was not necessary because Article 3, paragraph 2, already covered the matter since it applied to the whole Protocol. The amendment was redundant and therefore unacceptable to the Employers' members.

359. The Government member of Sudan agreed with the Workers' Vice-Chairperson in suggesting a supplement to Article 4 echoing Articles 2, paragraph 2, and 3, paragraph 2, which had already been adopted by the Committee, but also deemed valid the comments by the Employers' members that these earlier references were sufficient. Whilst he recognized that the Workers' members' amendment sought to ensure a harmonious Protocol, he offered an alternative subamendment to respond to the concerns of both Employers' and Workers' members, namely to insert the phrase "Taking into account the provisions in Article 3, paragraph 2," before the first word in Article 4, paragraph 1.

360. The Government member of Egypt considered the addition proposed by the Workers' members redundant, since the provision contained in Article 3, paragraph 2, covered the whole Protocol.

361. The Government member of France, speaking also on behalf of the following Member States of the European Union: Denmark, Finland, Germany, Greece, Italy, the Netherlands, Portugal, Sweden and the United Kingdom, said he was in favour of the amendment which was timely and balanced the text.

362. The Government member of Panama agreed with the arguments of the Employers' members. The amendment was redundant.

363. The Government member of Australia supported the amendment for the sake of consistency.

364. The Employers' Vice-Chairperson sought clarification of the scope of this amendment. The consultation provided for in Article 2, paragraph 2, concerned members availing themselves of exclusions. The consultation provided for in Article 3, paragraph 2, was more general, concerning the means by which the whole Protocol was to be implemented. The amendment proposed consultation on restrictions and limitations. If it were accepted, governments would have to consult on each and every occasion of any inspection activity subject to such restrictions. There would have to be continued consultation, for instance, in respect of retention of documents, and this would result in paralysis. The

Employers' members would not insist on their viewpoint, but would listen to the views of governments who would be responsible in the first place for the modalities of implementing Article 4.

365. The Government member of the United Kingdom failed to understand the position of the Employers' members. He did not agree that it would be difficult to consult workers' and employers' representatives about setting up special arrangements. He suggested that perhaps it would be better to replace the word "possibilities" in the amendment by the words "special arrangements".

366. The Workers' Vice-Chairperson agreed with the subamendment proposed by the Government member of the United Kingdom.

367. The Government member of Lebanon supported the subamendment as did the Government members of Sweden and the Netherlands.

368. The Employers' Vice-Chairperson said the Employers' members would not press their view, since the Government members appeared to be content with the amendment as subamended.

369. The Chairperson announced consensus on the amendment as subamended, and Article 4 was adopted as amended.

Article 5

370. The Chairperson proceeded to an amendment to Article 5, proposed by the Government member of Lebanon.

371. The Government member of Lebanon wished to have the words "that fall within the competence of labour inspectors" inserted in the second line, after the words "fire brigades", and the words "as such" inserted after the words "rescue services". Certain fire brigades were outside the competence of the labour inspectorate in her country and should, therefore, be excluded from the scope of the Protocol. Other emergency and rescue services had already been discussed. They could also fall outside the competence of labour inspectors, so the phrase added by the amendment would serve to clarify this point.

372. The Workers' Vice-Chairperson had difficulty accepting the idea that certain fire brigades fell within the competence of labour inspectors while others did not. The addition suggested in the second part of the amendment would confuse rather than clarify the text, and he requested that the amendment be withdrawn.

373. The Employers' Vice-Chairperson said that the Employers' members could not support the amendment for the same reasons.

374. The Government member of Lebanon, noting the opinions expressed by the Workers' and the Employers' members, withdrew the amendment.

375. The Government member of Egypt presented an amendment, seconded by the Government member of Lebanon. In the fourth line, the word "concerned" should be inserted after "inspectorate" to allow governments to choose which inspection service should carry out the inspection.

376. The Workers' Vice-Chairperson said this was not necessary. When a government decided how it would apply the Protocol, it would also decide which inspection system would implement its provisions. He could not accept the amendment.

377. The Employers' Vice-Chairperson also said the amendment was not necessary, since the flexibility to operate according to national law and practice already existed in Article 3, paragraph 1. He could not, therefore, support the amendment.

378. The Government member of France, speaking also on behalf of the following Member States of the European Union: Denmark, Finland, Germany, Greece, Italy, the Netherlands, Portugal, Sweden and the United Kingdom, declared that he was not in favour of the amendment, as it made the text more cumbersome.

379. The Government member of Egypt withdrew the amendment.

380. The Government member of the United Kingdom proposed an amendment, seconded by the Government member of Denmark, to insert the words "be able to" after "shall" in the fourth line of Article 5. He explained that Article 5 dealt with special arrangements similar to established practice which worked well in his country. The proposed amendment was a minor change to the wording which he believed went more to the spirit of this Protocol in being permissive rather than directive. This would allow the inspectorate to be able to review periodically or after an incident rather than directing it to do so, even though the direction given by the word "shall" was not very harsh because periodic review might be undertaken after extended periods of time, and there was no definition of "incident". Interpretation could therefore also be left to the discretion of the labour inspectorate.

381. The Workers' Vice-Chairperson hoped that the Committee was aware of the great difference between the text as it stood and as it would read if amended. No one questioned the notion that there should be periodic reviews of these operations, and that after any significant incident there should also be a review. What this amendment did, however, was to seriously weaken the text. The Article asked for a commitment which was logical in the light of its first sentence. The fact that restrictions were permitted indicated an understanding of the situations in which inspections could not be carried out. He was not convinced that the provision in the original text would constitute an undue burden on any service, and therefore it should not be changed.

382. The Employers' Vice-Chairperson agreed with the Workers' members on this point. The Article as drafted was wholly consistent. A Member might make special arrangements and if it did, then it should be subject to the obligation to carry out periodic reviews.

383. The Government member of the United Kingdom withdrew his amendment. The Chairperson declared Article 5 adopted.

Article 6

384. The Committee began its discussion of Article 6 with an amendment to replace the words "formulating" by "advising on", proposed by the Government member of the United Kingdom, seconded by the Government member of France, speaking also on behalf of the following Member States of the European Union: Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Portugal and Sweden.

385. The Government member of the United Kingdom introduced the amendment saying that while he supported the overall thrust of the Article, training for hazardous occupations, such as police work or fire fighting, required special consideration, and it was appropriate that the labour inspectorate played a part in this. The amendment dealt with an important point of principle: it was the employers' responsibility to devise adequate measures to control risks during training, or indeed any other risks. He was concerned that the word "formulating" came too close to this primary duty of employers. The amendment thus sought to preserve the proper distance between the employer and the labour inspectorate.

386. The Government member of France, speaking also on behalf of the Governments of the following Member States of the European Union: Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Portugal and Sweden, said that the amendment's aim was to clarify the role of the labour inspectorate with regard to training for hazardous work that might expose workers to risk. This role was essentially to formulate opinions and give advice, but not to elaborate protection measures as indicated in the Office text. "Advising on", as mentioned in the amendment was more opportune than "formulate", since it was not in the competence of the labour inspectorate to be associated with setting standards.

387. The Workers' Vice-Chairperson did not share the concern of the Government members. The text should be understood to read that the inspectorate should be able to participate in the formulation of effective measures to minimize risk as this was both advisable and useful. The experience and knowledge of labour inspectors was important and beneficial for that process. For purposes of clarification, he suggested adding the words "advising on" between "formulating" and "monitoring".

388. The Employers' Vice-Chairperson said that Article 6 provided labour inspection with an exceptional possibility, which Article 12 of Convention No. 81 did not afford. The general principle in the Convention was that labour inspectors were not permitted to participate in the preparation of standards whose observance they subsequently had to monitor. Article 6 dealt with the exceptional situation of reducing risks during training. The amendment was therefore relevant, and the Employers' members were in favour of it. The term "participate" did not mean involvement in the actual design of what had subsequently to be supervised. It did, however, allow labour inspectors to give advice on implementation.

389. The Workers' Vice-Chairperson, noting that while there was no problem with "monitoring", doubts had been expressed as to the term "formulating", suggested the following alternative: "The labour inspectorate shall be able to advise on the formulation and participate in the monitoring of effective measures ..."

390. The Government member of the Republic of Korea supported the Workers' members' proposed subamendment.

391. The Government member of the United States disagreed, stating that it was absolutely critical for the labour inspectorate to maintain a distance from the formulation of effective measures with regard to enterprises. It was generally important to have impartiality in the inspection system. This was not an Article

which applied to a specific area, but rather to all areas of hazardous work. Thus, in the United States several different inspection administrations could be affected. In a broad provision like this, it was important that labour inspectors be involved in advising and monitoring, but not in the formulation of measures to minimize risks during training.

392. The Government member of the Syrian Arab Republic voiced his concern regarding discrepancies in the Arabic text, which he requested the Office to re-examine. Further, he agreed with the Workers' members' position regarding the use of the word "shall" in the first line of the Article.

393. The Government member of Egypt supported the subamendment presented by the Workers' members. She also reiterated the observation of the Government member of the Syrian Arab Republic and stressed that the Arab version of the text should be corrected.

394. The Government member of Australia also supported the subamendment.

395. The Employers' Vice-Chairperson said that the Workers' members' subamendment clarified and specified the amendment under discussion. Therefore, the Employers' members agreed with it.

396. The Government member of France, speaking also on behalf of the following Member States of the European Union: Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, the Netherlands, Portugal and Sweden, supported the subamendment.

397. The Chairperson declared the amendment adopted as subamended.

398. An amendment was presented by the Government member of Lebanon to insert the words "that fall within the competence of labour inspectors" after the words "fire brigades" in the first line and "as such" after the words "rescue services" in the second line of the Article. This was not seconded. Another amendment, proposed by the Workers' members, was withdrawn.

399. The Chairperson, therefore, declared Article 6 adopted as amended.

Article 7

400. Article 7 was adopted without change.

Article 8

401. Article 8 was also adopted without change.

Article 9

402. At the opening of discussions on Article 9, the Workers' Vice-Chairperson raised a point of order. He wished to have the opinion of the Legal Adviser of the Conference regarding the legality of the two amendments to reduce the number of years after which member States could denounce the Protocol from ten to five. It was the understanding of the Workers' members that the Final Provisions were standard and technical, and were determined by considerations other than the substance of the Protocol, which was what the Committee had the mandate to deliberate. He wished to know whether amendments to the Final Provisions were receivable, and if it were normal to have amendments on these parts of Conventions, Protocols, or other instruments.

403. The representative of the Legal Adviser confirmed that the Final Articles were normally not placed before a Conference Committee; they followed standard final provisions and were dealt with by the Drafting Committee. The reason for this procedure was to permit the Committee to concentrate on questions of substance. In this case, the Final Articles were included in the report to emphasize that the Protocol could be ratified and denounced separately from the Convention. The Final Articles would still have to be examined by the Drafting Committee.

404. She pointed out that the origins of Standard Final Articles lay in decisions of the Conference and in two ILO Conventions on Standard Final Provisions, which were in force for many member States. On the precise question of the interval for denunciation, the Conference decided in 1928 on standard language and noted that the normal interval was ten years, but it could be varied by the Conference for special reasons related to the particular subject-matter of the instrument under consideration. The Office had proposed an interval of ten years here because that was also the interval in Convention No. 81.

405. She stressed the need to avoid a situation of anarchy in regard to provisions in final articles and informed the Committee that the Governing Body of the ILO had set up a Working Group on the revision of international labour standards. One of the many issues it would examine was the interval for possible denunciation of Conventions. This question would be examined on a global basis by the Governing Body rather than in the context of a particular draft instrument. She noted that if the amendment had been properly submitted, it was receivable. The Conference had the power to decide upon an interval other than the normal ten-year period if there were special reasons related to the subject of the instrument under consideration.

406. Noting the explanation of the representative of the Legal Adviser, the Workers' Vice-Chairperson asked whether it was normal to deviate from the standard of ten years. He asked the Office to provide information on the last time such deviation had been made to Final Articles, how often this had occurred, and what were the parameters of such changes.

407. The representative of the Legal Adviser recalled that, in its early years, the Office did not specify any time limit for denunciation. A standard ten-year denunciation interval was introduced in 1928, when the Standard Final Provisions were adopted. She mentioned that certain Maritime Labour Standards contained periods for denunciation that were shorter than ten years. The most recent example of a standard with less than ten years was the Radiation Protection Convention, 1960 (No. 115). She cited the report of the 1960 Conference, which stated that since the evolution of the subject-matter dealt with in this Convention was difficult to predict, it might be appropriate to provide for periods of five years in the Standard Article concerning denunciation. This was clearly considered an exception.

408. The Employers' Vice-Chairperson stated that the Workers' members' had raised two questions. The first related to the receivability of amendments to the Final Provisions, and it was now clear that the amendments under discussion were receivable. The second referred to the frequency of similar cases concerning denunciation clauses. It was apparent from the answer of the Legal Adviser that

there were no constitutional standards, no hard and fast rules. It could be done on a five-year basis. There had apparently been several such cases. The Conventions on Final Provisions contained no specific reference to the reasons. The ten-year clause was obviously not an immutable law. The issue was under review in the Governing Body, but this did not exclude a decision in this Committee. It did not affect the competence of this Committee or the Conference. The amendment should, therefore, be discussed.

409. The Government member of the Syrian Arab Republic emphasized that the Conference was a sovereign body, and any decision it took would be binding, unless later revised. The text of the Protocol was the responsibility of the Committee. The Drafting Committee had a different mandate. It would be up to the present Committee to decide what it deemed appropriate to put before the Conference.

410. The Government member of Lebanon considered that all texts were subject to amendment by the Committee, including the Final Articles. She referred to Convention No. 115, which defined the interval for denunciation as five years. She therefore supported the Employers' members' amendment.

411. The Government member of the Republic of Korea suggested that Article 9 pertained to general practices with regard to the ratification period, and only in exceptional cases should one deviate from such practices.

412. The Government member of Sudan considered that there was no legal obstacle to prevent the discussion, and he wished to proceed to debate its substance.

413. The Chairperson decided that the proposed amendment was receivable.

414. The Employers' Vice-Chairperson recalled that one of the main tasks of the Organization was to contribute to the development of international labour law through ILO standards. For many years now, however, the ILO had recorded fewer and fewer ratifications of instruments. This had preoccupied, in particular, the Governing Body which had embarked upon examination of the situation. One of the main reasons for non-ratification appeared to be that Conventions contained similar or identical provisions to those in Article 9. A ten-year denunciation period could be one of the main reasons why many governments abstained from ratification. Otherwise, it was difficult to understand why many governments approved new standards at the Conference, but did not ratify them. Governments which ratified Conventions with a ten-year time-frame for denunciation found they were not able to act when circumstances changed. The amendment therefore reflected progress and desire for change expressed by many ILO bodies. Finally, if governments did wish to denunciate, they would have to consult with the most representative organizations of employers and workers in line with Article 5, paragraph 1, subparagraph (e) of the Tripartite Consultation Convention, 1976 (No. 144). All these reasons were behind the amendment proposed, which was of paramount importance to the Organization.

415. The Workers' Vice-Chairperson responded that while it may be true that reforms start in small corners of the Organization and spread, chaos and anarchy could spread in the same way. The Committee had now been adequately informed of work going on elsewhere, particularly of the Employers' group's position on denunciation in the Governing Body. But these discussions were more appropriate

in the plenary session of the Conference, and now they were carried out in the Legal Issues and Labour Standards Committee of the Governing Body. They wished to emphasize that whatever problems of ratification there were, they were not relevant to the extension of Convention No. 81 to the NCS sector. He recalled that this Convention had been ratified by 116 member States.

416. The Workers' Vice-Chairperson refuted the Employers' members' claim that the ten-year time-frame for denunciation was a serious discouragement to ratification. The Governing Body had not identified this as a major cause for the low number of ratifications. He pointed out that the rationale for the Employers' members' amendment did not lie in the Protocol but in the position of the Employers' group in the Governing Body on questions of ratification in general. They had not given any explanation why the time-frame should be five years for the instrument under review. He distinguished between the reasons in the Radiation Protection Convention, 1960 (No. 115), which dealt with a subject-matter that could change quickly within a short period of time, and the Protocol which, on the contrary, would possibly even require a longer period of time than ten years in which to work out issues of implementation.

417. Contrary to what the Employers' members had stated, the Workers' Vice-Chairperson noted that ten years was the general standard. He argued that it would be appropriate to allow the process of discussion in the Governing Body to take the time fully to address these delicate issues, and that it would be counterproductive to start changing the denunciation time-frame before that process had been completed. In fact, it would be difficult to discuss these issues seriously in the Governing Body if they were prejudiced by this Committee. Finally, he suggested that Government members be given time to consult the available documentation and their respective governments' official position in the Governing Body.

418. The Government member of the Syrian Arab Republic did not agree with the Employers' members' suggestion that the low number of ratifications was due to the ten-year interval for denunciation. In the principles of Islamic jurisprudence, custom was considered equivalent to jurisdiction. The majority of Conventions stipulated an interval for denunciation of ten years. Therefore, custom dictated that this norm should be respected, and he opposed the amendment.

419. The Employers' Vice-Chairperson stated that he was convinced that the Government members of the Committee were very experienced and well informed on the issues. An identical amendment had been submitted by a Government member. In addition, Governing Body working documents were not binding on the Committee.

420. The Government member of Denmark stated that since the proposed amendment addressed an issue that was already being discussed in another ILO body, he could not support it. He suggested that, if the Committee wished to signal to the Governing Body its concerns about denunciation intervals it could include a statement to that effect in the report.

421. The Government member of Sudan said that implementing the provisions of the Protocol would require a long-term approach. He considered the ten-year denunciation period to be reasonable and, since the proposed period in the Office

text conformed with that specified in Convention No. 81, he was unable to accept the amendment.

422. The Government member of Australia did not support the amendment because she did not consider the Committee to be the right forum to debate a matter that would have significant ramifications beyond its mandate. It should be referred to the appropriate ILO body. There were no special circumstances relating to the Protocol which warranted a reduction of the time for denunciation from ten to five years. Rather, the purpose of the Protocol was to achieve equity between industrial, commercial and NCS sectors regarding labour inspection, and this would need time. She therefore urged the Employers' members to withdraw their amendment.

423. The Government member of France declared that he was in favour of the amendment, which was identical to the one submitted by the Government member of the United Kingdom. Philosophically speaking this was also, possibly, a way of providing some flexibility which might assist ratification of the Protocol, even if the positive — and negative — effects of ratification were not sure. The debate was about a Protocol with unique characteristics as it affected the State as employer, and this could have a significant bearing on the time-frame. He added that the length of the denunciation period was also important in so far as States inclined to ratify the Protocol would need to establish effective inspection systems and therefore it was important to assess progress after five years.

424. The Government member of the Republic of Korea did not support the amendment as he considered it to be contrary to basic ILO principles.

425. The Government member of Sweden felt that this was a matter that should more appropriately be discussed in the Governing Body. Therefore, she did not support the amendment. For the same reasons, the Government member of Finland did not support the amendment.

426. The Workers' Vice-Chairperson pointed out that the Committee's report would clearly reflect all the positions taken during its sittings. A summary of Government members' views was already available in a Governing Body document of November 1994. Problems of ratification to be studied included the analysis of trends, causes of non-ratification, a review of submission periods, the consideration of entry into force, and denunciation periods. The Proposed Protocol should, accordingly, be aligned with Convention No. 81 and the amendment withdrawn.

427. The Employers' Vice-Chairperson said that an attempt had been made to cast doubt on fundamental aspects of the discussion, causing some Government members to change their position. The Governing Body would further discuss this issue among others, but in a much wider context. The tendency of the Governing Body was neither to increase nor maintain the ten-year period for denunciation, but rather reduce it. He referred to document GB.262/LILS/3 of April 1995 which, on page 13 (Spanish version), suggested an interim solution, namely a five-year period for most new Conventions, and ten years for new Conventions which were considered fundamental. The Protocol was an autonomous text, and not a document tied to the ratification or denunciation of Convention No. 81. A

decision in this Committee would be a signal that the Organization was indeed changing. Therefore, the Employers' members continued to insist on the amendment.

428. The Government member of Belgium supported the amendment for the same reasons as those invoked by the Government member of France.

429. The Workers' Vice-Chairperson also referred to document GB.262/LILS/3, and quoted the following passage from page 12 (paragraph 30):

In the light of these precedents, the Governing Body might perhaps like to re-examine the desirable duration of the third period; an intermediate solution might be to bring it back to 5 years for most Conventions whilst retaining a period of 10 years for new Conventions considered to be basic or priority instruments.

430. He argued that the logical consequence of this reasoning was for a new instrument such as the Protocol to have a ten-year denunciation period. However, he reiterated that it would be unwise to pre-empt the discussions under way in the Governing Body. Moreover, the Proposed Protocol had to be seen in connection with Convention No. 81, since only countries which had ratified this Convention could ratify the Protocol. If there had been reasons to deviate from the normal time-frame, they would have been signalled in the Office questionnaire or in Report VI(2). He concluded that it was not appropriate to adopt the amendment.

431. The Government member of Portugal said that his Government supported the amendment for the same reasons as those of the Employers' members and the Government member of France.

432. The Government member of Lebanon said that the validity of an instrument could only be ascertained after it had been ratified. This Protocol had special characteristics that would justify a government's wish to reconsider its ratification in the light of unforeseeable circumstances. Because of the wide range of categories included in its scope, governments might be confronted with unexpected difficulties. A government might be more inclined to "test" a new instrument if its denunciation period were shorter. She supported the amendment.

433. The Government member of Egypt also supported the amendment. She insisted that it was the absolute right of any government to denounce the Protocol after five years. The decreased denunciation interval would inject more flexibility into the text, thereby encouraging a greater number of member States to ratify it.

434. With reference to the views expressed by the Government member of Lebanon, the Workers' Vice-Chairperson explained that Article 2, paragraph 4, already provided considerable flexibility, permitting member States to submit a declaration explaining certain authorized exclusions, and subsequently to modify or cancel that declaration at any time in the light of the national context. He suggested that the concerns raised by the Government member of Lebanon were not usually solved through the denunciation procedure.

435. The Government member of Ireland stated that he did not believe the Committee was the appropriate forum to discuss changes to the time-frame for denunciation. As a result, he indicated that his Government did not support the amendment.

436. The Government member of the United Kingdom reminded the Committee that he had submitted a similar amendment and therefore supported this one.

437. The Government member of Cyprus stated that he did not support the amendment since the issues it raised would be discussed in the Governing Body.

438. Noting the absence of a consensus, the Chairperson proceeded to a vote. The results were as follows: 9,801 in favour; 10,098 against; and 693 abstentions. The amendment was not adopted.

439. The Employers' Vice-Chairperson said that in order to deal seriously with this delicate subject, and in view of the close result of the first vote, the Employers' members called for a roll-call vote.

440. A roll-call vote was taken. The results were as follows: 9,900 in favour; 10,395 against; and 891 abstentions.²

441. The amendment was not adopted. Consequently, an identical amendment submitted by the Government member of the United Kingdom was not discussed.

442. Articles 7, 8, 9 and 10 were adopted without change.

443. The Employers' Vice-Chairperson then indicated that two Employers' members wished to make statements.

444. The Employers' member of the United States remarked that the ILO was the world authority on the adoption of labour standards. He suggested that the ILO itself should be held to the same standards internally that it advocated to its member States. He urged that the Office voluntarily undergo inspection by the Swiss Labour Inspectorate, stating that ILO employees should not be denied the protection of labour inspection just because they worked for an international organization.

445. The Employers' member of the United Kingdom said that the principle of labour inspection lay at the heart of the ILO since its foundation. A large number of its instruments covered different sectors of labour inspection activities, though one covered all. Therefore, the result had been the development of different standards. That, in turn, had necessarily resulted in a degree of uncertainty. But the core of Convention No. 81 was as sound as ever and had stood the test of time. There was, however, some uncertainty about overlaps. At this very Conference, two other Committees, on Mines and on Home Work, were also dealing with issues directly related to labour inspection. These questions

² The Employers' members voted unanimously for the amendment;

The Workers' members voted unanimously against the amendment;

The Government members of the following States voted in favour of the amendment: Belgium, China, Colombia, Côte d'Ivoire, Egypt, France, India, Indonesia, Japan, Lebanon, Lithuania, Panama, Portugal, Spain, the United Kingdom, the United States;

The Government members of the following States voted against the amendment: Australia, Brazil, Chile, Cyprus, Denmark, Finland, Hungary, Ireland, Italy, the Republic of Korea, the Netherlands, Nigeria, Norway, San Marino, Slovakia, Sudan, Sweden, Switzerland, the Syrian Arab Republic, Turkey, Uruguay;

The Government members of the following States abstained: Bangladesh, the Czech Republic, Croatia, Germany, Greece, Kuwait, Luxembourg, Poland, Saudi Arabia.

needed clarification, and the Committee should ask the Office to undertake this task. Fifty years after the adoption of the universal instrument, Convention No. 81, the ILO should again consider the need for a consolidating instrument.

446. The Workers' Vice-Chairperson agreed with the concern over working conditions of ILO staff which was a matter for discussion by the Governing Body. He supported all initiatives aimed at improving the working conditions in the Office. As to the second statement, follow-up to the work of the Conference would be discussed by the Governing Body, which in particular, would decide what further standard-setting or review measures might be necessary.

447. The Chairperson then declared the Protocol adopted.

Adoption of the report and draft Protocol

448. At its 14th sitting, the Committee met to examine its report, as presented by the Reporter. The Committee adopted the report unanimously, subject to a few changes requested by various members.

449. The Committee then adopted the draft Protocol that had been submitted by the Drafting Committee, Article by Article, and in its entirety, subject to minor changes proposed to improve the alignment of the French and Spanish texts with the English version.

450. Before doing so, the Committee was informed by the Reporter that, in accordance with its mandate, the Drafting Committee, assisted by representatives of the Legal Adviser of the Conference, had made a number of drafting changes to the proposed Protocol. Most of these were either linguistic or stylistic and were aimed at ensuring that the two authentic texts were in concordance, without modification of the substance or the intent of the draft Articles of the text. One addition had been made to the Final Provisions, concerning the entry into force of the proposed Protocol. The Drafting Committee had decided unanimously that the Final Provisions should follow the normal, standard ILO practice and therefore recommended the revised draft text for adoption by the Committee.

451. The Employers' Vice-Chairperson commended the Reporter, the Drafting Committee and the secretariat for a very sound and well-edited document, which faithfully reflected the discussions. As to the amendments of the draft text, he felt that in some cases they went beyond mere linguistic issues. The Employers' members accepted them but wished to invite the Legal Adviser of the Office in future to ensure that subsequent changes in a Drafting Committee be limited to the minimum.

452. The Workers' Vice-Chairperson shared the views of the Employers. A different procedure should be used in particular as regarded the drafting of Final Provisions. He also expressed satisfaction with the results of the Committee's work. The report was factually correct and a good piece of work.

453. After the adoption of the text of the proposed Protocol, the Government member of Switzerland stated that generally speaking, the draft Protocol covered areas that did not raise the need for legislation in Switzerland either at the federal or regional (*cantonal*) level. In addition, the Protocol, and in particular Article

2, paragraph 2, recommended consultation procedures that went beyond those which were possible under Swiss legislation and practice. In conclusion, since the Swiss governmental authorities agreed that a Protocol should be drafted, they did not plan to oppose the text. For this reason, the Government of Switzerland would abstain when a vote on the adoption of the Protocol was held.

454. The Government member of Lebanon wished to be on record that adoption of the draft Protocol did not imply consensus as to its content. She had raised objections and expressed reservations as to a number of issues and hoped they would be noted in the report.

455. The Government member of Panama explained why he would abstain in the final vote. First, his Government had indicated the need for a Recommendation. Second, the Committee had decided to adopt a Protocol, Third his Government recognized the efforts of the Committee to make the Protocol flexible. Finally the denunciation periods were too rigid. In his view, it would be necessary to review the whole of Convention No. 81.

456. The Government member of Australia thanked the Employers' and Workers' Vice-Chairpersons for adding so much clarity to the debates. She also wished to thank the Chairperson and the Drafting Committee for significant improvements of the proposed text. She announced her intention to vote for the draft Protocol.

457. In his final remarks on the work of the Committee, the Employers Vice-Chairperson thanked the Chairperson for her excellent way of dealing with her task. He also thanked the Workers' Vice-Chairperson for the spirit of consensus and the openness in which he, and also the Workers' deputy Vice-Chairperson, had intervened. He congratulated the Government delegates for their valuable contributions. Finally, he reiterated his thanks to the secretariat for a job well done, and to all members of the Employers' group.

458. The Workers' Vice-Chairperson also wished to thank the Chairperson, and hoped she shared a feeling of having done some very useful work. He extended his thanks also to the Reporter. He congratulated the Employers' Vice-Chairperson, who had shown efficient leadership before a solid group. He had yielded courteously when necessary, and reacted constructively to amendments when his position was strong. He went on to thank also the Government representatives for their constructive attitude. They had asked for, and obtained flexibility. Governments now had to take resolute steps towards ratification. He thanked the Workers' members. It had been easy to work with such strong backing from his group. Finally, he thanked the secretariat for their knowledge, assistance and good services.

459. The representative of the Secretary-General congratulated the Committee on the successful conclusion of its work.

460. The Chairperson, in closing, thanked all the members of the Committee for their interventions, their cooperation and the positive spirit in which the discussions had taken place. She thanked the Committee for the confidence it had placed in her, and for the honour shown to her and her Government. She wished

to thank in particular the Employers' and Workers' Vice-Chairpersons for their kind cooperation and the excellent manner in which they led their groups. She also thanked all members of the secretariat for their good work and then declared the session closed.

461. The text of the draft Protocol is reproduced below.

462. The report of the Committee on the Extension of the Labour Inspection Convention, 1947 (No. 81) and the text of the draft Protocol are hereby submitted to the Conference for consideration.

Geneva, 19 June 1995.

(Signed) Anne-Sofie Trosdahl Oraug,
Chairperson.

Elisabet Delang,
Reporter.

Proposed Protocol of 1995 to the Labour Inspection Convention, 1947

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International Labour Office and having met in its Eighty-second Session on 6 June 1995, and
Noting that the provisions of the Labour Inspection Convention, 1947, apply only to industrial and commercial workplaces, and

Noting that the provisions of the Labour Inspection (Agriculture) Convention, 1969, apply to workplaces in commercial and non-commercial agricultural undertakings, and

Noting that the provisions of the Occupational Safety and Health Convention, 1981, apply to all branches of economic activity, including the public service, and

Having regard to all the risks to which workers in the non-commercial services sector may be exposed, and the need to ensure that this sector is subject to the same or an equally effective and impartial system of labour inspection as that provided in the Labour Inspection Convention, 1947, and

Having decided upon the adoption of certain proposals with regard to activities in the non-commercial services sector, which is the sixth item on the agenda of the session, and

Having determined that these proposals shall take the form of a Protocol to the Labour Inspection Convention, 1947,

Adopts this ... day of June of the year one thousand nine hundred and ninety-five the following Protocol, which may be cited as the Protocol of 1995 to the Labour Inspection Convention, 1947:

PART I. SCOPE, DEFINITION AND APPLICATION

Article 1

1. Each Member which ratifies this Protocol shall extend the application of the provisions of the Labour Inspection Convention, 1947 (hereunder referred to as "the Convention") to activities in the non-commercial services sector.

2. The term "activities in the non-commercial services sector" refers to activities in all categories of workplaces that are not considered as industrial or commercial for the purposes of the Convention.

3. This Protocol applies to all workplaces that do not already fall within the scope of the Convention.

Article 2

1. A Member which ratifies this Protocol may, by a declaration appended to its instrument of ratification, exclude wholly or partly from its scope the following categories:

- (a) essential national (federal) government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;

(d) prison services, whether prison staff or prisoners when performing work, if the application of the Convention to any of these categories would raise special problems of a substantial nature.

2. Before the Member avails itself of the possibility afforded in paragraph 1, it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

3. A Member which has made a declaration as referred to in paragraph 1 shall, following ratification of this Protocol, indicate in its next report on the application of the Convention under article 22 of the ILO Constitution the reasons for the exclusion and, to the extent possible, provide for alternative inspection arrangements for any categories of workplaces thus excluded. It shall describe in subsequent reports any measures it may have taken with a view to extending the provisions of the Protocol to them.

4. A Member which has made a declaration referred to in paragraph 1 may at any time modify or cancel that declaration by a subsequent declaration in accordance with the provisions of this Article.

Article 3

1. The provisions of this Protocol shall be implemented by means of national laws or regulations, or by other means that are in accordance with national practice.

2. Measures taken to give effect to this Protocol shall be drawn up in consultation with the most representative organizations of employers and workers or, in the absence of such organizations, representatives of the employers and workers concerned.

PART II. SPECIAL ARRANGEMENTS

Article 4

1. The Member may make special arrangements for the inspection of workplaces of essential national (federal) government administration, the armed services, the police and other public security services, and the prison services, so as to regulate the powers of labour inspectors as provided in Article 12 of the Convention in regard to:

- (a) inspectors having appropriate security clearance before entering;
- (b) inspection by appointment;
- (c) the power to require the production of confidential documents;
- (d) the removal of confidential documents from the premises;
- (e) the taking and analysis of samples of materials and substances.

2. The Member may also make special arrangements for the inspection of workplaces of the armed services and the police and other public security services so as to permit any of the following limitations on the powers of labour inspectors:

-
- (a) restriction of inspection during manoeuvres or exercises;
 - (b) restriction or prohibition of inspection of front-line or active service units;
 - (c) restriction or prohibition of inspection during declared periods of tension;
 - (d) limitation of inspection in respect of the transport of explosives and armaments for military purposes.

3. The Member may also make special arrangements for the inspection of workplaces of prison services to permit restriction of inspection during declared periods of tension.

4. Before a Member avails itself of any of the special arrangements afforded in paragraphs (1), (2) and (3), it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

Article 5

The Member may make special arrangements for the inspection of workplaces of fire brigades and other rescue services to permit the restriction of inspection during the fighting of a fire or during rescue or other emergency operations. In such cases, the labour inspectorate shall review such operations periodically and after any significant incident.

Article 6

The labour inspectorate shall be able to advise on the formulation of effective measures to minimize risks during training for potentially hazardous work and to participate in monitoring the implementation of such measures.

PART III. FINAL PROVISIONS

Article 7

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which the ratification has been registered by the Director-General and the Convention shall then be binding on the Member concerned with the addition of Articles 1 to 6 of this Protocol.

Article 8

1. A Member which has ratified this Protocol may denounce it after the expiration of ten years from the date on which the Protocol 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 the Protocol 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 Protocol at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations of this Protocol.

2. When notifying the Members of the Organization of the registration of the second ratification of this Protocol, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol will come into force.

3. The Director-General of the International Labour Office shall communicate full particulars of all ratifications and denunciations of this Protocol to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Article 10

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

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***Provisional Record***Eighty-second Session, Geneva, 1995

Second item on the agenda: Programme and budget proposals and other financial questions**Second Report of the Financial Committee of Government Representatives**

1. The Finance Committee of Government Representatives met on 8 June 1995 and was chaired by Mr. H.-M. Melas (Austria), Vice-Chairman of the Committee, who also acted as Reporter.

Status of collection of member States' contributions

2. The Committee had before it *Provisional Record* No. 3, containing information on the status of collection of member States' contributions as at 31 May 1995.

3. The representative of the Director-General (the Treasurer and Financial Comptroller) reported that since the preparation of the document, contributions had been received from the following member States:

Country	Swiss francs
Bolivia	46 380
Botswana	42 392
Uganda	33 889
Slovakia	429 226
Slovenia	299 572
<hr/>	
Total	851 459

4. The receipt of these amounts meant that Botswana, Slovakia and Slovenia had now paid their 1995 contributions in full.

5. *The Committee took note of the information in the document.*

Assessment of contributions of new member States

6. The Committee had before it document F.C./D.4, containing a resolution submitted by the Governing Body concerning the assessment of contributions for two new member States, the Gambia and St. Vincent and the Grenadines.

7. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Scales of assessment of contributions to the budget for the 1996-97 financial period

8. The Committee had before it Report II: Draft Programme and Budget for 1996-97 and other financial questions, and document F.C./D.4, each containing resolutions and draft scales for the assessment of member States' contributions for 1996-97. The Chairman pointed out that, consequent upon the Gambia and St. Vincent and the Grenadines becoming Members of the Organization, the resolution and draft scales of assessment contained in Report II had been superseded by those in document F.C./D.4.

9. The representative of Senegal said that a transfer was at present being arranged for the payment in full of his country's 1995 contribution. Because of exchange rate movements, the payment of contributions in Swiss francs was becoming increasingly onerous for many member States. For example, the African member States for which the CFA was the national currency would see a 40-50 per cent increase in their contributions in the 1996-97 biennium. This matter would be discussed in more detail when the Programme and Budget proposals for 1996-97 were considered.

10. The representative of Ukraine observed that the rate of assessment for Ukraine in the UN system up to now was set in clear violation of the usual criteria. The rate of 1.84 per cent fixed for 1995 did not in any way correspond to the economic situation in the country or its ability to pay. However, during the last session of the General Assembly there had been an attempt to bring the scales closer to the ability to pay of many countries including Ukraine, and this eliminated to some extent the imbalances which had existed earlier. He urged that the rate of assessment for Ukraine to the ILO in 1995 should be altered so as to be in conformity with the scale of assessment fixed by the General Assembly.

11. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Review of the Financial Regulations governing cash surpluses and deficits

12. The Committee had before it Report II: Draft Programme and Budget for 1996-97 and other financial questions, containing a resolution submitted by the Governing Body for a temporary derogation from the Financial Regulations.

13. The representative of the United States wished to place on record its appreciation for the review of these proposals carried out by the External Auditor,

but the scheme still did not reflect the level of financial discipline it would like to see in the ILO.

14. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Composition of the Administrative Tribunal of the International Labour Organization

15. The Committee had before it Report II: Draft Programme and Budget for 1996-97 and other financial questions, containing a resolution submitted by the Governing Body concerning appointments to the Administrative Tribunal of the ILO.

16. *The Committee recommends that the Conference adopt this resolution, the text of which appears at the end of this report.*

Appendices

17. Draft scales for the assessment of contributions for 1996 and 1997 are attached as Appendices I and II respectively to this report.

Geneva, 19 June 1995.

(Signed) H.-M. Melas,
Vice-Chairman and Reporter.

Resolutions submitted to the Conference

Resolution concerning the assessment of contributions of new member States

The General Conference of the International Labour Organization,
Decides, in accordance with article 9, paragraph 2 of the Financial Regulations, that the contributions of the Gambia and St. Vincent and the Grenadines to the ILO budget for the periods of their membership in the Organization in 1995 be based on an annual assessment rate of 0.01 per cent.

Resolution concerning the scales of assessment of contributions for 1996 and 1997

The General Conference of the International Labour Organization,
Decides, in accordance with article 9, paragraph 2 of the Financial Regulations, to adopt, for the assessment of the contributions of member States in 1996 and 1997, the draft scales of assessments set out in column 4 of Appendices I and II respectively to this report.

Resolution concerning a derogation from the provisions of the Financial Regulations

The General Conference of the International Labour Organization,
Noting the practical difficulties that have arisen in recent biennia by the non-application of the provisions of articles 18 and 21.2 of the Financial Regulations,
Decides, on a trial basis for the 1994-95, 1996-97 and 1998-99 financial periods only, that — notwithstanding the aforementioned articles — sums withdrawn from the Working Capital Fund to finance budgetary expenditure pending receipt of contributions in accordance with article 19.1(a) of the Financial Regulations shall, if they cannot be reimbursed from contributions received in the course of the same financial period, be reimbursed from amounts credited in subsequent financial periods against arrears of contributions.

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization

The General Conference of the International Labour Organization,
In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization,

Decides to appoint as Judges of the Administrative Tribunal, for a period of three years, with effect from August 1995:

- Mr. Julio Barberis (Argentina);
- Mr. Jean-François Egli (Switzerland),

Decides to renew the terms of office of Mr. Mark Fernando (Sri Lanka) and Mr. Michel Gentot (France) as Judges from the expiration of their present terms until the end of July 1998.

APPENDIX I - 1996

Scales of Assessment

State (French alphabetical order)	UN assessments 1993 & 1994	ILO assessments 1995	UN assessments 1996	Draft scale of ILO assessments 1996	Increase or decrease (difference between Cols. 2 & 4) Col. 5 %
	Col. 1 %	Col. 2 %	Col. 3 %	Col. 4 %	
1 Afghanistan	0.01	0.01	0.0100	0.0100	-
2 South Africa	0.41	0.40	0.3225	0.3180	(0.0820)
3 Albania	0.01	0.01	0.0100	0.0100	-
4 Algeria	0.16	0.16	0.1600	0.1578	(0.0022)
5 Germany	8.93	8.81	9.0425	8.9174	0.1074
6 Angola	0.01	0.01	0.0100	0.0100	-
7 Antigua and Barbuda	0.01	0.01	0.0100	0.0100	-
8 Saudi Arabia	0.96	0.95	0.7200	0.7100	(0.2400)
9 Argentina	0.57	0.56	0.4800	0.4734	(0.0866)
10 Armenia	0.13	0.13	0.0550	0.0542	(0.0758)
11 Australia	1.51	1.49	1.4800	1.4595	(0.0305)
12 Austria	0.75	0.74	0.8650	0.8530	0.1130
13 Azerbaijan	0.22	0.22	0.1175	0.1159	(0.1041)
14 Bahamas	0.02	0.02	0.0200	0.0197	(0.0003)
15 Bahrain	0.03	0.03	0.0200	0.0197	(0.0103)
16 Bangladesh	0.01	0.01	0.0100	0.0100	-
17 Barbados	0.01	0.01	0.0100	0.0100	-
18 Belarus	0.48	0.47	0.2925	0.2885	(0.1815)
19 Belgium	1.06	1.04	1.0075	0.9936	(0.0464)
20 Belize	0.01	0.01	0.0100	0.0100	-
21 Benin	0.01	0.01	0.0100	0.0100	-
22 Bolivia	0.01	0.01	0.0100	0.0100	-
23 Bosnia and Herzegovina	0.04	0.04	0.0125	0.0123	(0.0277)
24 Botswana	0.01	0.01	0.0100	0.0100	-
25 Brazil	1.59	1.57	1.6200	1.5976	0.0276
26 Bulgaria	0.13	0.13	0.0825	0.0814	(0.0486)
27 Burkina Faso	0.01	0.01	0.0100	0.0100	-
28 Burundi	0.01	0.01	0.0100	0.0100	-
29 Cambodia	0.01	0.01	0.0100	0.0100	-
30 Cameroon	0.01	0.01	0.0100	0.0100	-
31 Canada	3.11	3.07	3.1025	3.0596	(0.0104)
32 Cape Verde	0.01	0.01	0.0100	0.0100	-
33 Central African Republic	0.01	0.01	0.0100	0.0100	-
34 Chile	0.08	0.08	0.0800	0.0789	(0.0011)
35 China	0.77	0.76	0.7350	0.7248	(0.0352)
36 Cyprus	0.02	0.02	0.0300	0.0296	0.0096
37 Colombia	0.13	0.13	0.1000	0.0986	(0.0314)
38 Comoros	0.01	0.01	0.0100	0.0100	-
39 Congo	0.01	0.01	0.0100	0.0100	-
40 Korea, Republic of	0.69	0.68	0.8175	0.8062	0.1262
41 Costa Rica	0.01	0.01	0.0100	0.0100	-
42 Côte d'Ivoire	0.02	0.02	0.0100	0.0100	(0.0100)
43 Croatia	0.13	0.13	0.0900	0.0888	(0.0412)
44 Cuba	0.09	0.09	0.0525	0.0518	(0.0382)
45 Denmark	0.65	0.64	0.7175	0.7076	0.0676
46 Djibouti	0.01	0.01	0.0100	0.0100	-
47 Dominican Republic	0.02	0.02	0.0100	0.0100	(0.0100)
48 Dominica	0.01	0.01	0.0100	0.0100	-
49 Egypt	0.07	0.07	0.0700	0.0690	(0.0010)
50 El Salvador	0.01	0.01	0.0100	0.0100	-
51 United Arab Emirates	0.21	0.21	0.1900	0.1874	(0.0226)
52 Ecuador	0.03	0.03	0.0200	0.0197	(0.0103)
53 Eritrea	0.01	0.01	0.0100	0.0100	-
54 Spain	1.98	1.95	2.3625	2.3298	0.3798
55 Estonia	0.07	0.07	0.0425	0.0419	(0.0281)
56 United States	25.00	25.00	25.0000	25.0000	-
57 Ethiopia	0.01	0.01	0.0100	0.0100	(0.0100)
58 The former Yug. Rep. of Macedonia	0.02	0.02	0.0100	0.0100	-
59 Fiji	0.01	0.01	0.0100	0.0100	-
60 Finland	0.57	0.56	0.6175	0.6090	0.0490
61 France	6.00	5.92	6.4075	6.3189	0.3989
62 Gabon	0.02	0.02	0.0100	0.0100	(0.0100)

APPENDIX I – 1996

Scales of Assessment

State (French alphabetical order)	UN assessments 1993 & 1994	ILO assessments 1995	UN assessments 1996	Draft scale of ILO assessments 1996	Increase or decrease (difference between Cols. 2 & 4) Col. 5
	Col. 1 %	Col. 2 %	Col. 3 %	Col. 4 %	Col. 5 %
63 Gambia	0.01	–	0.01	0.0100	0.0100
64 Georgia	0.21	0.21	0.1175	0.1159	(0.0941)
65 Ghana	0.01	0.01	0.0100	0.0100	–
66 Greece	0.35	0.34	0.3800	0.3747	0.0347
67 Grenada	0.01	0.01	0.0100	0.0100	–
68 Guatemala	0.02	0.02	0.0200	0.0197	(0.0003)
69 Guinea	0.01	0.01	0.0100	0.0100	–
70 Guinea–Bissau	0.01	0.01	0.0100	0.0100	–
71 Equatorial Guinea	0.01	0.01	0.0100	0.0100	–
72 Guyana	0.01	0.01	0.0100	0.0100	–
73 Haiti	0.01	0.01	0.0100	0.0100	–
74 Honduras	0.01	0.01	0.0100	0.0100	–
75 Hungary	0.18	0.18	0.1400	0.1381	(0.0419)
76 Solomon Islands	0.01	0.01	0.0100	0.0100	–
77 India	0.36	0.35	0.3100	0.3057	(0.0443)
78 Indonesia	0.16	0.16	0.1400	0.1381	(0.0219)
79 Iran, Islamic Republic of	0.77	0.76	0.4675	0.4610	(0.2990)
80 Iraq	0.13	0.13	0.1400	0.1381	0.0081
81 Ireland	0.18	0.18	0.2100	0.2071	0.0271
82 Iceland	0.03	0.03	0.0300	0.0296	(0.0004)
83 Israel	0.23	0.23	0.2675	0.2638	0.0338
84 Italy	4.29	4.23	5.1975	5.1256	0.8956
85 Jamaica	0.01	0.01	0.0100	0.0100	–
86 Japan	12.45	12.28	15.4350	15.2215	2.9415
87 Jordan	0.01	0.01	0.0100	0.0100	–
88 Kazakhstan	0.35	0.34	0.2000	0.1972	(0.1428)
89 Kenya	0.01	0.01	0.0100	0.0100	–
90 Kyrgyzstan	0.06	0.06	0.0325	0.0321	(0.0279)
91 Kuwait	0.25	0.24	0.1900	0.1874	(0.0526)
92 Lao People's Democratic Republic	0.01	0.01	0.0100	0.0100	–
93 Lesotho	0.01	0.01	0.0100	0.0100	–
94 Latvia	0.13	0.13	0.0825	0.0814	(0.0486)
95 Lebanon	0.01	0.01	0.0100	0.0100	–
96 Liberia	0.01	0.01	0.0100	0.0100	–
97 Libyan Arab Jamahiriya	0.24	0.24	0.2025	0.1997	(0.0403)
98 Lithuania	0.15	0.15	0.0850	0.0838	(0.0662)
99 Luxembourg	0.06	0.06	0.0700	0.0690	0.0090
100 Madagascar	0.01	0.01	0.0100	0.0100	–
101 Malaysia	0.12	0.12	0.1400	0.1381	0.0181
102 Malawi	0.01	0.01	0.0100	0.0100	–
103 Mali	0.01	0.01	0.0100	0.0100	–
104 Malta	0.01	0.01	0.0100	0.0100	–
105 Morocco	0.03	0.03	0.0300	0.0296	(0.0004)
106 Mauritius	0.01	0.01	0.0100	0.0100	–
107 Mauritania	0.01	0.01	0.0100	0.0100	–
108 Mexico	0.88	0.87	0.7875	0.7766	(0.0934)
109 Moldova, Republic of	0.15	0.15	0.0850	0.0838	(0.0662)
110 Mongolia	0.01	0.01	0.0100	0.0100	–
111 Mozambique	0.01	0.01	0.0100	0.0100	–
112 Myanmar	0.01	0.01	0.0100	0.0100	–
113 Namibia	0.01	0.01	0.0100	0.0100	–
114 Nepal	0.01	0.01	0.0100	0.0100	–
115 Nicaragua	0.01	0.01	0.0100	0.0100	–
116 Niger	0.01	0.01	0.0100	0.0100	–
117 Nigeria	0.20	0.20	0.1150	0.1134	(0.0866)
118 Norway	0.55	0.54	0.5600	0.5523	0.0123
119 New Zealand	0.24	0.24	0.2400	0.2367	(0.0033)
120 Oman	0.03	0.03	0.0400	0.0394	0.0094
121 Uganda	0.01	0.01	0.0100	0.0100	–
122 Uzbekistan	0.26	0.25	0.1375	0.1356	(0.1144)
123 Pakistan	0.06	0.06	0.0600	0.0592	(0.0008)
124 Panama	0.02	0.02	0.0100	0.0100	(0.0100)

APPENDIX I – 1996

Scales of Assessment

State (French alphabetical order)	UN assessments 1993 & 1994	ILO assessments 1995	UN assessments 1996	Draft scale of ILO assessments 1996	Increase or decrease (difference between Cols. 2 & 4) Col. 5
	Col. 1 %	Col. 2 %	Col. 3 %	Col. 4 %	Col. 5 %
125 Papua New Guinea	0.01	0.01	0.0100	0.0100	–
126 Paraguay	0.02	0.02	0.0100	0.0100	(0.0100)
127 Netherlands	1.50	1.48	1.5875	1.5655	0.0855
128 Peru	0.06	0.06	0.0600	0.0592	(0.0008)
129 Philippines	0.07	0.07	0.0600	0.0592	(0.0108)
130 Poland	0.47	0.46	0.3375	0.3328	(0.1272)
131 Portugal	0.20	0.20	0.2750	0.2712	0.0712
132 Qatar	0.05	0.05	0.0400	0.0394	(0.0106)
133 Romania	0.17	0.17	0.1500	0.1479	(0.0221)
134 United Kingdom	5.02	4.95	5.3150	5.2415	0.2915
135 Russian Federation	6.71	6.62	4.4500	4.3885	(2.2315)
136 Rwanda	0.01	0.01	0.0100	0.0100	–
137 St. Lucia	0.01	0.01	0.0100	0.0100	–
138 St. Vincent and the Grenadines	0.01	–	0.01	0.0100	0.0100
139 San Marino	0.01	0.01	0.0100	0.0100	–
140 Sao Tome and Principe	0.01	0.01	0.0100	0.0100	–
141 Senegal	0.01	0.01	0.0100	0.0100	–
142 Seychelles	0.01	0.01	0.0100	0.0100	–
143 Sierra Leone	0.01	0.01	0.0100	0.0100	–
144 Singapore	0.12	0.12	0.1400	0.1381	0.0181
145 Slovakia	0.13	0.13	0.0825	0.0814	(0.0486)
146 Slovenia	0.09	0.09	0.0700	0.0690	(0.0210)
147 Somalia	0.01	0.01	0.0100	0.0100	–
148 Sudan	0.01	0.01	0.0100	0.0100	–
149 Sri Lanka	0.01	0.01	0.0100	0.0100	–
150 Sweden	1.11	1.09	1.2275	1.2105	0.1205
151 Switzerland	1.16	1.14	1.2100	1.1933	0.0533
152 Suriname	0.01	0.01	0.0100	0.0100	–
153 Swaziland	0.01	0.01	0.0100	0.0100	–
154 Syrian Arab Republic	0.04	0.04	0.0500	0.0493	0.0093
155 Tajikistan	0.05	0.05	0.0200	0.0197	(0.0303)
156 Tanzania, United Republic of	0.01	0.01	0.0100	0.0100	–
157 Chad	0.01	0.01	0.0100	0.0100	–
158 Czech Republic	0.42	0.41	0.2600	0.2564	(0.1536)
159 Thailand	0.11	0.11	0.1300	0.1282	0.0182
160 Togo	0.01	0.01	0.0100	0.0100	–
161 Trinidad and Tobago	0.05	0.05	0.0325	0.0321	(0.0179)
162 Tunisia	0.03	0.03	0.0300	0.0296	(0.0004)
163 Turkmenistan	0.06	0.06	0.0325	0.0321	(0.0279)
164 Turkey	0.27	0.26	0.3750	0.3698	0.1098
165 Ukraine	1.87	1.84	1.1400	1.1242	(0.7158)
166 Uruguay	0.04	0.04	0.0400	0.0394	(0.0006)
167 Venezuela	0.49	0.48	0.3375	0.3328	(0.1472)
168 Viet Nam	0.01	0.01	0.0100	0.0100	–
169 Yemen	0.01	0.01	0.0100	0.0100	–
170 Yugoslavia	0.14	0.14	0.1025	0.1011	(0.0389)
171 Zaïre	0.01	0.01	0.0100	0.0100	–
172 Zambia	0.01	0.01	0.0100	0.0100	–
173 Zimbabwe	0.01	0.01	0.0100	0.0100	–
TOTAL	101.04	100.00	101.0400	100.0000	–

APPENDIX II – 1997

Scales of Assessment

State (French alphabetical order)	UN assessments 1996		Draft scale of ILO assessments 1996		UN assessments 1997		Draft scale of ILO assessments 1997		Increase or decrease (difference between Cols. 2 & 4) Col. 5 %	
	Col. 1 %		Col. 2 %		Col. 3 %		Col. 4 %		Col. 5 %	
1 Afghanistan	0.0100		0.0100		0.01		0.01		–	
2 South Africa	0.3225		0.3180		0.32		0.31		(0.0080)	
3 Albania	0.0100		0.0100		0.01		0.01		–	
4 Algeria	0.1600		0.1578		0.16		0.16		0.0022	
5 Germany	9.0425		8.9174		9.06		8.93		0.0126	
6 Angola	0.0100		0.0100		0.01		0.01		–	
7 Antigua and Barbuda	0.0100		0.0100		0.01		0.01		–	
8 Saudi Arabia	0.7200		0.7100		0.71		0.70		(0.0100)	
9 Argentina	0.4800		0.4734		0.48		0.47		(0.0034)	
10 Armenia	0.0550		0.0542		0.05		0.05		(0.0042)	
11 Australia	1.4800		1.4595		1.48		1.46		0.0005	
12 Austria	0.8650		0.8530		0.87		0.86		0.0070	
13 Azerbaijan	0.1175		0.1159		0.11		0.11		(0.0059)	
14 Bahamas	0.0200		0.0197		0.02		0.02		0.0003	
15 Bahrain	0.0200		0.0197		0.02		0.02		0.0003	
16 Bangladesh	0.0100		0.0100		0.01		0.01		–	
17 Barbados	0.0100		0.0100		0.01		0.01		–	
18 Belarus	0.2925		0.2885		0.28		0.27		(0.0185)	
19 Belgium	1.0075		0.9936		1.01		0.99		(0.0036)	
20 Belize	0.0100		0.0100		0.01		0.01		–	
21 Benin	0.0100		0.0100		0.01		0.01		–	
22 Bolivia	0.0100		0.0100		0.01		0.01		–	
23 Bosnia and Herzegovina	0.0125		0.0123		0.01		0.01		(0.0023)	
24 Botswana	0.0100		0.0100		0.01		0.01		–	
25 Brazil	1.6200		1.5976		1.62		1.60		0.0024	
26 Bulgaria	0.0825		0.0814		0.08		0.08		(0.0014)	
27 Burkina Faso	0.0100		0.0100		0.01		0.01		–	
28 Burundi	0.0100		0.0100		0.01		0.01		–	
29 Cambodia	0.0100		0.0100		0.01		0.01		–	
30 Cameroon	0.0100		0.0100		0.01		0.01		–	
31 Canada	3.1025		3.0596		3.11		3.07		0.0104	
32 Cape Verde	0.0100		0.0100		0.01		0.01		–	
33 Central African Republic	0.0100		0.0100		0.01		0.01		–	
34 Chile	0.0800		0.0789		0.08		0.08		0.0011	
35 China	0.7350		0.7248		0.74		0.73		0.0052	
36 Cyprus	0.0300		0.0296		0.03		0.03		0.0004	
37 Colombia	0.1000		0.0986		0.10		0.10		0.0014	
38 Comoros	0.0100		0.0100		0.01		0.01		–	
39 Congo	0.0100		0.0100		0.01		0.01		–	
40 Korea, Republic of	0.8175		0.8062		0.82		0.81		0.0038	
41 Costa Rica	0.0100		0.0100		0.01		0.01		–	
42 Côte d'Ivoire	0.0100		0.0100		0.01		0.01		–	
43 Croatia	0.0900		0.0888		0.09		0.09		0.0012	
44 Cuba	0.0525		0.0518		0.05		0.05		(0.0018)	
45 Denmark	0.7175		0.7076		0.72		0.71		0.0024	
46 Djibouti	0.0100		0.0100		0.01		0.01		–	
47 Dominican Republic	0.0100		0.0100		0.01		0.01		–	
48 Dominica	0.0100		0.0100		0.01		0.01		–	
49 Egypt	0.0700		0.0690		0.08		0.08		0.0110	
50 El Salvador	0.0100		0.0100		0.01		0.01		–	
51 United Arab Emirates	0.1900		0.1874		0.19		0.19		0.0026	
52 Ecuador	0.0200		0.0197		0.02		0.02		0.0003	
53 Eritrea	0.0100		0.0100		0.01		0.01		–	
54 Spain	2.3625		2.3298		2.38		2.35		0.0202	
55 Estonia	0.0425		0.0419		0.04		0.04		(0.0019)	
56 United States	25.0000		25.0000		25.00		25.00		–	
57 Ethiopia	0.0100		0.0100		0.01		0.01		–	
58 The former Yug. Rep. of Macedonia	0.0100		0.0100		0.01		0.01		–	
59 Fiji	0.0100		0.0100		0.01		0.01		–	
60 Finland	0.6175		0.6090		0.62		0.61		0.0010	
61 France	6.4075		6.3189		6.42		6.33		0.0111	
62 Gabon	0.0100		0.0100		0.01		0.01		–	

APPENDIX II -- 1997

Scales of Assessment

State (French alphabetical order)	UN assessments 1996	Draft scale of ILO assessments 1996	UN assessments 1997	Draft scale of ILO assessments 1997	Increase or decrease (difference between Cols. 2 & 4)
	Col. 1 %	Col. 2 %	Col. 3 %	Col. 4 %	Col. 5 %
63 Gambia	0.0100	0.0100	0.01	0.01	-
64 Georgia	0.1175	0.1159	0.11	0.11	(0.0059)
65 Ghana	0.0100	0.0100	0.01	0.01	-
66 Greece	0.3800	0.3747	0.38	0.37	(0.0047)
67 Grenada	0.0100	0.0100	0.01	0.01	-
68 Guatemala	0.0200	0.0197	0.02	0.02	0.0003
69 Guinea	0.0100	0.0100	0.01	0.01	-
70 Guinea-Bissau	0.0100	0.0100	0.01	0.01	-
71 Equatorial Guinea	0.0100	0.0100	0.01	0.01	-
72 Guyana	0.0100	0.0100	0.01	0.01	-
73 Haiti	0.0100	0.0100	0.01	0.01	-
74 Honduras	0.0100	0.0100	0.01	0.01	-
75 Hungary	0.1400	0.1381	0.14	0.14	0.0019
76 Solomon Islands	0.0100	0.0100	0.01	0.01	-
77 India	0.3100	0.3057	0.31	0.30	(0.0057)
78 Indonesia	0.1400	0.1381	0.14	0.14	0.0019
79 Iran, Islamic Republic of	0.4675	0.4610	0.45	0.44	(0.0210)
80 Iraq	0.1400	0.1381	0.14	0.14	0.0019
81 Ireland	0.2100	0.2071	0.21	0.21	0.0029
82 Iceland	0.0300	0.0296	0.03	0.03	0.0004
83 Israel	0.2675	0.2638	0.27	0.26	(0.0038)
84 Italy	5.1975	5.1256	5.25	5.18	0.0544
85 Jamaica	0.0100	0.0100	0.01	0.01	-
86 Japan	15.4350	15.2215	15.65	15.43	0.2085
87 Jordan	0.0100	0.0100	0.01	0.01	-
88 Kazakhstan	0.2000	0.1972	0.19	0.19	(0.0072)
89 Kenya	0.0100	0.0100	0.01	0.01	-
90 Kyrgyzstan	0.0325	0.0321	0.03	0.03	(0.0021)
91 Kuwait	0.1900	0.1874	0.19	0.19	0.0026
92 Lao People's Democratic Republic	0.0100	0.0100	0.01	0.01	-
93 Lesotho	0.0100	0.0100	0.01	0.01	-
94 Latvia	0.0825	0.0814	0.08	0.08	(0.0014)
95 Lebanon	0.0100	0.0100	0.01	0.01	-
96 Liberia	0.0100	0.0100	0.01	0.01	-
97 Libyan Arab Jamahiriya	0.2025	0.1997	0.20	0.20	0.0003
98 Lithuania	0.0850	0.0838	0.08	0.08	(0.0038)
99 Luxembourg	0.0700	0.0690	0.07	0.07	0.0010
100 Madagascar	0.0100	0.0100	0.01	0.01	-
101 Malaysia	0.1400	0.1381	0.14	0.14	0.0019
102 Malawi	0.0100	0.0100	0.01	0.01	-
103 Mali	0.0100	0.0100	0.01	0.01	-
104 Malta	0.0100	0.0100	0.01	0.01	-
105 Morocco	0.0300	0.0296	0.03	0.03	0.0004
106 Mauritius	0.0100	0.0100	0.01	0.01	-
107 Mauritania	0.0100	0.0100	0.01	0.01	-
108 Mexico	0.7875	0.7766	0.79	0.78	0.0034
109 Moldova, Republic of	0.0850	0.0838	0.08	0.08	(0.0038)
110 Mongolia	0.0100	0.0100	0.01	0.01	-
111 Mozambique	0.0100	0.0100	0.01	0.01	-
112 Myanmar	0.0100	0.0100	0.01	0.01	-
113 Namibia	0.0100	0.0100	0.01	0.01	-
114 Nepal	0.0100	0.0100	0.01	0.01	-
115 Nicaragua	0.0100	0.0100	0.01	0.01	-
116 Niger	0.0100	0.0100	0.01	0.01	-
117 Nigeria	0.1150	0.1134	0.11	0.11	(0.0034)
118 Norway	0.5600	0.5523	0.56	0.55	(0.0023)
119 New Zealand	0.2400	0.2367	0.24	0.24	0.0033
120 Oman	0.0400	0.0394	0.04	0.04	0.0006
121 Uganda	0.0100	0.0100	0.01	0.01	-
122 Uzbekistan	0.1375	0.1356	0.13	0.13	(0.0056)
123 Pakistan	0.0600	0.0592	0.06	0.06	0.0008
124 Panama	0.0100	0.0100	0.01	0.01	-

APPENDIX II – 1997

Scales of Assessment

State (French alphabetical order)	UN assessments 1996 Col. 1 %	Draft scale of ILO assessments 1996 Col. 2 %	UN assessments 1997 Col. 3 %	Draft scale of ILO assessments 1997 Col. 4 %	Increase or decrease (difference between Cols. 2 & 4) Col. 5 %
125 Papua New Guinea	0.0100	0.0100	0.01	0.01	–
126 Paraguay	0.0100	0.0100	0.01	0.01	–
127 Netherlands	1.5875	1.5655	1.59	1.57	0.0045
128 Peru	0.0600	0.0592	0.06	0.06	0.0008
129 Philippines	0.0600	0.0592	0.06	0.06	0.0008
130 Poland	0.3375	0.3328	0.33	0.32	(0.0128)
131 Portugal	0.2750	0.2712	0.28	0.27	(0.0012)
132 Qatar	0.0400	0.0394	0.04	0.04	0.0006
133 Romania	0.1500	0.1479	0.15	0.15	0.0021
134 United Kingdom	5.3150	5.2415	5.32	5.25	0.0085
135 Russian Federation	4.4500	4.3885	4.27	4.21	(0.1785)
136 Rwanda	0.0100	0.0100	0.01	0.01	–
137 St. Lucia	0.0100	0.0100	0.01	0.01	–
138 St. Vincent and the Grenadines	0.0100	0.0100	0.01	0.01	–
139 San Marino	0.0100	0.0100	0.01	0.01	–
140 Sao Tome and Principe	0.0100	0.0100	0.01	0.01	–
141 Senegal	0.0100	0.0100	0.01	0.01	–
142 Seychelles	0.0100	0.0100	0.01	0.01	–
143 Sierra Leone	0.0100	0.0100	0.01	0.01	–
144 Singapore	0.1400	0.1381	0.14	0.14	0.0019
145 Slovakia	0.0825	0.0814	0.08	0.08	(0.0014)
146 Slovenia	0.0700	0.0690	0.07	0.07	0.0010
147 Somalia	0.0100	0.0100	0.01	0.01	–
148 Sudan	0.0100	0.0100	0.01	0.01	–
149 Sri Lanka	0.0100	0.0100	0.01	0.01	–
150 Sweden	1.2275	1.2105	1.23	1.21	(0.0005)
151 Switzerland	1.2100	1.1933	1.21	1.19	(0.0033)
152 Suriname	0.0100	0.0100	0.01	0.01	–
153 Swaziland	0.0100	0.0100	0.01	0.01	–
154 Syrian Arab Republic	0.0500	0.0493	0.05	0.05	0.0007
155 Tajikistan	0.0200	0.0197	0.02	0.02	0.0003
156 Tanzania, United Republic of	0.0100	0.0100	0.01	0.01	–
157 Chad	0.0100	0.0100	0.01	0.01	–
158 Czech Republic	0.2600	0.2564	0.25	0.25	(0.0064)
159 Thailand	0.1300	0.1282	0.13	0.13	0.0018
160 Togo	0.0100	0.0100	0.01	0.01	–
161 Trinidad and Tobago	0.0325	0.0321	0.03	0.03	(0.0021)
162 Tunisia	0.0300	0.0296	0.03	0.03	0.0004
163 Turkmenistan	0.0325	0.0321	0.03	0.03	(0.0021)
164 Turkey	0.3750	0.3698	0.38	0.37	0.0002
165 Ukraine	1.1400	1.1242	1.09	1.07	(0.0542)
166 Uruguay	0.0400	0.0394	0.04	0.04	0.0006
167 Venezuela	0.3375	0.3328	0.33	0.32	(0.0128)
168 Viet Nam	0.0100	0.0100	0.01	0.01	–
169 Yemen	0.0100	0.0100	0.01	0.01	–
170 Yugoslavia	0.1025	0.1011	0.10	0.10	(0.0011)
171 Zaire	0.0100	0.0100	0.01	0.01	–
172 Zambia	0.0100	0.0100	0.01	0.01	–
173 Zimbabwe	0.0100	0.0100	0.01	0.01	–
TOTAL	101.0400	100.0000	101.04	100.00	–

Third report of the Finance Committee of Government Representatives

1. The Finance Committee of Government Representatives met on 12, 13, 14 and 16 June 1995 with Mr. D.S. Boateng (Ghana) as Chairman and Reporter, and Mr. H.-M. Melas (Austria) as Vice-Chairman.

Programme and Budget proposals for 1996-97

2. The Committee had before it the Director-General's Programme and Budget proposals for 1996-97 as submitted to the Governing Body at its 262nd Session (March-April 1995). The Committee also had before it Report II: Draft Programme and Budget 1996-97 and other financial questions, containing a report on the consideration of the Director-General's original proposals by the Programme, Financial and Administrative Committee of the Governing Body.

3. The Director-General introduced the proposals and recalled that the proposed budget had received wide support from the Programme, Financial and Administrative Committee as well as the Governing Body. This support was not fortuitous as the draft programme corresponded fully to the desires expressed by the Organization's constituents at the 75th Anniversary International Labour Conference, and at various other events organized by both member States and employers' and workers' organizations to commemorate this Anniversary.

4. The financial objective of real zero growth had been achieved, to the satisfaction of many Government representatives, conscious that the rise in the number of member States and the considerable increase in requests for services made this a very difficult task. This had only been made possible because of the reforms asked for and implemented during the last few years, to make the Office more efficient while improving productivity and effectiveness, and to improve the impact and visibility of its activities.

5. The Director-General observed that few international organizations had undertaken so many important and wide-ranging reforms in recent years, some of which would be continued during the next biennium. Some figures would serve to illustrate this. The reform of the functioning of the International Labour Conference in 1996-97 would allow economies of 20.9 per cent to be achieved compared to its cost in 1990-91, to which should be added the savings of member States for their participation at the Conference. The reform of the functioning of the Governing Body had allowed savings of 22.8 per cent compared to 1990-91. Savings would be transferred to the regions, thus the share of the budget for the regions would be 19 per cent in 1996-97 compared to 14 per cent in 1990-91. During the same period, technical consultative services had risen to 5.1 per cent from 3 per cent, an increase of 70 per cent.

6. To fulfil the desire for reform requested by Governments, Employers and Workers, the technical services in the regions had been radically restructured and 14 technical multidisciplinary teams had been set up to work in partnership with constituents in their countries, thus being able to service their requests better and more quickly. This was the implementation of the Active Partnership Policy supported by the constituents of the Organization.

7. There were two other reforms which would bear fruit in the following biennium. The reform of sectoral activities would make them more pertinent and effective by shortening meetings and freeing up resources for follow-up actions in the member States which would be of benefit to constituents. Secondly, the important actions started under the control of the Governing Body to modernize the standard-setting activities of the Organization would continue.

8. Considerable efforts had been accomplished to continually improve the management of the Office and two examples of this merited attention. The first concerned the development and introduction of a rigorous system for supervising and evaluating the activities undertaken by the Office. This system aimed to improve the transparency of the Organization and make the results of Office activities more widely available. The second sought to decentralize to external offices administrative tasks where they could be performed more effectively and at reduced cost.

9. The Director-General recalled, in another respect, that many delegates to last year's Conference had wished for the ILO to become more visible at the international level and to command a greater following for its activities. Two examples would demonstrate how the Office had made efforts towards this end. The first was at the World Social Summit held in Copenhagen during the spring where, thanks to the support of the Governing Body and the considerable efforts made in preparing for it, the expertise of the ILO in matters of employment had been fully recognized, and resulted in it being assigned a special role in Summit follow-up activities concerning employment. The other was the publication of the World Employment Report which had received wide media coverage and had been warmly welcomed by the majority of member States.

10. The draft programme and budget reflected the priorities of Members. Consequently the resources of the Employment Department had been increased by 38 per cent and those devoted to enterprise development had risen by 14 per cent, while a considerable part of allocations for the regions would be used to find solutions for unemployment, notably by focusing on policies to encourage small enterprise development. Resources for the main technical departments had been increased in spite of financial constraints.

11. The establishment of 13 action programmes was a major innovation devised to provide usable results and answers to problems identified in member States, by working alongside the constituents themselves. In parallel, the Office had continued to reduce regular budget expenditure of the main support services such as internal administration and relations and meetings activities. In addition, these units would have to cope with a reduction of US\$7,700,000 in agency costs in 1996-97.

12. The Director-General went on to explain that provisions in the budget for cost increases had been fixed only after a very careful analysis of each type of expenditure in each region. These figures corresponded to the most objective evaluation of cost increases which could be expected during the next biennium and were at the lower end of the range of forecasts obtained. As for the inflation rate in Geneva, the estimates were based on the normal criteria which were always established by the Geneva-based UN organizations in the preparation of their respective budgets. When these organizations met in 1994, their best estimate of

the overall inflation rate for Geneva had been 3 per cent per year for the period from 1995 to 1997.

13. The Office had re-examined the assumptions of September 1994 in order to ascertain whether circumstances and events which had taken place justified a revision in the rate of cost increases. The most recent forecasts established by the main economic research institutes and by the main Swiss banking establishments indicated an inflation rate of between 2 and 2.5 per cent for 1995 and approximately 2.5 per cent for 1996. No forecast was currently available for 1997. The draft programme and budget had anticipated an inflation rate of 3 per cent for 1995, 1996 and 1997. On the basis of the latest estimates, the Office had revised the draft to take into consideration an expected inflation rate of 2 per cent in 1995 and 2.5 per cent rate for 1996 and 1997.

14. As a result, the amount of cost increases for the next biennium was reduced from 7.23 per cent to 6.26 per cent which corresponded to a reduction of US\$4,500,000 in the overall budget. Thus the revised value of the draft programme and budget value was 672,220,000 Swiss francs at an exchange rate of 1.16 Swiss francs to one US dollar. The total amount in Swiss francs was approximately 4,200,000 less than the contributions for 1994-95, and the total level of contributions was therefore less than zero nominal growth.

15. These were the principal points of the draft programme and budget for 1996-97 which the Conference was asked to approve. The Director-General concluded his speech by thanking Government delegates for the numerous expressions of appreciation for reforms undertaken by the Office. Such tokens of appreciation were precious to the Office and would encourage it to continue determinedly with the reform process.

16. Mrs. Nieves R. Confesor, Chairperson of the Governing Body, said that the draft Programme and Budget proposals for 1996-97 had been approved by the 262nd Session of the Governing Body for submission to the Conference. In 1996-97 the ILO would continue to pursue the following priority objectives: the promotion of democracy and human rights, the alleviation of unemployment and poverty, and the protection of working people. It also would be confronting many more challenges arising from market forces operating within the framework of the expanded trade liberalization ushered in by GATT in 1994. As trade liberalization continued, competition would become more and more keen; and market forces were, on their own, oblivious of concerns of social justice.

17. The draft Programme and Budget proposals for 1996-97 not only took into account changing conditions throughout the world but reflected the wide-ranging contributions made in 1994, the year of the ILO's 75th Anniversary. These included the discussion in the Governing Body and in its committees on the future of standard setting, the social implications of trade liberalization, the future of the ILO's programmes on sectoral activities and the strategy for enhancing ILO technical cooperation activities. As well, the proposals reflected the action to be taken internally to continue and enhance the process of organizational reform. In accordance with the policy adopted by the Governing Body some years ago, this change would need to take place within the constraints of a budget of zero growth in real terms. The consequences of this policy were all the more severe against a background of increased demand for ILO services from an increased number of

member States, as well as increased levels of population to be served by the Organization. ILO services were also required by a growing number of employers' and workers' organizations now developing and expanding their participation in the context of political and economic democracy and liberalization. Thus, the priority objectives pursued would be even more relevant in the next biennium.

18. The ILO would in the end be called upon to do even more, as the promotion of social justice had to keep pace with rapid developments in a world propelled by markets motivated by other considerations. In recognition of present-day realities the Governing Body had approved for recommendation to the Conference a budget totalling US\$500,237,000, equivalent to 725,343,650 Swiss francs at a budget exchange rate of 1.45 Swiss francs to the dollar. These proposals represented zero real growth, as the 7.24 per cent increase over the 1994-95 programme and budget was attributed solely to inflation.

19. During the course of the discussions in the Governing Body some member States had expressed reservations concerning the extra cost which would result when the 1996-97 proposals were re-costed to reflect current exchange rates. The Finance Committee of Government Representatives faced a difficult task: on one hand it could not altogether disregard the difficulties currently confronting the governments of several member States, nor, on the other, could it predict with any certainty the conditions which would prevail in the next biennium, when governments would be called upon to pay their contributions to the ILO. Set against this was the continuing commitment of all member States to the ILO and the values for which it stood.

20. It was true that rallying cries could sometimes seem inane, perhaps through repetition in words but no fulfilment in action. But throughout history, and sometimes against almost insurmountable odds, nations and causes had responded to these cries. The member States should not let present fears stifle their legitimate aspirations and commitments for a better future for the ILO and more importantly for its constituents.

21. In closing, Mrs. Confesor wished to take the opportunity to place on record her appreciation to her colleagues in the Programme, Financial and Administrative Committee: Ms. Hartwell for the Governments, Miss Mackie for the Employers, Mr. Tapiola for the Workers, and Ambassador Vargas, her predecessor as Chairman of the Committee.

22. Miss Mackie, on behalf of the Employer Vice-Chairman of the Governing Body, expressed full support for the statements by the Director-General and the Chairman of the Governing Body recommending adoption of the programme and budget proposals. On 6 April 1995 the Governing Body accepted the report of the Programme, Financial and Administrative Committee and decided with full tripartite support to propose the present draft Programme and Budget for 1996-97 to the Conference for adoption. Approval by the Conference was the last step in a long process of tripartite discussion which recognized the distinction between the programme and budgetary elements of the proposals. The budget was by no means perfect and the Employers believed that many more efficiencies could be achieved. Taken as a whole, however, the proposals were workable and realistic

and had been supported by all three groups in the Governing Body. She recommended them to the Committee for adoption.

23. Mr. Tapiola, speaking on behalf of the Worker Vice-Chairman of the Governing Body, said that he had already made a preliminary statement to the plenary of the Conference on 7 June 1995. However, he welcomed the opportunity to make some further observations because the member States who paid contributions to the ILO were in turn funded by taxes levied on corporations and workers. The social partners were not simply passive observers during discussions on programme and budget proposals. Between them they possessed 50 per cent of the voting power at the Conference and they had to find a way to ensure that they could support the programme and budget proposals with confidence. This they had done at the recent session of the Governing Body when they had reached a full tripartite understanding during the course of discussions lasting more than one week. The programme and budget proposals had been discussed in great detail and it was somewhat disappointing to see that they had resulted in a net change of only 0.7 per cent, but they were positive changes which had made it possible for the Workers to agree to them.

24. The Worker members had serious reservations about a zero real growth budgetary philosophy even though they recognized the special difficulties facing many member States. Despite the constraints of zero real growth, there had been a wide-ranging discussion on the future orientation of the ILO in the globalized labour market. The world expected the ILO to play its part in dealing with issues such as employment creation, the eradication of poverty and the improvement of working conditions. The recent World Summit for Social Development had clearly acknowledged the special contribution that the ILO could make. But there was much still to do, and to do it the ILO should be reaching to forums such as the G7 meetings and to organizations such as the International Monetary Fund and the World Bank. The ILO could make particularly valuable contributions to the work of the World Bank, whose new Director would be visiting the different regions of the world to see what their needs were. He ought to be able to see the ILO already there and working in its own sphere of competence, rather than allowing a void to develop which others might fill. This was merely one example of the unique opportunities opening for the ILO after the recent World Summit for Social Development.

25. There were many interdependent issues where the ILO's competence had to be developed further, and this had been brought out in discussions over the last two to three years. Many areas of activity had been expanded, although in some cases not as much as needed. For example, much work had been done on international labour standards, freedom of association, employment generation, enterprise development and workers' protection and it was gratifying to see that a balance between all of these had been achieved in the Programme and Budget proposals for 1996-97, proposals which reflected the expressed priorities of the Conference in the ILO's 75th Anniversary year. The Worker members were in favour of the proposals as they stood now. They understood that the Governing Body discussions had resulted in a consensus which could be followed by this Committee and then the plenary of the Conference. He commended the proposals to the Committee for adoption.

26. The representative of the Director-General (the Treasurer and Financial Comptroller), at the invitation of the Chairman, described the two main documents for the Committee's consideration. The first was the Director-General's Programme and Budget proposals for 1996-97, which was the document considered by the Programme, Financial and Administrative Committee and the Governing Body. This document did not reflect the changes which had resulted from the Governing Body discussions. The second was Report II: Draft Programme and Budget 1996-97 and other financial questions, at pages 1-10. Table B, at pages 5 and 6 in the English document, contained the adjustments to the programme and budget proposals which had resulted from the Governing Body discussion in March-April. Annex 1 of Report II contained the report of the Programme, Financial and Administrative Committee on the draft Programme and Budget proposals for 1996-97.

27. The representative of Canada expressed appreciation for the introductory statements by previous speakers, which should remind member States of their commitment to the ILO and its objectives, and recalled their focus on the future role of the ILO. There had been a wide measure of support for the general orientation and balance of the programmes presented in the draft proposals and in the relative allocation of resources. Many member States had however expressed concern on the impact of exchange rates on their contributions for the 1996-97 biennium, and had requested that the budget be reviewed by this Committee and possibly by the Governing Body next November, in the light of exchange rate movements. All would recall the statement of the Government group in the Governing Body asking the Office to look for ways to absorb more of the cost increases proposed for 1996-97.

28. Members would also be aware of the recent views that there was likely to be a shortfall in contributions from a major contributor. These three factors, cost increases, exchange rate volatility, and income shortfalls, taken together constituted a major problem if not a crisis for this Conference. There would have to be a reduction in the 1996-97 budget because a shortfall was certain. The issue was whether it should be dealt with now, with member States acting in consultation with social partners to protect priority programmes, or let the reality be ignored and reduce expenditures on programmes, meetings and technical cooperation as the Director-General indicated he would do.

29. The ILO was at a watershed. The Director-General had put forward a vision of the ILO in the future, with a new and significant role for the Organization within the UN system, and a leadership role globally in addressing employment issues. The ILO constituents had expressed support and agreement that it should adapt its core principles of protecting workers' rights in the changes taking place in the global economy, and ensuring that the benefits of economic growth were shared by workers. The budget could also be a watershed budget because the ILO would need resources to fulfil its new role. However, all knew the reality of the budgetary situation, that there were no new resources. Indeed, the resource base was shrinking.

30. The member States appreciated the efforts made by the Director-General to reduce costs and redirect resources to the field, and for the management reforms which had been carried out. There had been no growth in programmes

for several biennia because the ILO had followed a zero real growth budget regime. Ironically, this had had the effect of protecting administration and overheads, as cost increases were applied to administrative elements of the budget such as travel, staff and operations expenditure.

31. If the ILO was to continue to fulfil the role it had played in the past, it could not go on starving programmes and feeding overheads. The budget was finite, and in real terms was shrinking. The most expensive part of the budget was the 70 per cent that was spent in Geneva, most of which was overheads. The ILO could only achieve its goals if there was a significant restructuring of expenditure patterns which freed more funds for reallocation to priority programmes, those that were the traditional core programmes of the ILO, and those that were emerging as new priorities as it adapted to its new role in the UN system.

32. Reducing overheads inevitably meant reducing staff costs, and the unpleasant reality of reducing staff. However, many of the delegates themselves had witnessed or participated in workforce adjustment exercises. It was a reality for many governments and it was a reality for the social partners. There were many examples of big private sector companies such as automobile companies, airlines, and computer companies, that did not heed the signals of change and failed to adjust. Some no longer existed, some had drastically changed. But the one lesson shared by the public and private sectors was that the longer the delay, the more painful the adjustment.

33. The budget crisis for this Conference was not short term, it was a signal for the future. If it was ignored and dealt with as an ad hoc and one-time budget cut, it would be fair neither to the ILO nor to the member States. The problem facing the Committee provided the opportunity to begin the restructuring necessary to ensure that priority programmes were adequately funded and that there was room to build new ones.

34. In summary, there was a problem because a budget reduction was certain, and it should be dealt with now in full consultation with all member States and the social partners. The Committee should use the opportunity to begin the restructuring of expenditure patterns so that priority programmes were protected now, and so that there was room for programme expansion in future. This Committee, in conjunction with the social partners, had the responsibility to have the foresight in budgetary planning to match the future vision of the ILO that was the subject of this Conference.

35. The representative of Cuba, on behalf of the Americas group, said that member States from the region had held several consultations, and in view of the exchange rate between the US dollar and the Swiss franc, had reached a consensus in favour of zero nominal growth. Many member States from the region would have extreme difficulty in meeting their obligations unless the 1996-97 budget level was reduced. It was futile to make decisions if some member States were unable to pay, and the Americas group was fully prepared for consultations with other groups, including the employers and workers, to try to reach a consensus in favour of a reduced budget.

36. The representative of the United States said that the issues to be dealt with in budgetary problems could quite often not be solved merely by using ordinary planning and logic, and it was true that in recent days many delegates

had expressed concern about United States intentions in regard to the ILO and its position on the Organization's budget for 1996-97. In the first place, delegates to the Conference could be reassured that the United States still believed wholeheartedly in the values and principles of the ILO, was committed to a strong ILO as an essential part of a multilateral system for the twenty-first century, and that the present Administration intended to continue its membership.

37. For many years now the United States had been calling for administrative reform throughout the ILO. The Director-General was to be congratulated on the important reforms that he had achieved, in policy-making and programme execution and management, but regrettably they did not go far enough. There was a limit to the savings that could be realized with conventional and incremental changes. Experience had shown that fundamental and radical reform yielded the greatest benefits.

38. Contributions by the United States to all international organizations, not only the ILO, would be reduced in the medium term. This would undoubtedly have an effect on the ILO's activities and it would be misleading to suggest otherwise. In recent budget discussions in the United States Government, funding proposals had emerged in both houses of Congress which would reduce US contributions to international agencies. There was no longer business as usual, and zero real growth was now but a fond memory. In the light of recent exchange rate movements, zero real growth still meant a significant increase in contributions for member States whose economies were geared to the US dollar.

39. The question might be asked why the ILO should undergo radical reforms, rather than merely allow for a reduction in the US contribution. Such a course was not honourable, nor would it meet the real needs of the Organization described so clearly by the representative of Canada. A more basic question for the ILO was how it might leverage its resources in order to be able to carry out all its high priority activities. As a first step, it should divert a higher proportion of its resources to field and technical programmes by carrying out a programme of radical administrative reform. In concluding, she expressed support for the views of the Americas group, and would be happy to join in discussions to find a consensus on how to reduce the Programme and Budget for 1996-97.

40. The representative of Senegal, speaking on behalf of member States of the CFA franc zone, expressed their concern on the effect of recent exchange rate movements. ILO activities in the fields of employment generation and eradication of poverty were invaluable to developing countries and member States that benefited from ILO technical cooperation activities would be extremely worried by the trend of the discussion so far. If the 1996-97 budget was to be cut, every effort should be made to protect field programmes.

41. The representative of the Syrian Arab Republic thanked the Director-General for his clarification concerning the budget proposals and said that he appreciated the impact on international organizations, including the ILO, of the changing world economic conditions as well as, in this case, the exchange rate fluctuations. Allocations for regional programmes in the Arab States were regrettably still at the same level as that of the previous budget, and in spite of continued requests for increased funding for this programme, the budget remained unchanged. He appreciated the importance of transferring the area office to Beirut

and would like to see more regional and technical cooperation programmes for ILO activities, with increased financing for projects in the occupied Arab territories and Palestinian lands. He added that the "Safety and Health Compendium" should be translated into Arabic and that more allocations should be available for translation of ILO publications into Arabic.

42. The representative of Egypt hoped that the Programme and Budget proposals for 1996-97 would be fully discussed and a consensus reached. After much discussion at the last session of the Governing Body, the proposed budget had been agreed upon and all members now hoped for an ideal solution given the tasks confronting the ILO today. In view of the ILO's mandate and its tripartism, there was an ever greater need for its activities. The United States and the Latin American countries should allow an opportunity for reflection on a reduction in budget levels during the next few years rather than making severe cuts in the 1996-97 programme and budget. While realizing the difficult economic situation confronting many countries, Egypt hoped for a consensus of all member countries and that the views of the tripartite groups and the Non-Aligned Nations Group would be considered.

43. The representative of Argentina thanked the ILO for the efforts made in preparation of the budget, the flexibility shown by the Office and the work accomplished. He also thanked Canada for outlining the issues facing the Finance Committee, and Cuba for expressing the consensus of the Americas group. The clear statement of the representative of the United States had clarified the context in which the discussions should take place. Many member States faced severe economic difficulties and the problems highlighted by Senegal were similar to those facing Latin American countries. While there was wide support for the programme and budget proposals shown by the Governing Body, certain compromises had been made but there were still reservations by the members of the Americas group and by a major contributor to the ILO. There was concern at the national level for the work of the ILO as it was poised to enter the twenty-first century with major budgetary preoccupations such as budgetary reductions, problems of fluctuating exchange rates, increases in cost due to inflation and increases in cost not directly related to increases in services. All governments were affected by constant budgetary increases for all UN agencies and these needed to be considered in the world context of unemployment, inflation and harsh competition. Cooperation would be needed with other countries to find solutions in favour of the policies outlined and to adjust to present times. As governments were having to make major changes in their economies and in their legal frameworks to face problems such as unemployment, inflation and increased competition in trade, similar changes would have to be made in the UN and other international organizations because governments could not give increased global contributions in the light of severe domestic budgetary restrictions. He agreed with the notion of zero real growth, but it should not be at the expense of regional and technical cooperation programmes and, although budget costs should be rationalized, the overriding principle should be for a budget which was sustainable and payable by member States. This would not be easy, but he expressed full confidence in the ability and in the leadership of the Director-General to achieve this objective.

44. The representative of Brazil reiterated his support for the ILO and other UN agencies, but stressed the need for a leaner budget whereby governments could meet their assessment obligations. The efforts of the Director-General to promote cuts and reforms were deserving of the fullest praise, but further adjustments on overhead costs should be made. He agreed with the statements of Canada, Cuba, the United States and others who had called for further cuts, and for constructive discussions with Members from other regions as well as the social partners to produce a budget of less than zero real growth. This would set a new trend for the future while maintaining the Organization's commitment to the fight against social injustice.

45. The representative of China said that his position regarding the Programme and Budget proposals for 1996-97 had been fully expressed in April, and the ILO should give higher levels of resources to priority items such as promotion of employment, elimination of poverty and the realization of the role and activities assigned to the ILO in the follow-up to the World Social Summit.

46. The representative of Belgium reiterated the genuine commitment that his country had to the ILO since joining it as a founding Member in 1919. Its mandate and objectives were just as relevant today and formed an important element in his country's democracy and social structure. This interest was reconfirmed during the commemoration of the 75th Anniversary of the ILO and the 50th Anniversary of the Declaration of Philadelphia in 1994, and for this reason the ILO could not be treated in the same way as any other specialized agency of the UN. He fully supported the draft programme and budget proposals for 1996-97 which had been accepted by the social partners and which respected the principle of real zero growth. The development and employment priorities of this budget were especially important. Unfortunately, it appeared that some countries had accepted the budget with reservations and the results of such a compromise were now being seen. Deferring the decision on the exchange rate to be adopted in the hope that the dollar would climb would be a backward step as it was not at all evident whether the dollar would fall or climb before November. For all countries, the important rate was that applicable on the day their contributions were paid and as some countries might only pay in December 1996 at a dollar rate which could not be predicted now, it was not possible to defer this decision. The ILO was too important and valuable an organization to be made a victim of such a dangerous game and he supported the budget in its present form without reservations, even though some countries might not pay their full contribution. The Governing Body and the Director-General had always reacted to budget deficits in an exemplary manner in the past and they would do so again in future. It was most important not to jeopardize the Organization's procedures in this way.

47. The representative of Turkey thanked the Director-General for his introduction to the Programme and Budget proposals for 1996-97 and confirmed that, like all other Members, Turkey was committed to a strong and efficient ILO under an able leadership as was currently provided by the Director-General. The challenges facing the ILO were expanding in the current economic and social climate, even though the capacity to meet those challenges was affected by the financial constraints that member States were facing. Turkey supported zero real

growth for budgets in the UN agencies even though it would have to face increases in its Swiss franc budgetary assessment, an event beyond the control of the Director-General. In any case, the level of the ILO's programme and budget should not be subjected to the erratic behaviour of currency markets. The decision to switch to Swiss franc assessments in 1991 had been designed to protect the Organization against such currency fluctuations, and for this reason he fully supported the draft programme and budget at its current level.

48. The representative of India fully supported the Programme and Budget proposals for 1996-97 which had been discussed at length and finally agreed in the Governing Body. The Asian and Pacific group also had endorsed the Programme and Budget proposals for 1996-97 and were now heartened by the rationalization of costs being undertaken by the Organization. Budgetary changes caused by exchange rate fluctuations could not be accepted because they would effectively hold the Organization hostage to events beyond its control and affect its capacity to fulfil its mandate. While economic realities could not be ignored it was not the first time the exchange rate problem had arisen and a workable and acceptable solution which would not affect the work of the Organization had to be found. Any reduction in the budget would necessarily affect the programmes of the ILO and would have long-term repercussions on the effectiveness of ILO activities. For the longer term, discussion instead of surgery was needed but this could not take place while under threat. There could be no bargaining on the future of the ILO.

49. The representative of Morocco fully supported the Director-General in his efforts to adapt the ILO to the new realities in spite of various difficulties mentioned by previous speakers. Any cuts in the budget proposals of the Director-General should not be at the expense of technical cooperation programmes and the drastic and fundamental changes proposed by the largest contributor should not be to the detriment of services provided to developing countries. The ILO's role should be expanded to confront, among other problems, those arising from the globalization of the economy. He added, in conclusion, that there should be equal treatment for all official working languages of the ILO.

50. The representative of Pakistan stated that his Government had taken part in the preparation of the Programme and Budget proposals for 1996-97 on which there had been a consensus for a budget based on zero real growth. These proposals were approved at the Governing Body in April 1995 and he continued to support them now even though there were concerns on the impact of exchange rate fluctuations. While the level of Swiss franc assessments remained the same as in 1994-95 and some countries would face difficulties in paying their contributions, these factors were totally beyond the control of the Office and it would not be reasonable to insist on programme reductions and thus subject the programmes of the ILO to the vagaries of the currency markets. He drew the attention of the Committee to the recognition of the role played by the ILO at the World Social Summit and its subsequent responsibilities for action in fighting poverty and unemployment, which might in fact need more funding to meet the expectations engendered. He supported the programme and budget proposals with no reductions.

51. The representative of Japan understood the difficulties of some member States, including the largest contributor, in meeting their assessments. Japan also would have problems, but the content of the programme should be discussed and agreed before fixing the final budget level. The draft proposals had been adopted by consensus in April although some countries had expressed reservations related to exchange rate fluctuations, but this question had been deferred until the Conference. The US dollar/Swiss franc exchange rate happened to be the same now as in April, even though the markets were continually changing. A system to minimize the adverse effects of these changes had been implemented a few years ago so it would be better to maintain the principal thrust of the draft budget proposals given that the amount of an eventual shortfall was not known. The cost increase of 7.2 per cent was, however, too high compared with that of other international organizations and it should be reconsidered, especially as there was still considerable room for savings in administrative costs.

52. The representative of Jamaica, speaking on behalf of the Caribbean Community (CARICOM), said there were some differences of opinion between the Americas group and her group. Her group expressed full support for the Programme and Budget proposals for 1996-97 because of the role the ILO played, and must continue to play, in the Caribbean region. As well, the ILO had been given an enhanced role in the follow-up recommendations of the World Social Summit and would in fact need more resources, not less, to carry out those activities. Member States advocating budgetary cuts should reconsider their positions in the light of this wider responsibility, because it was in the interests of all constituents that the ILO remain strong and powerful and able to carry out its mandate.

53. The representative of New Zealand expressed his support for the Programme and Budget proposals for 1996-97 and appreciated the efforts made by the ILO to maintain an effective level of operations and services in an environment of real zero growth. It was worth noting that governments had now accepted the principle of zero nominal growth in their own administrations and were providing services at reducing prices which, in the case of New Zealand, had been reduced by 8 per cent in real terms in the last three years. It would be difficult to justify a cost increase of 7.24 per cent, excluding exchange rate fluctuations, in the ILO programme and budget to national Parliaments at a time when domestic budgets were shrinking. He welcomed the Director-General's efforts to economize and raise productivity and efficiency in the Office and the structural reforms that were being undertaken, but the Office could seek still more fundamental changes to improve productivity further. A structured rather than ad hoc approach would yield greater benefits, and should be aimed at reducing administrative costs instead of draining technical programmes. Changes might be difficult, but they must be made.

54. The representative of Sudan, as a member of the Governing Body, had participated in the discussion of the programme and budget proposals, and considered that at present levels the regional and technical cooperation programmes were only at the bare minimum for the ILO to meet its responsibilities in the follow-up to the World Social Summit. Programmes could only be carried out if the budget was maintained at the current level, and although

monetary fluctuations caused problems for some countries, the level of ILO activities should not be compromised. The ILO should play an effective role in implementing social justice and in the fight against poverty. He supported the draft programme and budget proposals as they stood.

55. The representative of the Islamic Republic of Iran believed that discussion of the budget should aim at strengthening the role of the ILO. The allocation of the budget was more important than its size, and field activities should not suffer if the budget was restructured. The Office should look again at ways to make savings in administration and in the organization of meetings.

56. The representative of Norway expressed full support for the aims and activities of the ILO, and would support the budget as it had in the Governing Body discussions earlier in the year. Even though some member States had expressed doubts about their ability to meet their obligations, it was important to agree on a programme that would enable the ILO to fulfil its mandate.

57. The representative of Finland expressed full support for the budget as approved by the Governing Body. Any changes made at this stage ought to have full tripartite approval.

58. The representative of Guinea thanked the Director-General and the Chairman of the Governing Body for explaining the details of the budget. He would support the budget in spite of its zero real growth in view of the important role of the ILO in eradicating poverty and in the light of comments recently made at the World Summit for Social Development.

59. The representative of the Netherlands reiterated full support for the programme and budget proposals, and associated himself with comments made by the representatives of Belgium, Turkey and Pakistan. The representative of Jamaica had made an eloquent appeal for international solidarity. Furthermore, on many occasions there had been calls for strengthening the role of the ILO in the follow-up to the World Summit for Social Development, and this undoubtedly would have financial consequences. In any case, the programmes of the ILO should not be held hostage for fluctuations in the currency market.

60. The representative of Hungary observed that the major objectives of the ILO, the promotion of democracy, the alleviation of poverty and the protection of workers were highly relevant and showed the willingness of the ILO to adapt to a constantly changing environment. He welcomed the renewed emphasis on the provision of services at the field level, also the commendable initiatives on the launching of the Active Partnership Policy, and the setting up of the 14 multidisciplinary teams. Also deserving of support were the proposals by the Office relating to standard setting, the revision of international labour standards, and the technical cooperation activities proposed in the fields of employment, cooperatives and industrial relations. He expressed full support for the programme and budget proposals as they stood.

61. The representative of Chile acknowledged the changes made to the programme and budget proposals after the Governing Body discussions and would support the budget. However, the concerns expressed by the United States were understandable. In general he agreed with the comments made by the Americas group, and hoped that the discussions would lead to the approval of a realistic budget by the Committee.

62. The representative of the Russian Federation expressed general support for the programme and budget proposals, but was concerned at the effect of currency fluctuations which, in turn, would lead to an increase in contributions by member States. His own country was still facing problems in paying its contributions to the ILO in view of the difficult economic situation and had only recently paid US\$5 million out of its contributions for 1993. Another US\$5 million would be paid in the near future. He reiterated his support for the principle of a zero real growth budget and urged that any further reduction of the budget should not affect the basic programmes of ILO activities.

63. The representative of Austria, while expressing general support for the programme and budget proposals, observed that the concerns of large donor countries could not be overlooked and hoped that the discussions would lead to a consensus between the various groups.

64. The representative of Colombia endorsed the comments made by the coordinator of the Americas group. The budget should be used in a rational manner to strengthen the role of the ILO and the budget debate should be continued if necessary to achieve this objective. The opinions of all member States should be considered and a consensus reached in the light of discussions.

65. The representative of Germany said that the present Committee faced something of a dilemma. Lengthy discussions had taken place in the Governing Body to approve the Programme and Budget for 1996-97, but according to the statutes of the ILO, a formal decision on it had to be taken by the Conference. There could however be differences of opinion and, logically speaking, the representatives of the Workers and Employers should be party to all the decisions being taken here. A radically changed programme and budget might not have the approval of all concerned, and there should be some way of including the social partners in the final decision. He was prepared to approve the budget, but appreciated the difficulties facing some member States and would join in efforts to reach a consensus.

66. The representative of Uruguay pointed out that the general view was that everybody wanted to strengthen not weaken the ILO, especially in the field. It was true that some member States faced serious budgetary and exchange rate problems, but he hoped that the present discussions would lead to a consensus.

67. The representative of Peru supported the position of the Americas group. She hoped that this Committee would devise ways to reduce the budget and find a consensus that would reinforce the work of the ILO.

68. The representative of Tunisia recalled that the draft Programme and Budget for 1996-97 had been debated at length in the Governing Body. Some countries had expressed concern about their contributions in the light of exchange rate developments, but in fact all countries which paid their contributions in terms of US dollars had reason to be concerned. Many countries had expressed concern over the decrease in budget for the African region at a time when the demands on the Organization, especially in the field of employment, continued to increase. The Director-General had pointed out that in the light of the zero growth budget it would be difficult to introduce major restructuring of the budget, and the amendments to the original proposals were quite small. The programme and budget should be decided by consensus and concrete proposals to amend the

programme should also be approved by the social partners within tripartite consultations. Reductions to the budget should not undermine assistance to developing countries, but there was no harm in studying the proposals for amendment if they were reasonable and if they would not hamper the work of the Organization.

69. The representative of the United Kingdom reiterated the support for the draft Programme and Budget for 1996-97 that the United Kingdom had expressed in the Governing Body discussions two months earlier. However, the warning signals that were now being heard from member States whose contributions represented almost 40 per cent of the total could not be ignored. He agreed with the representative of Germany that it would be useful to hold tripartite discussions in an effort to reach consensus in this Committee and in the plenary session. He also agreed with the previous speaker that proposals for budget reductions needed to be much more specific.

70. The representative of France pointed out that there were essentially two problems that this Committee had to face. First, a legal problem: what were the rights and powers of the Finance Committee to make amendments to the budget approved by the Governing Body, a question which would require legal advice from the Office concerning the powers of the Committee compared with those of the Governing Body. Secondly, a distinction would be needed between those who agreed with the programme and budget, those who did not, and those who wanted to agree but with conditions. The uncertainty with regard to the exchange rate was nothing new — exchange rate problems had existed in the Organization for a long time. This was not something within the ILO's control, and his Government had never worried about it when paying its contributions. It might be useful to have a vote to see how many governments accepted the budget which had been approved by the Governing Body. In the first place was it legal to take such a vote and if so, when could it be taken? Votes in the Finance Committee required a two-thirds majority in favour before they could be submitted to the plenary where Employers' and Workers' representatives were able to vote. Votes in the plenary on budgetary matters also required a two-thirds majority to be successful.

71. The representative of Mexico agreed with the position of the Americas group and in particular with the views expressed by Uruguay. The Committee should look for a realistic budget which would not jeopardize the effectiveness of the Organization. According to the estimates of one delegate, member States expressing serious reservations about the proposals paid about 40 per cent of total contributions, so they were entitled to be heard. The Americas group had rightly asked the Office to search for more savings so that the essential programmes of the ILO would be safeguarded.

72. The representative of the Philippines drew attention to the predicament of the smaller member States. Many had difficulties in paying their contributions, and it was sobering to compare the treatment they received with that being demanded now by some of the larger donors. It would be interesting to see what would happen if the exchange rate moved in their favour. Would they then turn around and show greater concern for the plight of smaller member States?

73. The representative of Italy thought that in view of the diversity of opinions already expressed it was clear that the only solution would be a

compromise. As well as the legal question raised concerning the power of the Committee to make amendments to the programme and budget proposals, another equally important question was how would approved programmes be financed? The Director-General had made strenuous efforts to rationalize programmes by making modifications and reductions in the budget, but the problem still remained and had to be solved. The exchange rate problem was not something the ILO could control. A more important concern was to strive for consensus through negotiations and discussions — not an easy task.

74. The representative of Argentina expressed full support for the statements of the United Kingdom, Germany, Norway, Tunisia and Senegal. The formation of a special tripartite working group to examine budget priorities would be an excellent first move in efforts to find a budget level acceptable to all member States.

75. The representative of Nicaragua observed that even with the different positions emerging in the Committee there was evidence of a will to achieve consensus on the budget, and he supported the statements made by Cuba and Argentina. The Organization should aim at a zero growth budget in dollar terms, and he supported the proposal put forward by the previous speaker.

76. The representative of Switzerland said that the ILO was not only an international body for the multilateral solutions of problems in the labour and social field, but also a champion of values such as democracy, social partnership, social justice and social dialogue. Switzerland attached great importance to these values and therefore to the ILO, and was convinced that only a strong ILO would be able to fulfil its important mandate. Against this background Switzerland was prepared to endorse without reservation the programme and budget proposals for 1996-97 as discussed and agreed in the Governing Body. This decision was based on the fact that the proposals corresponded to the mandate of the ILO and the budget total conformed to the principle of zero real growth.

77. Many of the previous speakers had requested that the ILO take account of the particular difficulties facing many member States, especially the precarious economic conditions they faced, and some had declared that the difficulties caused by currency fluctuations prevented them from endorsing in full the Programme and Budget proposals for 1996-97. Exchange rate fluctuations were a special but temporary problem, which could be controlled neither by the Organization nor by individual member States. If the ILO were to assume the risk of currency fluctuations, the member States would in effect be divesting themselves of their responsibility for the work of the Organization because the decision on which programmes should be implemented would be left to the foreign exchange markets. This problem, however, had to be distinguished from the economic problems facing individual member States. Many national budgets were no longer able to maintain the goal of zero real growth and if anything had to contend themselves with zero nominal growth. The ILO could rightly be criticized that the cost increases of more than 6 per cent requested for the 1996-97 biennium contradicted the realities of many national budgets. The Director-General was now signalling a readiness to compromise with a revised budget which proposed a zero nominal growth compared to the present biennium. In real terms it meant that the Organization could expect 672 million Swiss francs for the period 1996-97, which

was 50 million less than the Governing Body's proposals and indeed 4 million less than the 1994-95 biennium. The Programme and Budget proposals for 1996-97 should be adopted by consensus, in accordance with the spirit and tradition of the ILO. These new proposals by the Director-General represented a useful compromise deserving the full support of all member States.

78. The representative of South Africa supported the adoption of the draft programme and budget agreed by the Governing Body, which had been reached only after a week of extensive discussions. Some of the criticism being levelled at the Office was unfair. In the search for savings many of its administrative processes had been reformed and perhaps the Office should be explaining in more detail to the member States how it had been able to do so.

79. South Africa had benefited enormously from the services and activities of the ILO and naturally would like to see them maintained. Despite the call for budget reductions from member States facing difficulties because of exchange rate fluctuations, to base a budget on this criterion alone was a dangerous practice because there would always be some member States at a disadvantage. The budget should rather be based on consistent principles. In the present circumstances a mandate to the Governing Body to adjust the 1996-97 Programme and Budget as necessary, perhaps coupled with a medium-term review of ILO priorities, was a compromise South Africa could support. The ILO had to respond to calls at the recent World Social Summit for it to play a larger part in world affairs, and it would face many challenges in doing so. The 1996-97 Programme and Budget was the first step along this road and the Office deserved congratulations for a well-balanced set of proposals.

80. The representative of the Libyan Arab Jamahiriya expressed solid support for the aims and activities of the ILO and regretted that its contributions were not up to date because of deteriorating economic conditions in his country, caused in part by UN sanctions. His country would however continue its support for the ILO and a representative would meet the Office shortly to discuss the payment of overdue contributions. He urged member States to avoid reductions to the ILO budget for 1996-97 if at all possible.

81. The representative of Australia thought the Programme and Budget proposals for 1996-97 were fair and reasonable and had expressed full support for them in the Governing Body discussions in March-April. The ILO faced many challenges following the recent World Social Summit in Copenhagen and also the call for ILO services from many of the new member States. The Office deserved credit for the many administrative reforms carried out recently and it was interesting to note that more were proposed for 1996-97. The coming biennium should be a period of consolidation, especially for the activities of multidisciplinary teams. The process of reform should also be continued as the ILO aimed to develop a sustainable and affordable budget. The Office should look closely at how it could implement a continuing programme of reform.

82. It would be necessary to move away from the cost-cutting practices used up to now and search for more efficiencies through a philosophy of continuing improvement. The national administrations of many member States had done just that in recent years and would be able to offer valuable advice to the Office. In the next biennium however the ILO should continue its efforts to reduce

overheads. About 70 per cent of the ILO's budget was spent in Swiss francs, and it would also be necessary over the medium term to see what could be done to move part of this to lower cost centres. The priority for Australia was to support the programme and budget proposals as they stood, and over the next 18 to 24 months look at the issues raised during the course of the present discussion.

83. The representative of the Czech Republic expressed support for the Programme and Budget proposals for 1996-97, which had been discussed at length in the March-April Session of the Governing Body and reflected the reforms undertaken by the Office over the last few years. In spite of the fact that the ILO had to share problems faced by its member States, its programmes should be maintained by reducing administrative costs. In the case of possible future cuts the balance among different parts of the programme and budget proposals should be preserved. At the same time, he expressed his full comprehension of the reasons of the US delegation's approach.

84. The representative of Lebanon expressed full support for the draft Programme and Budget proposals for 1996-97, and made a special plea for increased allocations for training and technical and cooperation activities in west Asia. The multidisciplinary teams were carrying out very useful work but in the Arab States this needed to be supplemented by studies on the issues of home work, unemployment, child labour and disabled labour.

85. The representative of Kenya expressed full support for the Programme and Budget proposals for 1996-97, as it had done in the recent Governing Body discussions. However, some of the expenditure items needed closer examination. For example, of the \$38 million allocated for the African region, most was to be spent on technical cooperation activities and the work of multidisciplinary teams; very little was to be spent in the countries themselves. As well, a substantial proportion of the budget was spent in Geneva, but some of it, especially that relating to conferences, could easily be transferred away from headquarters.

86. The representative of Cameroon agreed with the statement by the representative of Senegal and expressed full support for the programme and budget proposals. The budget should ideally be maintained at its original level but, if reductions were necessary, the member States receiving technical cooperation should first be consulted.

87. The representative of France asked, in view of the discussion so far, what the proper role was for this Committee in relation to the programme and budget proposals. What were the limits of its authority, to what extent could it vary the recommendations from the Governing Body, and what would happen if its recommendations were not adopted by the plenary?

88. The Legal Adviser, in reply, said that the question concerned the extent and the limit of the powers of the Finance Committee in respect of programme and budget proposals approved by the Governing Body.

89. Article 13, paragraph 2(c) of the Constitution, which had resulted from a revision of the Constitution in 1945, provided that "the arrangements for the approval, allocation and collection of the budget of the International Labour Organization shall be determined by the Conference by a two-thirds majority of the votes cast by the delegates present, and shall provide for the approval of the

budget and of the arrangements for the allocation of expenses among the Members of the Organization by a committee of Government representatives”.

90. This fundamental provision had institutionalized the coexistence of two opposing principles:

- on one hand, the supremacy of the Conference, that is the tripartite forum, which was made responsible for adopting the provisions concerning the approval of the budget; and
- on the other hand, the special and pre-eminent role of governments in budgetary matters; the Conference being constitutionally required to ensure, in the provisions which it adopted, that the budget was approved by a committee of Government representatives.

91. This special institutional balance was also to be found in the Financial Regulations, which constituted the “arrangements for the approval of the budget of the Organization” referred to in the Constitution.

92. Article 6 of the Financial Regulations assigned to the Governing Body, with its tripartite structure, the responsibility for approving the programme and budget proposals prepared by the Director-General. At the same time article 6 of the Financial Regulations provided, as required by the Constitution, that the programme and budget proposals prepared by the Governing Body had to be referred to the Finance Committee for examination and report (paragraph 5), that the decisions of the Committee were taken by a two-thirds majority (paragraph 7), and that the Committee had to submit to the Conference for adoption the programme and budget proposals as approved by it (paragraph 8).

93. Article 7 of the said Financial Regulations also specified that no additional expenditure could be added to the budget without being first considered by the Governing Body.

94. Within this overall framework there was no doubt that, while the Finance Committee was not able to add proposals for expenditure to the Governing Body’s draft budget, it could validly consider, under the general rules of procedure for committees which applied equally to the Finance Committee, proposals for amendments designed to reduce the budgetary proposals submitted to it.

95. In practice, however, the power of the Committee to amend proposals submitted to it was only exercised in very exceptional circumstances and acted essentially as a brake on the Governing Body. It was because the Governing Body, in particular the Employers’ and Workers’ groups, knew that the proposals that they approved still had to pass through the Finance Committee where in theory they could be amended, that they exercised self-restraint and strove to reach a consensus with the Government members in the Governing Body. Reciprocally, the Finance Committee, conscious of the fact that the budgetary proposals transmitted to it by the Governing Body represented a tripartite equilibrium with which it would be a very delicate matter to interfere, normally refrained from introducing reductions themselves to the income proposals to the extent that it implied also a reduction in programmes whose balance had to be discussed on a tripartite basis; in case of limited adjustments it would thus rather ask the Director-General to make proposals for such reductions after appropriate consultations. In case of more important adjustments, there was the possibility to

refer the matter back to the Governing Body which was supposed to hold a session during the Conference in accordance with article 8 of the Financial Regulations. The Committee was aware that, if it ignored the tripartite equilibrium reflected in the budget proposals, this could lead to a reaction in the plenary of the Conference itself when it came to vote on the budget, and that changes made by the Committee could in theory be referred back to it for further consideration if the Conference considered them unacceptable.

96. The representative of France asked also what were the powers of the Finance Committee to set the budgetary exchange rate.

97. The representative of the Director-General (the Treasurer and Financial Comptroller), said that the ILO had faced budgetary upheavals ever since the early 1970s, when fixed exchange rates for the major currencies had been abandoned. The size of the problem could be seen from the evolution of exchange rates in recent biennia: in 1980-81, 1.73 Swiss francs to the dollar; in 1982-83, 1.85; in 1984-85, 2.00; in 1986-87, 2.50; in 1988-89, 1.60. In 1990, the system was changed when the ILO moved to the assessment of contributions in Swiss francs, coupled with forward purchase contracts for requirements of US dollars. Until the introduction of forward purchase arrangements, the budget was unprotected against currency fluctuations. In 1988-89, the last period for which the Organization was totally exposed, each centime movement in the exchange rate between the Swiss franc and the US dollar implied a variation of approximately \$1.8 million in the programme and budget. When the Organization faced a deficit it was usually financed by a withdrawal from the Working Capital Fund, authorized by the Governing Body. As a result of the large surpluses and deficits occurring through the 1980s because of exchange rate movements, culminating in additional financing of around \$72 million for the 1986-87 biennium, the Governing Body requested that the Office look for a long-term solution to the problem.

98. Of the total ILO expenditures, about 70 per cent was in Swiss francs or currencies that moved in line with the Swiss franc, and the remaining 30 per cent was spent in US dollars or currencies related to it. To remove the exposure to currency fluctuations, from 1990 member States were assessed in Swiss francs and the 30 per cent of total expenditure related to the US dollar was bought forward in the currency markets. Under this arrangement, whenever US interest rates were higher than Swiss interest rates, a premium was receivable which was in due course refunded to member States. For 1996-97, preliminary quotations had suggested a premium of about 7 million Swiss francs. The final figure would not be known until the forward purchase contracts were executed but at present rates would be somewhat lower, perhaps about 5 million Swiss francs.

99. As some speakers had pointed out, if a currency was strong or weak it was always in relation to another currency, and this naturally meant that one country gained and another lost whenever exchange rates changed.

100. As the Director-General had stated earlier, if the exchange rate of 1.16 Swiss francs to the dollar prevailed, and after taking into account the revised forecast for Swiss inflation, the nominal value of the Programme and Budget for 1996-97 was less than the nominal value of the budget for 1994-95 by about 4,200,000 Swiss francs. Some speakers had suggested that discussions should be

deferred until the dollar appreciated against the Swiss franc, but it would be to member States' advantage to adopt the budget at the low dollar rate and reap the benefit themselves of any appreciation in the value of the dollar. In reply to a query from the representative of the United Kingdom, the Treasurer advised that the forward purchasing was executed as soon as the Committee approved the proposed programme and budget. The Committee then reconvened for the formal adoption of the budget resolution which, at that point, would contain exact figures in both US dollars and Swiss francs.

101. The representative of France expressed appreciation for the statements of the Legal Adviser and the Treasurer. The exchange rate, as the Treasurer had explained, was a problem that affected different countries at different times. France had always met its obligations, even when the exchange rate was not in its favour, but it was clear that the ILO could not have a budget dependent on exchange rates. Even for countries linked to the US dollar, an appreciation in the value of the dollar was not always helpful to them. The main problem for the ILO concerned the timing of income receipts, which was linked to the goodwill of member States, but the situation of industrialized countries was not the same as that of less-developed countries, so it was not realistic to expect all member States to pay at the same time. Nevertheless, the recent World Social Summit in Copenhagen in effect expanded the role and activities of the ILO and they would probably be maintained at that level. The ILO had to adopt a realistic budget which took full account of its future responsibilities. In the light of the explanations given by the Office, the representative of France proposed the following motion to the Finance Committee:

- (a) The Finance Committee of Government Representatives approves the draft programme and budget as voted by the Governing Body, and adopts an exchange rate of 1.16 Swiss francs to one US dollar.
- (b) The Committee requests the Director-General to present, as appropriate, to the Programme, Financial and Administrative Committee and to the Governing Body, whatever adjustments might prove to be necessary.

To enable time for the Office to prepare the motion for distribution to the Committee, he suggested that the motion be considered and voted upon the following afternoon.

102. The representative of the United States also expressed appreciation for the clear explanations from the Treasurer, and supported the suggestion of the previous speaker to separate the discussion of exchange rate problems from the discussion of the Programme and Budget for 1996-97. The purpose of the present system of forward purchase contracts was to remove the exchange rate problem because many member States had complained beforehand about the unpredictability of currency movements. There was wide agreement that the Office needed protection against these movements but many members of the Americas group were not convinced that the present scheme was entirely successful. Amendments were still required to the present budget level. There was plenty of room for more cuts and the United States could simply not accept the budget as it stood. She expressed particular appreciation for the statement of the Legal Adviser and welcomed also the proposal put forward by the previous speaker, which would be studied with great care.

103. The Treasurer, in response to a query from the representative of the Philippines, confirmed that after the reduction to allow for the revised Swiss inflation adjustment, the budget total was now US\$579.5 million which, at an exchange rate of 1.16 Swiss francs to the dollar, was equal to 672,220,000 Swiss francs.

104. The representative of Italy expressed appreciation for the motion put forward by the representative of France, which could be a part of the normal resolution for the adoption of the programme and budget submitted to the plenary.

105. The representative of Argentina said the Americas group still could not agree with the budget total and therefore could not vote in favour of the motion. Most of the member States would accept a compromise so the discussions should continue, but even if the 32 member States of the Americas group were excluded, the compromise still seemed some way ahead.

106. The representative of Cameroon accepted the motion put by the representative of France. The ILO was the only agency in the UN system involved in social issues, and in the present economic climate social considerations were not to be overlooked. The ILO must be in a position to fulfil its mandate, and this presupposed adequate resources and funds to deal with the problems of unemployment and underemployment. Further budget cuts would undermine the ILO's capacity to meet these objectives. For this reason the motion put forward provided a way out as necessary adjustments could be made at some future date. The motion deserved the fullest support.

107. The representative of Senegal requested clarification of the impact of an exchange rate of 1.16 Swiss francs to the dollar on budget assessments before any decisions were taken. Even at an exchange rate of 1.45 Swiss francs to the dollar the 14 countries in the CFA currency zone in Africa would see a 130 per cent increase in their contributions.

108. The representative of Canada was pleased that the Committee was looking for a solution in a spirit of compromise. While all possibilities for consensus had not yet been explored and although the Swiss franc level of the budget was still too high, members were now speaking of setting priorities and protecting programmes and continuing the search for savings. There was room for more absorption of costs, but the proposal for a 6 per cent cost increase was still before the Committee so further discussions were needed to examine fully the scope for compromise. The effects of currency fluctuations on the assessments of countries in the dollar zone were still not clear and she would reserve her position until a study had been made of the proposed motion.

109. The representative of Sudan considered that the main issue before the Committee was quite clear: the Programme and Budget proposals for 1996-97 which were accepted by the Governing Body and were now being studied by this Committee would need the approval of a two-thirds' majority of members to be adopted. Many countries had expressed their willingness to adopt these proposals while others were against them, so it was by no means clear whether the required majority existed yet. As the Governing Body draft proposals had been adopted by the social partners, the motion proposed by the representative of France should be thoroughly discussed and the social partners consulted again before a definitive solution was chosen.

110. The Chairman advised that the motion proposed by France would be translated and distributed to the Committee before its next sitting.

111. The representative of France, at the next sitting of the Committee, asked for two corrections to be incorporated in the proposed motion contained in document F.C./D.6. In the first paragraph, the words "and adopts" should be replaced by the words "by adopting". The second referred to the French document only, where the verb in the last clause of paragraph 2 should be expressed in the conditional tense. The objective of paragraph 1 of the motion was clear enough and reflected the overriding concern of all member States that the ILO needed an approved budget so that it could continue to function. From recent discussions both in the Committee and elsewhere some member States did not consider paragraph 2 to be necessary. In effect, all that paragraph 2 said was that the Committee understood the difficulties faced by some member States and that the budget level would need to be revised. A vote on this motion would not be necessary at the present sitting. The main objective of this discussion should be to decide a mechanism for dealing with exchange rate problems.

112. The Treasurer, replying to a query, confirmed that for budgetary purposes the proposals were costed in two currencies, the US dollar and the Swiss franc. The US dollar element totalled \$160.5 million which, at 1.16 Swiss francs to the dollar, equated to 186,180,000 Swiss francs. To this was added the Swiss franc component of a little over 486 million Swiss francs, giving a budget total of about 672.2 million Swiss francs.

113. The representative of Ghana thought that there was a growing consensus in favour of the budget after the amendment for the revised Swiss inflation figure. The proposals had already been examined by the Governing Body and appeared to be quite reasonable for what the ILO was trying to do. Some speakers had favoured a detailed review of the whole budget but they were outweighed by those who had spoken in favour. The Director-General had already indicated that cuts had been made and if the Committee wanted more they would have to be discussed very carefully.

114. The representative of Argentina expressed appreciation for the motion proposed by the representative of France which had been discussed carefully in the Americas group. He agreed with the previous speaker that there seemed to be an emerging consensus in favour of the proposal in paragraph 2 of the motion which would mean that the present proposals might not be fully implemented. The Americas group were concerned that their position might be misunderstood by the other members of the Committee. They were fully in favour of maintaining technical cooperation programmes, but adjustments should be agreed by consensus with contingency plans to adapt the programmes in an orderly fashion. The Employers and Workers should also participate in this process and it might be useful to set up a working party, with representation from all the regions, to take these discussions forward. The Americas group still adhered to its original position of zero nominal growth, with the proposals expressed at a realistic market exchange rate.

115. The representative of Italy had examined in detail the terms of the motion proposed by the representative of France. The draft Programme and Budget proposals for 1996-97 now before the Committee had been approved after

lengthy discussion in the Governing Body and the Finance Committee would have to make proposals to the plenary of the Conference because the Organization could not function without an approved budget. Accordingly, there was no objection in principle to paragraph 1 of the motion. It was equally clear from the course of discussion so far that the level of the programme and budget would have to be adjusted, even though the reduction just proposed by the Director-General would reduce cost increases for 1996-97 from 7.23 per cent to 6.26 per cent. Paragraph 2 of the proposed motion was concerned with the level of the budget which in turn was a matter of priorities decided by the Committee. This would be affected by the level of contributions paid to the Office and the motion proposed a delegation of authority to the Governing Body to adjust the level of the budget as necessary. This would not be a simple process and, rather than a working group, it might be better to arrange for consultations with some Members of the ILO.

116. The representative of Canada appreciated the spirit in which the motion proposed by the representative of France had been put forward but it was clear that the budget level had to be reduced and a consensus reached on a final level. The original programme and budget proposals submitted to this Committee totalled US\$466 million, or US\$500 million after adjustments for cost increases. When recast at current exchange rates, this figure increased to \$578 million. It was clear that the budget would not be funded at this level so these figures represented an expenditure ceiling rather than a realistic budget. If it was to be adopted at this level and adjusted later, all member States would face increases. The Committee had to look for innovative solutions to this problem rather than stick to the old ways of doing things. The objectives of its discussion should be to approve the budget, to reconcile the concern of member States concerning assessments and the impact of exchange rates, to confirm priority activities, and to reaffirm its support for the principle of tripartism. She expressed support for the proposal put forward by the representative of Argentina, who suggested that a working group should be set up to examine the budget level in detail.

117. The representative of Belgium observed that the revised proposals put forward by the Director-General totalled just over 672 million Swiss francs. Many member States had expressed support for the budget at this level, while some favoured a compromise based on consensus. Some member States had opposed the budget, but agreed to some sort of compromise without giving details. Some had argued against reducing the budget because it was for the Governing Body to decide priorities, not this Committee. A working group was surely not necessary because, even on its recommendations, there would be no full consensus in favour. A better course would be to adopt the amended budget put forward by the Director-General, and leave it to him and the Governing Body to make adjustments in future as required. He expressed support for the motion, which avoided pitfalls and seemed to be a reasonable step forward. Whether a working party should be set up could be considered later.

118. The representative of Cuba said that the Americas group had listened carefully to the statements made by other member States and was aware that its viewpoint was hampering the approval of the budget. The member States of the Americas group had never said that they were opposed to the budget. In the

Governing Body discussions they had expressed support for it, but had warned of the need for review because member States of the region were likely to encounter difficulties in paying their contributions. It was important to reach agreement on a budget level that could be implemented in practice, rather than one where the Director-General would have to propose reductions to allow for income shortfalls. The Americas group was willing to support the budget but there had to be a strong consensus that it was set at a realistic and feasible level. They supported the suggestion put forward by Argentina for the establishment of a working group because it would help to clarify the issues.

119. The representative of South Africa said there seemed to be a complete turnaround now from the majority of views expressed the previous day, when almost all speakers had been in favour of the budget. Now, an element of compromise had crept in. If a working group was to be set up, it should begin with the idea of supporting the budget rather than looking for reductions. It was perhaps a fine distinction but it should be borne in mind.

120. The representative of Pakistan observed that there had already been a considerable amount of discussion on the programme and budget proposals and it would be right now to take the decision in paragraph 1 of the motion. Paragraph 2 also proposed a sensible solution for deciding the level of the budget and he urged its adoption by the Committee. Adjustments to the level of the budget could be made later by the Governing Body.

121. The representative of Nicaragua reminded the Committee that the Governing Body had accepted the draft programme and budget in April, in spite of criticisms related to an unrealistic exchange rate figure, and had now submitted it to the Conference for adoption. There was a consensus among members that a budget had to be adopted for the Organization, so the discussion should now focus on the recommendations put forward by Belgium and Argentina.

122. The Chairman recalled that the representative of France had indicated a preference for a consensus rather than a vote. There was a broad consensus emerging that the Organization needed a realistic and feasible budget to function and meet the aspirations of its Members, as well as take account of the concerns expressed about cuts in technical programmes. The Committee should now have wide-ranging discussions to find a mechanism for consensus, considering both the proposal for the creation of a working party and the proposal that the matter be left in the hands of the Director-General who would prepare submissions on budgetary adjustments to the Governing Body.

123. The representative of Sweden fully supported the statement by the representative of South Africa. It would not be a good idea to refer the budget back to the Governing Body without all members having agreed to it, and there was a need for a working party which could indicate to the Governing Body in November possible avenues to be explored.

124. The representative of the United States said that there would be a consensus in her Government that the Organization must have a workable budget rather than a "continuing resolution". The spirit of consensus that a tripartite organization could achieve made the ILO a unique Organization and discussions should move forward with this end in view. It was regrettable that her Government was unable to be specific about the level of the budget for 1996-97

which would be acceptable and for which assessments could be paid, as well as the level of contribution payments the Organization could expect for 1995. A vote had been taken in Congress the previous day concerning voluntary contributions for international organizations in which a requested amount of US\$425 million had been reduced to US\$225 million. This cut would affect all agencies, and while there would not necessarily be a parallel cut in the ILO budget, a reduction was highly likely. A number of speakers had made useful suggestions and a working party would be a useful initiative to help the Committee examine methods of meeting the concerns of governments and perhaps present submissions to the Governing Body before November. The Americas group position in the Governing Body was that the original cost increases of 7.2 per cent should be fully absorbed, and the subsequent reduction to 6.2 per cent was a useful first step. National administrations were facing even harsher cuts: in her own department funds had been reduced by 45 per cent in real terms within the last eight years and international organizations should face the same discipline.

125. The representative of Nicaragua indicated that the Committee could neither abandon the draft programme and budget proposals approved by the Governing Body nor ignore the French proposal, which would avoid the Committee itself having to reduce the budget. Some Latin American countries had, by their very presence in the group of non-aligned countries, which supported the budget, agreed to adopt the budget as proposed. The Committee should focus on the motion proposed by the representative of France and vote as necessary on the basis of a realistic Swiss franc/US dollar exchange rate value of 1.16. Many countries might not be able to cope with their assessment amounts, but the activities of the Organization should not be impeded as a result. The proposal for a working group did not mean that France's proposal should be rejected, and the Committee should get down to solid discussion because members wanted to adopt a realistic and workable budget.

126. The representative of France appreciated the frankness and honesty of the representative of the United States in describing her Government's position, especially on problems related to fluctuations of the exchange rate. The Treasurer had made it clear that the Office would make every effort to try to resolve this problem. Countries would encounter exchange rate problems when they paid their contributions but at present the Committee needed to know whether countries intended to pay. This would clearly be a continuing problem for the next few years, but the Office needed assurances that contributions would be paid. If there were to be problems they needed to be faced now as the Committee had to decide whether to vote for the draft budget, as proposed by the Governing Body, while knowing that adjustments would need to be made later. He was against any action to modify the budget because this Committee did not have the competence to decide such matters. If a tripartite group were to be set up after the adoption of the budget by the Conference to make proposals for adjustments to the Director-General, this would be acceptable, but the basic difference between the two motions was whether the budget should be adopted as it stood now.

127. The representative of Argentina referred to the remarks made by the representative of Nicaragua and agreed that there was a consensus on the need for a realistic budget for the ILO. His Government had had to follow strict financial

policies and reduce the domestic budget because of today's international economic conditions, and he hoped that international organizations would do the same. His country was in a similar situation to that of the major contributor concerning its ability to pay contributions, although to a different degree as their levels of assessment were different. If the major contributor could not pay in full, what would happen if other countries also could not meet their financial obligations? The level of voluntary contributions which Argentina had made to United Nations organizations in the past to cover emergency situations would no longer be forthcoming as it had had to make stringent internal financial adjustments. It would be interesting to know what percentage of the proposed budget was likely to be implemented and whether the proposals for adjustments to be decided by the Governing Body would be valid, given that the representatives of developing countries did not always have a voice in the Governing Body. In relation to the setting up of a tripartite working group, and in response to the statements by the representative of France, the Committee should not reopen the budget debate entirely but should agree on a realistic level, knowing that some uncertainty still existed. The Committee should give the responsibility of deciding what should be done regarding budgetary changes to the Governing Body but it could suggest a budget level whose contribution assessments were in line with their ability to be paid. This would help immensely in the efforts to reach a consensus.

128. The representative of the United Kingdom suggested the Committee gauge the level of support of members for the proposal put forward by the representative of France before considering the proposal for a working party, in order to avoid a circular debate. Consensus was needed and a decision should not be reached on a take it or leave it basis. If the Committee decided in principle that the proposal by France should be taken further the motion could be adjusted to include the setting up of a Governing Body working party which could begin work immediately after the Conference. A working party of the Finance Committee would not be able to reopen the debate on the whole programme, whereas if it were only to be concerned with the level of the budget then this decision could just as well be taken by this Committee.

129. The representative of Germany shared the view of the United Kingdom that, in an effort to seek consensus, the Committee should discuss and perhaps amend the French proposal by including in it the creation of a working party to give due consideration to possible budgetary cuts and to look for a more acceptable level for the budget.

130. The representative of Bangladesh said that the Committee had to decide whether to support the proposed budget level, and, if not, what kind of changes it should accept. The budgetary problems were compounded by the difficulties that some of the larger contributors had in meeting their assessments as well as by the appreciation of the Swiss franc against the US dollar. If adjustments were to be made in the programme and budget proposals, what kind of mechanism should be used? The Governing Body had already discussed and agreed on the programme and budget proposals, so although a working party could not go into the same level of detail to examine and suggest changes, it could at least provide broad guidelines for the Director-General and the Governing Body on the type of adjustments which could be made. However, it should not propose radical changes

— it should let the Director-General recommend a balanced package of adjustments.

131. The representative of Canada thought that the search for consensus should continue and warned that to precipitate a vote might cause division in the Committee. The proposed funding level was the basic problem and this would be, as pointed out by the Treasurer, about US\$579 million at an exchange rate of 1.16. In principle, Canada could accept its share of the financial burden, as it has always done in the past by paying fully and in advance, and it was willing to do so again — but only its share of a realistic budget, not an expenditure ceiling. Before precipitating a vote there should be more effort to find solutions, perhaps in a working group, whereby mechanisms could be explored to help countries which had expressed concerns on their ability to pay their contributions.

132. The representative of Finland supported the first part of the motion proposed by France, and the possibility of creating a working party might be incorporated in the second paragraph. Any working party should limit itself to finding ways of setting guidelines for the Office rather than examining the proposals in detail again.

133. Miss Mackie, speaking on behalf of the Employer Vice-Chairman of the Governing Body, expressed appreciation for the opportunity to address the Committee again. The need for the Conference to adopt a budget for the ILO was widely accepted by the Committee and the fact that the present budget did not meet the requirements of all member States might wrongly lead the Committee to conclude that it should not be recommended as proposed. If that were to happen, it would be procedurally very difficult to propose a programme and budget to the Conference which had received the necessary tripartite consideration. The proposal by France would almost certainly receive the support of the Employers' group. If the budget were to be adopted in due course by consensus, it would be the funding levels of the programme and budget proposals that the Governing Body would be asked to reconsider and not the priorities of the programmes defined in it. These priorities were aimed at reducing unemployment and executing field and technical cooperation programmes as agreed on by the Governing Body with its tripartite structure. It would be both necessary and logical for the programme priorities to be referred back to the Governing Body for judgement on how these could be accommodated once the financial limits of the budget were known. The possibility of a working party had been mentioned. That would be regarded with some anxiety. However, the Director-General should work closely with the officers of the Governing Body and of its Programme, Financial and Administrative Committee, in preparing adjustments for the Governing Body to consider. Despite the current level of the dollar against the Swiss franc she hoped that the Committee would accept the programme and budget proposals as amended because if they were to be accepted and the forward purchasing of dollars carried out, any subsequent increase in the value of the dollar would lower assessment rates expressed in dollars. Member States should not focus on the current exchange rate of 1.16 as the rate only became important at the moment they paid their contributions, which might not be for another 12 months or more. She believed that the tripartite partners would wish to support the resolution of the Financial Committee to the Conference, and

hoped that a consensus would emerge for France's proposal because any other ad hoc changing of the budget would be difficult for the groups to support. She hoped also that the Committee would accept the spirit in which these suggestions were made and it should know that the Employers' and Workers' groups only had the interests of the Organization at heart.

134. The representative of France, asked by the Chairman to explain the motion and the amendments proposed, explained that there were two problems facing this Committee. One related to the continuing need for helping the Organization to perform its functions, and in this respect there was a consensus that the Committee needed a budget. A second question was, how would the Committee manage the financial difficulties in the near future? Since the representatives of the United Kingdom and the Netherlands had put forward amendments to the motion, he suggested that those representatives be asked to explain the reasons behind the new draft proposals.

135. The representative of the United Kingdom pointed out that the first paragraph in the original draft remained unchanged. The Netherlands and the United Kingdom proposed an additional sentence in the second paragraph, and the addition of a third paragraph. In the discussions of the previous day, the representative of Argentina had proposed to the Committee to set up a working group to consider suitable adjustments. Certain representatives had supported the proposal in principle, but expressed reservations concerning its form and the time-scale for reaching conclusions before the end of the Conference. The United Kingdom felt that the idea of a tripartite discussion beginning sooner than the November Governing Body was worth preserving, and that therefore the officers of the Programme, Financial and Administrative Committee should meet in consultation with the Director-General. He was not wedded to this exact formula. The notion underlying the amendment was that the Governing Body should start thinking now rather than wait for its meeting in November.

136. There were two elements to the new paragraph 3: the first one was to request the Programme, Financial and Administrative Committee to evaluate the impact of exchange rate fluctuations. Several countries had earlier expressed concerns over their ability to pay their assessments because of fluctuations in the exchange rate. Exchange rates varied continually and there would always be a difference in rates between June and the time when the countries paid their contributions. By its very nature, the exchange rate would always be disadvantageous to some countries so it would not be sensible to make the exchange rate an excuse for altering the size of the budget. But he suggested that the Office could possibly examine how and to what extent it had been affected by exchange rate fluctuations in the past, and make suggestions in the light of such examination.

137. Looking at the second element of the amendment, there appeared to have been a great deal of confusion about the US dollar and the Swiss franc value of the budget. What exactly were the figures the Committee had talked about, and what was the effect of exchange rate variations on those figures? A characteristic feature of the ILO budget was that it was expressed in different currencies. Life would probably have been made much simpler for member States if the budget was decided and expressed in terms of only one currency. The Governing Body

should examine this proposal. The representative of the United Kingdom was grateful that the representative of France was ready to support the amendments and expressed hope that the Committee would also accept the motion in its amended form.

138. The representative of India pointed out that on the previous day he had supported the proposal by France. However, it was important to take on board some concerns expressed by other members in the Committee. He agreed with paragraph 3, although he felt that still more remained to be done in that respect. With regard to paragraph 2, he was not in a position to agree with the text as presently worded, and was happy to note that the United Kingdom delegate was not insisting on the exact wording of the draft. The idea of this amendment was to make sure that this Committee would request the Governing Body to examine the budget changes so that a more representative group consisting of representatives from other regional groups and tripartite constituents could look into the proposals. He further proposed the following amendment to the text: the second sentence of paragraph 2 should read as follows: "The Committee requests the Governing Body to discuss at its meeting on 24 June 1995 the said adjustments without delay, in close consultation with the Director-General." The effect of such an amendment would be to leave it to the Governing Body to find suitable mechanisms for adjustment.

139. The representative of Canada pointed out that after complying with the Chairman's request to reflect on the deliberations of the previous day, Canada would agree that in keeping with the spirit of the French amendment, it was important to arrive at a real budget through tripartite consultations. The revised proposals by Canada met many of the concerns of the Americas group, especially on how to manage the exchange rate over the years. Many member States were concerned that due to the impact of the exchange rate, there was a 25 per cent increase in assessments. However, she recognized the view of this Committee that one could not set the budget on the basis of exchange rate fluctuations. The position of the Americas group was that they wanted a zero nominal growth budget, and this should be possible if the Office made greater efforts to achieve savings in administrative expenses.

140. The representative of the Russian Federation raised two questions pertaining to the motion. Firstly, with regard to the meaning of paragraph 1, he wanted to know if the Committee had taken into account the Director-General's proposal to reduce growth in the budget to 6.2 per cent. Secondly, he noted that the Finance Committee had before it a budget which was not voted on in the Governing Body. He suggested that it would be better to use another term, such as "endorsed" or "recommended" instead of "voted".

141. The Treasurer replied that it was his understanding that the proposal by the representative of France had already accepted the level as recommended by the Director-General. Regarding the second point, he noted that if the first paragraph of the motion put forward by the representative of France was accepted, the rest of the wording in the paragraph would automatically disappear and the usual resolution would be submitted to the plenary session. The text of this draft resolution could be found in paragraph 9 on page 2 of the English version of Report II.

142. The representative of Sweden pointed out that after listening to the previous day's debate, he was tempted to suggest a fourth paragraph to the motion put forward by the representative of France, to request the Governing Body to consider changes in the Constitution of the ILO in order to give the Finance Committee a real task or, if not, to abolish it. Every other year the Finance Committee met to hold discussions which in fact had no serious consequences. Furthermore, as had been pointed out by the Employers' representative the previous day, this Committee was not expected to make any alterations in the budget either. Having read the Financial Regulations, he therefore decided to support the proposal by the representative of France and not to table his amendment.

143. The representative of the Philippines asked if the proposals by France and Canada could be translated into budgetary amounts.

144. The representative of Canada explained that on the previous day the Committee started with a reduced figure of approximately US\$500 million, representing a 7.2 per cent increase in cost. The revised Canadian proposal was to absorb the cost increase and not the impact of exchange rates, in which case the relevant figures would become US\$542 million, equivalent to 629 million Swiss francs. She hoped that the above figures would become more precise once the exchange rate was known.

145. The representative of Egypt, while agreeing with the text of the motion, pointed out that the amendments were not meant to impinge on technical programmes and the technical cooperation activities of the Organization. The amended paragraph should highlight the concerns expressed by others in the Committee about which programmes would be affected.

146. The representative of France pointed out that in the Finance Committee it was important that they spoke about the precise figures. The counterproposal and the figures proposed by the representative of Canada were not realistic. The budget figure originally proposed by the Governing Body had itself been the subject of extensive discussion and had since been amended by the Director-General, with the 7.2 per cent increase in cost being subsequently reduced to 6.26 per cent. The effect of the proposal was to take away the cost increase, or in other words ask the plenary to cut the budget, which was previously accepted by the Governing Body, by as much as 6.26 per cent. Further, the motion would be authorizing more adjustments, meaning additional cuts to the budget. He asked the Office to clarify the implications of the Canadian proposal.

147. The Treasurer, responding to the query from the representative of the Philippines, pointed out that if the paragraph proposed by the representative of France was accepted it would include the reduced figure as recommended by the Director-General of US\$579,500,000, equivalent to 672,220,000 Swiss francs. The figure proposed by Canada was just over 629 million Swiss francs which was about US\$542 million at the exchange rate of 1.16 Swiss francs for one US dollar.

148. The representative of Mexico pointed out that a great deal of confusion arose because the budget was set in US dollars and converted into Swiss francs. The Committee should adopt a realistic exchange rate, and should also take into account the ability to pay of the many countries in the Americas who had

expressed concern about the proposals. His own country was in a serious financial crisis at the moment, and its ability to pay international organizations was in jeopardy. The proposal by the United Kingdom and the Netherlands deserved full support and should be translated into a resolution and then submitted to the plenary. Referring to paragraph 1 of the resolution he agreed that the word "voted" should be replaced by the word "recommended". If this Committee established a realistic exchange rate it would be moving along the right track, since the difficulties facing many member States were in large part because of exchange rate fluctuations. In spite of those difficulties the Committee should, however, accept the budget and set a realistic exchange rate. He concluded by endorsing the Canadian proposal as supported by the Americas.

149. The representative of Belgium pointed out that the Canadian proposal meant deleting the 6.2 per cent increase in cost in a budget already at zero real growth. It would be interesting to know the rationale behind this proposal. A reduction of 6.2 per cent was quite substantial and could endanger ILO programmes and activities and perhaps also the valuable balance in the ILO's tripartite structure. There was also a risk in reopening a debate on the priorities in the budget, as the Employers' spokesperson had remarked. It was up to the Governing Body to amend its own priorities set in the budget and he therefore appealed to the representative of Canada to withdraw the amendment and work towards a consensus.

150. The representative of the United States was more optimistic now about reaching a consensus, and found the proposal put forward by the representative of Canada quite attractive. The Director-General had already proposed reductions which limited the increase over 1994-95 to 6.2 per cent to compensate for cost increases, but all the members of this Committee were aware that the cuts would go beyond this level. The budget should reflect this reality, and the Committee should accept the proposal by Canada. It was logical to have a mechanism through which the Governing Body could decide on how and where cuts should be made, and she expressed support for the proposal made by India. She shared also the concerns expressed by the representative of Egypt regarding the need to protect field programmes and technical cooperation activities.

151. The representative of Argentina supported the proposal put forward by the representative of Canada. This Committee had to make a recommendation to the plenary, so it was only natural that it should consider the proposals put forward by the Governing Body in some detail. In paragraph 1 of the motion put forward by France, amended by the United Kingdom and the Netherlands, it would be useful to include the figures given by the representative of Canada. The level of the programme and budget proposed by the Governing Body was not realistic in relation to forecasted income, but in a spirit of compromise a revised level could be agreed which recognized contributors' ability to pay. It was not at all clear whether the interests of developing countries had been given proper weight in the Governing Body discussions. Their main concern was to ensure that technical cooperation programmes were unimpaired, and this should be borne in mind in any review of budget priorities. The budget should also reflect more accurately member States' ability to pay, as was stated by the representative of Mexico.

152. The representative of Tunisia, as spokesperson for the group of non-aligned countries, had listened to all the views expressed and hoped a consensus could be found. The group supported the motion proposed by France, as amended by the United Kingdom and the Netherlands, with respect to paragraphs 1 and 3, and this proposal constituted, in itself, a compromise solution to meet the concerns of a majority of the Committee. The additional amendment of paragraph 2 proposed by the representative of India was a valuable suggestion, but could perhaps be recast in slightly different terms. He proposed that it should read: "The Committee requests the Governing Body to decide at its next meeting on 24 June 1995 on the appropriate procedure to be followed for examination without delay of these adjustments."

153. The representative of South Africa congratulated the French, Dutch and United Kingdom representatives and supported the spirit of consensus in their proposals. He was however worried about figures as there could be, with the proposed amendment of Canada, a double cut in the budget. If the Committee were to make a 6 per cent cut now and then if later on countries could not meet their assessment obligations, there would be more cuts on this lower budget level. This would surely mean that his country and others would see a reduction in the programmes from which they currently benefited. If the Committee did agree to the cuts requested, did this mean that the countries asking for them could then meet their obligations in full? It would be useful to hear a reply to this question from the countries concerned.

154. The representative of Cameroon supported the French proposal as it conformed to normal procedures in the ILO whereby the Governing Body proposed a programme and budget to which this Committee could propose amendments. The amendment put forward by the representative of Tunisia deserved full support because any cuts in technical cooperation activities would affect developing countries. The Governing Body was the proper place for these discussions.

155. The representative of Panama supported paragraph 2 as amended by India because it would take pressure off the Director-General as he would have a tripartite group to assist him with any reductions that had to be made. Paragraph 3 of the proposal was in line with the Americas group concerns of the effect of exchange rate fluctuations on the budget and would serve to give more control over this factor in future budgets.

156. The representative of the Netherlands, speaking also on behalf of the United Kingdom, supported the amendment proposed by the representative of Tunisia. He asked also whether the word "adjustments" in paragraph 2 was also to include the potential adjustments of the number of posts established by the budget of the Organization.

157. The Chairman confirmed that the adjustments did indeed also include the potential adjustments of the number of posts established by the budget of the Organization.

158. The representative of Germany thought the discussion was becoming rather complicated as no new figures had been given. He understood that the French proposal was no more than leaving the budget as it was and making adjustments in the autumn, whereas the Canadian proposal requested cuts now,

an initial 6 per cent, and more cuts later on based on this reduced figure. This would be a dangerous move and he could not support this proposal. He supported the proposal by the representative of Tunisia that the Governing Body decide on the procedure to be followed in the autumn, and he reminded members that if they were to make cuts at that stage they should do so only after the most careful discussion. If resources were not available the Organization could not carry out its obligations.

159. The representative of Spain preferred the budget to be adopted as approved by the Governing Body as he thought this level of expenditure was quite acceptable. He was aware of the effect of exchange rate fluctuations on the United States and members of the Americas group but they were not alone. His own country, although not a major contributor, would also have problems in paying its contributions because of the devaluation of the peseta. However, because of the importance of the ILO to its Members, the Committee should accept the budget as proposed by the Governing Body but if there were to be cuts they should be agreed by consensus even though they would help many countries by reducing their assessments. On the other hand, if a 6.2 per cent reduction would enable the Committee to come to a realistic solution, he would support it.

160. The representative of Trinidad and Tobago on behalf of the CARICOM group supported the motion of France, the United Kingdom and the Netherlands as it met the concerns of the Caribbean community countries.

161. The representative of the Philippines was willing to support any solution which would ensure a budget level of 672 million Swiss francs, the level agreed to in the Governing Body. He was not in favour of the Canadian proposal for further reductions.

162. The representative of France thought the Committee, contrary to appearances, was close to a solution. There was general agreement on paragraphs 1 and 2 of the motion and he supported the amendments of Egypt and Tunisia. The sole remaining problem was the need for consultation on the Canadian subamendment as the only differences were in the figures. The French proposal did in fact have figures, those of the draft programme and budget proposals. Canada also had a figure of US\$542,347,000 which was US\$37 million, or 6.25 per cent, less than that of the French proposal. While this was a substantial amount, it was still less than the arrears of certain countries. If the Committee were to agree to a cut of US\$37 million, this would be proposed to the plenary but there was no guarantee that it would be accepted. The Committee did not have the right to take a decision in such a unilateral way without tripartite consultation, as it could not cut technical cooperation or regional programmes, and it was up to the Governing Body to make proposals. He suggested that a vote be taken on the Canadian proposal for a cut of US\$37 million.

163. The representative of the United States, responding to the question put by South Africa about the level of commitment concerning payment of contributions which could be expected on a reduced budget, said she could not make a dollar commitment just now as budget hearings were presently taking place in Congress. She assured the Committee however that a decision to accept the budget level proposed by Canada would send a positive signal to her Government that the ILO was an Organization committed to meeting its mandate,

that it deserved its reputation for strong financial management and leadership, and that member States took their decision-making responsibility seriously. She did not believe that it was outside the realm of the Committee, even though it was a non-tripartite body, to decide on this reduction as it would in fact be the Governing Body which would decide on any changes to priorities concerning technical cooperation and regional programmes.

164. The representative of Pakistan pointed out that developing countries looked towards developed countries for assistance and that they themselves were used to having to make budgetary cuts. From the debate he was disappointed to note that UN bodies were also at the mercy of the developed countries as even these organizations could not function without the contributions of the developed countries. He thought that the amended motion of France, United Kingdom, Netherlands, Tunisia and India, which he supported, would satisfy the concerns of the developing world and hoped that it would be carried by consensus, which regrettably was not at all certain at the moment. One thing was obvious, a shortfall of US\$37 million in the budget would be a heavy loss and would affect the programmes of the Organization. The motion spoke of making adjustments in consultation with the Director-General and the Governing Body, which should satisfy the concerns expressed by other countries, but he hoped that any adjustments would be made in a way that ensured the provision of funds for priority areas.

165. The representative of Australia agreed with the German representative but after listening to the intervention of the representative of France he agreed that the Committee should not make such decisions without hearing from the Employers and Workers. It was true that the reduction in dollar figures proposed by Canada was less than the arrears owed and he would support the motion as amended by the United Kingdom, Netherlands, India and Tunisia.

166. The representative of the Syrian Arab Republic supported the consensus on the French motion as amended by the United Kingdom, the Netherlands and Tunisia, and felt the Committee should adopt the draft budget as accepted by the Governing Body. An extraordinary situation required extraordinary measures and although exchange rate fluctuations were normal, wide fluctuations in the Swiss franc/dollar exchange rate were abnormal and he hoped the Organization would reflect on a solution to such a sensitive and technical issue. He supported the suggestion of the United Kingdom that in future the budget should be in one currency, so that the problem would not recur. As Committee members were only representatives of governments they were not qualified to make the proposed changes because they should be accepted by the social partners. Although this budget might be a heavy burden for some, it should be adopted so that programmes for the regions and other assistance to developing countries would not be affected by budgetary difficulties.

167. The representative of Costa Rica supported paragraphs 2 and 3 of the combined French, Netherlands and United Kingdom proposal, but supported paragraph 1 as amended by Canada. However, she could accept the French proposal on paragraph 1 on the understanding that the working party established to prepare guidelines concerning budgetary cuts for the Governing Body would

contain representatives of the various regions, together with employers' and workers' representatives, and experts on technical cooperation activities.

168. The representative of Sudan thought that the Committee should try and reach consensus on the French proposal as amended by the United Kingdom, the Netherlands, Tunisia and India. The Committee was facing many difficulties in trying to take decisions on behalf of the Conference on the budget decided by a tripartite Governing Body, and the opinions of the Employers and Workers needed to be considered. His country supported the French motion as amended, but it should be quite clear that any future reduction in the budget should not cause cuts in technical cooperation and regional assistance programmes.

169. The representative of Ireland thought the Committee was near consensus, except for the difference of 6 per cent in the level of the budget. In the text as amended there was the safeguard of the Governing Body to review any budgetary cuts made by the Committee and, as the Committee was close to agreement, he wondered, in the spirit of consensus, if the members could meet half way.

170. The representative of Uruguay supported the Canadian proposal in paragraph 1 but supported paragraphs 2 and 3 as amended. He thought paragraph 1 was the best compromise even though it involved a cut in the level of the budget as the Committee could then adopt a realistic solution.

171. The representative of Brazil said that the position of his country was very similar to that of other Latin American region countries and during the last Governing Body some of them had expressed reservations on the budget. Had the Organization taken full account of these reservations? His Government would certainly do its best to meet its obligations but it was not sure to what extent it could pay increased assessments. The budget should be feasible for all countries, but whatever cuts were made should not affect technical cooperation programmes. The Committee should understand clearly that the Organization would have to operate on a lower budget, but this should not impede progress towards a consensus.

172. The representative of Chile agreed with the views expressed by members of the Americas group and supported the Canadian proposals on paragraph 1.

173. The representative of New Zealand supported the motion of France as amended by the United Kingdom, Netherlands and Tunisia. She understood the concerns of the Americas group and supported their call for the Office to absorb more of the cost increases. The Office deserved to be commended for the reforms it had already undertaken, and, as other speakers had remarked, the adjustment procedure specified in paragraph 2 of the motion would provide an opportunity to make further cuts in overhead costs while protecting technical cooperation programmes. The French proposal as amended deserved full support.

174. The representative of Honduras supported paragraphs 2 and 3 as amended by the United Kingdom but like other Americas group countries supported the paragraph as amended by Canada. Cutting the budget involved risks but the Office should be able to absorb cost increases without affecting technical programmes.

175. The representative of Peru supported Canada's proposal and the subamended paragraph 1 because it would allow scope for the Office to make administrative adjustments while finding innovative ways to protect technical cooperation and field activities. Paragraphs 2 and 3, as amended by the United Kingdom, the Netherlands and Tunisia, could be supported as they stood.

176. The representative of Bangladesh supported the amendment of Tunisia but stressed that the adjustments referred to in paragraph 2 should protect the field and technical assistance programmes of the least developed countries, especially those of sub-Saharan Africa. Programmes for the alleviation of poverty and unemployment should also be fully safeguarded.

177. The representative of Norway understood the difficult situation of some member States in relation to the sharp increase in assessments in dollar terms, but had some concerns regarding the Canadian proposal. If a cut of 6 per cent was made now, it was not clear what cuts would be made later or where they would lead to. He supported the motion as amended by the United Kingdom, the Netherlands and Tunisia.

178. A number of points of order relating to procedure were raised and the Chairman adjourned the meeting so that the Legal Adviser could attend.

179. The Legal Adviser informed the Committee that the list of speakers had been exhausted before it went into recess and it was appropriate now to consider the decisions that had to be taken. The correct procedure was to consider each subamendment of the first paragraph of the motion, before proceeding to the adoption of the final text for the paragraph, which itself could then be adopted or rejected. The same procedure would then be applied in turn to the remaining paragraphs of the motion.

180. The representative of Mexico observed that the total of the budget for 1996-97 was more than \$110 million higher than that for the present biennium, and over the last four years had grown by about 40 per cent in dollar terms. It was clear from the points of order that had been raised that the text of the motion was not acceptable to all member States. The Americas group would prefer the text to be agreed by consensus rather than by vote and he suggested that the meeting should be adjourned at this point and discussions resumed the following afternoon.

181. The representative of France said that the purpose of this meeting was to vote on the motion that he had proposed. The representative of Mexico had now proposed an adjournment and this should be voted on immediately.

182. The Legal Adviser pointed out that article 15 of the Standing Orders of the Conference referred to the procedure for motions, resolutions and amendments in the plenary of the Conference. As far as Committees of the Conference were concerned, these matters were governed by article 63. Motions as to procedure could be moved without previous notice and it was therefore appropriate now to consider the motion proposed by the representative of Mexico.

183. The representative of France was not in favour of the motion put by the representative of Mexico because no useful purpose would be served by postponing the discussion.

184. The Committee then proceeded to a vote by show of hands on the motion put forward by the representative of Mexico. The result of the vote was as follows: in favour of the motion — 26; against the motion — 45; abstentions — 5; the quorum was 55 and the vote was therefore valid; the motion was lost for lack of a two-thirds' majority.

185. The Chairman then declared that the Committee could proceed to a vote by show of hands on the subamendment put forward by the representative of Canada. The text of the motion, including the subamendment, was as follows: "The Finance Committee of Government Representatives approves the draft programme and budget as recommended by the Governing Body, by adopting an exchange rate of 1.16 Swiss francs to 1 US dollar, but with full absorption of cost increases."

186. The representative of France said that this seemed to imply a reduction of about \$37 million in the budget and he asked the representative of Canada to clarify exactly what was meant by the phrase "full absorption of cost increases".

187. The representative of Canada said that her intention was that the 6.26 per cent increase for inflation in the Director-General's revised proposals should be reduced to zero, in other words, that the Programme and Budget for 1996-97 should be based on \$466,510,000, the same as for 1994-95.

188. The Treasurer said that the effect of the subamendment proposed by the representative of Canada would be to remove in full the original 7.23 per cent cost increase included in the draft Programme and Budget for 1996-97 approved by the Governing Body. The amended budget total, with full absorption of cost increases, would then be \$545,368,000, which, at an exchange rate of 1.16 Swiss francs to the dollar, equated to 632,627,000 Swiss francs. The original figures were \$579,500,000 and 672,220,000, giving differences of \$34.13 million and 39.6 million Swiss francs respectively.

189. The representative of the Philippines observed that the original motion put forward by the representative of France proposed zero real growth, whereas the effect of the proposed subamendment would be negative real growth.

190. The representative of Canada said that the intention of the subamendment proposed was for zero nominal growth, which in the present economic climate equated to negative real growth.

191. The Committee then proceeded to a vote by show of hands on the subamendment put forward by the representative of Canada. The result of the vote was as follows: for the motion — 13; against the motion — 57; abstentions — 6; the quorum was 55 and the vote was therefore valid; the motion was lost for lack of a two-thirds' majority.

192. The Committee then proceeded to a vote by show of hands on paragraph 1 of the original motion proposed by the representative of France. The result of the vote was as follows: for the motion — 63; against the motion — 4; abstentions — 11; the quorum was 55 and the vote was therefore valid; the necessary two-thirds having been attained, the Committee therefore adopted for proposal to the Conference the original text of paragraph 1 of the motion proposed by the representative of France.

193. The Committee then proceeded to paragraph 2 of the motion contained in document F.C./D.7.

194. The representative of India observed that there might be some confusion with this paragraph in view of the subamendment that he had proposed, which had been followed by another subamendment proposed by the representative of Tunisia. In view of the subsequent discussion, he wished to express full support for the subamendment proposed by the representative of Tunisia. He formally withdrew his proposed subamendment and expressed appreciation to those who had spoken in favour of it.

195. The Chairman said that the text of paragraph 2 of the motion contained in document F.C./D.7 now read as follows: "The Committee requests the Director-General to present, as appropriate, to the Programme, Financial and Administrative Committee and to the Governing Body, whatever adjustments might prove to be necessary and that these adjustments should not affect the technical cooperation and field programmes; and further requests the Governing Body, at its next meeting on 24 June 1995, to decide on the procedures appropriate for examination without delay of the said adjustments."

196. The representative of the Islamic Republic of Iran requested that the word "affect" should be replaced by the word "reduce".

197. The Chairman noted that there were no requests for the floor and declared paragraph 2 adopted after incorporation of the amendment requested by the representative of the Islamic Republic of Iran.

198. The Committee then proceeded to a consideration of paragraph 3 of the motion contained in document F.C./D.7. There were no requests for the floor and the Chairman declared the paragraph adopted.

199. The Treasurer announced that paragraph 1 would not appear in a formal resolution to the Conference because it was subsumed in the normal resolution for the adoption of the programme and budget. Paragraphs 2 and 3 would appear but there would be minor editorial changes to show that the requests were being made by the Conference, not this Committee.

Resolution for the adoption of the Programme and Budget for 1996-97 and the allocation of the budget of income among member States

200. The Committee had before it document F.C./D.9, which contained details of the Programme and Budget proposals for 1996-97 and a draft resolution for submission to the Conference. At the previous sitting the Committee had authorized the Office to carry out the forward exchange contracts for the Organization's US dollar requirements for the 1996-97 biennium. These contracts had now been formally executed, and the appropriate figures now to be inserted in the formal resolution were:

Budget of expenditure	579,500,000
Budget of income	579,500,000
Budget rate of exchange	1.16 Sw.frs. to the dollar
Equivalent budget total in Swiss francs	Sw.frs.672,220,000

201. *The Committee recommends that the Conference adopt the resolution for the Programme and Budget for 1996-97, the text of which appears at the end of this report.*

Financial implications of holding a Maritime Session of the International Labour Conference

202. The Committee had before it Report II: Draft Programme and Budget 1996-97 and other financial questions, containing a resolution submitted by the Governing Body concerning the holding of a Maritime Session of the International Labour Conference in January 1996.

203. The representative of the United States recalled that this subject had been discussed at the last session of the Governing Body, and her Government still maintained the same view that funds from one biennium should not be carried forward to cover expenditure in the next. If this resolution were to be approved, did it automatically follow that a Maritime Conference would be held in January 1996?

204. The representative of France had expressed approval at the last session of the Governing Body for a Maritime Session of the Conference in January 1996 and was still of the same opinion. Maritime Sessions should continue as a separate event and not be subsumed within the annual Conference. If funds were not available for a Maritime Session in January 1996 it should be postponed to the beginning of the 1998-99 biennium.

205. The Treasurer, in reply to the query from the representative of the United States, said that the resolution related only to the financing of the Maritime Session. It was for the Governing Body to decide whether the Maritime Session would be held, but if it so decided, it would be financed in the manner described in the proposed resolution.

206. The representative of Belgium agreed with the views expressed by the representative of France that in view of the financial situation it would be useful to study the possibility of postponing it until the 1998-99 biennium. To avoid needless expenditure this decision should be taken as soon as possible.

207. The Chairman recalled that the Governing Body would be meeting on 24 June 1995 to begin discussions on activities for the 1996-97 biennium. A decision on the Maritime Conference would be one of the matters for urgent consideration.

208. The representative of Tunisia agreed that the Maritime Session should be postponed given the costs involved and the financial difficulties facing the Office. There might be a procedural difficulty unless the date mentioned in the proposed resolution was deleted.

209. The Treasurer replied that the resolution could only be implemented if the Conference was held in January 1996 because of the timetable for closing the accounts for the 1994-95 biennium. This resolution would only apply if the Governing Body decided to hold the Maritime Session, otherwise it became redundant.

210. The representative of Germany also thought the Maritime Session was an important event in the ILO calendar but because of financial pressures it would be better postponed to 1998-99.

211. The representative of the United Kingdom agreed with previous speakers who had suggested postponing the Maritime Session to a future biennium. Since the financial picture was so bleak there were probably many other calls upon the Programme Flexibility Reserve so perhaps a resolution in these terms should not even be put to the Conference, and if it were not, how should the Conference be informed?

212. The Treasurer replied that perhaps the Legal Adviser could be asked to make the resolution more conditional before it was submitted to the plenary.

213. The representative of Denmark said it was several years now since the last Maritime Session was held and it would be better not to postpone the session planned for January 1996.

214. The representative of Greece agreed with the previous speaker and asked why the January 1996 Maritime Session should be postponed if it was to be financed from the current budget.

215. The Treasurer replied that the Governing Body would be given a mandate by the Conference to look at programme and budget adjustments and this was one it would examine. If the Maritime Session was to be held in January 1996 then the draft resolution now before the Committee would have to be passed by the Conference.

216. The representative of China recalled that the last session of the Maritime Conference was in 1987 and many speakers had expressed support for the session planned for January 1996. If it could not be held then because of financial constraints it should be held as soon as possible thereafter.

217. The representative of Belgium said there was widespread support for a Maritime Session in January 1996, both at the last Governing Body session and in the present Committee. A lengthy debate was unnecessary and the resolution should be adopted.

218. The representative of Egypt agreed that the Maritime Session should be postponed because of the financial situation in the ILO.

219. The Deputy Legal Adviser stated that the text of the proposed resolution related only to the financial arrangements for a session in January 1996 and therefore did not prejudice any decision that might be taken later as a result of the other resolution submitted to the Conference requesting the Director-General to propose adjustments to the 1996-97 programme and budget to the Governing Body for consideration. In order that there should be a clear understanding on this point, he suggested that the Chairman confirm that the draft resolution under discussion would be without prejudice to the other resolution just referred to.

220. The Chairman provided the suggested confirmation.

221. The representative of Russia thought that some possible misunderstandings might be avoided if the words "in January 1996" in the preamble to the resolution could be preceded by the words "if it is held".

222. The representative of Tunisia supported this suggestion because it would clarify the request to the Governing Body.

223. The Chairman, in reply to a query from the representative of Greece, confirmed that the resolution applied only to the funding of the Maritime Session if it was to be held. The decision on that point would be taken by the Governing Body.

224. The Treasurer, in reply to a query from the representative of Panama, confirmed that the figures in the table on page 2 of document F.C./D.9 were precisely the same figures that had been provided during the course of discussion. The two adjustments incorporated in this table were the reduction of about \$4.5 million to allow for the revised forecast for Swiss inflation and the re-costing of the proposals from an exchange rate of 1.45 Swiss francs to the dollar to 1.16 Swiss francs to the dollar. The Office would be happy to provide more detailed explanations at any time if members of the Committee so desired.

Appendices

225. A table showing the proposed summarized budget of expenditure and income for 1996-97 is appended to this report (Appendix I), together with a summary of the proposed expenditure budget for 1996-97 by Major programme (Appendix II).

226. A statement showing the contributions due from each member State for 1996 is also attached (Appendix III).

Geneva, June 1995.

(Signed) D.S. Boateng,
Chairman and Reporter.

Resolutions submitted to the Conference

Resolution concerning the adoption of the Programme and Budget for 1996-97 and the allocation of the budget of income among member States

The General Conference of the International Labour Organization,

- (a) In virtue of the Financial Regulations, passes for the 65th financial period, ending 31 December 1997, the budget of expenditure for the International Labour Organization amounting to US\$579,500,000 and the budget of income amounting to US\$579,500,000, which, at the budget rate of exchange of Swiss francs 1.16 to the US dollar, amounts to Swiss francs 672,220,000, and resolves that the budget of income, denominated in Swiss francs, shall be allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Government Representatives.
- (b) Requests the Director-General to present, as appropriate, to the Programme, Financial and Administrative Committee and to the Governing Body, whatever adjustments might prove to be necessary and that these adjustments should not reduce the technical cooperation and field programmes; and further requests the Governing Body, at its next meeting on 24 June 1995, to decide on the procedures appropriate for examination without delay of the said adjustments.
- (c) Requests the Director-General, the Programme, Financial and Administrative Committee and the Governing Body to evaluate the impact of exchange rate fluctuation upon the programme and budget, as well as the form in which the US dollar and Swiss franc values of the Director-General's future programme and budget proposals are presented.

Resolution concerning the holding of a Maritime Session of the International Labour Conference

The General Conference of the International Labour Organization,

Noting that the cost of holding a Maritime Session of the International Labour Conference if it is held in January 1996 is estimated at \$2,427,000,

Wishing to distribute this cost over the 1994-95 and the 1996-97 biennia;

Decides that, notwithstanding article 17.1 of the Financial Regulations, up to \$1,961,000 of the cost of the Maritime Session be charged to the accounts of the 1994-95 financial period against programme 140.6, Programme Flexibility Reserve (up to \$1,086,000) and Major programme 295, Unforeseen expenditure (up to \$875,000).

PROPOSED SUMMARIZED BUDGET OF EXPENDITURE AND INCOME FOR 1996-97

	Expenditure			Income			
	1994-95 Budget	1996-97 Estimates		1994-95 Budget		1996-97 Estimates	
	in US\$	in US\$		in US\$	in SF	in US\$	in SF
Part I							
Ordinary Budget	465 635 000	578 625 000	Contributions from member States	466 510 000	676 439 500	579 500 000	672 220 000
Part II							
Unforeseen Expenditure	875 000	875 000					
EFFECTIVE WORKING BUDGET	466 510 000	579 500 000		466 510 000	676 439 500	579 500 000	672 220 000

PROPOSED EXPENDITURE BUDGET FOR 1996-97 BY MAJOR PROGRAMME
(IN US DOLLARS)

CHAPTER	ITEM	TITLE	1994-95 BUDGET	1996-97 ESTIMATES (IN CONSTANT 1994-95 DOLLARS)	1996-97 ESTIMATES (RECASTED) 1.45 TO 1.16
PART I. ORDINARY BUDGET					
A		POLICY MAKING ORGANS:			
	10	INTERNATIONAL LABOUR CONFERENCE	12,664,992	11,855,404	15,815,671
	20	GOVERNING BODY	2,367,153	2,277,153	2,766,718
	30	MAJOR REGIONAL MEETINGS	2,059,163	2,634,176	3,253,264
		TOTAL	17,091,308	16,766,733	21,835,653
B		GENERAL MANAGEMENT:			
	40	GENERAL MANAGEMENT	8,031,252	7,474,252	9,488,450
C		TECHNICAL PROGRAMMES:			
	50	INTERNATIONAL LABOUR STANDARDS AND HUMAN RIGHTS	18,568,566	19,190,369	23,808,796
	60	EMPLOYMENT	9,597,243	13,308,287	16,587,036
	65	ENTERPRISE AND COOPERATIVE DEVELOPMENT	8,574,122	9,783,031	12,137,226
	70	TRAINING	9,109,866	9,326,064	11,603,389
	75	TURIN CENTRE	4,785,000	4,785,000	5,130,000
	80	INDUSTRIAL RELATIONS AND LABOUR ADMINISTRATION	9,430,100	10,345,958	12,803,716
	85	MULTINATIONAL ENTERPRISES AND SOCIAL POLICY	772,947	1,051,299	1,302,629
	90	WORKING CONDITIONS AND ENVIRONMENT	15,368,615	16,418,568	20,384,037
	100	SECTORAL ACTIVITIES	14,068,789	14,068,789	17,672,696
	110	SOCIAL SECURITY	6,120,506	6,688,694	8,269,579
	115	INTERNATIONAL SOCIAL SECURITY ASSOCIATION	594,420	594,420	724,600
	120	STATISTICS	7,048,275	7,060,589	9,035,080
	125	DEVELOPMENT AND TECHNICAL COOPERATION	7,316,449	6,745,722	8,322,867
	130	INTERNATIONAL INSTITUTE FOR LABOUR STUDIES	4,684,330	4,774,330	6,021,750
	140	EQUALITY FOR WOMEN	601,695	701,695	871,013
	145	PROGRAMME FLEXIBILITY RESERVE	9,032,529	1,000,000	1,240,350
		TOTAL	125,673,452	125,842,815	155,914,764
D		SERVICE AND SUPPORT ACTIVITIES:			
	160	PERSONNEL	14,626,825	14,626,825	18,751,715
	170	FINANCIAL SERVICES	11,941,067	11,838,067	15,406,385
	175	INTERNAL ADMINISTRATION	36,351,232	35,029,793	46,943,250
	180	EDITORIAL AND DOCUMENT SERVICES	34,367,741	34,303,018	45,332,140
	185	COMPUTER SERVICES	11,926,358	11,926,358	15,217,362
	190	LIBRARY AND DOCUMENTATION	7,390,155	7,390,155	9,571,250
	200	PROGRAMMING AND MANAGEMENT	5,153,916	5,124,646	6,356,931
	210	LEGAL SERVICES	2,486,500	2,586,500	3,224,768
		TOTAL	124,243,794	122,825,362	160,803,801
E		RELATIONS:			
	220	RELATIONS AND MEETINGS	26,404,460	24,989,419	31,339,613

	225	EMPLOYERS' ACTIVITIES	4,821,075	4,882,325	5,805,717
	230	WORKERS' ACTIVITIES	13,677,684	13,738,096	16,254,763
	235	PUBLIC INFORMATION	4,946,250	4,831,090	6,243,077
	240	INTERNATIONAL RELATIONS	3,690,414	3,690,414	4,417,068
		TOTAL	53,539,883	52,131,344	64,060,238
F		REGIONAL SERVICES:			
	245	ACTIVE PARTNERSHIP	557,540	3,175,862	4,004,004
	250	FIELD PROGRAMMES IN AFRICA	36,810,215	37,285,233	42,395,999
	260	FIELD PROGRAMMES IN THE AMERICAS	32,816,918	32,177,810	37,403,162
	265	FIELD PROGRAMMES IN ARAB STATES	6,936,570	6,936,570	8,498,506
	270	FIELD PROGRAMMES IN ASIA AND THE PACIFIC	32,943,176	33,404,896	39,911,608
	280	FIELD PROGRAMMES IN EUROPE	10,420,742	10,942,478	13,023,916
		TOTAL	120,485,161	123,922,849	145,237,195
G		OTHER BUDGETARY PROVISIONS:			
	290	OTHER BUDGETARY PROVISIONS	20,389,682	20,488,832	25,959,010
		SUB TOTAL	469,454,532	469,452,187	583,299,111
		ADJUSTMENT FOR STAFF TURNOVER	(3,819,532)	(3,819,532)	(4,674,111)
		TOTAL OF PART I	465,635,000	465,632,655	578,625,000
	295	PART II. UNFORESEEN EXPENDITURE			
		UNFORESEEN EXPENDITURE	875,000	875,000	875,000
	296	PART III. WORKING CAPITAL FUND			
		WORKING CAPITAL FUND	-	-	-
		TOTAL (PARTS I-III)	466,510,000	466,507,655	579,500,000

Appendix III

Scales of Assessment

INCOME BUDGET FOR 1996-97 STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1996 (In Swiss francs)

State (French alphabetical order)	Percentage 1996	Assessed contribution for 1996	Credit in respect of the incentive Scheme 1994	Credit in respect of cash surplus 1992-93	Credit in respect of 50% of net premium 1992-93	Credit in respect of cash surplus 1990-91	Credit in respect of 50% of net premium 1990-91	Credit in respect of Working Capital Fund Annuities	Net Contribution for 1996
1 Afghanistan	0.0100	33 611	-	-	-	-	-	-	33 611
2 South Africa	0.3180	1 068 830	9	-	-	-	-	-	1 068 821
3 Albania	0.0100	33 611	-	249	93	216	164	-	32 889
4 Algeria	0.1578	530 382	67	-	-	-	-	-	530 315
5 Germany	8.9174	29 972 273	52 832	-	-	705	535	-	29 919 441
6 Angola	0.0100	33 611	-	-	-	-	-	-	32 371
7 Antigua and Barbuda	0.0100	33 611	-	-	-	-	-	-	33 611
8 Saudi Arabia	0.7100	2 386 381	10 393	-	-	-	-	-	2 375 988
9 Argentina	0.4734	1 591 145	-	15 080	5 602	-	-	-	1 570 463
10 Armenia	0.0542	182 172	-	-	-	-	-	-	182 172
11 Australia	1.4595	4 905 525	17 623	-	-	-	-	-	4 887 902
12 Austria	0.8530	2 867 018	7 576	-	-	-	-	-	2 859 442
13 Azerbaijan	0.1159	389 551	-	-	-	-	-	-	389 551
14 Bahamas	0.0197	66 214	87	498	185	-	-	-	65 444
15 Bahrain	0.0197	66 214	17	623	232	-	-	-	65 342
16 Bangladesh	0.0100	33 611	19	-	-	-	-	-	33 592
17 Barbados	0.0100	33 611	96	-	-	-	-	-	33 515
18 Belarus	0.2885	969 677	-	-	-	23 249	17 662	-	928 766
19 Belgium	0.9936	3 339 589	12 133	-	-	-	-	-	3 327 456
20 Belize	0.0100	33 611	122	-	-	-	-	-	33 489
21 Benin	0.0100	33 611	-	249	93	705	535	-	32 029
22 Bolivia	0.0100	33 611	-	-	-	-	-	-	33 611
23 Bosnia and Herzegovina	0.0123	41 342	-	-	-	-	-	-	41 342
24 Botswana	0.0100	33 611	-	-	-	-	-	-	33 611
25 Brazil	1.5976	5 369 693	-	-	-	101 451	77 069	-	5 191 173
26 Bulgaria	0.0814	273 593	-	3 489	1 296	-	-	-	268 808
27 Burkina Faso	0.0100	33 611	-	-	-	705	535	-	32 371
28 Burundi	0.0100	33 611	109	-	-	-	-	-	33 502
29 Cambodia	0.0100	33 611	-	-	-	-	-	-	33 611
30 Cameroon	0.0100	33 611	-	-	-	-	-	-	33 611
31 Canada	3.0596	10 283 622	37 659	-	-	-	-	-	10 245 963
32 Cape Verde	0.0100	33 611	-	-	-	705	535	-	32 371
33 Central African Republic	0.0100	33 611	-	1 994	741	705	535	-	32 371
34 Chile	0.0789	265 191	-	-	-	-	-	-	262 456
35 China	0.7248	2 436 125	3 972	-	-	-	-	-	2 432 153
36 Cyprus	0.0296	99 489	234	-	-	-	-	-	99 255
37 Colombia	0.0986	331 404	-	-	-	-	-	-	331 404
38 Comoros	0.0100	33 611	-	-	-	-	-	-	33 611
39 Congo	0.0100	33 611	-	-	-	-	-	-	33 611

Scales of Assessment

INCOME BUDGET FOR 1996-97
STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1996
(In Swiss francs)

State (French alphabetical order)	Percentage 1996	Assessed contribution for 1996	Credit in respect of the Incentive Scheme 1994	Credit in respect of cash surplus 1992-93	Credit in respect of 50% of net premium 1992-93	Credit in respect of cash surplus 1990-91	Credit in respect of 50% of net premium 1990-91	Credit in respect of Working Capital Fund Annuities	Net Contribution for 1996
40 Korea, Republic of	0.8062	2 709 719	-	-	-	-	-	-	2 709 719
41 Costa Rica	0.0100	33 611	-	374	139	1 409	1 071	-	30 618
42 Côte d'Ivoire	0.0100	33 611	-	-	-	-	-	-	33 611
43 Croatia	0.0888	298 466	-	-	-	-	-	-	298 466
44 Cuba	0.0518	174 105	-	-	-	6 340	4 817	-	162 948
45 Denmark	0.7076	2 378 314	7 191	-	-	-	-	-	2 371 123
46 Djibouti	0.0100	33 611	-	-	-	-	-	-	33 611
47 Dominican Republic	0.0100	33 611	-	-	-	-	-	-	33 611
48 Dominica	0.0100	33 611	-	-	-	-	-	-	33 611
49 Egypt	0.0690	231 916	754	-	-	-	-	-	231 162
50 El Salvador	0.0100	33 611	-	249	93	705	535	-	32 029
51 United Arab Emirates	0.1874	629 870	-	4 985	1 852	-	-	-	623 033
52 Ecuador	0.0197	66 214	-	-	-	2 113	1 606	-	62 495
53 Eritrea	0.0100	33 611	-	71	26	-	-	-	33 514
54 Spain	2.3298	7 830 691	21 216	-	-	-	-	-	7 809 475
55 Estonia	0.0419	140 830	-	-	-	-	-	-	140 830
56 United States	25.0000	84 027 500	-	623 122	231 509	-	-	-	83 172 869
57 Ethiopia	0.0100	33 611	122	-	-	-	-	-	33 489
58 The former Yug. Rep. of Macedonia	0.0100	33 611	-	-	-	-	-	-	33 611
59 Fiji	0.0100	33 611	99	-	-	-	-	-	33 512
60 Finland	0.6090	2 046 910	6 787	-	-	-	-	-	2 040 123
61 France	6.3189	21 238 455	66 428	-	-	-	-	-	21 172 027
62 Gabon	0.0100	33 611	-	623	232	-	-	-	32 756
63 Gambia	0.0100	33 611	-	-	-	-	-	-	33 611
64 Georgia	0.1159	389 551	-	-	-	-	-	-	389 551
65 Ghana	0.0100	33 611	-	-	-	705	535	-	32 371
66 Greece	0.3747	1 259 404	-	9 347	3 473	-	-	-	1 246 584
67 Grenada	0.0100	33 611	-	249	93	705	535	-	32 029
68 Guatemala	0.0197	66 214	-	498	185	1 409	1 071	-	63 051
69 Guinea	0.0100	33 611	-	249	93	705	535	-	32 029
70 Guinea-Bissau	0.0100	33 611	-	-	-	-	-	-	33 611
71 Equatorial Guinea	0.0100	33 611	-	-	-	-	-	-	33 611
72 Guyana	0.0100	33 611	-	249	93	705	535	-	32 029
73 Haiti	0.0100	33 611	-	-	-	-	-	-	33 611
74 Honduras	0.0100	33 611	-	249	93	-	-	-	33 269
75 Hungary	0.1381	464 168	2 113	-	-	-	-	-	462 055
76 Solomon Islands	0.0100	33 611	-	-	-	705	535	-	32 371
77 India	0.3057	1 027 488	4 223	-	-	-	-	-	1 023 265
78 Indonesia	0.1381	464 168	1 908	-	-	-	-	-	462 260

Scales of Assessment

INCOME BUDGET FOR 1996-97

STATEMENT OF CONTRIBUTIONS DUE FROM MEMBER STATES FOR 1996

(In Swiss francs)

State (French alphabetical order)	Percentage 1996	Assessed contribution for 1996	Credit in respect of the Incentive Scheme 1994	Credit in respect of cash surplus 1992-93	Credit in respect of 50% of net premium 1992-93	Credit in respect of cash surplus 1990-91	Credit in respect of 50% of net premium 1990-91	Credit in respect of Working Capital Fund Annuities	Net Contribution for 1996
79 Iran, Islamic Republic of	0.4610	1 549 467	-	-	-	47 907	36 394	-	1 465 166
80 Iraq	0.1381	464 168	-	-	-	-	-	-	464 168
81 Ireland	0.2071	696 084	1 672	-	-	-	-	-	694 412
82 Iceland	0.0296	99 489	292	-	-	-	-	-	99 197
83 Israel	0.2638	886 658	-	5 483	2 037	-	-	-	879 138
84 Italy	5.1256	17 227 654	50 165	-	-	-	-	-	17 177 489
85 Jamaica	0.0100	33 611	117	-	-	-	-	-	33 494
86 Japan	15.2215	51 160 984	29 453	-	-	-	-	-	51 131 531
87 Jordan	0.0100	33 611	3	-	-	-	-	-	33 608
88 Kazakhstan	0.1972	662 809	-	-	-	-	-	-	662 809
89 Kenya	0.0100	33 611	8	249	93	-	-	-	33 261
90 Kyrgyzstan	0.0321	107 891	-	-	-	-	-	-	107 891
91 Kuwait	0.1874	629 870	39	-	-	-	-	-	629 831
92 Lao People's Democratic Republic	0.0100	33 611	-	249	93	-	-	-	33 269
93 Lesotho	0.0100	33 611	-	-	-	-	-	-	33 611
94 Latvia	0.0814	273 593	-	-	-	-	-	-	273 593
95 Lebanon	0.0100	33 611	108	249	93	705	535	-	31 921
96 Liberia	0.0100	33 611	-	-	-	-	-	-	33 611
97 Libyan Arab Jamahiriya	0.1997	671 212	-	-	-	19 726	14 986	-	636 500
98 Lithuania	0.0838	281 660	-	-	-	-	-	-	281 660
99 Luxembourg	0.0690	231 916	715	-	-	-	-	-	231 201
100 Madagascar	0.0100	33 611	-	-	-	-	-	-	33 611
101 Malaysia	0.1381	464 168	1 122	-	-	-	-	-	463 046
102 Malawi	0.0100	33 611	-	249	93	-	-	-	33 269
103 Mali	0.0100	33 611	122	249	93	-	-	-	33 147
104 Malta	0.0100	33 611	122	-	-	-	-	-	33 489
105 Morocco	0.0296	99 489	279	-	-	-	-	-	99 210
106 Mauritius	0.0100	33 611	122	-	-	-	-	-	33 489
107 Mauritania	0.0100	33 611	-	-	-	705	535	-	32 371
108 Mexico	0.7766	2 610 230	709	-	-	-	-	-	2 609 521
109 Moldova, Republic of	0.0838	281 660	-	-	-	-	-	-	281 660
110 Mongolia	0.0100	33 611	23	249	93	-	-	-	33 246
111 Mozambique	0.0100	33 611	107	-	-	-	-	-	33 504
112 Myanmar	0.0100	33 611	122	-	-	-	-	-	33 489
113 Namibia	0.0100	33 611	86	-	-	-	-	-	33 525
114 Nepal	0.0100	33 611	-	-	-	-	-	-	33 611
115 Nicaragua	0.0100	33 611	-	-	-	-	-	-	33 611
116 Niger	0.0100	33 611	-	249	93	705	535	-	32 029
117 Nigeria	0.1134	381 149	-	-	-	14 090	10 704	-	356 355

Scales of Assessment

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118 Norway	0.5523	1 856 336	6 122	-	-	-	-	-	1 850 214
119 New Zealand	0.2367	795 572	852	-	-	-	-	-	794 720
120 Oman	0.0394	132 427	-	-	-	-	-	-	132 427
121 Uganda	0.0100	33 611	-	-	-	-	-	-	33 611
122 Uzbekistan	0.1356	455 765	-	-	-	-	-	-	455 765
123 Pakistan	0.0592	198 977	-	-	-	-	-	-	198 977
124 Panama	0.0100	33 611	175	-	-	-	-	-	33 436
125 Papua New Guinea	0.0100	33 611	122	-	-	-	-	-	33 489
126 Paraguay	0.0100	33 611	241	-	-	-	-	-	32 268
127 Netherlands	1.5655	5 261 802	17 634	-	-	-	-	1 102	5 244 168
128 Peru	0.0592	198 977	-	1 495	556	-	-	-	196 926
129 Philippines	0.0592	198 977	299	-	-	-	-	-	198 678
130 Poland	0.3328	1 118 574	5 497	-	-	-	-	-	1 113 077
131 Portugal	0.2712	911 530	1 828	-	-	-	-	-	909 702
132 Qatar	0.0394	132 427	434	-	-	-	-	-	131 993
133 Romania	0.1479	497 107	31	-	-	-	-	-	497 076
134 United Kingdom	5.2415	17 617 206	49 857	-	-	-	-	-	17 567 349
135 Russian Federation	4.3885	14 750 187	-	-	-	698 888	530 919	-	13 520 380
136 Rwanda	0.0100	33 611	-	-	-	-	-	-	33 611
137 Saint Lucia	0.0100	33 611	104	-	-	-	-	-	33 507
138 San Marino	0.0100	33 611	107	-	-	-	-	-	33 504
139 Saint Vincent and the Grenadines	0.0100	33 611	-	-	-	-	-	-	33 611
140 Sao Tome and Principe	0.0100	33 611	-	249	-	-	-	-	33 611
141 Senegal	0.0100	33 611	-	-	-	705	535	-	32 029
142 Seychelles	0.0100	33 611	-	-	-	-	-	-	33 611
143 Sierra Leone	0.0100	33 611	-	-	-	-	-	-	33 611
144 Singapore	0.1381	464 168	1 206	-	-	-	-	-	462 962
145 Slovakia	0.0814	273 593	-	-	-	-	-	-	273 593
146 Slovenia	0.0690	231 916	882	-	-	-	-	-	231 034
147 Somalia	0.0100	33 611	-	-	-	-	-	-	33 611
148 Sudan	0.0100	33 611	38	-	-	-	-	-	33 611
149 Sri Lanka	0.0100	33 611	95	-	-	-	-	-	33 573
150 Sweden	1.2105	4 068 612	13 019	-	-	-	-	-	4 055 593
151 Switzerland	1.1933	4 010 801	13 787	-	-	-	-	-	3 997 014
152 Suriname	0.0100	33 611	-	-	-	-	-	-	33 611
153 Swaziland	0.0100	33 611	-	-	-	-	-	-	33 611
154 Syrian Arab Republic	0.0493	165 702	67	-	-	-	-	-	165 635
155 Tajikistan	0.0197	66 214	-	-	-	-	-	-	66 214
156 Tanzania, United Republic of	0.0100	33 611	122	-	-	-	-	-	33 489

Scales of Assessment

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157 Chad	0.0100	33 611	-	-	-	-	-	-	33 611
158 Czech Republic	0.2564	861 786	377	10 918	4 056	-	-	-	846 435
159 Thailand	0.1282	430 893	1 336	-	-	-	-	-	429 557
160 Togo	0.0100	33 611	-	-	-	-	-	-	33 611
161 Trinidad and Tobago	0.0321	107 891	-	1 246	463	3 522	2 676	-	99 984
162 Tunisia	0.0296	99 489	-	748	278	-	-	-	98 463
163 Turkmenistan	0.0321	107 891	-	-	-	-	-	-	107 891
164 Turkey	0.3698	1 242 935	-	-	-	-	-	-	1 242 935
165 Ukraine	1.1242	3 778 549	-	-	-	87 361	66 365	-	3 624 823
166 Uruguay	0.0394	132 427	-	-	-	-	-	-	132 427
167 Venezuela	0.3328	1 118 574	-	13 210	4 908	-	-	-	1 100 456
168 Viet Nam	0.0100	33 611	12	-	-	-	-	-	33 599
169 Yemen	0.0100	33 611	-	-	-	1 409	1 071	-	31 131
170 Yugoslavia	0.1011	339 807	-	-	-	-	-	-	339 807
171 Zaire	0.0100	33 611	-	-	-	705	535	-	32 371
172 Zambia	0.0100	33 611	-	-	-	-	-	-	33 611
173 Zimbabwe	0.0100	33 611	-	374	139	-	-	-	33 098
TOTAL	100.0000	336 110 000	453 419	697 913	259 304	1 020 370	775 135	1 102	332 902 757

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Twenty-second sitting

Tuesday, 20 June 1995, 10 a.m.

President: Mr. Halliwell

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) – We shall begin this morning with the discussion of the reports of the Governing Body and of the Director-General.

Mr. SHAMENDA (*Workers' delegate, Zambia*) – I wish to congratulate the President and Vice-Presidents on their election to guide the proceedings of this very difficult 82nd Session of the International Labour Conference.

Allow me also to pay tribute to the Director-General of the ILO for his brilliant Report, the theme of which is *Promoting employment*.

The Director-General could not have chosen a better theme. Employment is work, and is what creates the wealth of nations. The Universal Declaration of Human Rights recognizes work as a right, but how many countries attending this Conference have treated work as a right?

The employment problem is a growing reality which unfortunately most of the governments in developing countries tend to ignore because they are overwhelmed by its magnitude. Indeed, the structure of employment is to a large extent being influenced by changes in the world economy and in particular by the process of globalization. At the same time national economies are putting their forces together in order to form trading blocs. These two forces, globalization and trading blocs, are threatening developing countries with marginalization, especially Africa and its economy in the international economy. This is so because their participation in the international community remains very minimal and they continue to experience unfavourable terms of trade in the world market.

At the country level, the employment problem is not seriously addressed by the economic reform measures most developing countries are currently undertaking under the IMF and the World Bank via structural adjustment programmes. As a result these economies are still faced with serious employment problems characterized by high levels of unemployment, underemployment, child labour, inequality and poverty.

These problems are likely to persist in most developing countries for three main reasons. First, their current lack of policies on employment. Secondly, even where employment policies exist they do not form part of the overall macroeconomic policy, which means that the employment policy is not clear. Thirdly, the lack of consensus in policy formulation and implementation. Governments tend to sideline

the other social partners, thereby negating the spirit of consultation as well as tripartism, even where the structure exists.

I am happy to note that the World Summit for Social Development recognized that poverty is on the increase at an alarming rate in countries where the IMF and the World Bank structural adjustment programmes are being implemented, and that unemployment is also on the increase. It is therefore important for the ILO to insist that governments implement the commitments of the Summit and in particular those concerning employment creation and broad-based consultation.

In my country, Zambia, the economy is faced with declining output and very low per capita income on the one hand, and high unemployment and accompanying poverty on the other, even though the Government is boasting that it has brought inflation down and that there is economic growth. One may ask, what economic growth can one boast about if the majority of citizens has been sentenced to absolute poverty? The majority of our people cannot even afford to buy new clothes and have been reduced to wearing second-hand clothes from developing countries.

Even using the Government's own statistics, a glance at our national income statistics show that between 1990 and 1994 economic growth occurred only in 1993. The real GDP growth in 1990 was –3.6 per cent, in 1991 it was –2.5 per cent, in 1992 it was –6.1 per cent, in 1993 it was +5.1 per cent and in 1994 it was –9.7 per cent. These figures confirm that there has been a general decline in the GDP averaging 0.5 per cent each year between 1991 and 1994.

With a population increasing at about 3.3 per cent per annum, the growth of real GDP per capita has averaged –3.4 per cent. This implies that per capita income has dropped by an average of 3.4 per cent per year, with the highest drop of 9.7 per cent in 1994. Looking at sectoral growth, vital sectors of agriculture, mining and manufacturing recorded negative growth in most of the years under review. In comparison with other developing countries undergoing structural adjustment programmes, the Zambian case is a disaster. Whereas the average growth in 1994 for all of Africa was 3.3 per cent, with countries going through structural adjustment reforms averaging 4.5 per cent and 2.9 per cent for non-reforming countries, Zambia recorded a 6.6 per cent decline.

The statistics on Zambia further reveal a drop in the standard of living, in spite of the so-called achievement vis-à-vis macroeconomic stabilization and the creation of an enabling environment. The income distribution patterns in Zambia mean that

the backlash of economic decline is bound to be felt most by the low-income groups. The decline in the agricultural sector of 19.8 per cent in 1994 has obviously affected the income of the majority of the Zambian population, as most of them obtain their livelihood from that sector. The statistics also show some correlation between growth in the agricultural sector and overall GDP growth. Therefore, any meaningful growth-oriented adjustment programme will have to address the problems besetting the agricultural sector.

The employment situation in Zambia is now characterized by high levels of unemployment and underemployment, with extremely low wages, particularly in the rapidly expanding informal sector. Since employment in the formal sector has been declining, the larger portion of the labour force is employed in the informal sector, which is predominantly agriculture. In 1991, agricultural employment accounted for about 65 per cent of the employed labour force in the informal sector, while the informal sector as a whole accounted for about 78.2 per cent of the employed labour force. In 1991, the rate of unemployment was estimated at 22 per cent of the labour force, which is quite high by any standard.

Associated with the informal sector is the high prevalence of child labour, although this problem is being underplayed in my country. According to the report by the Government Department of the Central Statistical Office on "Employment trends", child labour has increased, particularly among children between the ages of 7 and 12 who are part of the labour force and are reputedly economically active.

The major cause of this phenomenon is the fact that due to economic hardships and the effects of the structural adjustment programme, many households find it extremely difficult to live on the earnings of the head of the household, thus children have to work to supplement the household income. On the other hand, employers find children to be less demanding and cheaper.

Between 1991 and 1994, employment in the formal sector declined by an average of 2 per cent per annum. While employment was declining, redundancies and retrenchments increased.

The decline in formal sector employment could be attributed to many factors. Ranking high on the list is the negative effect of structural adjustment reform measures which the Government is vigorously implementing in an attempt to resuscitate the ailing economy. The adoption of a stringent fiscal policy implies reductions in budget deficit through large cuts in government expenditure. A cut in public sector employment becomes one of the means to attain this.

Similarly, the policy of wholesale economic liberalization and privatization has aggravated the employment problem.

In short, the employment problem is real and constitutes a threat to the social fabric of society. This is so because the most affected groups are youth and women. Therefore, practical and workable solutions are required to remedy the situation. This also requires the concerted efforts of all social partners. The first step would be the formulation of a practical and workable employment policy, which should form an integral part of the overall economic policy. The employment policy should incorporate a clear labour market policy, able to address issues such as redundancies and retrenchment as well as cope with cur-

rent labour market issues. Secondly, governments, particularly those implementing structural adjustment programmes, have to revise their current economic policies and move away from policies which tend to contract the economy in order to achieve balanced growth.

Finally, consensus and consultation on policy issues among the social partners are a necessity and very important. Social partners must be involved in the design and formulation as well as in the implementation of policies to ensure their success. Governments in developing countries must also ratify the ILO Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) to enhance and support the respective employment policies to be implemented.

Original Russian: Mr. MAYKO (Employers' delegate, Ukraine) – Firstly, I should like to congratulate the President on his election to chair this session of the International Labour Conference. This confirms the authority he enjoys in the world community.

The Report of the Director-General reflects the attention paid by the International Labour Organization to the problem of employment in so far as it represents a crucial social and economic evil.

The Report considers the profound changes taking place in this area and in our opinion shows fairly conclusively that society as a whole, the authorities, employers and even trade unions do not fully appreciate the gravity of the employment problems appearing in today's economy, and are unable to give a long-term forecast of the development of employment and the social consequences of changes in employment.

Therefore, the emphasis placed by the ILO on this problem is timely and necessary and we are sure it will promote, if not the solution, then at least the right approach to the problem.

The problem of employment has increased over the last five years, as we see from the Report, both in industrially developed countries and developing countries. None the less, the new developments in these countries which go beyond cyclical variations in employment do not call for immediate alarm. The problems of employment in these countries can be solved by making better use of existing mechanisms, modernizing them in part and, at the same time, gradually introducing new mechanisms, if necessary.

The situation is quite different, however, in transition economies. The Report notes the difficult and strange employment situation that has arisen in countries with transition economies as a whole and in the CIS in particular, including in Ukraine. The situation is bizarre because although industrial production in Ukraine has fallen by more than 30 per cent as compared with 1991, registered unemployment is 0.3 to 0.4 per cent. These data which reflect the situation as at June 1994 are cited in the Director-General's Report.

Industrial production in Ukraine has fallen dramatically. In a number of sectors it is only 60 to 80 per cent of 1991 levels. However, the number of registered unemployed has not changed significantly.

Many enterprises stand idle for weeks and even months, while the staff are on unpaid leave.

Hidden unemployment has become a major characteristic of the economy in the CIS, and in Ukraine

in particular. It is estimated that 20 to 25 per cent of those employed in industry are affected.

The Report has tried partially to explain this phenomenon. We agree that a person may want to maintain links with the enterprise to some extent because of the social benefits it may provide. However, these benefits are dwindling and their role is becoming negligible.

ILO reports which have been discussed at conferences in Ukraine have noted a further trend, namely a considerable fall in the number of people working in industry as a result of voluntary redundancies. At the same time, however, the workers involved are reluctant to register as unemployed. The difference in the number of persons dismissed and of persons registered as unemployed has, in a few years, reached 3 million. These people work in the informal sector or go abroad for temporary work.

In 1994, ILO experts started paying more attention to finding ways to speed up the integration of hidden unemployment into the official economy. In the Report of the Director-General, we see a more cautious approach to this problem. In our opinion, this change in the position of the ILO should be welcomed. Indeed it is precisely this hastening of reforms which has aggravated social problems in transition countries, including Ukraine, and has also squeezed Ukraine out of its traditional export markets, and caused a sharp drop in domestic markets.

We support the opinion expressed in the Director-General's Report, that an increase in unemployment would be "socially catastrophic" and "would surely threaten the social sustainability of the transition process and breed political instability".

We think the fears expressed in the Report are justified. Stimulating the wide-scale bankruptcy of enterprises until the market system becomes operational and until rational incentives begin to have an effect on operators will not necessarily lead to an obvious gain in effectiveness.

We support the Report's conclusion that there is plenty of justification for a more gradual approach to liberalization of trade, privatization and the restructuring of enterprises.

We are grateful to the ILO for the more realistic assessment of the reforms in the CIS countries. We also feel that the situation in transition countries requires particular attention. Perhaps the issue of partial employment in the transition countries should be studied separately – for example at the 83rd Session of the Conference.

The main way to solve the employment problem is by bringing about an economic recovery. As the industrialists and entrepreneurs of Ukraine begin to tackle this problem, they will be counting on at least the understanding, if not the support, of entrepreneurs in the West. Of course, we understand that it is up to us – the Ukrainian industrialists and the Ukrainian people – to solve these problems. The Ukrainian industrialists, together with employers of all types of entrepreneurial activity, have now set up the League of Employers. The aim of the League is to work on many of the problems raised in this Report.

Now I come to the problem of home work. In the sense used in the Report, in the years of the command economy, home work in Ukraine was virtually non-existent. It existed only in arts and crafts. Since the collapse of the command economy, the development of home work has been limited by the econom-

ic crisis. But in the future, this type of work might develop and it might help us to solve the employment problem. Therefore, discussion of this issue, in our opinion, is essential. It is important to share the experiences of many countries on this question.

I would like to share with you my opinion, which is based on my participation in the last two years at the sessions of the Conference. I think this is a kind of a school. It is a school where people with different opinions and countries with various economic situations, come together to discuss problems which are of interest to them all. One of these problems is social protection for their nations and for their working people. We are very happy that these problems are being solved through discussion and profound deliberations. It would be a very good thing if those experts who put forward proposals and recommendations on how to go about restructuring in the CIS, in Eastern Europe and in the newly developing countries, could discuss and analyse our problems as completely. Perhaps many of the ills and problems would not exist today if there were more discussion and help for us. Unfortunately the consultants sent from many of the developed countries to the CIS States and Eastern Europe see very clearly from their own point of view how we should restructure the economies of our countries. But they do not take into account the need for an in-depth understanding of the specifics of our countries. If you went to a doctor and said you had a stomach ache, and that doctor started cutting you up to see where the problem was, what would you think of that doctor? What would anyone think?

Unfortunately, the experts who come to transition countries issue recommendations, but the recommendations produce such painful results, that even those economic achievements which these countries had already obtained are threatened. The country then finds itself in a situation of utter misery, which was unprecedented before restructuring.

I think the ILO should try and work out exactly what the definition of restructuring is. It should have a correct assessment of restructuring. I think that any restructuring should be a way to improve the lives of people. Restructuring should not mean a drop in living standards which is so pronounced as to require decades to recover even to the levels which existed in these countries prior to restructuring. I think if a more correct assessment were to be given to these developments, then many government leaders who have brought restructuring to their countries and their countries to the brink of collapse would not be rewarded for the success of restructuring when their economies have completely fallen apart. I think the ILO's task here is very important. The ILO must take action. It enjoys a good deal of authority and can do much to help at least those countries now beginning to restructure to avoid the serious losses which we have seen in the past, thus avoiding social tension in those countries.

In conclusion, I should like to thank you for giving me the right to take the floor at such an important forum. I think that the issues which are discussed here are of vital importance to our countries, and I am sure that these discussions will be useful in dealing with these questions.

Original Spanish: Mr. GARRIDO MENDOZA (Government delegate, Venezuela) – I congratulate

the President on his election to lead the deliberations of our Conference: it is an honour for Latin America and one more step in the incorporation of our peoples to the cause of social justice at the international level.

Never as now have the governments and the peoples had the opportunity to carry our social policies of benefit to the weaker economic classes. The commitments which were made at the World Summit for Social Development, which took place in March in Denmark, are of such importance for developing countries and for the States which have not been able to overcome the crisis, that the ILO has to do everything to carry them out as swiftly as possible.

Venezuela is going through a crisis of civic values, in education, in the social ambit and in many other areas, but above all in the financial sector. The crisis comes in the midst of a period of high inflation due to the immense fiscal deficit which the previous governments had incurred, and to the excessive enrichment of the business class, whose speculative frenzy knows no bounds. But the people and the Government are going about their business in the conviction that, in a short space of time, they will be able to exorcise the demons of recession.

We know that society is living in the dark shadows of a breakdown in financial and industrial relations, but repeated opinion polls show a great deal of trust and confidence in Dr. Rafael Caldera, our President, and in his Government.

The joining together of will and capacity shows that it is not in the character of the Venezuelan people to let themselves be overcome by misfortune and despair. Therefore the country is making progress towards the solution of its most pressing problems, with singularly positive results for its democratic institutions.

Much of the Government's effort has been devoted to dealing with the financial sector, whose collapse threatened to engulf the savings of the poor and the middle classes, to stabilize the economy and set it on a path to growth, to control inflation and implement poverty-reducing social policies.

The absence of effective laws meant that for a short time the Government had to suspend some individual economic rights, so as to overcome the crisis and control inflation. Nevertheless the Government did everything that it could to maintain the social safety net, and to overcome social conflicts through dialogue and consultation between employers and trade unions. Unemployment, underemployment and low pay in Venezuela are problems that we are not trying to hide, but the Government is trying to encourage solutions involving savings by the workers. Through management agreements among public bodies these funds will be invested in large-scale housing projects for purchase by the workers. In this way jobs will be created.

The Ministry of Labour which I am heading is now being restructured in order to adapt it to the problems which we foresee will arise for workers in the future. One important aspect of this restructuring is the improvement of the Employment Service which will improve the functioning of the labour market and thus make it easier for the unemployed to find jobs.

Small and medium-sized industrial enterprises have retained their access to credit. The Government has also proposed a law whereby foreign investors

can invest in priority public works projects and retain management control until they have recovered their investment and made a profit.

At the same time, I would also like to highlight the "anti-inflationary commitment" jointly subscribed by the economic ministries and myself with the trade union organization, community organizations, the Central Bank of Venezuela and the employers' organizations in order to bring about recovery and create a competitive economy on the basis of equity, social justice and the control of inflation.

I congratulate the Director-General for the emphasis placed in his Report on employment promotion in the face of the harmful features of globalization and its troublesome concomitant social disintegration. Unemployment and the proliferation of poverty are extremely serious matters and they require new and radical policies, transcending the traditional framework. The cold war has been superseded by a climate of social and industrial anguish, anxiety compounded by a good dose of existential *angst*. The ILO must act in the international arena and, within each member State, through formulae which, in the image of the legal recognition of a person's identity, take into account the particular situation of each country, so as to allocate its technical assistance teams and its many specialized services on the basis of a new criterion of aid, namely international social justice.

The ILO should monitor carefully the activities of the WTO and study the formulation of consensual agreements which, by arbitrating their differences, could enable governments to support the so-called "social clause". By this is understood the need to harmonize and generalize basic social and labour rights in the different regions of the world in such a way as to reduce the effects of unfair competition. This way ahead must be accepted because development should be the result of tripartite procedures, but it should not thereby be assumed that the social clause on its own is the solution to all the workers' problems.

Full employment will not be possible so long as we live under the current harmful circumstances which stand against the principles underlying the place of labour in society, and of justice for the deprived, for children, for abused women, for the elderly left to their own devices, in circumstances of unspeakable sadness.

It is not enough that the United Nations should intervene in extreme situations to attenuate the violence of localized armed conflicts or the sorrowful exploitation of defenceless workers. The new social policy must have elements of compulsion so as to bring to an end, once and for all, the exploitation of man by man, and to prevent technological progress from devaluing work or financial gain from promoting production methods of a kind which ignore the demands of social justice.

Wealth cannot be an end in itself. To dignify wealth it must be understood that it should be at the service of man and of all men, as a legitimate security for the defence of dignity. To be sure, all governments agree on the need to adopt radical and revolutionary measures to fight unemployment and extreme poverty, but they must also be on their guard to ensure that such measures do not end up by violating the rights acquired by workers in all countries.

It is all very well that the World Trade Organization should encourage economic development, but those who lead it should not forget that labour, being as it is the accumulation of creative and positive human will, is an inexorable factor in production.

It is unacceptable that millions of women and children in many countries labour away without any protection whatsoever. It is a disgrace that there has been no fierce condemnation by international organizations like the ILO of the irresponsible indebtedness which burdens our peoples with the payment of well-nigh usurious interest payments, holding back our countries' development, or of the hunger and misery suffered by entire peoples, cities and nations, which was placed in full view at the World Social Summit.

If on the one hand the WTO is becoming the forum for a new multilateral diplomacy favouring the globalization of the economy, on the other hand the ILO should become a powerful tool of social justice to overcome poverty, indigence and the cruel inequalities affecting half the planet.

An entente is necessary between the WTO and the ILO on the basis of a pact conciliating economic advantage with a greater recognition of the efforts of the working population.

The twenty-first century should be the dawn of a new era, of a new social climate, a new outlook, from which solutions and relief will come forth for the daily sense of failure of those who cannot work because there are no jobs and those who do work, but under inhuman and cruel conditions.

To be sure, there is no rational proposal other than that which values and promotes well-paid employment offering opportunities to all men and women, young and adult. The chronic unemployment affecting the world is a dangerous and dramatic scourge which places at risk the destiny of humanity as a whole, as the twentieth century dies out amidst wars over localistic rivalries, nationalism, and religious fundamentalism.

We cannot allow the twentieth century to end on a note other than that of a solid hope for change in social structures. The new century and the new millennium must not be allowed to begin amidst tragic inequality or dramatic suffering. The future of humanity rests on international understanding, peaceful coexistence and the search for the ideals of international social justice and corresponding action as the fundamental values underlying sincere solidarity among all men. Only in this way will the peoples enjoy a future of stability, enjoyment and peace.

Original French: Mr. VITTORI (representative of Pax Christi International) – The major preoccupation of our era and one with which politicians claim to be obsessed is the struggle against unemployment. The Report of the ILO Director-General, *Promoting employment*, is therefore in keeping with the spirit of the time. We are happy therefore to associate ourselves with those who congratulated the Director-General and his colleagues on a document containing a wealth of information, comparative data, analyses and forecasts to which the Director-General has given a note of optimism, in spite of many factors of uncertainty.

Having said that, I should like to share with you our opinions on two issues which appear fundamental to us. They concern workers as people and work

as an end in itself. We are still all imbued with the idea that work – of whatever type or purpose – is an activity, for which he or she who is doing it, is remunerated by a wage, fee or by profits. Experience has shown us that we have to be very careful about theories which are wrongly called “laws” even though there are no known legislators to whom we may appeal. Their mechanism necessarily seizes up when they find themselves incapable of integrating an unknown variable: the human factor.

Thus, the theory of supply and demand should necessarily be the outcome of spontaneous harmonies. The problem is that we do not know how many generations it will take for this to happen. Meanwhile, cruel and intolerable injustices prevail. First of all it was necessary to impose morality on conditions of work and to protect the health and dignity of workers, in particular children and women. In view of the rules of competition, this could not be left to the goodwill of the entrepreneurs. Any entrepreneur who, before the relevant protective legislation was introduced, had – in the textile industry – abandoned, for example, child labour or the 16-hour day, would surely have gone bankrupt.

The genius that instilled the pioneers of the humanization of working conditions after the First World War was that they brought the international community to accept that, as is stated in the Constitution of the ILO, the failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve the conditions in their own countries.

From the outset and up to the 1980s, harmonization of conditions of labour was targeted solely at improving these conditions and achieving their widespread adoption. Today, preserving social achievements is put in jeopardy by a hard-line liberalism which triumphed with the collapse of communism. Greatly fearing the risk of contagion from dictatorship by the proletariat – on whose behalf the Soviets took power in Moscow – tripartism fortunately gained acceptance as a reasonable substitute for class struggle. Paradoxically, the collapse of dictatorships, which in no country was a proletarian dictatorship, has brought the danger of others taking their place without any real counter-force. Money has no fatherland. It knows no boundaries be they physical or moral, and financial transactions are executed online at a global level. Is it possible to imagine the consequences of capital movements estimated at \$1.2 billion a day. Following the nobility with their titles, the nineteenth-century captains of industry, who at least had a face, and the multinational corporations, who at least had a name, we are now entering a new era in which the economy is becoming dematerialized. Now, the power which never belonged to the workers is even slipping through the fingers of the bosses and – to an increasing extent – the governments themselves. Who can say that he really is the master of his own purse, that he can be free of corruption and can stand up effectively to drugs and weapons trafficking.

Faced with the danger that society will become dehumanized, there is only one value that should be defended because from it flow all the others. “The human being who is and must be the principle, the subject and the object of all institutions”. This statement by Pope Paul VI in *Octagesima adveniens* is in perfect symbiosis with the principles of the Declara-

tion of Philadelphia, that "labour is not a commodity". And that it is not a commodity is precisely because man is not a capital asset – precious though he would be if he were one. I would therefore like to express my regrets that we find in an ILO document the phrase "human capital". It is certainly out of place. But what is man? That definition may vary depending on the culture we are talking about, but surely man is not simply a producer and a consumer. In that context, promoting employment could just be an end in itself.

According to the geneticist Professor Albert Jacquart, there is no difference, between human beings, in race or hierarchy, yet every person is unique. There are nearly 6 billion people living on earth today, but genetic imprinting, it is said, will permit reliable identification of each individual.

These two scientific postulates lead us to a universal system of morals, and ethics for labour. The abolition of apartheid in South Africa is a tangible success, and the ILO contributed to this through its weight in international public opinion. The second postulate makes unacceptable any solution which would sacrifice a person or a group or a category of persons against their will for what might be considered the greater good. Thus, in flagrant contradiction with ethics or humanism, or deep spirituality, certain financial institutions or intergovernmental organizations may – in political and macroeconomic decisions which appear to be reasonable – become by their consequences responsible for crimes against humanity. Economic science and trade mechanisms should not be independent of ethical requirements. How can we, in virtue of unconditional world trade liberalization, accept that prison labour – it is widespread in the world's largest country – child labour or production in countries which do not acknowledge freedom of association should lead to the loss of jobs in democratic countries? It may be understood that workers in poorer countries may temporarily accept labour conditions which fall below ILO standards, but if trade union rights and collective bargaining rights are granted them, then they will achieve improvement and progressively reach the social protection level of their brothers in the developed countries.

The second basic question which we mentioned earlier, is labour as an end in itself. Unemployment is often the consequence of technological progress which gives rise to increased production with less workers. Surely the best way to reduce unemployment would be to reduce the working week, and finance – through public authorities – activities which are useful and necessary to society, but which according to the laws of the private market are not marketable. The obstacle to these very simple solutions is uncontrolled international competition. This problem has to be resolved not by mean-minded protectionism, but by protection of human rights throughout the world.

Last June, Mr. Boutros Boutros-Ghali, Secretary General of the United Nations, stated from this rostrum, "we have to rethink the basis of an international project for life". The work of the ILO could make an essential contribution to this challenge – a challenge which we must face; but the ILO must consolidate itself, demand its rightful place in the United Nations system, and not give up anything from its special calling. Those who weaken it will only bring dishonour upon themselves.

Original German: Mr. THÜSING (*Employers' delegate, Germany*) – I would like to stress what a good idea I find it that the Director-General decided to submit an abridged version of *World Employment 1995* as his theme report to this session of the International Labour Conference. This sign, namely that employment issues will be given more importance in the work of the International Labour Organization in the future, is a positive sign of change.

Above all, the analytical part of the Report provides a sound basis for discussion. It tries to avoid describing situations in black and white terms and attributing things to single causes; it also distances itself from outdated clichés and, what is most significant, acknowledges that private enterprises, be they national or multinational, are indispensable vehicles for economic and social progress.

This for me is the central message of the Report. The globalization of the economy is not a scourge which must be checked; it is rather a driving force for economic growth in the world and therefore the most significant prerequisite for employment promotion.

This driving force needs to be harnessed; however, the extent to which it will generate additional jobs will depend upon whether stumbling blocks in the various policy areas are removed and other positive aspects are promoted. Here, too, the Report contains important aspects which deserve to be supported and meet with approval. I am making this very clear at the outset before I address some of the considerations and proposals which in my view require a more critical comment. They concern mainly the part dealing with the industrialized countries.

The Report does not exclude the effects of monetary policy on growth, employment and income; admittedly, it does mention in several places that there is a danger of inflation as a result of an expansive monetary policy. But the Report considers that a restrictive monetary policy constitutes a far greater danger as it can clearly only lead to deflation. Although it does not warn very strongly against an expansive monetary policy, it is far more adamant about the dangers of a restrictive monetary policy. Either, the Report says, a restrictive monetary policy leads to a lowering of the real income of the employers – as has been witnessed in the United States – or to a very high level of unemployment as in the European monetary system, especially in the Federal Republic of Germany.

This juxtaposition between inflation and deflation is too simplistic and detracts attention away from the vital objective – namely, monetary stability. Either the patient is suffering from fever or he dies from hypothermia; but the possibility that there might be some kind of state in between, namely good health, seems to be overlooked.

In fact, I would say that economic growth is only possible on the basis of long-term and reliable monetary stability. If, in the interest of short-term apparent successes the rules of monetary stability are ignored, the cure will be very painful. Inflation has adverse effects on everyone – but most of all on the weak who can least escape it. At least from this point of view, it should have been expected that the importance of monetary stability could have been given due recognition in the Report.

But this is not the only point I wish to make. There is a consistent tendency to avoid the basic con-

flict of objectives which consists of promoting jobs for jobseekers, on the one hand, and securing and even extending the level of income and social protection for those who have jobs on the other hand, by relying on the State.

If this approach were to be restricted to the short-term merely to serve as a means of assistance or trigger effect, it could be acceptable and even justify a temporary easing of strict budgetary terms. This is exactly what we are doing in Germany in the face of an unprecedented, special situation and a tremendous challenge. But we have very good reasons for not having chosen the easier path, namely, taking refuge in an easing of monetary policies. In the Report of the Director-General this is openly deplored and given as a reason for the recession in Europe. I would like to say that without the strict and stability-oriented monetary policy of the German Bundesbank, we would not now be in the midst of an economic upswing but much more likely at the beginning of a new recession.

Irrespective of this specific example in the Report, which I obviously cannot let pass, I feel that there should have been a clear statement to the effect that an excessive burden on the budget does not lead to the creation of jobs but in fact destroys them in the end.

Not only does the Report fail to say this but it is clearly sympathetic with the old recipe, namely, that it is better to subsidize jobs rather than finance unemployment. This recipe is very tempting; but we cannot expect it to lead to a cure. What is the difference between subsidizing unprofitable enterprises to maintain jobs and directly subsidizing jobs? In both cases scarce resources are removed from productive use and opportunities for self-financing the build-up of jobs are lost.

The idea that unemployment may be curbed by creating additional jobs in the public service sector is particularly problematic. Rather than overstaffing the public service, efforts should be made to adjust to areas which are truly necessary and can be financed. In the short term, this may be at the expense of jobs but in the medium term it will consolidate the basis for employment creation through economic growth. The employment rate cannot be raised by increasing public employment but by decreasing it – and this is not made very clear in this Report.

Indeed, it does not allow any further discussion on this matter because it considers given income and social protection levels as taboo subjects. Only on the issue of working time flexibility does it reveal a certain clear-sightedness. All other issues are closed in advanced because it advocates the theory that most job market regulatory forces are advantageous to the economy because they are a reaction to the failure of the market and therefore improve its efficiency. This kind of argument may be used to justify any kind of regulation of the job market. It is not the illness which dictates the therapy, but the therapy which is proof of the disease.

At the beginning of my statement, I pointed out that, in spite of my critical comments, I had a basically positive view of this Report. I would like to emphatically reiterate these words. In many respects, the Report is on the right path. And it is to be hoped, by the next World Employment Report, that we shall be even further along this path.

Original French: Mr. MUGABO (*Minister of Labour and Social Affairs, Rwanda*) – I should like to congratulate Mr. Rosales Argüello on his election to preside over the 82nd Session of the International Labour Conference. We are sure that given his wisdom, skill and clear-sightedness he will ensure that our work proceeds in a spirit of democracy and mutual understanding.

I should also like to congratulate Mr. Michel Hansenne, the Director-General of the ILO, on the clarity and accuracy of his Report which attests to the wisdom with which he has been guiding our Organization for the last few years.

My country, Rwanda, has recently suffered genocide and terrible, macabre massacres that have devastated us and whose painful, manifold consequences will be with us for a long time to come. This genocide had been long planned, and was carried out meticulously and cruelly. It was organized by a blood-stained, fascist, ethnic and regionalist government. Soldiers and armed militia men of the former regime were intensively trained to use the worst methods of inflicting slow and cruel death. For instance, severing joints in legs to prevent escape, and amputating legs and arms and leaving people to bleed to death.

These militia men received weapons, ammunition and millions of grenades. Barricades were erected at each street corner, the borders were closed and hills were surrounded so that nobody could escape. Worst still, people were ordered not to leave their homes.

At zero-hour the macabre stroke of death was struck and the whole country was faced with death in a single night. Places of worship, community halls and sports stadiums were transformed into slaughter houses, and Rwanda became an enormous open-air cemetery.

Rwanda continues to suffer from these hours of cruelty; the moral, physical and material repercussions are clear for all to see. Just a few examples: over a million deaths by genocide, an estimated 300,000 to 400,000 young orphans with no support; between 200,000 and 250,000 widows; many physically and mentally disabled persons; thousands of young girls who were cruelly raped and who are now mothers to children of the very men who executed their families; Aids finds here perfect conditions to multiply and will hence continue the genocide; and we have many refugees in neighbouring countries.

In addition to these mental and physical ravages, there are the material and economic repercussions, in particular the destruction of the economic infrastructure, the pillage of banks, houses, shops, the destruction of the environment, such as forests, rivers and lands which have been polluted by thousands of corpses.

This is the catastrophic heritage of the genocidal government of the Second Republic.

Faced with this disaster, we have not remained inactive. We set up the Government of National Unity on 19 July 1994 which solemnly committed itself to manage the country so that the people of Rwanda can have the hope of living together again, and to make every effort to reconcile the population, re-establish the institutions, revitalize economic and social activities and increase contacts with all social partners. In this framework we have already begun negotiations between the Government, the workers' associations and the employers'

organizations in order to find solutions to the problem of unemployment and to initiate economic recovery.

In the area of public sector employment we have initiated a system open to all, namely, that all positions are open to all levels of the civil service and are all filled by competition. The principle is that the person is employed on the basis of his experience and skill.

In the private sector all categories of national workers are recruited by employers without any discrimination. The requirements to give ethnic information, a feature of the former government, on work cards and forms for declaring workers has been abolished. The people themselves are favourably responding to the Government's call and are courageously getting down to work.

In spite of this work by the Government and the people of Rwanda, much remains to be done. That is why we are appealing to the international community for help. Many countries, international organizations and non-governmental organizations support us already, and we should like to thank them. We are very grateful to them. But given the scale of our needs, we invite the international community to show yet greater generosity.

This appeal relates in particular to the following areas: revitalizing of socio-economic activities, vocational training since we have lost many trained executives, and the gradual reduction of unemployment through the development of the informal sector and the agricultural sector. In fact, employment promotion would be inconceivable in our country if these two sectors were not developed.

Now, coming to the agenda of the International Labour Conference, I can already assure you that we will accede to the extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector. This is nothing new, because we already practise this form of inspection and the extension of the Convention will only confirm our practice.

As for safety and health in mines, Rwanda is prepared to ratify a Convention in this area.

Homeworkers constitute one of the largest and most worrying categories of workers, particularly in our country. We have to help these workers to establish or join trade unions so that they can defend their rights. Social security for this category of workers will be one of the concerns of our Ministry.

Rwanda greatly appreciates the aid and assistance which it is given. This aid began already in 1963 after the independence of our country and continued in various sectors until the interruption of activities when the genocide began. Many projects under way were suspended, and this is a source of great regret to us. In particular the projects to assist in consolidating training and advanced training structures, the construction and equipping of the national centre for vocational training and advanced training. This training is all the more urgent since our country lost many of its experienced, skilled executives during the genocide. The buildings of the centre were damaged and the equipment was destroyed or pillaged. We would like the centre to be repaired and equipped with the assistance of the ILO.

We should like the ILO to resume its activities in Rwanda, to assist us in restarting our projects. These projects have been developed and submitted to the

ILO, and we hope the ILO will respond positively and promptly.

My country will not refrain from denouncing before the international community any policy based on oppression, racism, exclusion and exploitation of man by man.

Our country would also like Africa to be represented, within the ILO in particular, to a greater degree and to see a larger number of responsible posts being attributed to it.

I wish every success to the 82nd Session of the International Labour Conference.

Mr. BERGE (*Minister of Local Government and Labour, Norway*) – I am honoured once again to have the opportunity to address the International Labour Conference. On behalf of the Norwegian delegation I would to join the previous speakers in congratulating the President and the Vice-Presidents on their election.

The high unemployment rates we see all over the world represent the most urgent challenge to the ILO. I strongly support the involvement of the ILO in today's important discussions of how to achieve increased employment and permanent reduction in unemployment. A high and stable rate of sustainable job creation is the basis for sound economic and social development.

The challenge to all of us is to obtain full employment. The lack of job opportunities entails an enormous waste of human resources. It also leads to exclusion and social disintegration. Unfortunately, there is no simple solution to this problem. The situation calls for sound national policies, reflecting needs and priorities in individual countries, as well as enhanced international economic cooperation.

For the Norwegian Government a main objective and priority is to achieve full employment and to secure social welfare. This requires continual economic growth, where employment considerations should be part of planning and budgeting in all sectors of society. This planning is based on sound public finances.

A second pillar is to tackle problems in the labour market by emphasizing active labour market measures, once unemployment has increased. International experience indicates that major efforts are required to prevent it from remaining at a high level. An active labour market policy requires economic resources, but most of these resources can be redistributed from passive benefits, where such measures exist.

The Director-General has produced documents that give a solid platform for the present debate and future work of the ILO. They clearly show the magnitude and complexity of the employment issue. I very much support the regular updating of the *World Employment 1995 Report* which gives a most interesting and useful survey of the employment situation and trends in various parts of the world. I fully support the ambitions of the Organization to play a major role in this field.

There are several reasons why the ILO should have an active role in employment issues:

- Strategies to increase employment and to get labour markets to function better should be viewed in a broad perspective, taking working conditions and social aspects into account. The tripartite

structure of the ILO, with the social partners as active members, will often secure better and more balanced solutions.

- International labour standards are a major asset for the ILO, and should be part of all policies for economic development and job creation.
- High unemployment and underemployment have increased the need for professional advice to develop tripartite cooperation and industrial relations, especially in developing countries and countries with economies in transition.

The ILO has an important role to play in every international arena where employment and social issues are debated. The ILO should strengthen its collaboration with the Bretton Woods institutions, as an advocate for socially acceptable solutions as part of structural programmes. I consider the ILO's decision to strengthen its capacity in this direction a wise step. In addition, let me take this opportunity to congratulate the ILO for its very successful contribution to the World Summit for Social Development in Copenhagen. I warmly welcome the prominent role given the ILO in the follow-up to this Summit.

Creating new jobs is important, but they should be decent jobs, not forced labour or jobs where the safety and health of workers are neglected. Besides the employment issue, the ILO's mandate of fundamental human rights for workers must remain a sustained priority. A basic condition for securing decent working conditions is the freedom to organize trade unions and the right to collective bargaining. But the ILO must also continue to grant its highest priority to the fight against child labour, forced labour and discrimination in work on grounds of race, sex, etc.

With regard to the financial situation of the ILO, I would like to stress that it is more important than ever for the ILO to set clear priorities. As member governments, we have a responsibility to determine which programmes should be given priority whenever budget adjustments become necessary. In my opinion, the technical programmes should be kept at their present level of activity. The programmes on labour standards and human rights and on employment are particularly important. The activities within the programmes on industrial relations, working conditions, equality for women and all the field programmes should also be kept at their present level as far as possible. I think this approach is necessary to ensure that the ILO continues to carry out its basic mandate.

If necessary, possible consideration for budget cuts should first of all go to overhead costs, such as general management, personnel, internal administration, document services and meetings.

In conclusion, Norway will continue its support of the ILO and the reform process launched by the Director-General and the Governing Body. We will continue to pay our contributions to ILO in full and on time. I will take this opportunity to encourage all member States to do the same. No international organization can be guaranteed that they will not have to face budget shortfalls in the years to come. But we should do our best to ensure an economic basis for this important Organization so that we can maintain the ILO's priority activities at the present level.

RESOLUTION CONCERNING THE GRANTING TO CAMBODIA OF PERMISSION TO VOTE UNDER PARAGRAPH 4 OF ARTICLE 13 OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

The PRESIDENT (Mr. HALLIWELL) - We shall now proceed to the record vote on the resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization, for which a quorum was not reached at yesterday morning's sitting.

(A record vote is taken)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The PRESIDENT (Mr. HALLIWELL) - The result of the record vote on the resolution concerning the granting of permission to vote to Cambodia in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization is as follows: 351 in favour; 2 against; 1 abstention. The quorum is 258. Since the required quorum has been attained, the resolution is adopted.

(The resolution is adopted.)

RESOLUTION CONCERNING THE GRANTING TO CHAD OF PERMISSION TO VOTE UNDER PARAGRAPH 4 OF ARTICLE 13, OF THE CONSTITUTION OF THE INTERNATIONAL LABOUR ORGANIZATION

The PRESIDENT (Mr. HALLIWELL) - We will now proceed to the record vote concerning the granting of permission to vote to Chad in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The PRESIDENT (Mr. HALLIWELL) - The result of the record vote is as follows: 354 in favour, 1 against, 2 abstentions. The quorum of 258 having been attained, the resolution is adopted.

(The resolution is adopted.)

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (*cont.*)

The PRESIDENT (Mr. HALLIWELL) - We will now return to our discussion of the reports of the Governing Body and of the Director-General.

Mr. TABANI (*Employers' delegate, Pakistan*) - In the name of God, the Merciful, the Compassionate. Let me once again congratulate the President on his election to chair this 82nd Session of the International Labour Conference. I also congratulate the three Vice-Presidents on their well-deserved election which shows the respect they enjoy in their respective groups. I am confident that under their able and

dynamic leadership this session of the Conference will thoroughly discuss the issues before us to be able to set us on course towards positive results to ensure sustainable development.

I take this opportunity to compliment the Director-General on a very comprehensive Report on the theme of the ILO's role in *Promoting employment* so well described by him as "the primary challenge for economic and social policy in countries at all levels of development across the globe". As a follow-up to the conclusions of the World Summit for Social Development, this abridged version of the report *World Employment 1995* will surely stimulate greater attention to employment issues in the work of the ILO.

The President set the pace of this session of the Conference in his opening statement when he spoke of the clear challenge presented to the ILO to devise new mechanisms for achieving social justice in the context of trade liberalization and the globalization of the economy and stated that "the ILO because of its tripartite structure and expertise, had a special role to play in the field of employment and social development".

His Excellency Zine El Abidine Ben Ali, President of Tunisia, in his address to this session of the Conference, went even further when he said that tackling the problem of poverty, exclusion, unemployment and social tensions has become a priority for all States and is of particular importance to the ILO's continuing work of confirming universal values which are inherent in human rights and in strengthening agreement and economic prosperity.

Promoting employment is an extremely delicate and indeed a priority issue given the present economic climate in both industrialized and developing countries. The Report has correctly analysed recent developments and stated the challenges facing the world today as well as the effects of these challenges on the labour market.

The Director-General in his Report points out that it is imperative for national and international organizations to increase their coordination and cooperation in order simultaneously to create and implement economic and financial policies, together with social policies, with particular emphasis on the generation of employment. In order to do this, countries will have to implement major changes and undertake action that will lead to sustainable economic growth, socio-economic recovery and stimulate private enterprise, thus attracting investment in capital and human resources. What is also required is flexibility in labour laws which should not protect only those who are employed, but particularly those who are not employed and are seeking work.

We agree with the Director-General that changes in employment conditions in South Asia have on the whole been positive although falling well short of the dramatic success of East Asia. It is also correct to say that growth has been of shorter duration, as South Asian countries have only recently embarked on economic reforms towards a more open and market-oriented economy. However, South Asian countries have a very large rural population. What is really impeding growth in South Asian countries is well explained in table 3 which shows that during the period 1965 to 1991 agricultural employment in developing countries dropped from 72 to 61 per cent. With agricultural employment now predominantly in low-income countries where productivity levels are low, no

wonder world poverty is concentrated in the rural areas of these countries.

In the chapter on "The challenge of global full employment", the Director-General has recalled the three key features of the system that ensured full employment in the post-Second World War period until its collapse in the early seventies leading also to the collapse of the Bretton Woods institutions. There is no doubt that the whole world today is held captive by a group of speculators who indulge in foreign exchange transactions, with well over 90 per cent of all transactions being speculative, the daily flows of which now regularly exceed the combined foreign exchange reserves of all the G-7 governments. This speculation in exchange rates has resulted in the destabilization of the economies of both industrial as well as developing countries.

It is under these conditions that developing countries have taken up, in spite of being burdened with debts and problems arising out of structural adjustment, the challenge of ensuring productive employment for their expanding workforce. This challenge has acquired added urgency both for sustaining long-term growth and eliminating poverty.

We in Pakistan are fully alive to the challenges facing our economy. In addition to a policy of accelerated industrialization, privatization and deregulation, the Government of Pakistan is engaged in the creation of a climate conducive to attracting foreign private investment. An ambitious strategy to generate employment is under way. Sizeable investments in infrastructure, the energy sector, emphasis on export-led growth and increased absorption of manpower in both the agricultural and non-agricultural sectors of the rural economy are some of the important features of this strategy.

I would be failing in my duty if I did not express my thanks to the ILO Bureau for Employers' Activities, NIKKEIREN of Japan, the Nordic employers' federations and others who have cooperated with the Employers' Federation of Pakistan by contributing to our technical programmes on productivity improvement, occupational safety and health and so on, as well as the progressive elimination of child labour through IPEC. We also welcome the creation of an Enterprise Task Force under an Assistant Director-General for the promotion of enterprises, in particular small and medium-sized enterprises. This is a step in the right direction, namely that of employment creation.

In conclusion, allow me to say that we in Pakistan, along with other developing countries of the region, look towards the ILO for a positive direction to help us succeed in our efforts for sustainable economic development which is the only instrument to promote employment. The discussions and the ideas generated in this plenary session of the Conference may change the fate of millions who are otherwise stuck in the grip of poverty, never hoping to reach the decent living standards enjoyed by millions of their counterpart workers in the developed regions of the world. The frustration of the masses should not be allowed to reach a level wherein stability in the socio-economic sector so meticulously pursued by the ILO may have to be surrendered in favour of social anarchy. All of us have to make joint efforts to evolve a socio-economic world order which eliminates the imbalance between the haves and have-nots, the rich and the

poor, the North and the South and the industrialized and the developing countries.

Mr. NYAMUHOKYA (*Workers' delegate, United Republic of Tanzania*) – First of all, on behalf of the Organization of Tanzanian Trade Unions, and on my own behalf, I would like to take this opportunity to congratulate the President, on his unanimous election to the presidency of this session of the ILO Conference. It is a very high and important responsibility for which I wish him every success.

Secondly, I would like to congratulate the Director-General of the ILO for his timely presentation of a comprehensive Report on *Promoting employment*. This important message is a true reflection of the deliberations by Heads of State and Governments at the Summit in Copenhagen. The deliberations were mainly focused on the eradication of poverty, the expansion of productive employment, and social integration. I believe the introduction of the agenda is timely, because the entire world is witnessing a very critical economic moment, especially in the developing countries where workers are losing their jobs daily in incredible numbers. Although the decline of the economy in some countries is aggravated by violence and sabotage, in most countries it is a result of structural adjustment programmes, leading to a massive retrenchment of workers.

The imposition of economic conditionalities by the Bretton Woods institutions on most of the developing countries has adversely affected workers' employment security.

In my country, Tanzania, the retrenchment process has claimed more than 100,000 jobs, both in the Government and the public institutions. It seems there is no quick solution to this problem, as the process is still continuing.

Although the government commitment was to create more jobs with the introduction of many private sector investments from local and foreign sources, and at the same time strengthen the informal sector to absorb more people in self-employment schemes, the plans have not succeeded as anticipated.

Unemployment and poverty are the major constraints prevailing in the world today, especially in the developing countries, and it is discouraging to see that these two social ills are increasingly spreading without an effective solution. The structural adjustment programme which was intended to revamp the economy in the developing countries has on the contrary accelerated a sharp rise in unemployment and poverty.

We are proud of the ILO and its tripartite structure. It is the only United Nations organ with this effective structure based on social partnership; however, the eradication of unemployment and poverty is still, and will continue to be, a problem.

However, the ILO and its tripartite membership have been assigned a special role to play by the World Summit for Social Development held in Copenhagen in March 1995, which involves the implementation of the Summit's conclusions in the field of employment and social development. This implies that the ILO tripartite membership must be fully involved in the activities of the international system at the country as well as the global level.

Although the primary responsibility for employment-creation policies must be exercised by the concerned governments with the involvement of the so-

cial partners with whom they interact, the ILO must be ready to come forward to their assistance in formulating effective national strategies so as to achieve and expand employment and improve the quality of employment in full respect of workers' rights.

Together with the implementation of the above, efforts must focus on the ratification and implementation of the basic ILO Conventions and Recommendations. Although some Conventions and Recommendations have been ratified by certain governments, their implementation has always been a problem. It is the responsibility of the ILO to provide follow-up to ensure that minimum standards of the ILO are not jeopardized.

In view of the foregoing, I would like to call attention to the price of labour in my country where, in addition to the harm done to workers by retrenchment, the minimum wage is far too low to fulfil basic human requirements. The trade union movement is still fighting for a meaningful minimum wage. We are denied this important human right. The minimum wage currently stands at US\$16 a month. By way of intensifying our protest against this low minimum wage paid to the workers in my country, the trade union movement decided to present its case against the Government before the Industrial Court of Tanzania. On the basis of the information presented, the Court recommended that the Government pay a minimum wage equivalent to US\$135.50 a month. The Government's response to the Court, however, was to announce a minimum wage of only US\$27.50 a month, effective July 1995. This is evidence of the extreme marginalization of workers in my country. As a result the workers, through their trade union movement, will continue fighting for achievement of this basic human right which they have been denied for many years.

Ms. PEDERSEN (*Workers' delegate, Norway*) – The Norwegian Confederation of Trade Unions welcomes the Report of the Director-General on the promotion of employment. The OECD and the European Union too have recently addressed the employment issue in major studies and white papers.

While the EU's studies are regional and the OECD's analyses are global, they to a large extent deal with the same problems and issues. While the international trade union movement has been troubled by the right-wing bias and hostility to trade union rights and goals of the OECD report, the ILO report has no such general bias. It thus constitutes a good basis for the further discussion on the problems ahead.

The report acknowledges the need for a global perspective and the futility of combating trade and openness by resorting to inward-looking and backward strategies such as protectionism. It rightly points out that the job potential of trade and economic progress outweighs the job losses if it is accompanied by progressive and adaptive strategies.

Such strategies include the protection of labour rights in the transition process, as well as the implementation of acceptable social standards. In this context the Norwegian Confederation of Trade Unions underlines its disappointment at the lack of progress made in the implementation of a social clause by the World Trade Organization and the OECD in international trade agreements. The lack of progress in this field will eventually lead to protectionist strate-

gies. Therefore, we expect the ILO to put more pressure on the World Trade Organization and the OECD for the implementation of a social clause.

An error concerning the description of "the Scandinavian model", on page 75, should be addressed. The report describes this model as one which aims at "guaranteeing employment for all under satisfactory conditions by creating employment in the public sector, at the risk of building up inflationary pressures and depleting public finances". I am sorry to say that in Norway no such guarantee has been given. However, the three parties, the Government, employers and trade unions, have agreed on a joint national effort to create full employment. The public sector has been developed in areas such as health care, education and labour market institutions, where additional services were needed.

The social partners have taken the responsibility to cope with imbalances and lack of competitiveness by adapting the income policy. A larger part of profit increases in industry should be used for new investments and job creation. Through active labour market policies and a counter-cyclical budget policy, the Government has succeeded in minimizing the recession, and has restored growth and carried out structural adjustment. As a result, unemployment is relatively low, and it is decreasing in Norway.

The globalization of the economy means that there are new challenges for our economic and social policies. Traditional instruments, and especially national mechanisms aimed at regulating production, employment, prices and wages, have lost their power. Throughout the report, it is stressed that the globalization will require structural adjustment nationally and locally, with the social costs which this will entail, including, inter alia, a higher level of unemployment.

There must be another way of doing it. To balance national budgets by resorting to unemployment and increased poverty is socially and morally unacceptable. However, we need national policies which are adapted to the new economic framework. What such policies will entail in terms of changes compared with today's situation will vary from country to country. Here, the ILO report could be more specific. Solving the unemployment problem on a global scale also requires the establishment of new international institutions which can coordinate economic and social policies across borders, in particular when it comes to macroeconomic instruments and the regulation of trade with capital and currencies.

In order to ensure that development towards a more open and productive economy is not hampered, the industrialized countries, the World Bank and the International Monetary Fund must support the countries with the most serious problems, inter alia, by way of remission for countries with huge foreign debts.

Another concrete measure could be to orient general development assistance towards more direct assistance to export-related activities, to health care, education and training. Development assistance could, to a larger extent, be made conditional upon the actual implementation by the authorities of reforms, instead of promises about future reforms.

We need good international cooperation on labour standards. In the competition for foreign investment, many countries will be tempted to lower their minimum standards for wages, for the working environment and protection against dismissal, and for train-

ing, etc. Binding international cooperative action is needed to prevent "dumping" of labour and a deterioration of workers' rights.

The ILO must continue to play an active role both to ensure better conditions and to put pressure on individual countries to ensure that established standards are being implemented.

Bearing in mind last year's debate on the work of the ILO, I am pleased to note that about 115 ratifications of ILO Conventions took place in 1994. Countries from all continents were represented. This shows that the Conventions are usable, and that we have to draw up new Conventions for areas not yet covered.

Mr. EVANS (*representative of the Trade Union Advisory Committee to the Organisation for Economic Cooperation and Development*) – I would like to join others in congratulating the President and Vice-Presidents of this session of the Conference on their election. I am pleased to have the opportunity to address you on behalf of the Trade Union Advisory Committee to the OECD. The OECD is a governmental organization which looks at issues from an essentially economic point of view. It does not have a tripartite structure. Nevertheless, the views of organized labour and business are heard through two recognized advisory committees. The trade unions grouped in the TUAC cover 67 million workers in the OECD countries. They are also a substantial part of the Workers' group of the ILO which is perhaps one reason for the excellent relationship between the TUAC and the workers' group. In the future we feel that this could be mirrored by closer work between the ILO and the OECD themselves.

The Director-General's Report to this session of the Conference shows why the work of the ILO is of crucial importance to our societies and our economies in the years ahead. Many governments including those at the G-7 meeting in Halifax this past weekend appear to be saying that there is very little that we can do now in our globalized and internationalized economy to influence the development of employment and living standards. They appear to have lost sovereignty over economic and social policy to financial market operators who listen only to central bankers, and central bankers who listen only to financial market operators. In this "old pals club" no-one is concerned at the impact of economic policy on employment. Unemployment, they say, can only be reduced if rigidities such as workers' rights are removed. Market forces are supposed to "price" workers into jobs. TUAC and the trade union movement internationally rejects those ideas.

This new international technocracy is coming increasingly into conflict with the legitimate aspirations of electorates and working people. Governments both win elections on the basis of their commitments to fighting unemployment and lose elections on their inability to fulfil their promises. A situation in which democracy and internationalization appear in conflict with each other is highly dangerous. It is being accompanied by growing social exclusion in OECD countries. The globalized economy makes the situation of the poor in the OECD countries begin to resemble parts of the developing world. This may lead to the growth of nationalist and protectionist sentiments in which the weakest will suffer.

The only acceptable solution must be for governments to show leadership and to be prepared to restore, through international coordination, the sovereignty over policies which has been lost domestically. Both the ILO and the OECD have a crucial role to play.

I would like to mention three areas where ILO and OECD cooperation is essential in the months and years ahead. The first is the question of employment policy. The Secretary-General's Report and the ILO's *World Employment 1995* report make a powerful and courageous plea for reintroducing the level of unemployment as a factor in economic policy decision-making. They also expose the myth that labour market deregulation provides some easy route to job creation. The ILO's view was echoed by the United States Secretary of Labour, Robert Reich, at the OECD Ministerial Council last month. He said that the creation of low-paying jobs and the growth of the working poor is as great an evil as structural unemployment. We have to be concerned at the earnings potential as well as the number of jobs created. TUAC is working with the OECD to try to shift the focus of their work towards the creation of high-quality employment. That means bringing back employment creation and not just inflation reduction as a goal of economic policy. It also means ensuring that other policies whether they be industrial policies, labour market policies or education and training policies are all geared to high-quality job creation.

The tripartite structure of the ILO gives an important example of how to manage change in labour markets in the future. In the trade union movement, many of our affiliates have resisted strongly efforts to impose negative labour market flexibility, a catchword for more unequal wage distribution, reduced employment protection and lower unemployment benefits. But trade unions have shown themselves to be proactive and dynamic in proposing a genuine agenda for managing labour market change and adaptability in a positive way. There will now be a new G-7 Jobs Summit to be held in France next year chaired by President Chirac. We will be making sure that our message and the ILO's message will be heeded and there will be some new thinking at that conference.

The second area where ILO and OECD coordination is essential is on trade and labour standards. Both the OECD and the ILO are working on the subject and a report is due to be presented to the OECD Ministerial Council in 1996. I listened to both meetings of the Governing Body's Working Party on this subject. I must say I was surprised by the speeches I heard from some governments and members of the Employers' group. There seemed to be little effort to listen to what the Workers' group was saying. It was interesting to hear how some governments who had criticized and attacked the ILO standards in the past now so praised this work so warmly.

To have a constructive discussion we should look forward rather than backwards. Whether we like it or not, we are in an increasingly globalized economy. That means that trade and investment systems will have to operate on the basis of certain common rules. It is not acceptable that those rules apply only to intellectual property rights, or the rights of investors, but not to the basic rights of labour. The ICFTU's annual Survey of Violations of Trade Union Rights showed the size of the problem. There seems

to be a danger of policy competition between some countries to attract foreign investment through misguided policies of labour suppression.

The ILO has a strong interest in remaining at the centre of this discussion and in working closely with both the OECD and the World Trade Organization. The World Trade Organization is undertaking national reviews which begin to look at questions such as taxation policy and their impact on trade flows. Sooner rather than later they will have to start looking at social and labour policy. With the growing proportion of national production being traded between countries, and a growing proportion of producers being multinational, international rules on labour standards which are observed are essential. I would repeat the message of my trade union colleagues in the Workers' group, that the objective of this discussion is not to impose trade sanctions, it is to change behaviour through enforceable rules. We hope that the work of the ILO and the OECD will be mutually reinforced.

The third and last example I will give of the need for greater ILO and OECD cooperation concerns the changing membership of the OECD itself. For more than two decades the OECD has been a closed club. Some have described it as a rich man's club. This is now in the process of change. Mexico joined the OECD last year, the Republic of Korea, Poland, Hungary and the Czech Republic and Slovakia have all applied to join. Regular meetings and workshops also take place with a series of Asian countries and some Latin American countries. A programme of work is now beginning with China, India and Indonesia.

The question of OECD membership and its relations with non-member countries raise questions which go to the heart of the future of the OECD. Five years ago OECD ministers defined the common values of the OECD as being pluralist democracy, respect for human rights and a market-based economy. In the discussions on new membership much attention is being paid to the market economy aspects of the OECD membership. TUAC has a very simple view that equal weight should be given to the question of human rights and in particular the respect for core labour rights. In this regard we have said that respect for the core standards of the ILO should be a condition for OECD membership. We are insisting, for example, that the Republic of Korea before it can join the OECD should reform its labour legislation to bring it into line with ILO standards as proposed in last year's Report of the ILO Committee on Freedom of Association on Korea. It is quite frankly unacceptable that labour law reform keeps being delayed.

To conclude, the ILO's vocation set out 76 years ago is now more important than ever. We need core labour standards worldwide, and we need them to be implemented and taken seriously by governments and employers. Moreover, managing change in the tumultuous period ahead can best be done by drawing on the tripartite tradition embodied in the ILO.

Ms. FRANCE (*Employers' adviser, United Kingdom*) – On behalf of the Confederation of British Industry permit me to extend my congratulations to the President and the Vice-Presidents on their election to chair this 82nd Session of the International Labour Conference.

May I also commend the ILO's Director-General for recognizing the need for this Organization to focus on the problems of unemployment and job creation. As the Director-General states in his Report: "The task of creating sufficient new jobs to overcome unemployment and problems of low pay ranks as the priority challenge for economic and social policy in countries at all levels across the globe".

We welcome the fact that the Report acknowledges the completion of the GATT Uruguay Round and anticipates the positive effects of this on international trade and ultimately employment levels. The Report effectively dispels the myth that the liberalization of trade will drive down living standards to those of the levels of the cheaper labour economies. We agree that there are mutual benefits to be gained from trade and investment flows, and many examples of these are quoted in the Report. Of course no one is denying that there will be some difficult short-term adjustments to be made, but fear of implementing these should not be used as an excuse for refusing the significant benefits of taking part in a global economy. For this is the only road to sustainable employment growth.

In this regard, the ILO Report states that multinational enterprises are a potential source for job creation and highlights the positive knowledge on effect of indirect job creation. We would support this view. However, we do not agree that MNEs are footloose in their behaviour. Indeed, this assertion seems to ignore the evidence presented by this Office and UNCTAD reports which have emphasized the positive effect of MNEs on host country labour standards.

This leads us perhaps to one of the shortcomings of the ILO Report. It comprehensively outlines problems we are facing, and then offers an analysis of the issues which is sometimes at variance with the analyses already carried out by, in the case of industrialized countries, the OECD and the European Union.

Let me just pause briefly on the OECD Jobs Study. This is an ongoing piece of work aimed at developing a set of recommendations for removing the barriers to job creation, tailored to the individual circumstances of each OECD country. It stresses the need to have a sound macroeconomic policy which must be backed up by appropriate national micro-economic reforms including making wage and labour costs more flexible, removing disincentives to hiring, reforming unemployment benefits systems and improving the labour skills of the workforce. These recommendations have been supported by OECD member States. Last year my Federation embarked on a major piece of work entitled "Tackling long-term unemployment: A business agenda", which among other things, sought to identify the problems facing the long-term unemployed. It became apparent that while jobs do exist there are significant barriers preventing uptake of these jobs by the long-term unemployed such as skills mismatches, obstacles to effective job search and a benefits barrier. We are now in the process of suggesting a number of recommendations to follow up this work in the United Kingdom.

The OECD menu of policies is at variance with the solutions contained in the ILO Report. The latter minimizes the importance of wage restraint and the impact of the minimum wage on jobs. It also coun-

ters that inflexible labour laws do not impede job creation. We are not convinced that the ILO way will be enough to enable countries to respond to the twin challenges of global competition and creating an environment conducive to employment creation.

So how should the ILO move ahead? It is crucial that we build on the foundations which we laid at last year's 75th anniversary session of the Conference. The ILO can and should provide a unique forum for debate. It has a responsibility to ensure a greater sharing of the wealth of experience and information already in the hands of its constituents.

Second, the ILO must concentrate its efforts in supporting governments in developing coherent national policies by providing technical assistance and advice in those areas where it is specially competent.

Finally, the core mandate of the ILO has always been to promote improved working conditions worldwide. This must remain a priority. However, promotion should not always mean the creation and adoption of new, inflexible and sometimes unratifiable labour standards. In the future we need to consider how to achieve more up-to-date labour standards tailored to the realities of today and tomorrow, which promote, and do not hinder, employment growth and take account of the needs of the unemployed as well as protecting those already in employment.

Mr. MARSHALL (*Employers' adviser, New Zealand*) – I would like to congratulate the President warmly on his election and wish him every success for the remainder of the Conference.

This year the Director-General's Report is concerned with the very important topic of promoting employment, a topic which it introduces by noting that the level and structure of employment in the past few decades across the globe has been affected by changes in the world economy. That this is clearly the case goes without saying: the world is now a very different place from the world of 1919 when the ILO came into being, or even from the world of 1944 when the Declaration of Philadelphia was signed. It would indeed be surprising if the changes which have occurred had left the area of employment unaffected.

As the Report points out, the Declaration of Philadelphia, unlike the original Constitution, explicitly requires the ILO to further programmes to achieve full employment: full employment in 1944, as in 1995, was for most countries yet to be realized. The intervening years did, of course, sometimes and in some places, bring employment. This was often, however, more apparent than real. Frequently, what passed for full employment was, in effect, a form of underemployment, and many jobs were unproductive.

In New Zealand's case, underemployment was supportable when the country had its own guaranteed product market and competition was not a real issue. But losing this guarantee, plus a Keynesian response to the world oil shocks, saw the country headed for a situation of such indebtedness in which underemployment could no longer be sustained. Further borrowing to maintain the status quo became prohibitive.

At that point, the decision was made to remove the artificial protections of the past, and to turn from fortress New Zealand to a truly competitive econ-

omy. That way jobs could be created. It was essentially a case of sink or swim.

Reading the Director-General's Report, it is interesting to note that in its reference to industrialized countries, the New Zealand situation rates little, if any, attention. Noting the impact of slower growth rates in the 1970s and again in the 1990s, the Report, in the interests of simplification, defines three different ways of responding: the American (which is characterized by a lower unemployment rate but lower incomes), the Scandinavian (creating employment in the public sector at the risk of building up inflationary pressures and depleting public finances), and the European (characterized by income protection and an increased pool of unemployed). Rises in unemployment are attributed to both economic policies and differences in labour market regulation. These factors, we suggest, need not be mutually exclusive, but recent analysis has tended to focus on one or the other.

In New Zealand, both economic policy and an over-regulated market contributed to sluggish growth and so to an increase in unemployment. Neither factor could, therefore, be considered in isolation.

Nevertheless, reform of the New Zealand economy was somewhat belatedly followed by labour market reform. In 1991, the labour market bargaining emphasis was moved from national documents to contracts, either collective or individual, and relevant to enterprise circumstances. Employees were given a greater right of choice, and employers and managers were given the ability to negotiate on a realistic basis, their efforts being underpinned by a statutory minimum code. This code deals with matters such as unjustified dismissal, minimum wages, holidays, occupational safety and health, and so on, and is a guarantee against any fall in labour standards.

The consequence of economic and labour market deregulation has been a noticeable turnaround. Seasonally adjusted employment at March 1995, was 5 per cent higher than in the previous year, and seasonally adjusted unemployment was 25.5 per cent lower. Unemployment has dropped to 6.6 per cent from a 1991 high of 10.9 per cent.

No one would maintain that these outcomes are perfect. They are, however, noteworthy and much still remains to be done. There must be a major emphasis on education and training to improve the skills of those whose poor skill levels currently reduce employment prospects. There must also be a complete acceptance of the need for continuous learning. Technological change and changes in the nature of work have reinforced the demand for such developments. But the aim now is to ensure that employment is sustainable and that the jobs people do are not make-work but real.

This is not the European solution, nor the Scandinavian solution, nor the American solution (at least as viewed by the Report). New Zealand operated for many years with an industrial relations system which was notable for its extreme rigidity. It provided – and still does provide – a welfare base for those unable to find employment; it tried borrowing its way to affluence without success. Now it has deregulated, but not so that wages and conditions can be permanently reduced.

Today, a competitive, enterprise-based economy is seen as the best cure for unemployment. Benefit pro-

vision brings problems of its own and should never be seen as more than a stop-gap measure. Emphasis on individual rights, individual responsibilities, and freedom of choice enables a competitive economy to respond quickly to market signals. It is not, as the Report suggests, a matter of choosing between employment subsidies and pressing wages down through labour market deregulation. Rather, deregulation frees both enterprises and the economy to respond to change as change occurs. In this way, profits are generated, unemployment declines and real wages can increase. Economic and employment growth are interdependent.

It is too late to return to the interventionist policies of the era of full employment, so called. They reflected their times, and the Report can lament their passing. In the long run, they could not be sustained.

Obviously, full employment is desirable. However, it cannot be achieved by going back to a managed economy, centralized bargaining, or the injection into the employment relationship of extraneous third parties. Yes, reasonable labour standards are important, but they must reflect the circumstances of individual countries. Attempts to artificially raise standards serve only to impoverish further the countries on which those standards are imposed. An improvement in work and living standards is achieved through the ability to produce goods and services which others want to buy, and access to free trade. It is not achieved through the interventions of others, however well intentioned. Where third party help is given it must be by way of practical assistance.

Recently I came across the following statement: "It is always possible to make badly functioning economies worse by government initiatives. We must take care lest international initiatives produce a similar effect."

The PRESIDENT (Mr. HALLIWELL) – I give the floor to Mr. Dantjie, Workers' adviser, South Africa, who wishes to reply to the statement made by Mr. Botha, Employers' delegate of South Africa, at Friday morning's sitting.

I would like to remind the speaker that his reply should refer only to the point under debate, should not exceed two minutes and should not give rise to any further remarks.

Mr. DANTJIE (*Workers' adviser, South Africa*) – I would like to start by congratulating the President on his election to chair this 82nd Session of the International Labour Conference. I would like also to thank the Director-General for his Report *Promoting employment*.

As stated earlier by the Swedish Workers' delegate, the fight against unemployment ought to be a top priority for governments all over the world, and the efforts of the ILO in this regard are very important. The South African trade union movement has played a key initiating role in shaping the Reconstruction and Development Programme (RDP) in the new South Africa. The RDP has, as its primary aim, the promotion of a better life for all through development projects aimed at stimulating economic growth and jobs for all. The South African trade union movement does not merely act as a watchdog over the particular interests of its own members' jobs, but takes the responsibility for participating in development of economic policies

which would be to the benefit of the wider working class, including all those employed in casual forms of work and those who have been unable to find work.

The RDP aims to bring the most marginalized South Africans – the black population disadvantaged through years of apartheid rule, women, youth, the people in the rural areas, the disabled – into the mainstream of the economy from which they have been excluded over the years. The trade union movement strenuously opposes privatization and deregulation measures which only drive these people further into the margins of society. The trade union movement also strenuously opposes the trend of creating lower wages, employment with no decent labour standards and with no prospect of contributing

to the development of the workers and of their communities, which the employers are so keen to promote.

We cannot believe that we have to lower ...

(The President interrupts the speaker.)

The PRESIDENT (Mr. HALLIWELL) – Sir, you have exceeded the time-limit and I have not yet heard any reference to the speech made last Friday by the Employers' delegate. This is not the time to make a speech of your own, so I am going to ask you to return to your seat.

That concludes our agenda for this morning.

(The Conference adjourned at 12.45 p.m.)

Pour/For/En Pro: 351

Albanie/Albania:

MUCO, Mr.(T/W)

Algérie/Algeria/Argelia:

BELHOCINE, M. (G)

BELLAHSENE, M. (G)

MEGATILI, M. (E)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)

WILLERS, Mr. (G)

THÜSING, Mr. (E)

ADAMY, Mr.(T/W)

Arabie saoudite/Saudi

Arabia/Arabia Saudita:

KENTAB, Mr. (G)

AL-KHALIDI, Mr. (G)

DAHLAN, Mr. (E)

JUMA'A, Mr.(T/W)

Argentine/Argentina:

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BALDASSINI, Sr.(T/W)

Australie/Australia:

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DEJONG, Mr. (G)

NOAKES, Mr. (E)

BENNETT, Ms.(T/W)

Autriche/Austria:

MELAS, Mr. (G)

LANGHAMMER, Mr. (G)

ARBESSER-RASTBURG, Mr. (E)

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BASTIAN, Mr.(T/W)

Bahreïn/Bahrain/Bahrein:

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Bangladesh:

AHSAN, Mr. (G)

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ROACH, Mr. (E)

TROTMAN, Mr.(T/W)

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SEMERIKOV, Mr. (G)

PLIATCHENKO, Mr. (E)

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VANDAMME, M. (G)

MINNE, M. (E)

PEIRENS, M.(T/W)

Bénin/Benin:

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POSSET, Mme (G)

IBRAHIMA, M.(T/W)

Botswana:

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OUEDRAOGO, M. (G)

OUEDRAOGO, M. (G)

KABORE, M. (E)

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African Republic/República

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 MAKHETHA, Mr.(T/W)

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 OLWENY, Mr. (G)
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 DURLING, Sr. (E)
 CÂNO DE JAEN, Sra.(T/W)

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New Guinea/Papua Nueva Guinea:*

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 HAGEN, Mr. (G)
 HUNTJENS, Mr. (E)
 OOSTVEEN, Ms.(T/W)

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 ZAVALA COSTA, Sr. (E)

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 LAGUESMA, Mr. (G)
 TAN, Mr. (E)
 TAN, Mr.(T/W)

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 HENCZEL, Mr. (G)
 MACIEJCZYK, Mr. (E)
 SPYCHALSKA, Mrs.(T/W)

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RIBEIRO LOPES, M. (G)
 TOMÉ DE ALMEIDA, M. (G)

Qatar:

AL MAHMOUD, Mr. (G)
 DAHAM, Mr. (G)
 AL-THANI, Mr. (E)
 AL-BUAINAIN, Mr.(T/W)

Roumanie/Romania/Rumania:

POPESCU, M. (G)
 MIRCEA, M. (G)
 HIDOS, M. (E)
 SIMION, M.(T/W)

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Federation/Federación de Rusia:*

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 KOSTIN, Mr. (E)

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 MANUZZI, M. (G)
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WADE, M. (E)

Seychelles:

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Singapour/Singapore/Singapur:

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 VAVRO, Mr. (G)
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 WIKLUND, Ms. (G)
 MYRDAL, Mr. (E)
 EDSTRÖM, Mr.(T/W)

Suisse/Switzerland/Suiza:

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 ENZ, Mme (G)

Suriname:

DAAL-VOGELLAND, Mrs. (G)
 KARG, Mr. (G)
 SOUPRAYEN-YORKS, Mrs.(T/W)

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 MNDZEBELE, Mr. (G)
 HLOPHE, Mr. (E)

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Arab Republic/República Árabe
Siria:*

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 KASSAB, M. (G)
 JAWISH, M. (E)
 ISSA, M.(T/W)

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Unida de Tanzania:*

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RUTABANZIBWA, Mr. (G)
NYAMUHOKYA, Mr.(T/W)

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Republic/República Checa:*

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CHOUBA, Mme (G)
SAHBANI, M.(T/W)

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TOPCU, Mr.(T/W)

Ukraine/Ucrania:

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MAYKO, M. (E)
CHILOV, M.(T/W)

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GARCIA SEGOVIA, Sr.(T/W)

Venezuela:

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VU HUY TAN, M. (G)
NGUYEN TIEN QUAN, M. (E)
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NYIRENDA, Mr. (G)
SANYAMBE, Mr. (E)
SHAMENDA, Mr.(T/W)

Zimbabwe:

DZVITI, Mr. (G)
JOHNSON, Mr. (E)

**Contre/Against/En
contra: 2**

*République sud-africaine/Republic
of South Africa/República de
Sudáfrica:*

VAN HEERDEN, Mr. (G)

Namibie/Namibia:

HILL, Mr. (E)

**Abstentions/Abstentions/
Abstenciones: 1**

Islande/Iceland/Islandia:

MAGNÚSSON, Mr. (E)

Quorum

258

Record vote on the resolution concerning the granting to Chad of permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization

Pour/For/En Pro: 354

République sud-africaine/Republic of South Africa/República de Sudáfrica:

VAN HEERDEN, Mr. (G)

Albanie/Albania:

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Bahreïn/Bahrain/Bahrein:

AL-KHALIFA, Mr. (G)

Bangladesh:

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NYIRENDA, Mr. (G)

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Zimbabwe:

DZVITI, Mr. (G)

JOHNSON, Mr. (E)

**Contre/Against/En
contra: 1**

Namibie/Namibia:

HILL, Mr. (E)

**Abstentions/Abstentions/
Abstenciones: 2**

Costa Rica:

THOMPSON CHACON, Sra. (G)

Islande/Iceland/Islandia:

MAGNÚSSON, Mr. (E)

Quorum

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Twenty-third sitting

Tuesday, 20 June 1995, 3 p.m.

President: Mr. Popescu

REPORTS OF THE GOVERNING BODY AND OF THE DIRECTOR-GENERAL: DISCUSSION (concl.)

Original French: The PRESIDENT (Mr. POPESCU) – We shall proceed with the discussion of the reports of the Governing Body and of the Director-General.

Original French: Mr. MAYAKI (*Workers' delegate, Niger*) – I should like to associate myself with all previous speakers in conveying to the President my heartfelt congratulations on his election to the Presidency of the 82nd Session of the International Labour Conference.

I should like to take this opportunity also to congratulate the Director-General of the ILO who kindly submitted for our consideration a number of important reports dealing with employment in the world.

The world's widespread unemployment situation, together with the intensification and aggravation of this problem addresses the conscience of all who are imbued with justice and equity and calls on them to help find solutions to stem this scourge. In the time between the Copenhagen World Summit for Social Development and this session of the International Labour Conference, voices have been raised against unemployment, underemployment, low wages, and calls have been for the eradication of poverty and of social exclusion.

In doing so, governments, employers and workers are all unanimous in recognizing that only full and freely chosen employment can restrain the dehumanizing pressures in today's society.

But, how can we promote full employment whilst at the same time we develop economic policies which result in redundancy and exclusion for thousands of workers?

The scale of unemployment today and the impoverishment of the masses, are the logical outcome of structural adjustment policies adopted by many countries in the 1980s and 1990s.

The revised versions of the first structural adjustment programmes that advocate adjustment with a built-in social dimension are merely a replastering job – once again doomed to failure.

When the new economic policies advocated by the IMF and the World Bank in several developing countries recommend for example emergency measures, trimming down the public service, widespread voluntary departure of workers, reduction of retirement age, early retirement, liquidation of enterprises, privatizations, restructuring of state companies – which are often of strategic importance – and a freeze on

promotions, then we are inevitably heading towards increased poverty.

Similarly, the waves of labour code revisions in many developing countries are intended not to adapt national regulations to the spirit of ratified international Conventions, but merely to allow them to hire and fire whom they want and when they want.

This means that the miracle recipes which can be expected from the IMF or the World Bank – in view of the severe consequences they have on our jobs, our wages and our future – have come to their limit and if they were to be continued all hope for job creation and promotion would be shattered.

Other no less important factors also have negative repercussions on the structure of employment. Let me mention economic and trade globalization which also has a very real impact on employment.

Today we are witnessing enormous disparities between production structures and employment structures, and this strengthens and reinforces inequality and poverty in the world, particularly in developing countries. Although we are going through a period of net world production growth, its unequal distribution is making the people of the least developed countries poorer still, and further complicating relationships between countries, in particular in trade.

Much as we welcome today the opening up of international trade, we are worried about its repercussions on employment, since adjustments are being envisaged to restructure production. Hence, as is stated in the Director-General's Report, "Large numbers of workers will have to shift from declining to growing activities".

With trade globalization, developing countries have no alternative but to opt for export-oriented industrialization policies. In this sense, the Director-General's Report states that "the benefits of globalization can be captured through increasing and diversifying agricultural and other primary commodity exports and increased processing of these products".

Yet this path, whilst innovative and salutary, cannot be pursued without capital and massive investments, and it is precisely the capital shortage and the restrictive conditions governing access to capital from the international financial institutions which constitute the other bottleneck for any prospects of reorienting economic policies towards effective employment generation.

This provides a succinct description of the background to adjustment and trade globalization which explains the difficulties of developing countries such as ours.

You will understand that, in such a situation with various related constraints, promoting full employ-

ment may well be wishful thinking for developing countries. However, in view of the current renewed interest expressed by the ILO and its constituents in the creation and promotion of employment, there is still hope.

To my mind, this hope lies in the thought being given to various determining factors which have a potentially positive impact on employment in the world, particularly in the developing countries. Amongst those factors we should stress the importance of education, training and health. It is often stated that these sectors are not productive. This is a concept very frequently put forward by the international financial institutions but these sectors are and still remain the pillars of any action to fight poverty in the world. Similarly economic reforms advocated by the international financial institutions must be based on national consensus so that they can have the popular support and the need to achieve success.

It is imperative to include a social clause in instruments governing trade. This is a new opportunity for the ILO today to ensure ratification and ensure application of certain international standards governing fundamental human rights. The ILO should plead for better cooperation between States on human rights matters.

To promote employment, one of the most important emergency measures for all ILO member States is above all to fight to preserve existing jobs.

In conclusion, I express the ardent wish that the ILO will take action vis-à-vis the international financial institutions and the member States to ensure that there will be a more human development policy.

Original Spanish: Mr. AGUILAR (Employers' adviser, Guatemala) – Most of you are aware of the degree to which unemployment and poverty prevail in Guatemala. This has meant that the gap between the rich and the poor has become ever more pronounced. However, it should be made quite clear that no amount of statistical analysis of the problems afflicting Guatemala will solve those problems.

Generating favourable conditions for training, for forming new firms of every size, principally small and medium-sized firms, will facilitate the creation of new jobs. These in turn will become more numerous and better paid. Of course, this will not take place merely as a result of a decree or because of isolated policies.

Instead in a process of consensus amongst the various sectors of civilian society and government, it will be essential to create the necessary conditions to develop a national blueprint, a blueprint which has been lacking in Guatemala's history.

This national blueprint must be based not only upon the ongoing search for authentic democracy, not only in the holding of clean elections, but by taking those elections one step further, strengthening democracy day by day.

One of the pillars of this project for a Guatemala free of poverty and illiteracy is that of creating those conditions which will make it possible for the working class to be adequately and appropriately trained and for their skills to be upgraded. This will make it possible for them to aspire to and demand better working conditions and better wages. It is important to stress that because of the socio-economic and political crisis in Guatemala in the 1980s, most of our skilled manpower had to emigrate to other countries

in search of new horizons. This meant that the wage differential between skilled and unskilled labour of which the latter are in the majority can be described as a yawning gap.

These conditions mean that there is a high level of worker turnover because it is all the same to them whether they earn the minimum wage in one firm or in another. All this explains how important it is to train the Guatemalan working class. It is also indispensable to rid the economy of the country of its mercantile characteristics inherited from and enhanced by economic growth models based upon import substitution policies imposed by the development model of ECLA in the 1960s and 1970s.

Given the globalization of the world economy, it is indispensable for large-, small- and medium-sized firms to be able to develop within a framework which will enable them to enter a true market economy where the dignity of the human being lies in the centre of that development.

The following are elements of a minimum framework for a correct and complete development of firms in a global economy:

- access to sources of finance where timely and early loans are fundamentally secured by firms' ability to carry out projects and to produce profitably. In this connection, it is important to point out that while credit and/or guarantee funds are provided by friendly countries in order to support the development of our firms, generally speaking in most cases it is not possible to obtain them since the corresponding requisite banking laws do not exist. One way of overcoming this obstacle could be to work in cooperation with employers' organizations;
- management training for business people, above all for those in small- and medium-sized firms, so that they can set up more profitable firms;
- technology transfer, perhaps through the various universities in the country which will make it possible for firms to join an increasingly globalized and competitive economy. We should not forget that developing our firms within a protected framework did not encourage many firms to modernize, resulting in a very marked technological backwardness;
- access to timely information in order to be up to date with market trends and therefore to avoid lagging behind in terms of quality and product type. For this purpose it is essential to set up regional, subregional and worldwide networks as well as to develop the necessary trade contacts through trade fairs and other means;
- consultancy for individual companies or for groups of similar companies is indispensable in order to give impetus to Guatemalan firms so that they can join international markets with Guatemalan products. Likewise we need to increase our competitiveness internally in the face of foreign products which are many times better in terms of quality and more numerous in terms of quantity than our own;
- it is important for this economic development process to take place with the understanding and support of developed countries. Of course, this cannot be achieved by paternalistic means. Instead, globalization of world markets needs to be a

means of helping our firms develop and not of leading them to bankruptcy;

our Government must become a strong modern State characterized by subsidiarity and solidarity – a State with the ability to provide the indispensable infrastructure as also to provide health, education and security to its citizens in order to consolidate democracy and the overall development of all Guatemalans. It is important to point out at this 82nd Session of the International Labour Conference that important sectors of the national economy, are endeavouring in cooperation with the Government and with the rest of civilian society, to create mechanisms which will enable the country and Guatemalan society to enjoy a better future for Guatemala and Guatemalans.

Original Spanish: Mr. ZAVALA COSTA (*Employers' delegate, Peru*) – Yet once more it is a great honour for me to be here with you yet again in this august 1995 session of the Conference representing the National Confederation of Private Enterprise Institutions (CONFIEP) in order to deal with a topic linked to social development and which calls for the attention and constant concern of governments, employers and workers.

Allow me to congratulate the Director-General on his excellent Report *Promoting employment* which, apart from being inspiring and informative, calls upon us to think about a crucial problem of importance to all mankind. As well-stated by the Director-General in his Preface, “the task of creating sufficient new jobs to overcome unemployment, underemployment and problems of low pay ranks as the primary challenge for economic and social policy in countries at all levels of development”. For this reason we agree with the Director-General when he also affirms that it is imperative for the International Labour Office to step up its efforts to promote “action at both the national and international levels to improve the global employment situation”.

Let us remember that at the recent World Summit for Social Development held in the city of Copenhagen, the Programme of Action called upon the General Assembly to request the International Labour Organization, which, through its mandate, tripartite structure and experience, has a special role to play in dealing with matters pertaining to employment and social development, to contribute to the application of the Programme of Action. This Conference is, therefore, a suitable forum for the debate.

Today's challenge, from the viewpoint of the employers, is to pursue economic growth on the basis of full employment. We shall have full employment when economy and society are able to offer enough jobs for all available manpower, upgrading work and valuing it as the principal source of wealth creation and the overall fulfilment of the worker. For this purpose, as indicated by the Director-General in his Report, States should develop general guidelines for labour policy which seek to reduce unemployment and labour market segmentation, and to remedy the increasingly vulnerable situation of society's poorest members, promoting geographical, labour and industrial mobility and improving productivity.

In this sense, the globalization of the economy and the more flexible labour market should not be obstacles in creating new work posts; on the contrary, they

are an effective means for workers and employers to have more scope for development without confining themselves to production and consumption needs within their own borders. In other words, we are faced with the challenge of competitiveness if we are to improve employment conditions.

However, in order to attempt to obtain major improvements in the struggle against underemployment and unemployment, the economic players are increasingly immersed in a process of reconverting the labour force by upgrading the training and skills of the workers so as to have access to the necessary skilled manpower. This investment in human capital is both an obligation and a responsibility on the part of States, employers and also workers who ultimately are the most directly affected.

In the case of our country, in order to cope with the challenge of competitiveness, several fundamental guidelines have been applied as of 1990. These guidelines have made it possible to bring inflation and terrorism under control, to rejoin the international financial system, to apply tax disciplines as also to restructure the State and firms, along with the streamlining of procedures giving greater freedom to producers by ensuring ownership rights. Nevertheless, we also need to upgrade production; we need increased value added in production to offset increased costs for imports and manpower. Only in this way will it be possible to improve the international terms of trade, to upgrade human resources, to improve wages and company profits. This can be made possible only by feeding into our culture a combination of science, technology and production as part and parcel of a basic long-term trio to ensure competitiveness, prosperity and the common weal.

Also the current increase in the supply of labour, particularly in poorer States, requires sustained investment in social welfare programmes. These should be focused on those persons who, as a result of economic change and the restructuring of the state apparatus, have gradually swollen the ranks of the unemployed. It should also be a source of concern that in many industrialized countries unemployment is jeopardizing progress towards labour market integration among States. The expansion in international trade should not necessarily lead those countries which have an unfair advantage as a result of inadequate social protection of their workers to grow at the expense of the industrialized countries, so long as the inferiority of labour conditions is a result of underdevelopment and not of trade policy or government will. This situation will gradually even out as the development levels of nations come closer together.

In Peru there has been an increasing demand for new jobs. According to the chief of the National Institute for Statistics and Data Processing, in the period 1995-2000 the labour force in the country will grow on average by 950,000 people per annum, at current rates of labour force participation. Owing to the current growth in the level of the Peruvian population, there will be continual pressure to create new job opportunities since a large number of young people will be joining the job market. If, furthermore, we assume that there will be an increase in labour force participation as a result of more women entering the labour force, the labour market will come under pressure to create 1,170,000 new jobs in the next five years. This will mean the creation of

234,000 additional new jobs annually in order to cover total employment demand.

This new workforce must enter the formal sector in order to obtain adequate protection from the State through the social benefit system enshrined in our legislation.

It is worth mentioning also that the experience of state reform and economic adjustment in other Latin American countries, like Peru, was initially negative for the labour market, in terms of both employment and income, involving huge social costs while raising the spectre of recession. It is thus worthwhile asking to what extent the magnitude of the social costs involved is caused by strategic errors on the part of governments or whether these costs are inherent in any process of restructuring and productive modernization.

For this reason, productive employment generation and poverty alleviation are issues of ongoing priority that must be dealt with by employers, workers and the State which are duty bound to settle them. The economic recovery of Peru, reflected in the control of inflation and the defeat of subversion set the scene for tackling the objective of full employment while bearing in mind the problems previously mentioned.

In order to consolidate the progress made during the five-year period now drawing to a close and to head towards a market economy, employers' institutions in CONFIEP consider that the Government during the 1995-2000 period should attach priority, inter alia, to the following activities and issues: greater value added for production and exports; the definition of a legal framework for the use and ownership of land and water resources; making private investment viable in the agricultural sector; promoting the micro-firm and also small firms; defining clearly a tariff policy for the adequate integration of common markets such as the Andean Group, MERCOSUR, NAFTA, and the free-trade area for the Americas envisaged at the Miami Summit.

By way of conclusion, it is worth repeating the appeal made by the representatives of various member States and delegations at last year's Conference, as picked up in the 1994 Annual Report of the International Organization of Employers (IOE), concerning the need to renew the ILO's standard-setting activity by adopting fewer new standards and instead by revising and updating existing instruments as a mechanism for promoting and protecting employment.

Original Spanish: Mr. VARELA (*Employers' delegate, Uruguay*) – Allow me to congratulate the President on his election and to wish him every success in guiding these debates.

The Report submitted by the Director-General for this discussion has the timely title *Promoting employment*. Indeed, this issue, which has been a constant in this Organization since its founding and a scourge for many countries for even longer, takes on tragic proportions at a time when unemployment is soaring in the developed countries and when mechanisms used by those countries to reduce unemployment are ineffectual.

The Director-General has given us a Report with far-reaching economic implications in which he explains the current situation of the world economy and the possible consequences if corrective measures

are not taken, as well as the repercussions on employment.

We agree that this is a time of major changes and, as stated by the Director-General, it would be better to foster rather than delay them. However, it is also the time for decision-taking. The Report has the merit of making it clear that there is no easy path to seeking employment or to combating unemployment, each has its price and risks.

At any rate, the decisions that must be taken by governments should not omit the social players. We are accustomed to language which deals more with the labour world as such, yet we have observed that in this Report employers' and workers' organizations are not mentioned as participants in formulating and implementing solutions and changes.

This absence of any reference to employers and workers stands out; there is only the suggestion of greater participation by the latter in decision-making in enterprises, an issue which has been specifically discussed and which the Director-General knows is not accepted by the vast majority of entrepreneurs.

Even more noteworthy is the lack of any reference to the enterprise as a generator of wealth and employment. A Report that discusses promoting and creating jobs but leaves out any specific and unmistakable mention of the creation of enterprises and their development shows that the Office continues to be unaware of the enterprise's and entrepreneur's value to society.

Developing nations do not depend on political decisions or academic studies, but instead on the dignified work of their citizens in enterprises which make or market products, or provide services by which they can satisfy their needs.

We believe that the ILO has vast possibilities for labour, which go beyond dealing with the ethics of transnational companies. In our countries every day sees the creation of enterprises which are inspired by the ideas and enthusiasm of an entrepreneur who provides work to those who cooperate with him. The efforts made to strengthen employers and their organizations will lead to productive and long-lasting jobs.

However, it is not enough to count on the willingness of entrepreneurs in order to guarantee development. It is up to governments to create the conditions within which business activities can take place freely, in particular through standards which regulate but do not suffocate productive investment, international trade and the labour market.

With reference to international trade, States should attempt to fulfil the commitments they advocate, i.e., to do away with practices such as non-tariff barriers or export subsidies which stifle trade among nations, seriously damaging the poorer nations and the ones most scrupulous in fulfilling their international agreements.

In this regard, it is impossible to avoid referring to the proposed social clause in trade agreements. The fear that it could lead to a non-tariff barrier and a mechanism for sanctioning countries instead of being a vehicle to promote the rights of workers means that it is often viewed with doubt and mistrust.

At the internal level, States should adopt an attitude of subsidiarity and not attempt to do what the private sector is doing or can do, instead assuming the essential tasks of defence, justice and security, as well as others required by the common weal such as

education and health. All of this should be carried out within a framework of efficiency and economy so as not to overburden taxpayers.

As to the question of flexibility in the labour market, too much talk and too little action has weakened the concept. The term "labour flexibility" is viewed with enthusiasm by some and with irritation by others long before any meaningful discussion of it takes place.

Basically, the only thing we ask is that certain labour standards be selected and adapted to the current experience of enterprises. The aim is not to modify the essential rights of workers, such as the right to strike, to engage in collective bargaining or to enjoy freedom of association, but instead to rethink certain benefits that were obtained at a time when firms were acting under an economic system with a high degree of protectionism and which now, with the opening up of the economy results in costs that hamper competitiveness.

Equal attention should be given to the doctrine of labour law. Standard practices such as sticking blindly to agreements, incorporating benefits freely granted to workers by employers into their individual contracts, and even the principle of *in dubio pro operario* should be reviewed in terms of a more dynamic economy that is more competitive, and consequently poses greater risks to enterprises.

We should not allow an excessive commitment to the right to work and to labour standards to prejudice this very right to work.

Indeed, the facts indicate that agreements are reached between enterprises and workers that often fly in the face of the more orthodox doctrine. There is nothing rare about agreements to lower wages, to give up benefits granted by regulations, and even to add an extra daily working hour without pay so as to store up the enterprise and keep the source of work alive.

It is only through harmonious labour relations, where mutual confidence is a fundamental condition in bargaining for new types of labour contracts, that we can guarantee the maintenance of competitiveness for many enterprises and consequently their survival, with subsequent benefits to productive employment.

In this way we will move from a culture of confrontation to one of conciliation and collaboration.

Here is yet another area where the ILO has a great deal to contribute through technical cooperation on the part of its experts and owing to its international experience.

As to specific measures to promote employment, the setting up of a National Employment Board in Uruguay has been a useful starting point for active employment policies.

This tripartite body, which administers a fund based on personal contributions from employers and workers, deals with the need to upgrade the skills of workers who receive unemployment compensation. The novel aspect of this experience currently makes it impossible to evaluate its results and to judge the merits of its activities.

The opening up of the economy, the process of integration into MERCOSUR and an unemployment rate which has grown in the last quarter stand as a challenge to the Uruguayan Government; an emergency solution is required.

The Report of the Director-General, which has fuelled this debate, offers no practical solutions, and in some cases leads to confusion.

By dividing the world into three classes of countries – the developing world, those with economies in transition, and the developed world – a barrier is erected between different realities as if there were no connection at all between them and as if the solutions for some were not applicable to others. When it analyses the characteristics most often pointed out as a cause of unemployment, such as economic policy, trade policy and various aspects of labour market regulations, the Report concludes that none of them acting alone causes unemployment.

Indeed, there is no single cause of unemployment but instead there are many which work together at the same time. To analyse them one by one in order to draw a conclusion for example, that we must not seek greater flexibility in the labour market, taking into account its relative effect on unemployment, is simplifying to the extreme and confuses the reader.

The final pages of the Report propose global measures for action. The creation, for example, of an institutional mechanism at the international level in order to come up with practical solutions, is one of them.

At the same time there is a suggestion for "coordinated recovery" for industrialized countries which could also be applicable to all countries as a whole.

The combination of both proposals seems consistent, and to provide the ILO with a mandate for becoming such an institutional mechanism is a proper step.

Its tripartite organization – the expansion of which we are opposed to – would seem to make it an ideal forum for discussing proposals and seeking solutions.

Lastly, the Director-General's statement that "institutional reforms to bring about a better coordination of economic and social policies would be an important means of ensuring that economic and social progress are mutually reinforcing rather than antagonistic" eliminates the false opposition between economic and social aspects, leading to the conclusion that economic progress without social improvement is unjust, while social improvement without economic progress is impossible. We are faced with the challenge. We are aware of the causes. The time to act is now.

Mr. NOAKES (*Employers' delegate, Australia*) – Please allow me, first of all, to extend my congratulations to the President and the Vice-Presidents both on their election and on the effective manner in which they have presided over the deliberations of this session of the Conference.

The Report of the Director-General which is the subject of this debate, is an abridged version of *World Employment 1995* which was prepared and published by the Office.

Despite some careful redrafting during the abridgement process, the Report of the Director-General contains the same serious flaws to which the Employers' group drew attention during Governing Body discussions on *World Employment 1995*.

Indeed, while the Director-General's Report is an interesting document in terms of raising awareness and increasing understanding of a pressing social concern, it is a major disappointment as a guide to policy.

In this respect, I want to turn firstly to the issue of economic growth, to which the Report adopts a strangely ambivalent attitude.

There can be no question that serious prescriptions for reducing unemployment need to concentrate on means of ensuring faster rates of economic growth.

The Report does recognize the importance of economic growth, and the consequences of the reduction in the rate of growth since the period 1950-73.

But for the Report to go on to say that "international attention has been focused for too long on political and economic issues, to the unfortunate exclusion of vital social ones" is simply to minimize the importance of growth as the only effective means of tackling vital social issues, such as unemployment.

The Report's recommendations, in which this passage appears, give no effective prescriptions for increased economic growth.

The clear need, I suggest, if unemployment is to fall, is that there be sustained rates of economic growth over a number of years. Unemployment rates will not fall unless we can contrive to reignite economic growth. If industry is producing more, there will be a need for more employees. At its most basic, the level of employment will rise with the level of production.

But it cannot be stressed too often that production must mean activities which add value. There are some government activities which are value-adding, but they are limited in nature and are a very much oversubscribed field. There are only a limited number of opportunities for public spending to be associated with value-adding activity.

It is the private sector which is the key to higher levels of employment. For all practical purposes, employment will rise in a sustained manner only with growth in private sector activity. The crucial question to be answered is: what needs to be done to encourage private entrepreneurs to increase their level of activity and investment?

There can be no justification for a worldwide increase in public spending. It would be a foolish policy to attempt to raise economic growth by increasing the level of demand before there was an increase in production. This is the road to inflation and to a massive deficit on the current account.

And yet, the thinking behind the Report seems to be based on a prescription for global reflation, presumably through worldwide increases in budget deficits.

The Report appears to seek a worldwide increase in public sector expenditure in order to raise demand on a global basis. What would be folly for a single country can somehow become sensible if all countries practise the same policy together.

This Keynesian approach makes no sense whatsoever in today's world. It would be foolish to build public policy on a theoretical basis whose foundation lies in the notion that we have more savings than we know what to do with. This is not the situation today. The problem is that there is a worldwide shortage of savings and therefore of investment capital. We need more capital, and this capital must be made available to the private sector.

An important part of the solution to the problem is to lower interest rates without raising taxation. This is another way of saying that the solution lies in higher rates of national saving and reductions in public spending, so that more capital is made available to the private sector.

Turning to some specific areas of the Report, I have to say that I find the treatment of the issue of labour market regulation to be totally unconvincing.

The Report attempts to minimize the effects of labour market regulation by arguments which are not only selective, but are also designed to enable the conclusion to be drawn that "... it remains debatable whether it is regulation of the labour market that has been the main impediment to job creation".

Now, let me say unequivocally that so far as employers are concerned, i.e. in the view of those who actually make decisions to employ or not to employ, inappropriate forms of labour market regulation are a major factor which adversely affects those decisions.

Indeed, improving the workings of the labour market is one of the most important areas in which positive changes must be made if employment levels are to be increased. The real cost of labour must be contained and there must be far more flexibility in the labour market.

There are, without question, a number of institutional and legislative structures which we can all agree are valuable. Many of these exist with the full support of employers. But how many of them were introduced to raise employment or to reduce unemployment? On the contrary, they were introduced to provide greater equity for wage-earners, and if there were economic benefits, they were purely incidental to their introduction.

Greater labour market flexibility, less regulation and more appropriate regulation will improve the employment prospects of the unemployed. We need fewer regulations, not more. A less-regulated labour market is one of the ways in which employment growth can be encouraged.

In this respect, one of the areas of greatest concern to employers is regulation of employment security. The Report makes strenuous efforts to establish the alleged benefits of employment security. It asserts that employment security increases the propensity of firms to train, and that higher labour turnover would erode incentives to train. These assertions are so far removed from the real world that they would startle entrepreneurs. They amount to an argument that restricting the ability of an employer to make necessary labour force adjustments will be beneficial, since the employer will train workers more effectively, including those workers who are not required. And they ignore the fact that labour turnover does not occur only at the initiative of the employer.

There can be no doubt that in many countries employment protection legislation acts as a major deterrent which keeps employers from increasing employment levels. This is borne out by countless surveys of employers and statements by employers and their representative organizations. To deny it and to seek to preserve the status quo is to deny employment to many of those who are now unemployed.

The Report also claims that the protection of employment security as well as income can increase productive efficiency because of the pressures on employers that this creates. If this argument were correct, then it would be an argument that could be used to justify any form of regulatory impost, no matter how excessive and how costly.

Finally, let me say something about the issue of wages. The Report doubts the validity of the proposition that lowering wage levels will raise employ-

ment significantly. It argues that the bulk of empirical evidence largely finds the impact of minimum wages on employment to be insignificant, and it makes several supportive assertions which are unacceptable to employers.

If the Report seeks to argue that lowering the level of real wages has nothing to contribute to the reduction of unemployment, then I find myself highly suspicious of this analysis, particularly since the argument is based on selective and derivative material. Real wage restraint has an important role to play, and reductions in real wages are part of a full solution to the problem of unemployment. Let me be clear that I am speaking here about nominal wages rising more slowly than the price level. We should be giving attention to ways in which we can ensure that the real cost of labour is not pricing the unemployed out of jobs. There are undoubtedly large numbers of unemployed people who could get jobs and would be willing to take them at wages lower than the prevailing legislative minima. This is not an argument for the abolition of minimum wages or social safety nets, but an argument for a more realistic approach to their levels in a situation of acute crisis.

In conclusion, allow me to say that the Report has stimulated debate and caused us to give greater attention to a serious social problem. Much of the material in the Report is useful and uncontroversial. However, the basic premises underlying the Report cannot be supported by employers, and its prescriptions do not offer realistic solutions to the problem of unemployment.

Original French: Mr. BOUSSAT (Employers' adviser, France) – On this last day of our debate I should like to thank the Director-General for having taken the initiative to draft this Report, *Promoting employment*. It has the merit of embracing the results of work carried out by several international organizations – the OECD, the World Bank and also, for several years now, the Commission of the European Communities.

A report by the Director-General on employment should become a regular feature, and a framework in which permanently to analyse the situation in States and to experiment and take initiatives – in other words, to look at innovations in enterprises, or introduced by other socio-economic actors. But, the Director-General's Report prompts us to look afresh, at a world that is constantly changing.

Personally, I regret that the Report fails fully to take account of new elements. What do I mean?

First of all, the globalization of trade, as we all know, goes hand in hand with fiercer, even cut-throat competition, which in certain cases may prompt some people to put on the back-burner certain values and regulations to which the ILO attaches the greatest importance. I believe this is an area the ILO should monitor closely.

Moreover, technological progress is rapid and sustained. But it is also within the reach of most economies, which is a cause for celebration. As a result, occupations and, therefore, employment are undergoing and will undergo increasingly rapid and permanent change. This means that wage-earners will exercise different trades. This is already the case in many of our economies and will continue to be so throughout their working life. Flexibility is already the name

of the game. I do not think that this is going to come as a shock to anyone in this room.

We cannot talk about employment without first considering education and training. That also raises the question of how far we are able to anticipate needs and therefore the action that needs to be taken, both in terms of training and job content. It is at this level we need to make a serious effort to anticipate situations and make adjustments in our economies.

But let us go back to the question of enterprises. Enterprises can only survive and develop if they are competitive – in other words if they are productive. Let us call a spade a spade. Whereas this is not always going to help to create jobs, and in some cases may even lead to job cuts, the economic benefits to an enterprise will generate wealth and needs, and consequently lead to the redistribution of employment.

To my mind, we cannot understand the enormity of the subject of employment if we think only in terms of micro-economics. This is again a sign of a radical change in the labour market and in the world of work. We are going to be beset by technological progress – we already are. We will have to get used to change, both employers and workers, and it is precisely here that we still have a lot to learn. These changes and developments must be reflected within our organizations, and in our own behaviour.

They should influence the way in which we operate and think, even within this institution. The Resolutions Committee is just one of our many committees. I am not suggesting that new commissions or committees should be set up but, after all, why should we not have an evolutions committee?

In this context, are the instruments we draw up here, which I must say, is a long, complex and exhaustive process, always and in every case really suited to the dynamics of the world of work? We may well ask ourselves.

In that regard, we should be clear on what we, as employers, think. Deregulation of labour, reduced wage costs and indirect social costs, which many of us talk about, do not necessarily mean an absence of regulation and no social protection. They mean renovation, adaptation and simplified argumentation. They mean greater responsibility for citizens with regard to social security systems. The world of business, and therefore the world of labour are not static. They are in a constant state of flux. All of us, governments, employers' or workers' representatives, are responsible for anticipating and promoting change. And, God knows, it is not always easy to be one step ahead in our economies or in our enterprises.

Let me illustrate this point. For decades, in some of our industrialized countries, employers and trade unions alike have devised collective agreements to encourage loyalty among workers in enterprises, which is why, for example, length of service bonuses were introduced. Those were the days when the labour force had to be concentrated around industrial units and therefore attracted to and encouraged to stay in these areas. Today, we have to do the opposite and facilitate and make provision for mobility, which does not mean to say that we want to cast all forms of security to the wind. Why, in some of our collective agreements, for example, do we not do away with length of service bonuses,

and replace them with training, adaptation or change bonuses? Here too many people prefer to play ostrich.

Nowadays we therefore have to facilitate and make provision for mobility, which raises the stakes. This means at all levels; within the enterprise, at the national level, at the international level. We have to be careful not to rush to standardize because this may dampen the spirit of initiative and therefore, more specifically, prevent job creation and access to employment. It is true that we are tempted, to my mind, slightly defensively, to regulate and formalize situations and, in this way, put the blocks on many developments.

To sum up, employment has an economic and social dimension. This is why it is obvious there can be no employment without growth. But that also means that the context in which jobs are created must be improved. Many people before me have laboured this point, so I will say no more on the subject.

But, job creation and the will to generate employment depend heavily on mobilizing all the actors in our respective economies. In my country, for some years now, this mobilization has focused on helping young people to join the labour force by strengthening apprenticeships and alternating training. French employers recently signed agreements with the authorities to this end. In just the past few days, national goals have been agreed between trade union organizations and employers with regard to helping young people on to the job market. We are currently working on ways to help the long-term unemployed back into working life.

In conclusion, this mobilization which we are discussing and which is referred to so frequently in the Director-General's Report demonstrates that tripartism is not suffering from old age. Quite the contrary, tripartism can look forward to a new youth. In most of our economies we are now aware that we must mobilize our forces together.

Tripartism now faces a challenge of choice: employment or poverty. In this challenge, the ILO must now, more than ever, demonstrate its moral authority, and I emphasize the term *moral*, as it is used in some of our procedures. This moral authority has to be demonstrated by the ILO more strongly and more firmly in pursuing its objectives in the years to come.

Our discussion on the social dimension of the globalization of trade clearly shows that various quarters in some international bodies are looking to the ILO to be more involved and to provide more expert input.

In closing, I should like to refer briefly to the Copenhagen Summit. Our governments adopted a Programme of Action which clearly pointed to the ILO's responsibility, especially as regards training and employment.

All 15 members of the European Union unanimously lent their support to this mandate which has been given to the ILO. This is a specific responsibility for the ILO, and one which distinguishes the social partners from all the NGOs. Here, in my opinion, there is room for action in each and every one of our member States. These are the challenges we must now meet.

Original Arabic: Mr. BAKR (*representative of the Arab Labour Organization*)— In the name of God, the Merciful, the Compassionate. I am very proud to

be speaking to you for the second time at this Conference. I should like once again, on behalf of the Arab Labour Organization, to congratulate the President for the very able way in which he is guiding the work of this session. Allow me also to take this opportunity to express my pride, as part of the Arab group, to have been present for the visit of His Excellency Mr. Zine El Abedine Ben Ali, President of Tunisia, who gave an outstanding address to this Conference – one of the most significant of this session.

Your Conference is being held at a crucial moment in history; at the beginning of this year, the Fifth Conference of Ministers of Labour of the Non-Aligned and other Developing Countries met in New Delhi and adopted a plan and programme of action, noteworthy both for their objectivity and wisdom. These documents will serve as a reference for the policies of non-aligned countries in the areas of labour and social issues over the next few years.

At world level, Copenhagen hosted the World Summit for Social Development which adopted a number of commitments, as well as a Declaration and Programme of Action setting out to alleviate, if not to limit, chronic and structural unemployment; indeed, unemployment has become the hallmark of our modern society and has led to further poverty and social marginalization. We hope that the commitments and Programme of Action adopted by this Conference do not remain idle words so that national and international development are not seriously undermined at the end of this century.

The beginning of this year also saw the birth of a new organization – the World Trade Organization – after a waiting period of half a century. Its role will be to ensure the respect of fair regulations in free-trade markets. This is bound, in the near future, to cause a conflict between the principles of free trade and the respect for international labour standards.

These important events would not have come together in such a coordinated way if humanity was not having to cope with one of the most crucial periods in the history of mankind; a period in which the employment situation has been seriously worsening, unemployment rates have been increasing and job opportunities have been declining in most countries of the world. At the same time, the globalization of the economy and liberalization of world trade are beginning to emerge, wreaking havoc on many values and principles and exerting pressure on basic rights acquired in the working world.

We are being urgently called upon to tackle the social aspects of global development in the same way as its economic aspects; this call must be heeded because it is based on logic and justice – especially as our world vitally needs a new social contract. The liberalization of world trade should not serve as a pretext to overlook basic requirements for economic development, of which the most important include, the right to work, the respect of human dignity at work and the establishment of appropriate social welfare networks. The wealth and well-being of some countries should not be guaranteed at the expense of other countries. We are all in the same boat and unemployment and poverty, wherever they are, threaten security, stability and social justice everywhere in the world.

We are in favour of the dismantling of borders, the liberalization of trade, growing mobility in invest-

ment and the increase in world databases. But, at the same time, attempts should be made to increase the capacity of developing countries so that they are able to absorb these changes and not be left out at world level. They should also be able to have an equal share in the fruits of economic progress and to benefit from the considerable technological progresses made – to avoid widening the gap between the poor and the rich countries. These countries should also not be deprived of their relative characteristics which allow them to play an appropriate role in the world of free trade.

We agree fully with the conclusions of the Director-General in the report he submitted to the Social Summit in Copenhagen and to this Conference. The gravity of the problem of employment – and the other side of the coin unemployment – fully justifies this issue being examined on two occasions. Indeed, unemployment has become the major concern of all nations and peoples. Job creation has become a priority in the electoral programmes of presidents and governments. We, in the Arab Labour Organization, have nothing to add to this Report because it contains many serious proposals with which we agree entirely – especially the proposal that ministers of labour and employment should participate in economic policy discussions at both national and international levels.

In this context, we believe that it is important to maintain the role of the State and its institutions in the public services. Furthermore, ministers of labour should be given a greater role in the area of planning, policy evaluation and the preparation of relevant studies. All of these national efforts have helped us adapt our joint action to improve employment at the national and Arab levels, to encourage investment in human resources and attach greater importance to conditions for success in development programmes.

Thanks to our exemplary relations with the International Labour Organization, we have achieved much during the past few years; we hope that these relations will continue to develop during the next few years. We are extremely pleased that the Arab regional office has returned to its original headquarters in Beirut. We see this as the sign of increased ILO activities in the Arab region and the strengthening of links between the ILO and the Arab Labour Organization. We should like to call for an increase in the number of ILO documents and studies translated in Arabic so that the parties to production in the Arab world may contribute even more to the humanist ideas propagated by the ILO.

The Arab Labour Organization has been at the entire disposal of the ILO during the past few years to implement the ILO plan of action in the occupied Arab territories. We should like to take this opportunity to request the ILO and the donor countries to provide adequate financial backing to carry out programmes in this area of the world and to create Palestinian infrastructures. We feel that steps taken until now have not been commensurate with the urgent minimum needs of the workers.

We should like to express our appreciation to the ILO for putting across its message clearly in Copenhagen and for showing the world its unique situation within the United Nations system. Let us not forget that this Conference was the ideal forum for defending basic human rights of working men

and women and a world forum for studying problems of labour, social development and human development – and for proposing suitable solutions to these problems.

In the Arab Labour Organization, we feel that the ILO's activities will be strengthened if it steps up its cooperation with world and regional institutions in the areas of labour, social policy and human development. Indeed, regional and national organizations are much closer to their members and more apt to respond to their needs; all these organizations have their specific characteristics. And they must all cooperate at international level, which is vital if the peoples of the world are to attain their objectives of security, stability and social justice.

Mr. MAITLAND (*Workers' delegate, Australia*) – Today I want to concentrate my contribution on the issues raised by the Director-General in his Report to this Conference, and I wish to talk about two key issues.

Firstly, the inevitability of structural adjustment in all the member States of the ILO, and the urgent need to reassert the principle of equitable burden-sharing if that structural adjustment is to be a positive rather than destructive process.

Secondly, I want to discuss some of the measures suggested by the Director-General for shifting global macroeconomic policies and mechanisms to a more stable basis that will promote employment and sound economic growth.

Structural adjustment that leaves most people worse off today, with only a promise of wealth in the future, is a morally bankrupt position whether it be put in a capitalist or socialist society. Moreover, it is a recipe for social disintegration and upheaval, destroying not only individuals and communities, but also the conditions required for economic growth and wealth generation.

Today we live in a world where Western capitalist notions of competitive business and economic development are in the ascendancy. The evidence for the success of that model of development is based on the rising per capita incomes of some of the world's economies.

Yet everywhere we go we see unemployment and underemployment. The developed world continues to labour under unemployment rates that were unheard of in the 1950s and 1960s, and the leaders of those nations see no prospect of ever returning to such levels.

We now have an intellectual device which justifies the existence of human misery and the wastage of human resources that is caused by mass unemployment and is referred to as the non-accelerating inflation rate of unemployment. Some economists say the so-called natural rate of unemployment is 7 per cent or more, maybe 10 per cent. That is, government macroeconomic policies should be set so that 7 per cent or 10 per cent of the workforce should be denied a living, so that their desperate presence acts as a device to prevent the rest of the workforce pressing for a wage rise and thereby supposedly causing inflation.

We all know that inflation is bad for economic growth and political stability, and therefore, ultimately, for living standards. It should be controlled. But the fight to control inflation is not an end in itself.

Our ultimate goal is the betterment of our communities, that is, increasing living standards. The principal means of achieving this remains the creation of employment opportunities and high levels of employment.

When we talk about the need to keep 10 per cent or so of the workforce on the scrap heap of society just to fight inflation we are getting our priorities confused. We are promoting economic cures whose results are worse than the problems they attempt to solve.

We can pretend to ourselves that such costs can be privatized, that we can force individuals to adapt or perish on their own resources. But, aside from the moral repugnance of such a position, we are deluding ourselves if we think that society can be restructured with the underprivileged being made to pay the entire cost.

Those who are pushed out of society, those who are dispossessed, those who are told that they are worthless, or that there is no room for them, those people will exact their price. Those who have no stake in the community feel no obligation to it. Those who are denied the right to work and the right to be treated as citizens with economic as well as political rights, will feel free to take whatever they can from society, in any way they can.

We will end up with societies that are at war with themselves. It could be said that this is already happening in many corners of the globe. Money which we can save on structural adjustment packages and labour market programmes will be spent on police forces, armies and prisons. In many Western nations, Australia included, we are filling prisons as fast as we build them. It has no deterrent effect; people who have little or nothing to gain are not afraid to go to prison.

What we have to do – trade unions, business and government – is to decide whether we are going to pay collectively now in order to help our various communities adapt to economic change or whether we are going to pay a lot more later in terms of law enforcement and the loss of social cohesion and safety that comes with increased unemployment and poverty.

What I am saying is that public expenditure on labour market programmes, financed by taxes, is a necessary part of structural adjustment if we are to change to meet current challenges without disintegrating in the process.

The Australian labour movement has generally accepted that the liberalization of global trade is ultimately good for economic growth and for employment. We have also accepted the need for micro-economic reform or rationalisation of government-owned enterprises and infrastructure industries.

But we are not believers in the view that we will automatically produce a better deal for all. Rising national wealth and improvements in GDP per capita can and do hide increasing disparities in income.

In Australia the Labour Government has done its best to target social expenditures to the most needy. It has succeeded in ensuring that the poorest in Australia are now better off than they were a decade ago. But it has not managed to prevent or mitigate one of the major outcomes that is sweeping the developed world as a result of economic restructuring.

We are seeing the disappearance of middle-income earners. The vast bloc of people who are nei-

ther rich nor poor is disappearing. We are seeing our societies being divided into two separate worlds: the haves and the have-nots. Yet we in Australia are among the better off in the developed world, and working people in the developed world are still much better off than most of the working people of most developing countries. But the incomes of many are falling and poverty is increasing in the developed world and this should be of grave concern to us all.

If we cannot look after the poor and facilitate the smooth restructuring in developed countries, how much less are we capable of achieving more equitable global restructuring? How are we ever to achieve mutually beneficial global development?

It is time then for us to take a firm policy stance on the issue of economic restructuring and structural adjustment programmes. As a tripartite forum of labour, business and government, it falls to the International Labour Organization to be a major international voice that asserts the importance of equitable burden sharing and the inherent social policy dimension to economic restructuring.

There is a sound moral, economic and political argument that those who benefit from economic restructuring should shoulder the burden of social dislocation and unemployment that is a by-product of that restructuring.

If economic restructuring and globalization produce the net economic benefits that they claimed to, then there should be no problem in redistributing part of that new wealth. It should be considered a very small price to pay.

Government, business and the labour movements need to be unified in their stance that economic restructuring is not only inevitable, but is for the long-term good of all. Part of the/our responsibility in taking such a stance is to make a commitment to social policies and expenditures that will ensure that the whole community really does benefit from such restructuring.

I now turn to specific measures proposed by the Director-General in his Report.

The Director-General has argued that a central problem contributing to low economic growth and therefore low employment growth is the persistence of high real interest rates. He says that the volatility of international currencies and the huge volume of speculative foreign exchange transactions are causing high real interest rates, and are a barrier to international trade and growth.

The volatility of the Australian currency means that investors will only invest when their rates of return are very high. So we have the situation where productive investment in employment in Australia is stifled, and funds are redirected to speculative transactions that create only fragile asset-based wealth and which employ very few people.

At present we have a situation where global macroeconomic reform is undertaken in a vacuum. The policy-makers, which often are the unelected heads of central banks, formulate policy in a realm remote from the consequences of such policy.

The distance or remoteness is usually justified by the need for macroeconomic policy settings to be kept apart from sectional interests which would advance their cause to the detriment of others.

Macroeconomic policy cannot be timely or effective if it is not responding to the real needs of the day. Mechanisms need to be established that incor-

porate social policy needs into macroeconomic policy formation and systemically introduce these at international level.

I endorse the suggestions of the Director-General for alterations to international financial market mechanisms that will renew the conditions for economic and employment growth, and which bring back social policy goals to the centre of macroeconomic policy formation.

Original French: Mr. IBRAHIMA (*Workers' delegate, Benin*) – On behalf of the Workers of Benin, I should like to add my voice to all those who have spoken before me from this rostrum to congratulate the President on his brilliant election to the presidency of this session of the Conference. I wish him courage and success in presiding over the deliberations. I would also like to congratulate the other Officers in whom the Conference has also placed its trust. I am quite certain that thanks to their great skills the discussions at this session of the Conference will be brought to a successful conclusion. I would like to express my sincere gratitude to the Director-General of the ILO and his staff for all the intellectual and physical efforts which they have made to resolve the many problems which beset the lives of workers living in this world of ours, affected as it is by economic and social crises.

The Workers of Benin are proud of this tripartite organization of ours, whose leaders work without any discrimination as to race, sex or religion. This is the only body of the United Nations within which all States, large and small, enjoy the same treatment, as the promotion of social justice is the Organization's main vocation.

As far as the Director-General's Report is concerned, I would like to congratulate him both on the substance of the Report and the relevance of the theme selected for this year. All the issues and aspects in relation to the promotion of employment are studied in great depth in this Report.

However, the Report does leave me with a few questions.

For example, in a country such as Benin, is it not Utopian to speak of employment promotion knowing that the IMF and the World Bank are recommending the exact opposite of the philosophy of economic recovery?

Benin, like the whole African continent, is making no progress when it comes to putting the economy back on a sound footing. It is staggering under the burden of its debt. What sort of employment can an African country, and in particular Benin, offer when its only solution to the problems of development is a structural adjustment programme? As you know, these programmes consist only of measures to re-establish the macroeconomic balance. They are designed without the least concern for social measures for workers. Ever since an agreement was signed between the Bretton Woods institutions and Benin in 1981, the national economy has had a terribly hard time getting itself on track. The structural adjustment programme which is so ardently praised by the experts of the IMF and the World Bank merely adds to the poverty of the peoples of Africa, and in particular the people of Benin. Draconian measures have been taken. For instance, the salaries of civil servants have been cut, and an aggressive privatization campaign has been conducted, in which the most viable

state enterprises have been privatized. As a result, workers have been dismissed in large numbers; they then join the ranks of unemployed graduates who are already being churned out by the national education system. Looking at the structural adjustment programmes drawn up and implemented in most African countries, I cannot help concluding that it is extremely difficult to promote employment at the same time as we are being urged to cut jobs.

Is it really possible to promote employment when the authorities shirk their responsibilities and allow companies, and even strategic enterprises, to fall in to the hands of multinationals, whose only concern is to accumulate profits without re-investing in jobs in the country? In our opinion, employment promotion must be a part of a coherent development policy, which necessarily must include both economic and social aspects, underpinned by a process of democratization. Today, we speak about the globalization of the economy. How can Africa hope to join in? We all know that as a rule the terms of trade tend to favour the developed countries, who have no qualms about fixing prices for raw materials produced by developing countries. So once again, the developing countries are having their resources exploited by the industrialized countries, which unfortunately have a monopoly on these resources. On the eve of the third millennium, Africa's future will once again be most uncertain if the developed countries cannot bring themselves to stop seeing the world in their own image. Given the nature of its political, economic and social problems, it is going to be difficult for Africa to follow the pace of globalization. This being so, I believe a special study is required on the promotion of employment in Africa.

For me, the action to be taken by this Organization for greater social justice, making man the focus of development for the next millennium, is a source of great hope.

Original Arabic: Mr. BAKHEIT (*Employers' delegate, Sudan*) – In the name of God, the Merciful, the Compassionate. May I first of all congratulate the President most warmly on his election to preside over this session of the International Labour Conference. I am quite certain that his experience and skills will enable him to guide the work of this Conference to a successful and satisfactory conclusion.

The theme selected by the Director-General for his Report to this session of the Conference is a topical and important one, Employment promotion forms the basis of human dignity and is the only way for human beings to increase income levels. It is also a factor of stability in society because it promotes the redistribution of the fruits of progress and economic growth.

In his Report the Director-General studies the world employment situation. He refers in particular to the difficulties confronting the less-developed countries and asks us to help them cope with these difficulties. We are all in favour of this, we know that the ILO tells us that there can only be peace on the basis of social justice, and we also know that everywhere in the world poverty is a threat to progress and growth.

The structure of the world economy, which is unfavourable to investment in the less developed countries, which have considerable natural and human resources potential, has without a doubt had a negative

impact on employment opportunities in these countries. Sudan is just one such country which has suffered from the negative effect of these factors.

Thanks to God my country has abundant rich natural agricultural and livestock resources. We also have extensive mineral resources. All we need at the moment is political stability, investment and the appropriate technology.

The people of Sudan, which was the spark that ignited the national salvation revolution, had adopted a national strategy for the decade 1992-2002. This strategy is to promote the aspirations of the people of Sudan, in relation to political stability and economic and social progress, and peace in particular. This new strategy attaches a great deal of importance to the private sector by encouraging the spirit of enterprise and private ownership in the various sectors of the national economy with the exception of anything which touches on the strategic interests of the country and on condition that the private sector fulfils its social role in respect of the concept of social justice as upheld by Islamic law.

My organization, given the important role assigned to it by society and given the country's abundant wealth, must face enormous challenges to fulfil its role, particularly in this current economic situation characterized by the fact that there is precious little investment in the less-developed countries and also given the protectionist policies exercised by the rich countries against products from the poor countries. So the Federation of Sudanese Employers has taken initiatives and has adopted measures which will help it to perform its role, namely that of contributing to the setting up of an economic infrastructure which will allow for better growth.

May I sum up these measures briefly. First of all, the employers have taken advantage of freedom of association as guaranteed by the law on work associations, and have set up the Federation of Sudanese Employers, an organization of their own choosing. It includes the Federation of Chambers of Industry, the Federation of Chambers of Commerce, the Federation of Chambers of Agriculture, the Federation of Small Enterprises and Craft Enterprises, and the Transport Federation.

The Federation and its member chambers have set up bodies which keep track of the implementation of employers' policies and determine the role to be played by employers in the national economy. A balance must be struck between the responsibilities and duties of employers and workers. As the Prophet said, the worker must be given his pay before his sweat dries. Remuneration is a God-given right. Secondly, the Federation of Sudanese Employers, as an active social partner working through these institutions, has explained to the Government the types of difficulties which the private sector faces and which hamper progress. These include the lack of infrastructure as well as protectionism. In the light of the current economic difficulties, a number of measures have been taken in order to come to terms with these problems. We have taken these measures together with the Government at the national, regional and international level, so as to be able to ensure high levels of production and stability of employment.

Thirdly, the employers have benefited from the law to promote investment, enacted in 1990, which concentrated on investment in the cattle-raising, mining, agricultural sector, livestock, transport, hous-

ing and services. this legislation granted a certain number of facilities to foreign investors. As I mentioned earlier, my country has a vast potential in natural resources: it is therefore imperative that we should join forces with our partners to try to attract investment.

Fourthly, our Federation plays an active part in the Higher Wage Council, a tripartite body. This Council is working on a minimum wage standard to offset the negative effects of structural adjustment policies for the workers.

Fifthly, our Federation has also engaged in collective bargaining with the Sudanese Workers' Union. We have signed four agreements over the past three years, aimed at improving wage levels, raising them above the minimum wage level so as to mitigate the effect of inflation on workers' real wages. This is a good example of stable industrial relations.

Sixthly, our Federation encourages craft and small enterprises as a source of employment, and we have taken initiatives to encourage the growth of these craft and small enterprises.

The informal sector absorbs a large number of workers. Here we have a positive policy and we try to encourage informal sector workers to integrate into the normal economic structure.

We are in a difficult situation. We are hoping that trade liberalization will permit the less-developed countries to achieve their full potential, provide them with wider opportunities, enable them to benefit from trade liberalization and promote exports. We would like to join with these countries in calling for assistance in eliminating the debt burden. We also appeal for greater equity and fairness in investment flows so as to generate an atmosphere more favourable to growth and help bring about a fairer distribution of wealth. We hope that, in this context, the ILO will see fit to play the pioneering role that matches its competence and duties. We hope further that the ILO will do its utmost to promote employment, maintain it at an acceptable level and combat poverty. With the three components of the ILO combining their efforts, we are certain to succeed in our endeavours.

Mr. SIBANDA (*Workers' delegate, Zimbabwe*) – Allow me first to join with others who have spoken before me to congratulate the President of this Conference with his two Vice-Presidents on their election.

On the basis of the Report of the Director-General, I believe that the ILO should adopt a number of steps and measures to consolidate its leading role in the political and technical areas by directing all efforts at national and international levels, and harness resources to improve the situation of workers throughout the world. It should consider that productive employment is a major and essential factor of human dignity and not only a requirement for social and political peace, as some would have it. Globalization and restructuring of the world economy must not be at the expense of social development and justice. We should therefore continue to oppose vigorously any attempt to undermine social justice on the pretext of pursuing economic growth. It is unacceptable for any country to achieve an economic competitive edge over others on the basis of sub-human labour standards. It continues to be the workers' view that the ILO should play a decisive role in

leading the quest to achieve and maintain civilized international standards.

Placing the employment issue at the centre of the international agenda is the most important step in the work of our Organization, particularly in the light of the tremendous changes in the world economy, changes that have gone beyond the globalization of production and investment and resulted in liberalization of world trade. All these developments have had negative repercussions on the economies of the developing countries, which were already struggling to create ways and means to overcome unemployment.

Economic growth needs to be promoted since it is the indispensable basis for the generation of productive employment. Similarly, a credible and durable full employment policy has to be reinforced by a sound industrial relations system through which the claims of the social partners are accommodated within fiscal and monetary policies consistent with low inflation. The policy must take into account the mutual relationships between employment objectives and other economic and social objectives.

Within the framework of these common principles, individual countries must pursue country-specific measures to enhance employment growth without jeopardizing the maintenance of an economic environment conducive to employment growth. The task of reconciling full employment with price stability should be done by developing sound industrial relations systems. An underlying cause of inflationary pressures is the failure to resolve competing claims for resources within the constraints of the real productive capacity of the economy. Such distributional conflicts are generally translated into price increases and are a symptom of an institutional weakness in the mechanisms of dialogue between governments, employers and trade unions. Thus full employment requires both sound monetary and sound industrial relations.

Finally, participatory democracy by all these peoples in a country is a prerequisite to economic growth and development. Poor governance characterized by abuse of power, maladministration, corruption, embezzlement, despotism and bribery, especially from the developing countries has gradually eroded people's initiatives and moral values – which, to a large extent, has contributed to the slow economic growth and stagnation of the African continent's economies. Moreover, the denial of individual and people's right to participate and to voice their views are a source of conflict and political instability which we see in many parts of Africa today. Participation in democracy is a necessary precondition for mobilizing human and material resources essential for economic recovery and development, enhancing productivity and ensuring industrial peace.

Original Spanish: Mr. DE ARBELOA (*Employers' adviser, Venezuela*) – We congratulate the President on his election, as a Latin American and even more so, as the representative of a country which, at great cost for all sectors, is carrying out an exemplary struggle to set up a democratic system and a regime of respect to human rights. We ask him to convey the solidarity of the entire Venezuelan people to his honourable President, Mrs. Violeta Chamorro.

For developing countries which have not yet completed consolidating their democracies and the ma-

jority of which are still faced with the difficulties of restructuring their external debt, the problem of employment creation has to be placed in the context of politics and economics which the Director-General of the ILO has drawn up on the basis of the documents of the IMF, UNCTAD, the United Nations, and other institutions.

Account must also be taken of the complex and difficult social implications of the successive adjustment programmes to which these countries have been subjected. Venezuela has not been spared. Until recently the State's income from oil was the driving force of our economy. Yet the crisis made it clear that the Venezuelan people had no preparation to face a certain degree of deprivation, nor was our civil society in a position to provide the leadership in a structural change designed to alter the basis of public revenue.

After unexpected changes in the presidency, which took place in strict compliance with the Constitution and following six years of adjustments, the facts have proved to be harsher than good intentions. It became clear that the Executive confined itself to a strictly managerial role while transferring responsibility for promoting a national project and a plan to achieve that project, not even to the Legislature, but to the judiciary.

Inconsistency in attempting to accomplish goals impaired government action, as witnessed in failed plans, ministerial changes, as also in opposing and contradictory declarations and opinions. This failure on the part of the State to guide macroeconomic policy, with much toing and froing, led to sclerosis in the productive apparatus, described by economists as stagflation.

Consequently, our country must urgently promote and attract private capital, not only to make the economy more dynamic but also for private capital to promote definite improvement as mentioned by the Director-General in his Report.

It is worth recalling at this juncture several variables mentioned by the Director-General in his Report and which have an impact on direct investment, such as economic stability, political stability, a positive attitude towards private enterprise in general, high-quality infrastructure, constructive macroeconomic management, a clear and transparent policy with respect to investors, and a trade and industrial system which enables firms to take action in internationally competitive conditions. In this general framework, we should specify that excess labour market regulation in our country inhibits development and therefore employment. We have only to review a few figures on unemployment, underemployment and informality to realize this. Above all, the politicization of the exchange rate, of public finance and of the money supply, have contributed to perpetuating the endemic evil of inflation – practically unknown until recently in Venezuela. Consequently, for 1994, the inflation rate was approximately 70 per cent and even higher figures are expected for 1995. If bold and courageous action is not taken in this field, these figures may get worse.

In Venezuela, we recently signed, on a tripartite basis, a Letter of Intent promoted by the President, Dr. Rafael Caldera. Its ultimate goal was to reverse the strongly inflationary trend and its consequences. This is a commitment entered into voluntarily and patriotically by Venezuelan employers, in common

cause with the workers, and we trust that the Government will take immediate measures to comply with its ineluctable responsibility to put the public finances on a sound footing, and also undertake to promote those mechanisms and instruments which have been successfully applied in neighbouring countries in order to halt inflation which is destroying the quality of life of Venezuelans. We trust that, with the vigilant action taken by Dr. Caldera, this Letter of Intent will not become a mere piece of paper without consequence.

Our Government has publicly repeated that it will comply faithfully with its international and national commitments. This was no doubt the intention of the President of the Republic in giving his views clearly on this issue. Congress has followed up by ratifying important ILO Conventions. Venezuelan employers do not doubt these good intentions, yet we await achievements. Results convince, not words and presentations.

In this sense, we hope that Dr. Caldera, who now has good advisors, will restore a sincere and far-reaching social dialogue within the spirit of the Letter of Intent, thereby enabling the Government to fulfil its obligations towards the ILO.

Consequently, we hope and trust that our Government, without further delay, will keep its promise to comply with the conclusions of the Committee of Experts and of the Committee on Freedom of Association in response to the complaints of FEDECAMARAS (the Venezuelan Federation of Chambers and Associations of Trade and Production) and the IOE, concerning the Organic Labour Law. We also trust that there will not be a repeated violation of the Government's obligation to consult with social partners when appointing representatives in ILO activities. Similarly, we hope that in the future the Government will not ignore its constitutional obligation concerning tripartite delegations to the Conference.

In any event, Venezuelan employers consider that in order to make the Director-General's Report viable and to avoid it becoming a mere intellectual exercise in rhetoric, it is indispensable for Venezuela and indeed any other country which is a developing country and which is committed to the pressing need to create productive employment, to recognize the value of private enterprise, which constitutes the basic philosophy of one of the three parties to the ILO system by ensuring the application or existence of measures such as: the full rule of constitutional economic guarantees; the promotion and implementation of a bold policy of privatization; improvement and upgrading of the country's physical infrastructure; the promotion of citizens' security and safety; the respectful, consistent and sustained application of the tripartite principle as promoted by the ILO with respect to agreements reached with social partners; and the identification and urgent establishment of clear national objectives in order to overcome the negative situations which undermine democratic stability as well as the living conditions of the most needy citizens.

The task before us, particularly before us as Venezuelans, is by no means easy. Let us call upon the best brains available to unite our efforts for development within a democratic and pluralist system, which we have repeatedly chosen. Most of Latin America is already in the race and, to quote

Confucius: "perseverance overcomes all obstacles".

I cannot let this occasion pass without putting on record the efforts and achievements of the multidisciplinary technical advisory team in our region based in Lima. It has among other things, made a positive contribution to the genuinely tripartite search for possible solutions to one of the problems most affecting job creation and the value of Venezuelan real wages, namely social benefits, which arise on dismissal or withdrawal of a worker from a firm.

In accordance with the Report of the Director-General at the last meeting between the multidisciplinary technical advisory team and the advisors and technical team of the most representative employers' association in Venezuela, FEDECAMARAS, it was by no means by chance that the top priority was set as being the struggle against unemployment and consequently the pressing need to find solutions in order to promote productive employment. On that occasion stress was also laid upon the need to dynamize youth training programmes, and to retrain those who have suffered from those who have lost their jobs as an unfortunate result of the necessary structural adjustment required to achieve competitiveness and to adapt to globalization. In this respect we reiterate our recommendation made to the Board of the Turin Centre placing emphasis on regional technical cooperation and the Centre's and the regional programmes of CINTERFOR (the Inter-American Research and Documentation Centre on Vocational Training).

We Venezuelan employers also strongly support the sustained promotion of and effective and timely stimulus to small and medium-sized enterprises since, as in other countries, they generate more jobs faster and the employment they generate is productive and dignified.

Let us not deceive ourselves. If we really and truly recognize the unquestionable priority of productive employment, as stated by the Director-General in his Report, we will achieve it by at the same time creating the conditions in which the quality of life of our citizens is optimized. This is the only way to dispel the spectre of social chaos, unemployment and underemployment which endangers democracy and our very survival. We will receive no thanks from the young, the unemployed, the marginalized, from those have been shoved aside into the informal sector – on the contrary, a legion of evil spirits will, more than justifiably, disturb our sleep and our consciences.

Therefore, I invite all the distinguished participants in this 82nd Session of the Conference – Governments, my Employer colleagues and Workers – to join the great crusade for employment promotion on the basis of the conditions which I have spelt out as being necessary to that end.

Mr. HOFF (*Employers' delegate, Norway*) – It gives me pleasure that a representative of Nicaragua has been elected President of this Conference, particularly as I know Nicaragua through technical cooperation with employers, workers, politicians, administration and the press in your country. It warms my heart that Nicaragua is now taking an active part in international work.

At last year's Conference and at Governing Body meetings during the year, many of us have been preoccupied by ideas and proposals to make the ILO

more up to date, more relevant to its members and more attractive to its constituents.

The work of the Governing Body has been promising in this respect, and I particularly refer to the efforts of the Legal Issues and Labour Standards Committee (LILS) which point to a new understanding on what sort of Conventions we need in the future, and the obvious and unanimous wish to find ways of attracting greater numbers of ratifications.

However, I have difficulty in seeing that we have shown great talent to pursue that line at this Conference. The subject of home work stands out as an example, I would say. The Office made preparations for still another Convention full of detailed rules and regulations – exactly what the Conference, the Governing Body and the Director-General have all said they do not want any more. The Conventions are supposed to be sets of main principles with ample freedom for the ratifying country to reach the goals and apply the principles through the methods which are right for that country.

And what about the governments? Did they this year instruct their experts in the Home Work Committee to do their best in this direction? I am afraid that it was very difficult indeed to discover colleagues on the government benches who offered any help to get out of the old habits. It is therefore the appeal from the employers of the five Nordic countries – for which I have the honour to speak here today – that we all take the issue of modernization, relevance and simplification seriously when preparing for the next Conference and for all future meetings of the ILO.

We must not let ourselves be trapped into believing that the ILO lives a life isolated from the requirements of the world as it changes and develops round us. The ILO has to adapt to present future needs as everybody else. In fact, we have to make changes to safeguard the best that we have achieved in the past. Inevitably that also means leaving behind what is not useful and what is not wanted or demanded by sufficient numbers of people or member countries and federations.

Such is life – also for the ILO – if we want to keep the support and the contributions from the membership.

The employers wish for an efficient and successful ILO. We therefore invite governments and workers to find, together with us, a sound and realistic basis for future actions. Do not let us listen to people who have stiffened their thinking and imagination as if we were still living in the 1950s and 1960s. Let us come together and discover that there is today as much room for cooperation as there is for battle and antagonism.

Open minds are also necessary in our common striving for increased employment. Let us try not to be politically biased but accept the facts of life. Workplaces are not created by crisp resolutions. They emerge in an environment where people are efficient and where a product comes out with added

value. The producer at the local level needs freedom to find his own way, most often in the real world in teamwork with his own workers. He must operate in a regime of healthy laws and regulations, taxes and obligations, and competence must be stimulated at all levels.

Labour market experience must be dealt with professionally and honestly as there is now data available on working time, on the experiments in the sharing of jobs, flexible time organization, the role of health and safety and the working environment generally. We know more about employment agency participation in the labour market and investment, etc. But we need to deal together with all this – and without undue suspicion.

The employers would like to cooperate more fully with the Office in the preparation of future reports. A more vivid tripartite brains-trust activity would probably bring surprises. Nothing beats real life experience.

In the conclusion of his Report *Promoting employment*, the Director-General states that an important area for greater international cooperation is that of labour standards. One way of financing this, in the areas of the most urgent problems, is to persuade governments to direct the resources which are already there for technical cooperation in this direction. I point as one example to the problem of child labour because it is now an imperative challenge to allocate means for education and alternative occupation for these unfortunate children from the funds of technical assistance of the rich countries. But the eternal truth is that none of us gets richer if we do not produce. First earn the money – then go on to social spending.

In concluding my intervention, I shall therefore point to the possible help from the ILO in convincing the governments of the industrialized world that the best help to developing countries is probably not to continue to give away money. Better trade than aid!

Therefore, we can no longer discourage developing countries from producing and selling what they are really good at. And what they are good at, we all know – the primary sector. To pour aid into such countries at the same time as we are blocking them from selling us agricultural goods is a colossal paradox, perhaps a tragedy. Who has the courage to change this? And here is a challenge for the two organizational colleagues in Geneva: the International Labour Organization and the World Trade Organization.

Original French: The PRESIDENT (Mr. POPESCU) – We have now completed our discussion of the reports of the Governing Body and of the Director-General. On behalf of the Officers of the Conference I would like to thank you all for your statements which we listened to with great interest.

(The Conference adjourned at 5.15 p.m.)

Credentials

Third report of the Credentials Committee

Objection concerning the nomination of the Workers' delegation of France

1. The Committee had before it an objection to the nomination of the Workers' delegation of France lodged by the Workers' delegate of that country, Secretary for International Relations of the *Confédération générale du Travail* (CGT).

2. The author of the objection stated that, contrary to prior practice, the Minister of Labour had, at the request of one of the representative organizations, changed the composition of the Workers' delegation at the International Labour Conference to the detriment of the CGT. The change affected the distribution of the members of the delegation between the three trade union organizations represented (the CGT, the *Confédération française démocratique du travail* (CFDT) and *Force ouvrière* (FO)). Its effect was to allow the CGT, which hitherto had had three members, only two members in years in which the titular delegate did not belong to the CGT (two years out of three, according to the present rotation system). This decision undermined the representation of the objector's organization, and had been imposed without prior consultation, contrary to article 3, paragraph 5, of the ILO Constitution. In view of the Government's implicit refusal to discuss this matter with the CGT, the Workers' delegate was obliged to contest the credentials of his delegation.

3. In a written statement to the Committee made at its request, Mr. Yvon Chotard, Government delegate to the Conference, stated that at the beginning of each year the international section of the Ministry of Labour held a meeting with the representatives of each of the representative trade union organizations. The purpose of the meeting was to present for collective approval the distribution of trade union positions in the delegations of France to the various ILO meetings. In accordance with the system in force for many years, the CGT had three representatives, the CFDT and CGT-FO had two each, and the CFTC and CGC one each. During the meeting at the beginning of 1995, one of the Confederations indicated its intention to write to the Minister with a proposal for a slight change in the system in force, under which – based on the idea that the titular delegate needed to be seriously seconded – the organization designating that delegate would also designate two advisers. With the exception of the CGT, the trade union organizations that were represented at the meeting agreed to the proposal. The Government

delegate noted in addition that the representation of the CGT this year was identical to that of previous years.

4. The Committee noted that there was a difference of opinion between the objection and the Government's statement as to whether the CGT has been properly consulted on the proposal. However, since the CGT's disagreement related to an ancillary matter (the number of advisers for each organization) having no effect on the composition of the Workers' delegation at the present Conference, the Committee concluded that the Workers' delegate and advisers had indeed been chosen in agreement with the most representative Workers' organizations in accordance with article 3, paragraph 5, of the Constitution. It therefore decided not to uphold the objection.

Objection concerning the nomination of the Workers' delegate of Lesotho

5. The Committee had before it an objection, lodged by the Lesotho Trade Union Congress (LTUC), to the nomination of the Workers' delegate of Lesotho, who belonged to the Lesotho Federation of Democratic Unions (LFDU). The objecting organization provided detailed figures indicating that the LFDU had eight affiliates totalling 14,650 members, whereas the LTUC had 13 affiliates totalling 21,743 members. It alleged that the Government had partly based its decision on conflicting figures and had refused to take account of membership figures for the first quarter of 1995 as required by the Labour Code. Moreover, at the meeting the Government had convened on 5 June 1995 to discuss the nomination of Workers' delegate, the LFDU had been represented by three supporters of the ruling party, which had influenced its decision. The objecting organization requested invalidation of the nomination as being contrary to article 3, paragraph 5, of the ILO Constitution and to Lesotho law.

6. In a written statement to the Committee made at its request, Mr. N.M. Fanana, Labour Commissioner, Government of the Kingdom of Lesotho and Government delegate at the Conference, confirmed that the LFDU and the LTUC were the most representative workers' organizations in the country. The Government had asked both organizations to submit outstanding annual returns of their affiliates by 31 March 1995, but this had not been done. It had noted, furthermore, that one affiliated union had been claimed by both organizations. The Government had therefore based its assessment of repre-

sentativity on paid-up membership returns as the figures provided by the unions could be checked against the financial statements that they were required by law to submit. In the case of the LTUC, those returns showed a paid-up membership of 12,059. The figures provided by the Government for the paid-up membership of the LFDU was 12,070. Since the LFDU had the larger membership, at the meeting of 5 June the Government had accepted its nomination of the Workers' delegate.

7. The Committee noted that the figures of the Government and the objecting organization coincided as far as the LTUC's membership was concerned: total 21,761 with 12,059 paid-up members, i.e., 55.4%. There was also no discrepancy in the figure for total of LFDU members: 14,650. However, the figure given by the government for paid-up members of the LFDU was 12,070, i.e., 82.4%, which the Committee found surprising having regard to the proportion of paid-up members of the LTUC. The Committee also did not understand why no consultation had taken place with respect to the nomination until the eve of the Conference. The Workers' delegate had been accredited only towards the end of the present Conference. Since there was therefore insufficient time to seek the necessary clarifications from the Government, the Committee was unable to reach conclusions concerning the objection. At the same time, it drew attention to the need for governments to do their best during the consultation process to seek to achieve the agreement of all the most representative organizations on the nomination of the Workers' delegate. This requirement was particularly important where the workers' organizations concerned were similar in size.

Objection concerning the nomination of the Workers' delegate of Malawi

8. The Committee had before it an objection to the nomination of the Workers' delegate of Malawi lodged by Mr. Eaton V. Laita, under the designation of Secretary ad interim of the Interim Committee of the Trades Union Congress of Malawi (TUCM). He alleged that the Workers' delegate was an employer in his capacity of Personnel Manager of a Hotel Company in Malawi. He concluded that he himself could ably represent the Malawi workers at the International Labour Conference.

9. The Committee had also received a letter signed under the designations of Vice-President, General Secretary and Treasurer of the Congress Committee of the TUCM, containing a "workers' response" to the objection. The signatories stated that the Workers' delegate was the workers' representative in Malawi, adding that he was the elected President of the Hotels Food and Catering Workers Union and also President of the TUCM Congress Committee, which had replaced the Interim Committee.

10. In a written statement to the Committee made at its request, Dr. Gadi GY Mgomezulu, Principal Secretary for Labour and Manpower Development of Malawi and Government delegate at the Conference emphasized that the Workers' delegate had been nominated by the leaders of various trade unions in Malawi that were affiliated to the TUCM. All registered trade unions were affiliated to the

TUCM, which was the most representative body of the workers of Malawi. The Interim Committee had replaced the Executive Committee of the TUCM in February 1994, subject to confirmation by the Congress of Delegates of the TUCM. In April 1995, leaders of various trade unions affiliated to the TUCM informed the Registrar of Trade Unions of their decision to replace the Interim Committee and the Secretary of the TUCM (the author of the objection), alleging that he had walked out of a meeting that was to discuss the convening of the Congress of Delegates. When the TUCM had been consulted with respect to the nomination for the present Conference, the Government had chosen the Workers' delegate nominated with the support of the leaders of six trade unions, covering a total membership of 485,000, in preference to the author of the objection, who had nominated himself and whose union had a membership of 15,000. Concerning the status of the Workers' delegate, the Government noted that management and decision-making for the company employing the delegate as personnel manager were being done by a foreign management team for the group of hotels concerned and that in accordance with the legislation of the country, such a person could not necessarily be regarded as an employer. Finally, the Government said that elections for the TUCM would take place at its annual conference in July.

11. In the light of the information provided by the Government, the Committee considered that it had acted correctly in the present unsettled state of affairs concerning the leadership of the most representative workers' organization in Malawi. The Committee accordingly decided not to uphold the objection.

Communication concerning the travel and subsistence expenses of the Employers' delegation of Venezuela

12. The Committee received a communication from the Employers' Group signed by its Chairperson, four Vice-Chairpersons and a member of the Employers' delegation of Venezuela complaining that the Government had not paid the travel and subsistence expenses of any member of that delegation, indicating as a reason the absence of any obligation to pay these expenses as well as the lack of the necessary resources. The Government had however borne the expenses of a four-member Workers' delegation. In the communication, the Committee was requested to intervene with the Government so as to require it to explain the reasons for this course of action and to abide by its constitutional obligations in future.

13. The Committee invited the Government concerned to comment on the substance of this letter and to provide the information requested in the Memorandum of the Conference concerning whether or not the Government was paying the travel and subsistence expenses of the Employers' delegation and, if applicable, the reasons why those expenses were not being met. Noting with regret that the Government had not responded to this invitation and that the allegations in the communication were particularly serious, the Committee considered that the Government's attention should be drawn to the obligation on Governments to pay the travel and

subsistence expenses of all the delegates and advisers in their country's delegation in accordance with article 13, paragraph 2(a), of the ILO Constitution, as well as to the importance that the Credentials Committee had always attached to avoiding an imbalance between Employers' and Workers' delegations. The Committee stressed that the failure to respect these constitutional obligations or principles could be detrimental to the tripartite composition of delegations at the Conference.

Payment of travel and subsistence expenses of delegations

14. The Committee received a communication from the Employers' Group, signed by its Secretary, Mr. Costas Karpatis, wishing to register the protest of the Employers' Group at the number of governments which had not respected their obligation under article 13, paragraph 2(a), of the Constitution to pay the travel and subsistence expenses of their Employers' delegations to the Conference. A survey carried out by the Group at the current session showed that only 40 out of 117 Employers' delegations had had their expenses paid and that nine countries had not offered any financial support at all for the travel and subsistence expenses of their Employers' delegates and advisers. The communication also expressed the Group's dissatisfaction with the continuing imbalance between Government and Employers' and Workers' advisers, which was mainly detrimental to the Employers, the number of their advisers representing only one-fifth of the total present at the Conference. Noting that the measures taken so far to improve respect for the constitutional obligations had not had any significant impact, the Group reiterated its appeal for effective action in this regard.

15. The Committee recalled that, following the request of the Credentials Committee in 1992 concerning the possibility of introducing an appropriate mechanism to evaluate the extent to which article 13, paragraph 2(a), was being complied with, the Memorandum for the Conference contained a request to Governments to provide information in this connection. This year, the Governments of 58 member States (as against 54 last year) had responded to the request for information when they issued the credentials of their delegations. Forty four of those Governments (as against 40 last year) had declared that they had paid the expenses of the whole of their delegations, and 14 (the same figure as last year) had said that they only covered the expenses of some members of their delegations or only part of the expenses of the delegations.

16. The Committee noted that article 5 of the Standing Orders of the Conference gave it the mandate of examining credentials and any objections re-

lating thereto. This mandate, as it had been interpreted up to now, provided no remedy in the case where a Government nominated an Employers' or a Workers' delegate or adviser, without respecting its obligation to make the necessary financial arrangements for the delegate or adviser actually to participate in the Conference. Considering that the failure to respect article 13, paragraph 2(a), of the Constitution could cause harm to the tripartite composition of delegations in a way similar to non-compliance with article 3, paragraph 5, of the Constitution, the Committee concluded that the Governing Body of the International Labour Office should be requested to consider the possibility of amending or clarifying articles 5 and 26 of the Conference Standing Orders in a way which would set out the role and functions of the Committee with respect to such complaints of non-compliance with article 13, paragraph 2(a), of the Constitution.

Other communications

17. On 14 June 1995, the Committee received a communication from the *Confédération démocratique du travail* (CDT) of Morocco concerning the Workers' delegation of that country. The communication was to the effect that the Government had decided unilaterally to appoint the titular delegate from the *Union marocaine du travail* (UMT) to the detriment of the CDT. The Committee noted that, if that communication should be regarded as constituting an objection, it would be irreceivable under article 26, paragraph 4(a) of the Standing Orders of the Conference as the delegation concerned had appeared in the provisional list of delegations published as a supplement to the *Provisional Record* of 6 June 1995 and the communication had been received after the expiration of the time limit of 72 hours laid down in the provision referred to.

18. The Committee received a communication from the Employers' delegate of Cyprus, regretting that the entire Employers' delegation had been obliged to withdraw from the Conference as a result of strikes that had been declared in his country. The Committee considered that this communication did not call for action on its part.

19. This report was adopted by the Credentials Committee unanimously. It is submitted to the Conference in order that the Conference may take note of it.

Geneva, 20 June 1995

(Signed) B. JONZON
Chairman

D. FUNES DE RIOJA

C. GRAY

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Provisional Record

Eighty-second Session, Geneva, 1995

Twenty-fourth sitting

Wednesday, 21 June 1995, 10.15 a.m.

President: Mr. Rosales Argüello

TWELFTH REPORT OF THE SELECTION COMMITTEE: SUBMISSION AND ADOPTION

Original Spanish: The PRESIDENT – The first item on our agenda today is the adoption of the twelfth report of the Selection Committee, which you will find in *Provisional Record* No. 4L.

If there are no objections, I shall take it that the report is adopted.

(The report is adopted.)

COMPOSITION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

Original Spanish: The PRESIDENT – I shall now call upon the Clerk of the Conference to read you a communication concerning the composition of the Governing Body.

The CLERK OF THE CONFERENCE – I have received the following communication from the Employers' Electoral College:

The Electoral College of the Employers' group of the 82nd Session of the International Labour Conference was convened on 20 June 1995 starting at 9 a.m.

Mr. Hultin opened the meeting and requested the election of a Chairman. On the nomination of Mr. M. Nasr (Lebanon), the Group unanimously appointed Mr. J.J. Oechslin as Chairman.

Mr. Oechslin informed the Electoral College that in accordance with article 54, paragraph 5 of the Standing Orders of the International Labour Conference, the Employers' group of the Governing Body confirmed the appointment of Mr. Erik Hoff (Norway) and Mr. Toshio Suzuki (Japan) as titular members of the Governing Body, replacing Mr. Goran Hultin (Finland) and Mr. H. Tsujino (Japan), respectively.

Furthermore, the Electoral College, in accordance with the provisions of article 54, paragraph 5, and following a proposal made by Mr. W.A. Hilton-Clarke (Trinidad and Tobago), elected Mr. Barrington Robinson (Jamaica) as a deputy member of the Governing Body to replace Mr. E. Millette.

The meeting adjourned at 9.08 a.m.

This communication is signed by Mr. Oechslin, Chairman of the Employers' Electoral College and Mr. Hultin, representative of the President of the Conference.

REPORT OF THE COMMITTEE ON CONVENTION No. 81: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT – The next item on our agenda is the report of the Committee on Convention No. 81. I would like to invite the Officers of that Committee to come to the rostrum: the Chairman, Ms. Trosdahl, Government adviser, Norway; the Vice-Chairmen, Mr. Diaz Garaycoa, Employers' delegate, Ecuador, and Mr. Tapiola, Workers' delegate, Finland; and the Reporter, Ms. Delang, Government adviser, Sweden, whom I call upon to submit the report.

Ms. DELANG (*Government adviser, Sweden; Reporter of the Committee on Convention No. 81*) – I have the honour and pleasure of presenting to this session of the Conference the report and the Protocol on the extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector.

The basis of the discussion has been two summary reports drawn up by the International Labour Office, inter alia, containing a questionnaire communicated to member States.

In 1947 the ILO adopted the Labour Inspection Convention, 1947 (No. 81), covering industrial and commercial workplaces. Almost 50 years have elapsed since then and, during this time, the societies of all member States have changed considerably. Nowadays the non-commercial services sector constitutes one of the largest sectors of working life. There is no reason why employees in this sector should not be subject to the same labour inspection activities as employees in other sectors of working life, especially as occupational injuries and their cost are increasing.

The Committee that has been working on extending the provisions of the old Convention has had three key issues to deal with: whether the new instrument should be a Recommendation or a Protocol; what categories of services may be excluded wholly or partly from the scope of a proposed Protocol; what special arrangements may be made for the inspection of certain workplaces.

At the beginning of the Committee's work, the various parties had quite different views on these matters. However, all three parties – Governments, Employers and Workers – showed an admirable desire to reach acceptable solutions through compromise. This has made the resulting Protocol a very useful instrument for improving the working conditions of millions of employees in the non-commercial services sector. On behalf of the Committee, I ask

you to bear this in mind when adopting the report and the Protocol.

I would like to thank everyone on the Committee, the Chairperson, Ms. Trosdahl, the Vice-Chairpersons, Mr. Diaz Garaycoa and Mr. Tapiola, and the representatives of Governments, Workers and Employers, for their valuable contributions during these three weeks.

I would also like to thank Mr. Simpson and his staff, as well as the staff not seen in the meeting room for having made this Conference not only an efficient but also a pleasant one.

Original Spanish: Mr. DIAZ GARAYCOA (*Employers' delegate, Ecuador; Vice-Chairman of the Committee on Convention No. 81*) – As Employer Vice-Chairperson of the Committee on the extension of the Labour Inspection Convention (No. 81), to activities in the non-commercial services sector, I would like to point out that our Committee has satisfactorily accomplished the task entrusted to it. We have approved the Protocol, which reflects the conditions required to encourage that no service be excluded from inspection of its installations. The Employers' group of this Committee originally intended to propose that the subject be dealt with only in a general discussion because more consultations and studies were required in order to ensure that the proper decisions would be taken. This position taken by the Employers' group finally led to a tripartite proposal calling for discussion and approval of a Recommendation rather than a Protocol. However, inasmuch as the Committee gave preference to the idea of a Protocol, our group decided to cooperate so that the characteristics of the subsequent Protocol would be such as to favour its widespread ratification.

These characteristics included the following: flexibility and the ability to adapt to the most varied and changing circumstances. This is why we Employers, during the discussion, spoke out in favour of maintaining in the text an option for Members who ratify the Protocol to exclude from its application services such as the police, and security and prison services. These were included in the draft prepared by the Office, as well as including at least national (federal) government administration among the sectors which could be excluded, as was finally approved. We felt that to do otherwise would have imparted a very dangerous rigidity to the instrument.

On the other hand, our group gave its strong support to granting governments the option to introduce certain limitations and restrictions to labour inspections at places where services are carried out, in the previously mentioned subsectors, when there are reasons fully justifying such measures.

In the same line of thought, our group proposed an amendment which would reduce from ten to five years the period after which ratifying Members would be able to denounce the Protocol (the denunciation period). This proposal reflected a current prevailing trend of the ILO concerning the need to maximize ratifications of Conventions in the light of the disquietingly reduced numbers of ratifications during recent decades.

Along with this reduced period, our intent was to give Members additional means of denouncing the Protocol, if events subsequent to ratification made it advisable to change one's position.

Unfortunately our amendment failed by a narrow margin. We have the satisfaction of having sowed the seeds of concern; we hope that at upcoming Conferences this innovation will prevail, which, by the way, does not affect any constitutional provision or the Standing Orders of the ILO.

In short, we consider that the Protocol adopted by the Committee, submitted for consideration by the Conference, will be a positive contribution to eliminate current discrimination as regards labour inspection but, as we have said, without interfering with the particular characteristics of certain non-commercial sectors. This is why we have agreed to its adoption.

We would also like to point out that in the Committee there was a great spirit of dialogue which favoured tripartite consensus without prejudice to the natural differences among the groups.

We believe this is a good opportunity to express once again our gratitude to the Chairman of the Committee who led the discussions very astutely. We would also like to thank the Workers' spokesman, Mr. Tapiola, for his great skills and his evident desire to reach a consensus. I would also like to express my personal gratitude for the opportunity the Employers' group has given me to act as their spokesman.

Mr. TAPIOLA (*Workers' delegate, Finland; Vice-Chairman of the Committee on Convention No. 81*) – The Workers' group endorses the report and supports the Protocol extending Convention No. 81 to the non-commercial service sector. This is an important step in standing setting on labour inspection which started in fact already in 1919, the very beginning of the history of this Organization. We appreciate the efficient way in which this issue was discussed in the Committee and this shows that revisions which improve international labour standards do work.

With this revision we extend much-needed protection to a considerable segment of the working population, many of whom are subject to special high and varied risks, and the form that we have chosen, a Protocol, is very appropriate. This Protocol has to be read and considered together with Convention No. 81, and I trust that it will be ratified by at least as many States as the Convention itself. It will now be up to the constituents to see that this happens.

Article 2 of the Protocol makes provision for certain exclusions. We from the Workers' side had reservations about excluding whole categories from the scope of Convention No. 81. We would rather have focused on special arrangements but the categories of exclusions which we now have enumerated are only possibilities, nothing is specifically excluded by the Protocol itself. These exclusions are possible in certain fields of activity, such as the military, the police and prison services, and also essential government administrations. I underline that this Protocol does not talk of exclusions of the public service as such and this is important as otherwise the exercise would not have been very meaningful. A maximalist exclusion line would have left hardly anyone covered by the extension Protocol and at one stage I was afraid that the Protocol might automatically cover only the employees of municipal zoos. But it is also important that the determination of exclusions must take place in consultation with representative trade

unions or, as the case may be, the representatives of the workers concerned.

The other important article, article 4 of the Protocol, contains a section on special arrangements whereby it is possible to regulate the powers of labour inspectors. However this does not necessarily restrict or limit them. The keyword in this article is "regulate". We accept that sometimes it is not feasible either for labour inspection to be carried out, or for there to be certain constraints on inspection, but at the same time there are no blanket arrangements. Here also measures should be taken in consultation with trade union representatives.

As the report shows, there was also a discussion on the denunciation period and in the end we decided to follow the standard line which is a ten-year period. The Workers' group is always ready for a debate when a debate is being called, but I somewhat regret that the Governing Body discussion which we believe would be constructively pursued there, was brought into the Committee itself. The end result was that we had a one-day seminar on what is going on in different parts of this Organization, and discussed the future of standard setting which was perhaps a useful exercise. In any case, the Workers' group strongly felt that the special nature of this Protocol calls for maintaining the same ten-year denunciation period as we have for Convention No. 81 itself.

We have received the message which my Employer colleague has delivered. We could perhaps say that there might have been another time and place to have delivered it, but it has been registered and I am certain that we will discuss it on another occasion.

Finally, on behalf of the Workers' group, its deputy spokesperson, Ms. Ashe from Australia, and on my own behalf, I would like to extend our thanks to the Chairperson and the Reporter, my fellow Nordics who did a first-class job, despite being recruited at the last moment, or maybe because of that very fact. I also wish to express my thanks to the Employers' Vice-Chairperson and the whole Employers' group for the cautious and determined defence of their interests, and sometimes of the interests of governments also, and I thank the governments for showing their flexibility, which is often called for, and the secretariat for its customary efficiency. In fact our group's thanks are recorded in paragraph 458 of the report.

In short, our feeling is that this was a good committee. This was a revision according to the new system of how the Conference should work, and I repeat that it has resulted in an improvement of international labour standards and, as such, it is very welcome.

Ms. TROSDAHL (*Government adviser, Norway; Chairman of the Committee on Convention No. 81*) – Please allow me even at this late stage of the Conference to congratulate the President on his appointment and on the way in which he has guided the deliberations of this session of the Conference. I would also like to congratulate the three Vice-Presidents.

Norway has had the honour of chairing the work of the Committee on the extension of the Labour Inspection Convention to activities in the non-commercial services sector. This was the responsibility we accepted, knowing full well that the task would be a

difficult one, in particular because the Governing Body placed this item on the agenda for a single discussion.

The purpose of the proposed Protocol is to extend the provisions of the Labour Inspection Convention to workplaces in the non-commercial services sector. The means for effecting the extension is the proposed Protocol, which would be open to ratification by any Member having ratified Convention No. 81. A Member not having ratified Convention No. 81 would be able to ratify it with or without the proposed Protocol.

The consideration of adding a Protocol to the Labour Inspection Convention started in fact when the Committee of Experts of the Application of Conventions and Recommendations produced its 1985 *General Survey* on labour inspection. It noted that there is a whole series of non-industrial sectors which in many countries are not considered as commercial. This was seen to be a shortcoming in the Labour Inspection Convention, and it was stated that this should be corrected since the application of social legislation may also give rise to problems in the non-commercial services sector, which was rapidly expanding.

Workers in the non-commercial services sector make up anywhere from 10 to over 50 per cent of the active labour force in member States. They are regularly exposed to virtually all traditional occupational hazards, including the most serious ones. They are exposed to the same risks of disabling injury or disease as are workers in other industrial, commercial or agricultural occupations. In addition, they are often exposed to certain hazards unique to the non-commercial services sector.

In order to prepare for the extension of the Convention, the Office drew up two reports and questioned all the countries concerned on their opinion on the matter. It drafted a text of a proposed Protocol on the basis of the replies received.

It is my great pleasure to announce that the Committee concluded its work very satisfactorily, and that we are now in a position to submit to this plenary a proposed Protocol which I consider a model of progress, and at the same time a model of realism, flexibility and balance.

To afford flexibility, a Member ratifying the Protocol would have the possibility to exclude, following consultations, specified categories of workers wholly or partly from its scope of application. In addition, a Member may make special arrangements for the inspection of workplaces in identified services of the non-commercial services sector, so as to limit the powers of labour inspectors in certain respects. These provisions have been proposed to take into account the special features of particular services within this sector.

It has been a pleasure to chair this Committee, which has had a difficult task. However, the work has been done with a very constructive spirit and I would like to stress this in the spirit of friendship and even complicity. Each and every one of us felt the responsibility for preparing an instrument worthy of the ILO. The result shows that we have been successful in this endeavour. We have been able to achieve this, thanks to the excellent disposition of all the members of the Committee, and first and foremost, to the personal qualities of our two wise chairpersons, Mr. Diaz Garaycoa from Ecuador and Mr. Tapiola

from Finland, to whom I would like to express my very deep gratitude. I am also equally grateful for the valuable help of the secretariat of the Office, headed by Mr. Simpson and Mr. von Richthofen.

We have achieved a result which I am happy to present to this Conference. The plenary has before it the report of our work, which I invite the Conference to adopt, and the Protocol, which I invite the Conference to adopt in the vote which will take place tomorrow.

Original Spanish: The PRESIDENT – The report is now open for discussion.

Mr. MOORHEAD (*Employers' delegate, United States*) – Let me state at the outset that the United States Employers' group will vote for the Protocol. We do so, however, with a belief that had the process been different, this could have been a much better instrument. I believe the Governing Body made a fundamental mistake by putting on the agenda a one-year technical discussion of a subject as important as labour inspection.

Last year there was a general discussion on the role of private employment agencies in the functioning of the labour market. This was an excellent discussion which resulted in a report that the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) was obsolete and its revision was highly desirable. The Governing Body, as a result, now has scheduled the revision of Convention No. 96 as a technical item for a future conference.

Labour inspection is surely more significant in its importance to workers than are employment agencies. The ILO even published in 1991 *International labour standards concerned with labour inspection*. It details the provisions governing the organization of labour inspection systems as well as the prerogatives, powers, duties and obligations of labour inspector officials under various ILO Conventions and Recommendations. Over 60 Conventions and Recommendations are listed.

There is, I believe, little difference between the views of workers and employers over extending the labour inspectorate system to activities in the governmental and non-commercial services sector. A worker becomes no less important because he or she works in the government or in the non-profit sector. An employer has no right to provide less than decent conditions of work for his or her workers because the employer is a governmental entity or in the non-profit sector.

I believe it would have been far more productive to have had a general discussion on the topic with the full airing of views by all sides. As it was, our discussion was limited to reviewing the provisions of a draft Protocol prepared by the Office after a limited input from a questionnaire.

For example, Article 2, paragraph 1 of the Labour Inspection Convention, 1947 (No. 81) is a Convention applying only to workplaces covered by law which are enforceable by labour inspectors. Many governments exclude themselves from the application of workplace laws. Mine certainly did until just last year. We could have discussed how widespread this phenomenon is and in a Recommendation, for example, call upon governments to apply such laws to themselves. Such a provision of course is not a proper item for a Protocol. In our Committee review

of the report, a number of governments said they would abstain in the vote on our report in plenary. Some did so because there were no laws in their countries concerning these workplaces, but most did so because the discussion was inadequate to ferret out the particular problems which concerned them.

A full ranging discussion could have produced a report which would have given the Office much better information on which to draft an instrument – be it a Protocol, a Recommendation, or even a revised Convention consolidating many of the diverse standards if the discussions had shown a reason to do so. We have been deprived of that opportunity by the process established by the Governing Body and I, for one, regret it. What we have done is better than nothing, but it falls far short of what could have been done.

My other reason for addressing you today is to call your attention to paragraph 444 of the report of our Committee on Convention No. 81. It notes that I suggested that the ILO voluntarily submit itself to the Swiss labour inspectorate system. There is no legal impediment to its doing so as long as the submission is voluntary. I asked for a tripartite consensus to this recommendation in our Committee, but we had run out of time and there was no opportunity for a discussion of my suggestion. Therefore, I renew my call today in plenary for the ILO to subject itself to labour inspection. As the world authority in proposing the adoption of labour standards, it is particularly appropriate for the ILO to apply to itself Conventions that it urges its member States to adopt. Certainly as we call for governments, through this Protocol we are about to approve, to apply the labour inspection system to themselves, there is no reason why the ILO should not set an example for the rest of the international organizations in the world to follow.

Original French: Mr. ELMIGER (*Government delegate, Switzerland*) – First of all, I would like to thank the Officers of the Committee, and, of course, the secretariat, for the excellent report which we have incorporated in *Provisional Record* No. 20. This is the text of the report itself, on which I have no comments to make, but the report does contain a draft instrument, namely a Protocol to the Labour Inspection Convention, 1947 (No. 81), which a priori, having read it through quickly, prompts the following comments from my delegation.

First of all, generally speaking, the draft Protocol deals with areas that are not covered by any legislation in Switzerland, either at the cantonal or federal level. Therefore, it would be difficult for Switzerland to accept it. Secondly, the Protocol recommends, particularly in its Article 2(2), consultation procedures which go beyond what is possible either through legislation or in practice. In conclusion, therefore, my authorities are in favour of drawing up a protocol to improve the protection of workers throughout the world. Nevertheless, my delegation will not oppose this text. But, in the light of the problems I have just mentioned, the Swiss Government delegation will abstain in the vote on the adoption of the Protocol before us.

Original German: Mr. MEYER (*Workers' adviser, Germany*) – Thank you very much for allowing me to speak on the report on the extension of the Labour

Inspection Convention, 1947 (No. 81) to activities of the non-commercial services sector.

I should like to address myself to the second sentence of article 5, and to the statement made by the Employer member of the United Kingdom which is to be found under paragraph 445 of the report of the Committee.

On the first point, my interpretation of this sentence is as follows: a Member shall grant the labour inspectorate the right to observe exercises and activities; however, this does not oblige the inspectorate to intervene. However, at the end of the next paragraph, mention is made of observations and proposals for improvement. Second point: in 1976, the ILO Governing Body decided to establish a tripartite mission to review the effectiveness of labour inspections' inspectorates. Members from Belgium, Denmark, France, the United Kingdom and Italy were called upon to take part in this review. The resultant report contained criticisms, suggestions and proposals as to improvement, made by trade unions, those in question, and Government and Employers' representatives. My recommendation is that, in order to ensure that the suggestion made by the representative of the United Kingdom Employers is taken into account; all the proposals for improvements that have been put forward in the seven reports should be merged together. In this way, the Governing Body would have an excellent basis for updating the Convention in question.

Original French: Mr. RAMOND (*Government delegate, France*) – Like previous speakers, I would like to offer my congratulations on the excellent work which has been done by the secretariat of the Committee, by the Chairman and by the Reporter. The report is excellent.

However, my delegation will have to abstain, and I would like to explain why.

It seems to me that when a Convention raises specific difficulties for any government there are two possible attitudes to take, and a number of excellent colleagues and indeed friends from the European Union have adopted a position which is not ours which says, in effect: "We are not going to get in the way of the Bureau. We are not going to set ourselves up as an obstacle against those who want a Convention. However, we will vote for this Convention even in the knowledge that at least in the medium term we will not ratify it."

That is not our position. We think that there should not be a pseudo legislation in international labour matters. We think that the work of the ILO should be respected, not just for its aesthetic appeal, but because of its effectiveness, and if there is a mass of unratified Conventions then it will never be possible outside this hall to speak seriously of an Inter-

national Labour Legislation, and that is why if we are not in a position in the medium term to ratify a Convention, our position is to abstain. Now, it so happens that French public law makes a very clear separation from all points of view, jurisdictional and other, between public administration, falling within the power of the State, and all the rest. Our basic provisions in law are such that the Labour Inspectorate does not have access to bodies falling within the public administration.

That being so, we cannot in the medium term ratify such instruments, and consequently, we shall abstain.

Original Spanish: The PRESIDENT – As no one else has asked for the floor, we shall proceed to the adoption of the report. First, and in accordance with the established procedure, we will adopt the body of the report, from paragraphs 1-462.

If there are no objections, I shall consider that the report is adopted.

(The report is adopted, paragraphs 1 to 462.)

PROPOSED PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947

Original Spanish: The PRESIDENT – We shall now move on to the adoption of the Protocol of 1995 to the Labour Inspection Convention, 1947, beginning with the Preamble. If there are no objections, I shall take it that the Preamble is adopted.

(The Preamble is adopted.)

We shall continue with the adoption of the Protocol, article by article.

(Articles 1 to 10 are adopted seriatim.)

Finally, we shall proceed to the adoption of the Protocol as a whole. If there are no objections, I shall take it that the Protocol is adopted as a whole.

(The Protocol is adopted as a whole.)

In accordance with article 40, paragraph 7, of the Standing Orders of the Conference, the Protocol will be submitted to the Drafting Committee of the Conference for the preparation of the final text.

Before concluding, I would like to thank the Chairman, the Vice-Chairmen, the Reporter, and all the members of the Committee for an excellent job done.

(The Conference adjourned at 11 a.m.)

Twenty-fifth sitting

Wednesday, 21 June 1995, 3 p.m.

President: Mr. Rosales Argüello

SECOND AND THIRD REPORTS OF THE FINANCE COMMITTEE OF GOVERNMENT REPRESENTATIVES: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT – Our first item this afternoon is the adoption of the second and third reports of the Finance Committee of Government Representatives, which can be found in *Provisional Record* No. 21.

Mr. Boateng, Government delegate of Ghana and Chairman of the Committee will present the reports.

Mr. BOATENG (*Government delegate, Ghana; Chairman of the Finance Committee of Government Representatives*) – I have the honour to submit to the Conference the second and third reports of the Finance Committee of Government Representatives. These reports are published in *Provisional Record* No. 21 and contain the recommendations of the Committee concerning the matters placed before it. The resolutions recommended for adoption by the Conference in respect of these items appear at the end of the reports.

The Committee considered recommendations concerning the assessment of contributions of new member States, scales of assessment of contributions to the budget for the 1996-97 financial period, the derogation from the provisions of the Financial Regulations governing cash surpluses and deficits, and the composition of the Administrative Tribunal of the ILO. These are included in the second report of the Committee.

The main subject considered by the Committee was the Programme and Budget proposals for the 1996-97 financial period. The Director-General, in introducing the proposals, pointed out that the proposed programme budget had responded to the desires expressed at the 75th Session of the International Labour Conference and had therefore received very broad support from the Programme, Financial and Administrative Committee as well as the Governing Body. The objective of real zero-growth had been achieved, due primarily to the reforms introduced in the last few years. Two further reforms would bear fruit in the coming biennium; these were the streamlining of sectoral activities to free up resources for follow-up actions in the member States, and actions to modernize standard-setting activities. The Programme and Budget better reflected the priorities of members, particularly in the fields of employment and enterprise development. With regard to the cost increases, the Director-General had also reviewed the assumptions in the light of the most recent forecasts. He was able to reduce the

cost increases for the next biennium from 7.23 per cent to 6.26 per cent. At an exchange rate of 1.16 Swiss francs to the US dollar, the revised level of the proposed Budget was 672,220,000 Swiss francs.

The Committee heard statements on the Programme and Budget proposals from Mrs. Roldán-Confesor, the Chairperson of the Governing Body, Miss Mackie, on behalf of the Employers' Vice-Chairman of the Governing Body and Mr. Tapiola on behalf of the Workers' Vice-Chairman of the Governing Body. Their statements are included in the third report of the Committee in paragraphs 16-25.

In the debate the largest contributor had indicated that in the light of budgetary reforms currently under discussion, there was uncertainty about the level and the timing of the payments of its contribution. Certain other member States had also indicated that they could experience difficulties in meeting their financial obligations in view of the strengthening of the Swiss franc against other currencies. The majority of the Committee, however, supported the adoption of the level of the budget as proposed by the Governing Body, taking into account the adjustments in cost increases made by the Director-General. In preparation for a potential shortfall in contributions, the Committee recommends that the Conference requests the Director-General to present to the Programme, Financial and Administrative Committee and to the Governing Body whatever adjustments might prove to be necessary. These adjustments should not lead to reductions in the technical cooperation and field programmes. The Committee further recommends that the Conference requests the Governing Body to decide at its next meeting on 24 June on the procedures for any examination of any proposed adjustments.

Given the impact of the exchange rate fluctuations on the budget proposals, the Committee further recommends that the Conference requests the Director-General, the Programme, Financial and Administrative Committee and the Governing Body, to evaluate this issue as well as the presentation of the Swiss franc and US dollar values of the Programme and Budget proposals.

The total budget amounts to US\$579,500,000 which, at the exchange rate of 1.16 Swiss francs to the dollar, comes to 672,220,000 Swiss francs. A summary of the budget of expenditure and income is in Appendix I to the third report in *Provisional Record* No. 21. You will find in Appendix II a summary of proposed expenditure by major programme. Finally, in Appendix III, you will find a table showing the contributions due from member States for 1996.

The final item for consideration was a proposal for funding the costs of holding a Maritime Session of the International Labour Conference should the session take place in January 1996.

I would like to express my thanks to the Vice-Chairman of the Committee, Mr. Melas, the Government delegate of Austria, and to all the members of the Committee and the secretariat, all of whom helped me greatly in my task as Chairman.

Finally, in recommending all the resolutions to the Conference for adoption, I would make a special appeal in respect of the resolution concerning the 1996-97 Programme and Budget proposals, that all of you, governments, employers and workers alike, give it your unanimous support.

(The Clerk of the Conference makes an announcement concerning corrections to the Spanish version of the two reports.)

Original Spanish: The PRESIDENT – Discussion of the reports is now open.

Ms. CARON (*Government delegate, Canada*) – During the discussions in both the Governing Body last March and in the Finance Committee at this session of the Conference, the Canadian delegation consistently stated its support for the programme aspects of the proposed 1996-97 budget which, in our view, reflect the right priorities and future orientations that will position the ILO to assume a strong role within the United Nations system in its areas of comparative advantage. But the Canadian delegation, along with other delegations, has also voiced its deep concern over the level of the budget, which does not reflect the considerable income short-fall expected for the biennium, and which means that the proposed budget considerably exceeds the revenue which the Organization can realistically expect to receive. We continue to believe that there is considerable scope for more absorption of cost increases. This would in part reduce the impact of the exchange rate changes on member States' assessments. That impact is of particular concern to countries with dollar-based currencies. During the Governing Body discussion, the Americas group tabled a statement to this effect.

The resolution pertaining to the budget in the report before you meets, in part, the concerns expressed by the Canadian delegation. In reverse order, Part C acknowledges the need for reviewing the impact of exchange rate fluctuations and for more transparency in outlining the dual currency budget. Part B of the resolution implicitly acknowledges that the budget level as it now stands sets out an expenditure ceiling, and is not based on actual income. In addition, Part B reaffirms the principle that member States, in conjunction with the social partners, have the responsibility for programme adjustments.

We welcome and support these two provisions of the budget resolution. However, my delegation cannot support the level of the budget as proposed in Part A of the resolution, for two reasons. First, it contravenes the principle that budget levels should reflect actual prospects for income. To maintain the proposed level in the face of a significant short-fall in revenue will artificially inflate the contributions of member States. This is unacceptable to my Govern-

ment, since it penalizes those States that pay their contributions in full and on time. Second, the cost increase incorporated in the proposal is unacceptably high. It does not represent maximum cost absorption, nor is it a serious attempt to reduce the large overhead costs inherent in the 70 per cent portion of the budget which is spent in Geneva.

For these reasons, the Canadian delegation is unable to support Part A of the budget resolution. We hope, however, when the Governing Body meets next November, to be in a position to support a revised budget based on adjusted income and expenditure levels, as well as programme proposals agreed to on a tripartite basis.

Mr. JONZON (*Government delegate, Sweden*) – I am sure you will agree that we can learn a lot from poetry and novels, and indeed also from children's literature. For example, I am convinced that many of you will remember from *Winnie the Pooh* by A.A. Milne that there is nothing as empty as an empty jar of honey.

However, this fundamental observation – not to say indisputable fact – is no longer valid; I fear the ILO budget is just as empty.

The only thing we in fact know about the draft budget is that it *will be* adjusted, but we do not know to what extent or how.

Therefore my delegation will vote in favour of the resolution, only in order not to stop the process, and today I will confine myself to three observations on what I hope to find in the adjusted budget.

Please do not interpret me as being negative. The Swedish Government is a very strong supporter of the ILO and we in the delegation do really care.

First, the process of reform of the United Nations specialized agencies over the past years originally had a twofold purpose. One was to reduce the involvement of the agencies in the practical execution of projects in the field. Not at all because the need for field activities was decreasing but because the United Nations agencies are better suited for other kinds of work.

The other purpose – and the most important one – was to make the specialized agencies centres of excellence with a clear focus on analytical and normative work, on policy advice and on collection and dissemination of information for the benefit of their constituents.

It is, however, unclear to my delegation to what extent such a shift in emphasis is emerging within the ILO.

One example could of course be the multidisciplinary teams. But in the absence of a firm multidimensional approach at headquarters, which could assist the teams in their difficult task, we fail to understand in what way the work of these teams really differs from the work of the previous field experts.

To our understanding, there is a need for more comprehensive analyses and thinking within the Office and the Organization to be able to really and fully utilize the potential that a multidisciplinary approach actually has.

There is a need for far-reaching analyses in order to be able to offer relevant advice when there are conflicting goals and when priority-setting becomes a difficult task. And the specific weight of such advice is determined by the intellectual capacity of the Or-

ganization – and not by the money spent on the spot in country X or on programme Y or Z.

My delegation's interpretation of the second paragraph of the resolution – where it says that the adjustment should not reduce the technical cooperation and field programmes – is therefore that this *is not to be* measured only in the way dollars and cents are distributed between various programmes and countries.

There should be no presumption that field activities by definition are of greater value than other work.

The heart of the matter is that the positive impact of different activities, wherever they are located, in terms of achieving the overall objectives should not be reduced. Of course it is desirable to place more emphasis on field activities – but they must be effective.

The adjustments that are necessary for budgetary reasons have to be of a structural and thereby lasting nature. Nothing should be looked upon as sacred if efficiency and productivity improvements are possible. Areas of concern include the service and support activities and the distribution between staff at P and G levels.

To imagine that there is room for productivity measures within all programmes has very little to do with how hard people work, and I want to underline that. According to science, productivity is determined mainly by two things – first of all management, and secondly organization.

My second observation refers to the approach to the most fundamental of all problems that the United Nations family is dealing with, and that is poverty. This complex issue was one of the themes addressed by the Social Summit.

What was stressed during the Social Summit was the inter-relation between the various problems and the multiple effects of various policies.

It is therefore of the utmost importance that the ILO also deal with poverty and general economic policy matters – but from its unique angle and perspective, namely employment, participatory involvement etc. After 20 years of experience of policy-making and fights with the Minister of Finance, I know that in order to have an impact on general economic policy, which is decisive from both the poverty and employment perspectives, we have to provide analyses and hard proof of what the effects of proposals are on macro- development.

And therefore the ILO must also be able to speak the language of the Bretton Woods people. Moreover, the ILO has political legitimacy and credibility as regards social and economic issues because of its representativity and tripartite constituency.

Rather than hiding under a patchwork quilt of beautiful words and ideas, the ILO, including you and me, should delve deeply into the questions of mutual interdependence between macroeconomic and social issues and contribute to the discussions on what to do to assist those people, those countries and those regions that in the eyes of today's markets are superfluous or next to superfluous.

Due to the interdependence between micro and macro it therefore goes without saying that the ILO has to look more at general economic issues.

This calls for a new paradigm of collaboration between relevant organizations, not just improved mechanisms of coordination. But it also requires a

staff with the appropriate competence to play that role and that this staff be used for the right purpose.

My third and last observation refers to visibility. The ILO has to find an inroad to international debate, to reach out in order to have an impact on thinking and policy.

If, for example, the World Employment report is published yearly and is marketed appropriately, it has the potential to become one of those influential publications that policy-makers and others all over the world are waiting for.

In the information society marketing is decisive. It doesn't matter how excellent our ideas are if the decision-makers are unaware of them.

I also strongly support the idea that such a report be issued mainly under the authority of the Director-General, rather than after negotiations by the lowest common denominator of the tripartite constituency.

This might, perhaps, be risky from a political point of view, but in the long run, I am convinced that you all accept that it is better sometimes to disagree and argue with the Director-General than to gag him.

Mr. HILBURN (*Government delegate, United States*) – I appreciate the opportunity to comment on the Finance Committee report on behalf of the United States of America.

On this 50th anniversary of the United Nations, people are looking to the great international institutions to strengthen the global economy, improve living and working conditions and promote sustainable development.

At the same time, people are demanding change from their governments. In the United States there is an effort to lower the deficit and bring public spending under control. Funding for all public purposes can be expected to shrink. Our Government is not only restraining growth, it is down-sizing significantly. Other governments are experiencing similar challenges.

For international organizations, this means that most United Nations agencies will have fewer resources available. As a result United Nations agencies must refocus on their mandates, their priorities and their basic structure. We must develop a culture of management for results, protecting top priority programmes while reducing non-programme costs.

The United States is asking the United Nations, including the ILO, the same things it expects of its own public services. For a start, United Nations forums must meet less and do more. We must consolidate and streamline administrative functions. We must publish only critical reports. We must move the data collection and analysis function into the twenty-first century with the application of new technology, interactive multi-media programmes and Internet access. The consequence of a lower overall resource base will ultimately demand smaller bureaucracies with more focused agendas.

For the United Nations system to meet the challenge of the twenty-first century it will have to be smaller, more proactive and more flexible. During these past days we have worked hard to reduce the ILO budget level as well as the expenditure level. We are fully convinced that substantial savings can be found and costs absorbed in a biennium budget of over \$500 million. Maintaining an artificially high budget and cost-binding income level only postpones the day, and increases the pain, when the Governing

Body will have to prioritize the Organization's programmes.

As the report under consideration makes clear, there was a range of views expressed in the Finance Committee. At one point, it seemed possible that the Committee might reach a compromise on the budget level. However, the moment passed and with it any hope that the United States would be able to vote in favour of the 1996-97 Programme and Budget. We simply cannot, in good conscience, vote for a budget we cannot pay for.

I believe it is important also to address the concerns of those who question United States intentions with regard to the ILO. The Administration remains committed to active membership and participation in the Organization. We see the ILO as an essential part of the multilateral system of the twenty-first century. However, the Organization must restructure itself to meet the needs of its Members in the increasingly stringent budget environment we foresee. We look forward to working with the Director-General and ILO Members to review and sharpen the priorities of the Organization in order to ensure that they support the high objectives and principles on which the ILO was founded and which we support.

Mr. VAN HEERDEN (*Government adviser, Republic of South Africa*) – For the last week we have been conducting budget discussions in the Finance Committee, and these are never easy discussions. Talking about money is always a subject which is likely to raise emotions and bring out a number of vested interests which often clash. I would just like to share a few observations with you as a member State and client of the ILO, as I know all of you are, to try to draw together what I think is really the direction in we should take – the direction which we feel the ILO can act in our best interest.

We have heard a number of people say that the ILO budget is too high, but that raises for me a question. What do we mean when we say too high? Higher than what? Too high in relation to what? Is it higher than last year? Is it higher than ten years ago? As a matter of fact, some of you might know that the ILO budget today is still 10 per cent lower than it was in 1977 when the United States pulled out the last time. That withdrawal in the late 1970s precipitated an adjustment in the ILO budget which has since remained at a fundamentally lower level, so I do not think it is historically accurate to say that the budget is too high – certainly not just as a broad generalization. We might say that the budget is too high in relation to the programme but first, to conclude that, we would have to take the programme, analyse its contents and see whether the budget is appropriate to the programme objectives that we have all agreed upon.

Last year when we met for the 75th anniversary of the ILO we gave the ILO and the Director-General with an enhanced mandate. We decided that the ILO had to play an increased role in a world of work that is changing with ever greater rapidity. We asked the ILO to take more leadership, to help us to solve the problems we face in the world of work. Now, it cannot do that without greater resources. We all went to Copenhagen in March. We discussed key issues and key problems facing developed and developing countries – poverty alleviation, social disintegration, employment – and we decided again that the ILO had a

fundamental role to play – a leadership role to play. We asked the ILO to take up that challenge. We cannot now deny it the resources that it needs to play that role.

So I am making a fundamental pitch for us to talk not just in generalized terms about a cut of 5 per cent, 6 per cent, or 50 million. I am asking us to look at the role that we want the ILO to play, to find those programme priorities and then come up with a budget that is appropriate. That may well mean an ILO that is smaller, more flexible, more decentralized – but let us get to that conclusion via the discussion of the programme, not simply by throwing around a couple of handy figures.

We have also heard a number of comments made about the size of the ILO's superstructure – the 70 per cent of the ILO budget which is spent in Swiss francs, basically here in Geneva. As someone who has had the privilege of working inside and outside the Organization I must say that on the basis of my personal experience, I do not think that the ILO is too large and I do not think that the bureaucracy is bloated. I worked in a pigeon-hole in the ILO. I can tell you that the resources and the facilities that I have at my disposal in my national Government far exceed the resources that I had at my disposal as an ILO official. So I think that we have to see that there is a relationship between the superstructure here in Geneva and activities in the field. I think that we could end up in a situation where we saw off the branch we are sitting on.

So, I am again making a pitch for us to analyse in a more rigorous, in a more programmatic way the role we see for the ILO. If that discussion leads us to conclude that there are activities in Geneva which are superfluous, which could be trimmed down without impairing or with even enhancing activities in the field, well and good, but let us avoid the generalizations, particularly when they verge on judgements about the staff and the abilities of the ILO headquarters.

The final point that I would like to make, and it is a point that I have discussed with my colleagues in southern Africa a lot in recent days, is that we of the ILO, when we talk about it, are not talking about a monolithic bureaucracy somewhere "out there", over which we have no control, we are talking about an Organization in which we take fundamental decisions, both in the Governing Body and at the sessions of the Conference. So if we see the ILO's programme and budget, or if we see the ILO's activities as inappropriate, the responsibility is ours; it is ours for having mandated it to play that role, it is ours for failing to intervene to change it. I would say that if we do feel – as many people do – that we are entering into a new phase of financial stringency, of down-sizing national and international governments, then let us work, as Members of the ILO, towards a medium-term adjustment of the ILO's activities. Let us set ourselves a five- or a ten-year objective of fundamentally refocusing the ILO, and in terms of that focus then come up with a budget that is appropriate. But let us start with the ILO's priorities, and end with a budget that is appropriate. For that reason I urge you all to vote for this programme and budget.

Miss MACKIE (*Employers' delegate, United Kingdom*) – I would like to remind the Conference of one

or two matters: first, of timing and, second, of responsibility.

On the matter of timing, I think it is important to recognize that because of the timing of various decisions which need to be taken either by national governments or by the ILO at its annual session of the Conference, we are today faced with the problem which the preceding speakers this afternoon have made clear to us all.

It is not altogether unusual, unfortunately, but during the course of a biennium the ILO budget – which like most budgets has to be discussed and approved in advance of the time when it is applicable – from time to time has been found to be a trifle over-optimistic because of the delay in the payment of certain contributions, and the response has been entirely proper. The response has been indeed just that – a response. The ILO has responded to the problem once it has been identified and quantified, and where necessary, has adjusted programmes or economized in ways which were at that moment most available and most appropriate.

Now we have a draft Programme and Budget before this session of the Conference which, in order to comply with our Standing Orders, we need to approve. I think it is probably a coincidence. I certainly do not believe that any government times its budget discussions with any particular awareness of the timing that the ILO needs its Conference to respect when discussing the Programme and Budget, but it so happens that there are uncertainties. In particular, we are facing those uncertainties which the spokesman for the United States Government has set out before us today. I have to say that I fundamentally disagree with the reaction of the Canadian Government to those uncertainties. It seems to me that we would be creating still more uncertainties if we were now to make an arbitrary cut in the figures which are now before you. We cannot forecast the possible size of a cut which we are warned is likely to arise in the contribution, admittedly, of our largest contributor. It seems very much more sensible and practical, and also procedurally more appropriate, if we support the motion which is before us. Indeed, in that sense, the motion is an entirely proper one. I have every confidence we will be able to support all three parts – and when I say “we” I am speaking on behalf of the Employers’ group of this Conference.

During the discussions in the Finance Committee, which is, of course, a government committee and not a tripartite committee, I was privileged to be present. I am not a member of that committee. You have the record of the discussions in front of you. I believe that you will be able to agree with me that part (a) is primarily a response to that procedural or technical need to approve the budget which has been exhaustively discussed and agreed by the Governing Body. If for no other reason, it should be adopted so that there will be something on which to work when we have further information, be it good or bad, about the contributions which we may look forward to receiving. These are not separate diverse motions in front of you. It is one motion with three parts, and I believe that we must read it in that way, with the three parts together. Of these three parts, I would suggest to you that the second is the one on which you should focus if you are looking for realism and practicality. The Employers’ group in the Governing Body and at this session of the Conference has, for

some time, endorsed the concept that the ILO needs to reform and to improve its efficiency in terms of the results it achieves for the income which its member States contribute. I think this particular second paragraph, paragraph (b), expresses the necessary and practical steps which I hope will be the first steps on a path which leads us not to a reaction, but to something proactive, where we can look at the structure and at the work of the ILO; one in which instead of cutting the budget on an ad hoc basis, we can recognize the need to consider reconfirming the priorities which the Governing Body has already identified. We need to consider how we can best use the money which we have every hope and reason to expect to receive. So I believe it is wholly appropriate to say that paragraph (b), which requests the Director-General to work through the Programme, Finance and Administrative Committee of the Governing Body to make those proposals and whatever adjustments may prove to be necessary, is a good paragraph.

I find it extremely significant and important that it includes the phrase “should not reduce the technical cooperation and field programmes”, and if I emphasize the word “programmes”, it is because I think that it deserves emphasis. This is not aimed at wholly preserving those programmes with the same figures attached to them, but it is making very clear that the programmes themselves must not be cut. That is something which again the Employers’ group supports. There is no doubt from the point of view of one who has sat on the sidelines of the Finance Committee that the way in which the budget is put before the Conference and the Committee is confusing for those of us who do not instinctively have the ability to read with one eye reading Swiss Francs, and the other eye reading United States dollars. It is confusing, and it does lead to all sorts of conversions going on in the middle of discussions. I think it is helpful, although I regard it as procedurally less important, that we have the recommendation in paragraph (c). So, in detail and in general, I commend this resolution to you. The Employers’ group has had a report on it, although we did not have the document very early this morning, and we do support it and I believe will vote for it.

I regret very much that paragraph (b) in particular is not sufficient to enable certain governments to join what I believe will be an overwhelming majority in support of the resolution before you this afternoon. These governments have, in my view, expressed opinions fundamentally not dissimilar from those that I have tried to express to you, namely that there is a need for reform and a need to recognize that we will not have the income represented by the figures in front of you.

Mr. BRETT (*Workers’ delegate, United Kingdom*) – I speak on behalf of the Workers’ group and in beginning I recall the Swedish Government delegate introducing A.A. Milne as the starting point of his contribution. I think that rather than an English author I will start with the premise of an Italian playwright, a writer of great farces, Dario Fo, who wrote a great farce which is entitled “Can’t Pay, Won’t Pay”. That, it seems to me, characterizes some of the ingredients in our debate. We contributed to the work of the Committee in a contribution by my colleague, Kari Tapiola, in which he rightly reminded

the Committee that governments may dispose, but what they dispose of is taxpayers' money earned by workers, working for employers. Therefore I believe the social partners do have the right to voice views. Another of my colleagues, Leroy Trotman monitored closely the work of the Committee. For this he received a unanimous vote of sympathy from the Workers' group, recognizing the difficulty that the Committee had and the frustration of anyone who sat in the Committee and could not contribute.

There are a couple of comments in the body of the report I would like to refer to, one of which I think is wise and one is one which causes concern. The one I think which is wise is the reference to the contribution of the Government of Belgium which pointed out that the unique role of the ILO, the reconfirmation during the commemoration of the 75th anniversary of the ILO, and the Declaration of Philadelphia, were reasons why the ILO could not be treated in the same way as any other specialized agency of the United Nations. I think that is a wise contribution to remember. The one that causes me some concern, and I may do a disservice to the Canadian Government here, so if this text is not what was said I apologize in advance, but the text says in paragraph 29, second sentence: "The ILO constituents had expressed support and agreement that it should adapt its core principles of protecting workers' rights in the changes taking place in the global economy". I recognize no such change. It has not been the decision of the Conference to change at all or to adapt at all the core principles. We may have to adapt the means of arriving at the ends that are determined for us in our principles, but the Workers' group has no intention of being party to adapting the core principles.

The advantage of being the fifth or sixth speaker in the debate is that it is possible to hear echoes of what you are thinking in the contributions of others and I particularly refer to the contributions of the Governments of Sweden and South Africa. I agree with lots of what our colleague from Sweden said. The Workers are quite prepared to enter constructively into mechanisms for adjustments to the programmes to meet a shortfall in budget, and we recognize in the statement by the Canadian speaker a reference to the member States in conjunction with social partners making such changes. It is therefore slightly difficult to square that with paragraph (b) of the resolution, which clearly sets out two no-go areas, namely that the adjustments should not reduce technical cooperation and field programmes. I think my Employer colleague, Anne Mackie, put that in context, and it is a context with which we agree, namely that if we are to work as a tripartite body within the Governing Body, then it seems to me we look at everything but we recognize the emphasis that governments put on the technical cooperation of field programmes rather than see them as absolute no-go areas to seek efficiencies.

The other thing I would like to refer to is that three governments, two in contributions made from the rostrum, by the United States and Canada, and one in a contribution made during the debate, have asserted that there are considerable savings to be made in the administration. That is stated in the paragraph that refers to the Government of Japan's contribution in the Committee and was emphasized by the governments of Canada and the United States. All those three governments sat through the tortuous

and difficult setting of the current budget. My memory is not infallible but I might have noticed if any of them had offered considerable savings that could instantly be made in the administration of the ILO, and as far as I recall, none did. What we have seen is a continuous squeeze in the name of reform on resources within the ILO, and the Workers' group has played a constructive role in reforming the Governing Body, and reforming the Conference. But there comes a point, I think, when we have to say as the Government representative of South Africa said, that it is not a question of how high the budget is. We clearly have governments with difficulties in making their contributions, either because of the economic state of their countries, or the political will, or lack of it, of their congresses or parliament. What I think we have to do is see how to retain the mandate, retain the effectiveness of the Organization, and I can offer the support of the Workers' group to this resolution tomorrow, and join with my Employer colleague in hoping that he will receive overwhelming support. I also offer the constructive involvement of the Workers' group in the difficult decisions that lie ahead. But we believe it is right to set the budget. It is right also to recognize the difficulties of member States. We do not believe we would have assisted by changing the budget at this stage, but we do recognize that there are difficult days that lie ahead.

Original Arabic: Mr. AL JARWAN (*Minister of Labour and Social Affairs, United Arab Emirates*) – On behalf of the Arab countries, allow me to state that we are satisfied with the outcome of the work performed by the Finance Committee and the resolutions which are before us. We would like to thank the Chairman and the Officers of the Committee for their input in coming up with the resolution which represents a consensus adopted by the members of the Committee. As an Arab Government member of the Non-Aligned Group, we support any and all decisions taken by this group, although we know full well in advance that there will be considerable financial responsibility involved arising in connection with the budget. In particular this holds true for the question of exchange rates. However, it is necessary to have the best possible working conditions and the ILO must be able to survive, and this is why we are ready to support the budget and the other proposals which are now before us, hoping that our resources will be managed more efficiently in the future taking into account the most urgent needs.

Still, on behalf of the Arab group, I would like to voice our reservations concerning the Governing Body and the PFA Committee which failed to take into account the request put forward by the Arab group. I am not going into any specifics of Arab proposals. Let me simply recall that Arabic should be used more widely in the ILO's publications. This would certainly help to involve more closely all those representing more than 20 Arabic-speaking countries throughout the world. This would also enhance the efficiency of the ILO.

Then there is the need as we all see, to keep on an even keel for the years 1996 and 1997 in terms of the technical cooperation provided by the ILO to the National Palestinian Authority. This Authority is confronted with major tasks and challenges and will be called upon to meet the future needs of the Palestinian population. It is also imperative to

increase the share falling to the Arab countries from the technical cooperation programme. Now looking at these two programmes and comparing them with the other regions, we feel that there is a certain imbalance.

In closing I would like to say once again that we support the proposals made by the Finance Committee, but we depend on the other bodies of the ILO for the future and we trust that they will take into account what we have just said.

Original Spanish: The PRESIDENT – As there are no further speakers on my list, I think we are ready to adopt the second report.

If there are no objections, I shall consider that the body of the report, i.e. paragraphs 1 to 17 plus Appendices I and II, is adopted.

(The second report is adopted, paragraphs 1 to 17 and Appendices I and II.)

RESOLUTION CONCERNING THE ASSESSMENT OF CONTRIBUTIONS OF NEW MEMBER STATES

Original Spanish: The PRESIDENT – I now submit for adoption the resolution concerning the assessment of contributions of new member States. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

RESOLUTION CONCERNING THE SCALES OF ASSESSMENT OF CONTRIBUTIONS FOR 1996 AND 1997

Original Spanish: The PRESIDENT – I submit for adoption the resolution concerning the scales of assessment of contributions for 1996 and 1997. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

RESOLUTION CONCERNING A DEROGATION FROM THE PROVISIONS OF THE FINANCIAL REGULATIONS

Original Spanish: The PRESIDENT – I submit for adoption the resolution concerning a derogation from the provisions of the Financial Regulations. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

RESOLUTION CONCERNING THE COMPOSITION OF THE ADMINISTRATIVE TRIBUNAL OF THE INTERNATIONAL LABOUR ORGANIZATION

Original Spanish: The PRESIDENT – I submit for adoption the resolution concerning the composition of the Administrative Tribunal of the International Labour Organization. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

Original Spanish: The PRESIDENT – We now move on to the third report of the Finance Committee of Government Representatives. I submit for adoption the paragraphs 1 to 226 and Appendices I, II and III. If there are no objections, I shall take it that the report, paragraphs 1 to 226, plus Appendices I, II and III, are adopted.

(The third report is adopted, paragraphs 1 to 226, and Appendices I, II and III.)

RESOLUTION CONCERNING THE ADOPTION OF THE PROGRAMME AND BUDGET FOR 1996-97 AND THE ALLOCATION OF THE BUDGET OF INCOME AMONG MEMBER STATES

Original Spanish: The PRESIDENT – A record vote will be held tomorrow morning on the resolution concerning the adoption of the Programme and Budget for 1996-97 and the allocation of the budget of income among member States.

RESOLUTION CONCERNING THE HOLDING OF A MARITIME SESSION OF THE INTERNATIONAL LABOUR CONFERENCE

Original Spanish: The PRESIDENT – I submit for adoption the resolution concerning the holding of a Maritime Session of the International Labour Conference. If there are no objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

By way of conclusion, I would like to thank the Chairman, Vice-Chairman and Reporter, as well as the other members of the Finance Committee, for their outstanding performance.

REPORT OF THE COMMITTEE ON SAFETY AND HEALTH IN MINES: SUBMISSION, DISCUSSION AND ADOPTION

Original Spanish: The PRESIDENT – Our next item is the adoption of the report of the Committee on Safety and Health in Mines, (which you will find in *Provisional Record* No. 19. I therefore invite the Officers of the Committee to take their places on the rostrum: the Chairman, Mr. Békés, Government adviser, Hungary; the Vice-Chairmen, Mr. Stewart, Employers' adviser, South Africa, and Mr. Maitland, Workers' delegate, Australia; and the Reporter, Mr. McGinn, Government adviser, Canada, whom I now call upon to submit the report.

Mr. MCGINN (*Government adviser, Canada; Reporter of the Committee on Safety and Health in Mines*) – This afternoon I am both pleased and proud to submit to the Conference the Report of the Committee on Safety and Health in Mines. The report, which can be found in *Provisional Record* No. 19, covers the proceedings of the meeting which, on the basis of the second discussion, has led to the proposed Convention and proposed Recommendation, and a Committee resolution inviting the Governing Body to note that additional action should be pursued by the ILO to enhance the

safety and health of the workers in the oil and gas industries.

I should like to point out that in *Provisional Record* No 19, in the Spanish text, paragraph 222 of the report is missing. This reads as follows: "Subject to modifications agreed on, the Committee adopted the proposed Recommendation as a whole." It is an important section and will be revised in the *Record of Proceedings*.

Three years ago, the Office began the preparation of a law and practice report on safety and health in mines which, when considered by the Governing Body at its 254th Session in November 1992, led it to decide to place on the 81st Session of the Conference the question of safety and health in mines. The high level of participation of member States, after consultation with the most representative organizations of workers and employers at each step in this process of developing the proposed text, is a clear indication of the importance of the mining industry, in both industrially developed and emerging nations, and more importantly, the concern for the unique hazards of mineworkers' safety and health. Our Committee held 11 meetings over ten days and examined 168 amendments. In fact, the Committee considered and agreed on further amendments to the Convention yesterday during the adoption of the text. These changes were made with a view to substantially enhancing the ability of member States to ratify this important document.

Some of the amendments required lengthy deliberations and careful analysis prior to being incorporated in the final text. The work of the Committee was made easier as a result of the diligent effort during the first discussion and the universal concern of the Committee for the tragic loss of life and the debilitating illnesses suffered by workers in mines. As a result of this shared commitment to prevent occupational injury and disease in mines, and the natural common understanding of the significant problems, the Committee was able to arrive at a consensus for an acceptable compromise on the majority of the issues. Voting was required only on a few occasions.

Our task in the Committee was facilitated by previous ILO action, including the Conventions and Recommendations listed in the Preamble to the Convention, the six codes of practice dealing specifically with the mining industry, as well as the conclusions and resolutions of the meeting of the Coal Mines Committee and the Tripartite Committee for Mines other than Coal Mines.

The Committee also had the use of Reports IV (2A) and IV(2B) prepared by the Office subsequent to our first discussion in 1994. Part I of the proposed Convention, "Definitions", indicates that for the purpose of the instrument, the term "mine" covers both surface and underground sites where exploration and minerals extraction activities are carried out; it also includes the associated preparation plants, equipment and structures. A significant point in the discussion led to the exclusion of oil and gas extracting industries. Reference is also made to the definition of the term "employer", so as to ensure clarity and understanding in the application of the instrument.

Part II, entitled "Scope and means of application", although stating that the instrument applies to all mines, seeks to provide some flexibility through a means of excluding certain categories of

mines or certain provisions of the Convention when the overall protection of mineworkers is not inferior to that provided by the provisions of the Convention. Reference is made to the progressive covering of all mines subject to such exclusion and the obligation to report to the International Labour Office the reasons for exclusion. This section also calls for member States to consult with employers and workers and to formulate, implement and periodically review a coherent national policy on safety and health in mines. Furthermore, it specifies provisions of national laws and regulations to ensure implementation, and to designate a competent authority to monitor and regulate the various aspects of safety and health in mines, procedures for reporting and investigating mine disasters, accidents and dangerous occurrences, and the publication of the relevant statistics. This latter provision is critical to monitoring worldwide changes in the horrific loss of lives to mineworkers.

We also include in these sections requirements relating to the provision of mine rescue, first aid and appropriate medical facilities; the obligation to provide self-rescue respiratory devices for underground mineworkers, provisions concerning the transport, storage and disposal of explosives, requirements for the safe disposal of waste and the protective measures for abandoned mine workings. Each of you, I am sure, has heard of several major accidents incurring large loss of mineworkers' lives each year. And you can therefore appreciate the importance of these rescue and preventive provisions, and the need for these to be addressed in national laws and regulations.

A primary feature of this section is the requirement for national laws and regulations to provide for the establishment of procedures to ensure respect for the right of workers to participate and be consulted in safety and health issues, and to ensure the rights of persons selected by workers to represent them in these matters.

In assuming rights, workers also assume responsibilities to take reasonable care for their own safety and that of others, to comply with prescribed health and safety measures and to report hazards to their supervisors. In order to be able to be held accountable, however, workers must be given effective training in the unique risks and work processes associated with mining activities.

Part III deals with preventive and protective measures at the mine and responsibilities of employers. Here the primary duty of the employers is clearly defined to take all necessary measures to eliminate or minimize the risks to safety and health of workers. The Committee, in recognizing that a mineworker faces a constantly changing combination of workplace circumstances both daily and throughout the workshift, spent significant efforts developing the priority in which identified risks should be dealt with in order to provide conditions for a safe operation and healthy working environment.

The specifics of risk control include technical measures regarding the design, construction, commissioning and decommissioning of mines, measures to monitor and maintain ground stability and the development of safe systems of work for areas susceptible to particular hazards such as mine fires, gas and rock outburst and rock falls. These of course are the risks that claim more than 15,000 mineworkers' lives each

year, and account for the high fatality rate in the industry.

Catastrophic events such as fires, explosions and rock bursts led to the inclusion of requirements to provide two exits, self-rescue equipment, procedures, training and facilities. Since mineworkers are exposed to physical, chemical and biological hazards associated with their work, which can over time lead to debilitating diseases, such as silicosis and pneumoconiosis, employers' duties to regularly inspect and monitor the workplace environment, to inform workers of the health risks and to eliminate these or minimize them are specified.

Other duties include the investigation and reporting of accidents and dangerous occurrences, so as to assist the development of preventive measures and emergency response for industrial and natural disasters frequently experienced in the industry.

The next two sections outline the rights and responsibilities of workers, their representatives and the concept of material cooperation, which should be specified in national laws and regulations. Reference is made to workers' rights, to report accidents and dangerous occurrences, to request inspections and investigations, to know and be informed of hazards that may affect their safety or health, to remove themselves from circumstances which appear to pose a serious danger and the right to participate in matters affecting workers' safety and health.

Part IV, "Implementation", refers to the establishment of inspection services, appropriate penalties and corrective measures to be taken by member States to ensure effective utilization of the provisions. The proposed Recommendation provides further elaboration and gives examples and guidance concerning the measures to be taken to give effect to the provisions of the Convention. Substantive co-opted measures to prevent workplace entry into disease are provided and it is expected that these will have a real impact on reducing incidents.

Although the Committee's task was reasonably significant, given the number and substance of the proposed amendments, it was greatly facilitated by the strong guidance and sense of humour of our Chairman, Dr. Békés. Furthermore, the shared importance attached to the proposed instruments by Employer, Worker and Government members familiar with the high levels of tragic loss of life and the debilitating diseases associated with mining, created a strong desire to cooperatively complete the work. Additionally, we were fortunate to have two committed, tolerant and creative Vice-Chairmen: Dr. Stewart from the Employers' group and Mr. Maitland of the Workers' group. Government delegates and advisers are also to be commended for their active participation and high level of technical and common-sense expertise they contributed to the meetings. More than once the text of an article or paragraph was reconsidered and altered after being accepted by both Employers and Workers. This was based on the experience brought to the meeting by Government representatives.

In the end it will be these Committee members who will implement the provisions. It is important that I express the gratitude of our Committee members for the excellent assistance we received from the representative of the Secretary-General, Dr. Pinnagoda, and his team of experts, legal advisers, secretaries, translators, interpreters, clerks, typists and

others. They responded to our workers' needs with efficiency and good humour. In summary, it gives me great pleasure to submit and recommend the adoption of the report of the Committee on Safety and Health in Mines and the texts of the proposed Convention and Recommendation on this subject to the 82nd Session of the International Labour Conference.

Mr. MAITLAND (*Workers' delegate, Australia; Vice-Chairman of the Committee on Safety and Health in Mines*) – I am greatly honoured and extremely pleased as the Workers' spokesperson and Vice-Chairperson of the Committee on Safety and Health in Mines to assist in the presentation of the Committee's report to this plenary session. This report represents the completion of two rounds of discussions at the ordinary sessions of the International Labour Conference, and offers the opportunity to this Conference to adopt the Convention and Recommendation on safety and health in mines.

As most delegates know well, mining is one of the most – if not the most – important economic activities providing raw and processed materials that are crucial to every human endeavour. Yet this critically important industry remains amongst the most hazardous to workers. Estimates drawn from ILO reports put the loss of life in mining and mining-related accidents and illnesses at some 15,000 per annum. But, as the industry has a large informal sector, it is considered that the figure of 15,000 is very conservative.

You will note from the report that one of the Workers' delegates made the comparison between the loss of life in this industry and the loss of life through war. So it is very gratifying to know that at last something significant and of lasting benefit is now being presented to the industry in the form of these instruments.

If you have studied the report closely you will have to be impressed with the work of the Committee. This is in no small way due to the commitment of each of the groups and the individual members in developing mechanisms to improve safety and health in this industry. So, on behalf of the Workers' members, I congratulate all on the high standard of achievement. There are of course some special congratulations that must be conveyed. Our Chairman, Dr. Békés, Government representative from Hungary, conducted the business of the Committee in a most professional manner, and it is thanks to his exceptional skills that there has been such a positive result.

The Workers members thank Dr. Békés and the governments for their efforts. Mr. Stewart, Employers' Vice-Chairperson from South Africa, represented the interests of his group with the determination that has seen his nation's rugby team reach the Rugby World Cup final. However, he also showed his willingness to cooperate to resolve difficulties which I am sure he will not want his rugby team to do this coming weekend. So to he and his group, the Workers' members express their appreciation.

The representative of the Secretary-General, Dr. Pinnagoda and his staff are to be commended for their excellent service to the Committee as is also the Reporter Mr. McGinn, Government member from Canada for his dedication to his task, not only at this year's Committee Meeting but throughout the past

year in helping to prepare this year's discussion document.

Finally I come to the Workers' group. Firstly, I wish to thank them for giving me the honour to be their spokesperson, and I hope that I have served them well.

Secondly, they must be commended for their contribution, dedication and unswerving discipline in pursuit of the ultimate goal of a Convention and Recommendation for the workers they represent. They can be justifiably proud of their efforts in helping to formulate this historic document. Workers of the world can be assured that their interests are paramount when being well represented by people of this calibre. Special mention must be made of Paul Benjamin from South Africa, for his work on the Drafting Committee, and also of Ali Ibrahim and Beth Goodson for their help from the ILO Office. A very special thanks to our comrade secretary, Damien Roland for his tireless efforts over the past two years.

The development of these instruments has not been an easy task. All delegates will note from the report that, at times, the discussions were difficult. They were, however, held in a spirit of cooperation, and compromises were found that have enabled each of the social partners to support the instruments. But, of course, the support of the Committee is not enough. We must have the support of this Conference for the instruments to become effective. Therefore, in commending the report to the plenary, I appeal to the governments and employers to place foremost in their considerations the most common good of workers in this most dangerous industry. I strongly urge you to vote for the adoption of the Convention and Recommendation tomorrow.

Mr. STEWART (*Employers' adviser, South Africa; Vice-Chairman of the Committee on Safety and Health in Mines*) – I am pleased to have the opportunity of joining the many who have already congratulated the President on his election to the Chair of this 82nd Session of the International Labour Conference.

On behalf of the employers who participated in the Committee on Safety and Health in Mines, I have the honour to address this session on the important work of this Committee, and in particular on the Convention and Recommendation on Safety and Health in Mines which has been submitted to the Conference today.

Firstly, regarding the importance of the work of the Committee, it is a matter of fact that in mines there are many deaths and injuries around the world every year. There are many risks and hazards in mining and there is great diversity in mining methods and circumstances around the world. In developing a Convention and Recommendation for Safety and Health in Mines, it has been important to bear in mind not only these great differences, but also economic realities. In many countries, mining is a key element of the economy, providing not only many jobs, but also the basis for further development. To a large extent, I believe that the Committee has been successful in striking an appropriate balance in its consideration of these important and differing requirements.

Indeed, I believe that it is worth noting that as the work of the Committee progressed the desire to produce an instrument that would have the maximum

beneficial effect internationally, by being ratified and adopted by the maximum number of countries, grew stronger. This common objective provided the basis for the strong spirit of understanding and cooperation which existed in the Committee, and which greatly facilitated its work. I believe that this spirit of understanding and cooperation was one of the special characteristics of this Committee.

In further reflecting on the work of the Committee, it is worth mentioning that the Employers committed themselves to the formulation of a Convention and Recommendation which would express the combined experience and wisdom of the Committee, in the form of widely applicable principles. The Employers' efforts were thus devoted to the formulation of a Convention which would satisfy the following three criteria.

Firstly, it would need to be acceptable to Employers, and of course to Workers and Governments, at the end of the 82nd International Labour Conference.

Secondly, in the medium term it would have to enjoy widespread ratification by member States.

Thirdly, and most importantly, in the longer term the Convention, in conjunction with the Recommendation, should have the effect of bringing about significant improvements in the safety and health of miners around the world.

Now that the Committee has completed its work, it is appropriate to attempt to stand back and review the Convention and Recommendation produced by the Committee against these criteria.

Regarding the first point, the cooperative and constructive spirit of the Committee allowed the necessary give and take from all parties. Inevitably, there are elements in both instruments that reflect compromises and which may cause discomfort to one or other of the three parties, but when each instrument is considered as a whole, I am able to say, on behalf of the Employers' Group in the Committee that the instruments now before the Conference deserve widespread support.

The instruments have the flexibility to be adapted to widely differing circumstances and they set out the rights and duties and responsibilities of three parties in reasonable terms.

I believe, therefore, that the Committee has produced an instrument which has the potential to be ratified by many members. Of course, the question of whether it will enjoy widespread ratification can be answered only through the passage of time. A similar comment is true also in respect of the question of whether or not the instruments will bring about significant improvements in safety and health in mines. To a large extent this last question depends on how member States give effect to the Convention in their national laws and regulations. It is to be hoped that the consultations associated with that all-important step achieve the same level of constructive cooperation that characterized the work of the Committee here in Geneva.

In the end, however, the achievement of improved safety and health in mines will be the result of actions taken at the mine. The success of these actions will, I believe, depend in large measure, on the extent to which people at the mine work together as a team. That is the key. To that end, the Convention and the national laws and regulations which give effect to the requirements of the Convention must pro-

vide guidance and an enabling framework for that team work to flourish. I believe that the Convention and Recommendation will adequately serve that purpose.

In conclusion, I would like to express my thanks to a number of people. Firstly, I must acknowledge and thank Mr. Pirie, the Employer representative from Canada who served as the Employers' Vice-Chairman last year. Together with Mr. Maitland, Mr. Pirie helped create the cooperative spirit which played such an important role in this year's meeting. His leadership was most important during last year's formative discussions.

Next, I must pay tribute to Mr. Maitland, the Workers' Vice-Chairman and spokesman. Throughout the work of the Committee over the past two years, Mr. Maitland has been a worthy advocate of workers' interests, while at the same time being constructive in the interests of formulating an effective Convention and Recommendation. He has made a most significant contribution, in a sincere and dignified manner, to the smooth working of the Committee.

Regarding the smooth working of the Committee, a special vote of thanks must go to the Chairman, Dr. Békés. His chairmanship has been simply excellent. He has been extremely efficient in helping to quickly sort out those problematic situations which did arise. His performance as a Chairman has been exemplary and contributed greatly to the tone and effectiveness of the Committee.

He was of course backed up by Dr. Pinnagoda and his team, who once again ensured the smooth running of the proceedings. They deserve our thanks.

Special thanks are also due to those who served on the Drafting Committee. They did an excellent job of work, as did Mr. McGinn who acted as the Rapporteur of the Committee this year.

I also wish to thank Mr. Lauriski, the Employers' representative from the United States and Ms. Barbara Perkins, who acted as the secretary to the Employers' group for their dedication and special contribution.

Lastly, I wish to acknowledge the contribution of the many members of the Committee and to thank them for sharing their knowledge and wisdom in the creation of the two international instruments. We all hope, I am sure, that these instruments will make a significant contribution towards improving the safety and health of miners around the world. They deserve to be supported.

Mr. BÉKÉS (*Government adviser, Hungary; Chairman of the Committee on Safety and Health in Mines*) – As Chairman of the Committee on Safety and Health in Mines and on behalf of all the members of that Committee, I would like first of all to express my appreciation to this session of the International Labour Conference for having placed the question of safety and health in mines on its agenda to be discussed for the second time by the Conference.

The importance of discussing this item has been reaffirmed by the unfortunate mining disasters and continuing heavy loss of life among mineworkers. With only 1 per cent of the workforce, mining accounts for almost 8 per cent of fatal accidents at the workplace each year and over 1 million miners suffer from occupational injury or disease each year.

In view of this, the second discussion of this important subject has reaffirmed the urgency of preventive action and the key role that the ILO can play in strengthening the efforts of member States in this area. I believe that all of us recognize and appreciate the magnitude and the complexity of the task of securing the safety and health of miners and the importance of a unified approach that embodies both national and international experience.

The Committee has deliberated thoroughly on the issues relevant to safety and health in mines. In the course of the discussions, the members of the Committee presented forceful arguments on matters of real substance. We have achieved our goal in the framework of tripartism and in a spirit of cooperation, goodwill and dialogue.

I am pleased to say that all the points raised in the Committee were made in a constructive spirit of collaboration. The arguments and the discussion are clearly expressed in the report of the Committee that is now placed before this session of the Conference. The report contains the texts of the proposed Convention and the proposed Recommendation concerning safety and health in mines which are submitted to this session for its consideration with a view to adoption.

These texts have been structured so as to provide the necessary degree of flexibility, with a view to their wide ratification by the member States and to enable them to apply appropriate and practical measures in accordance with national law and practice.

My task as Chairman would have been impossible to accomplish without the support and cooperation I enjoyed from all the Officers and members of the Committee. I would particularly like to thank the Government members, both as individuals and groups, for having put their vast professional knowledge at the disposal of the Committee.

My thanks also go to the Vice-Chairmen and the Employer and Worker members of the Committee. The Vice-Chairman from the Employers' group, Dr. Stewart is an excellent manager with extensive professional expertise. The Vice-Chairman from the Workers' group, deeply dedicated to the cause of mineworkers, Mr. Maitland, made many contributions to the work of the Committee by making effective use of the knowledge in his group. I would also like to extend my appreciation to the Reporter of our Committee, Mr. McGinn, for his considerable contribution throughout the long process of developing the instruments and for his very hard work in the Committee where he spared no effort in applying his expert knowledge.

Finally, my speech would be incomplete if I failed to acknowledge the role of the representative of the Secretary-General of the Conference, Dr. Pinnagoda, and his team of dedicated experts, secretaries, translators, clerks and support staff.

It gives me great pleasure to recommend the adoption of the report of the Committee on Safety and Health in Mines and the text of the proposed Convention and Recommendation on the subject. I am sure that the new instruments when adopted, will lead to significant and lasting improvements in mine safety.

Original Spanish: The PRESIDENT – The discussion of the report of the Committee on Health and Safety in Mines is now open.

Original French: Mr. ELMIGER (*Government delegate, Switzerland*) – First of all, I would like to offer my congratulations to the Officers of the Committee and the secretariat for the excellent report which has been submitted for our consideration in *Provisional Record* No. 19.

The report contains a proposed Convention concerning safety and health in mines which, *a priori* and after brief consideration, has elicited the following comments from my delegation.

Generally speaking, the proposed instrument gives rights of consultation to workers in various areas which are not covered by legislation and practice in Switzerland. In this connection I would refer to Article 2, paragraph 2, and Article 13, paragraph 1(f), as well as Article 13, paragraph 2, in its entirety.

My authorities support the idea of the Convention and therefore they do not intend to oppose this text. However, given what I have just said, the Swiss Government delegation will abstain when it comes to voting on the adoption of the Convention submitted to us. My delegation, on the other hand, will be able to accept the Recommendation.

Original Spanish: The PRESIDENT – We will now proceed with the adoption of the report. First of all, I submit for adoption the body of the report, paragraphs 1 to 232. If there are no objections, I shall consider that the report is adopted.

(The report is adopted, paragraphs 1 to 232.)

PROPOSED CONVENTION CONCERNING SAFETY AND HEALTH IN MINES

Original Spanish: The PRESIDENT – I would like to submit for adoption of the proposed Convention concerning safety and health in mines. We shall begin with the Preamble. If there are no objections, I shall take it the Preamble is adopted.

(The Preamble is adopted.)

I submit for adoption Part I: Definitions, Article I.

(Part I, Article 1 is adopted.)

I submit for adoption Part II: Scope and means of application, Articles 2 to 5.

(Part II, Articles 2 to 5 are adopted.)

I submit for adoption Part III: Preventive and protective measures at the mine, Articles 6 to 15.

(Part III, Articles 6 to 15 are adopted.)

I submit for adoption Part IV: Implementation, Article 16.

(Part IV, Article 16 is adopted.)

We shall now proceed to the adoption of the Convention as a whole. If I hear no objection, I shall take it that the Convention as a whole is adopted?

(The Convention as a whole is adopted.)

In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the Convention on health and safety in mines which has just been adopted will be submitted to the Conference Drafting Committee for preparation of the final text.

PROPOSED RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES

Original Spanish: The PRESIDENT – We shall now proceed to the adoption of the Recommendation. I first submit the Preamble for adoption. If there are no objections, I shall consider that the Preamble is adopted.

(The Preamble is adopted.)

We shall now proceed to the adoption of the Recommendation, paragraph by paragraph.

(Paragraphs 1 to 33 are adopted seriatim.)

We shall now proceed to the adoption of the Recommendation as a whole. If there are no objections, I shall take it that the Recommendation as a whole is adopted.

(The Recommendation as a whole is adopted.)

In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the Recommendation that has just been adopted will be submitted to the Conference Drafting Committee for preparation of the final text.

It remains for me only to offer my thanks to the Chairman, the Vice-Chairmen, the Reporter and all the members of the Committee for the excellent work which they have done.

COMPOSITION OF THE GOVERNING BODY OF THE INTERNATIONAL LABOUR OFFICE

Original Spanish: The PRESIDENT – The Clerk of the Conference will now read a communication concerning the composition of the Governing Body.

Original French: The CLERK OF THE CONFERENCE – The Director-General has received the following communication from the Secretary of the Workers' group:

I am writing to inform you that at its meeting on Saturday, 17 June, the Workers' Electoral College confirmed the replacement of Mr. Vanni (Italy) and Mr. Vera (Venezuela) by Mr. Bonmati (Spain) and by Mr. Ramírez León (Venezuela) respectively as members of the Workers' group of the ILO Governing Body.

The communication is signed by Guy Riders, Secretary of the Workers' group.

(The Conference adjourned at 5 p.m.)

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**Provisional Record**

Eighty-second Session, Geneva, 1995

Third Item on the Agenda: Information and Reports on the Application of Conventions and Recommendations**Report of the Committee on the Application of Standards****CONTENTS**

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Report of the Committee on the Application of Standards

PART ONE

GENERAL REPORT

A. Introduction

1. In accordance with article 7 of its Standing Orders, the Conference set up a Committee to consider and report on item III on its agenda: "Information and reports on the application of Conventions and Recommendations". The Committee was composed of 239 members (112 Government members, 38 Employers' members and 89 Workers' members). It also included 17 Government deputy members, 49 Employers' deputy members and 117 Workers' deputy members.¹ In addition, 21 international non-governmental organizations were represented by observers.

2. The Committee elected its Officers as follows:

Chair: Mr. S. Gopalan (Government member, India).

Vice-Chairs: Mr. A. Wisskirchen (Employers' member, Germany), and Mr. W. Peirens (Workers' member, Belgium).

Reporter: Mr. J. van Blankenstein (Government member, Netherlands).

3. The Committee held 20 sittings.

4. In accordance with its terms of reference, the Committee considered the following: (i) information supplied under article 19 of the Constitution on the submission to the competent authorities of Conventions and Recommendations adopted by the Conference; (ii) reports supplied under articles 22 and 35 of the Constitution on the application of ratified Conventions; and (iii) reports requested by the Governing Body under article 19 of the Constitution on the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982.² By decision of the Governing Body and the Conference, the Committee was also called on to examine the report of the Sixth Ordinary Session (July 1994) of the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers.

5. As usual, the Committee began its work with a discussion of general aspects of the application of Conventions (particularly ratified Conventions) and Recommendations and the discharge by member States of standards-related obligations under the ILO Constitution. It then discussed the report of the Joint ILO-UNESCO Committee of Experts. The last part of its general discussion dealt with the General Survey made by the ILO Committee of Experts on the

¹ For changes in the composition of the Committee, see the reports of the Selection Committee, *Provisional Record* Nos. 4 to 4K.

² Report III (Parts 1 to 3) to the International Labour Conference: Summary of reports (articles 19, 22 and 35 of the Constitution); Report III (Part 4A): Report of the Committee of Experts on the Application of Conventions and Recommendations; Report III (Part 4B): Protection against unjustified dismissal.

with the General Survey made by the ILO Committee of Experts on the Application of Conventions and Recommendations, on protection against unjustified dismissal. Finally, the Committee considered various individual cases relating to the application of ratified Conventions or compliance with the obligations to supply reports and to submit Conventions and Recommendations to the competent national authorities.

6. The examination of those cases, which was the essential work of the Committee, was based principally on the observations contained in the report of the Committee of Experts and on the oral and written explanations provided by the governments concerned. The Committee also referred to its discussions in previous years, comments received from employers' or workers' organizations and, where appropriate, the reports of other ILO supervisory bodies. In view of the short time available, the Committee made a selection among the Committee of Experts' observations and thus discussed a limited number of cases. The necessity of making this selection in no way affects the conclusion of the Committee of Experts in other cases that, in view of the problems encountered, it would be appropriate to ask the governments concerned to supply information. The Committee trusts that those governments will pay close attention to the requests of the Committee of Experts and will not fail to take the measures required to ensure fulfilment of the obligations they have undertaken. A summary of the information supplied by governments, the discussions in the present Committee and any conclusions it has drawn is set out in Part Two of this report.

7. The Employers' members stated that, as in previous years, there could never be an ideal list of individual cases as long as a selection had to be made. They had the impression that certain countries regularly appeared before the Committee. Next year it would be appropriate to examine attentively how the system could be improved. However, at this point the Employers' members stated that they could agree to the adoption of the proposed list. The Workers' members indicated that the list of countries in respect of which Government members were invited to provide information to the Committee was the result of a balanced choice, which allowed for discussion of the circumstances of countries of all regions of the world, regarding different Conventions, and covering numerous points of view. The choice was determined not by the desire to draw up a "blacklist", or to treat only the most flagrant violations. The Committee should also discuss some new developments, technical Conventions, the situation in industrialized countries and cases of progress. Being on the list is not a condemnation. The Government member of the Netherlands, on behalf of several Government members, requested that in the future there be greater transparency in the process of choosing the individual cases. He considered that it would be necessary for the Committee to be quite tolerant with regard to those who were submitting information for the first time and that it would be appropriate to set out more clearly the reasons for including them on the list of cases to be examined.

B. General questions relating to international labour standards

Introduction

8. The Committee paid tribute to two distinguished members of the Committee of Experts, Judge José Maria Ruda and Judge Roberto Ago, who had died since the last session of the Conference. Judge Ruda was remembered in the present Committee particularly for attending its two previous sessions, in his capacity as Chair of the Committee of Experts, and for his contribution to improved understanding between the two bodies. Judge Ago had an extremely long and invaluable period of service in various capacities in the ILO, including as Chair of the Governing Body Committee on Freedom of Association. The members of the present Committee recorded their respect for the memory of both men, their gratitude for the contribution they had made to the standards-related work of the ILO, and their condolences with the families of each of them.

9. The Committee welcomed Sir William Douglas to its current session and congratulated him on his appointment to the Chair of the Committee of Experts. Sir William thanked the Committee, on behalf of the Committee of Experts, for the invitation extended to him to attend this session as an observer. The report of the Committee of Experts was an integral part of the whole scheme of the international supervision of standards prescribed in ILO Conventions and Recommendations. He referred to the monograph on methods of international supervision of human rights Conventions by Professor N. Valticos in which the author had emphasized that a balance should be maintained between the system of periodic reports and the complaints procedure. Both were essential in carrying out the supervisory function of the Organization. By reason of the sheer volume of reports, adjustments had to be made to how often a report was required on a specific Convention, but the intention remained to subject to periodic review the application of all Conventions, depending on their subject-matter and whether serious problems of application had arisen. By gaining a better understanding of the concerns of the Conference Committee, the level of communication between the two Committees would be raised for the benefit of the Organization which they both serve.

10. The Employers' members recalled that for various years the Experts, in their report, had been emphasizing the excellent cooperation with the Conference Committee. In this respect, they referred to paragraph 10 of the General Report which stated, amongst other things: "A spirit of mutual respect, cooperation and responsibility has consistently prevailed in the Committee's relations with the International Labour Conference and its Committee on the Application of Standards, whose proceedings the Committee takes fully into consideration, not only in respect of general matters concerning standard-setting activities and supervisory procedures, but also in respect of specific matters concerning the way in which States fulfil their standard-related obligations." However, the Employers' members noted that the Experts had about nine months to take note of the Committee's report. As a result, they did not think it was inappropriate to say that the Experts were not contradicting them as a number of their comments had not been the subject of criticism or reference. The Employers' members did not completely agree with the Workers' members' definition of the complementary

role of the two Committees. They thought that, although the roles of the Committees in the supervisory system complemented each other, this however did not describe exhaustively the role of the Committee on the Application of Standards. This Committee had also its own independent role and mandate as laid down in article 7 of the Standing Orders.

11. The Workers' members emphasized that the two Committees were complementary to each other, as the Committee of Experts had demonstrated in an in-depth manner in its previous reports. By its composition and its working methods, the latter had brought a harmony and impartiality that were indispensable for the interpretation of Conventions and the evaluation of national situations. From its side, the Conference Committee, in view of its tripartite nature, ensured that the sensitivities of the parties directly concerned were taken care of. This complementarity should never fail to be underlined especially during the discussion of individual cases. Thus, the Workers' members regretted that the report of the Committee of Experts was silent with respect to the problems faced by the supervisory machinery, especially the differences of opinion concerning the respective roles of the two committees. The Experts could have contributed greatly by giving their point of view on the differences of opinion that persisted between Workers' members and Employers' members, especially regarding the right to strike.

12. The Workers' member of the United Kingdom stressed that the views of the Committee of Experts, based on the principles of objectivity, impartiality and independence, should not be treated merely as interesting observations in a wider debate, but as definitive for the formulation of the conclusions of the present Committee. He noted that the Committee of Experts had to operate under difficult circumstances during the cold war, but had always spoken courageously in favour of universal standards. It would be regrettable if the Committee of Experts were asked to renounce that role now.

13. Several Government members expressed satisfaction that any misunderstandings or differences of opinion between the present Committee and the Committee of Experts about their respective roles had been completely cleared up by paragraph 10 of the Committee of Experts' report. The Government member of the United States noted that the Conference Committee had a responsibility to continue the partnership of mutual respect, cooperation and communication that it had forged with the Committee of Experts.

International labour standards in a global context

14. The Committee considered the position of the ILO's standard setting and supervisory system taking into account the international debate on the so-called social clause and the question of human rights, and the phenomenon of "globalization".

15. The Workers' members noted that since the 75th anniversary of the ILO and the World Summit for Social Development, there had been a renewed interest in international labour standards. However, the discussions concerning the methods and procedures regarding the strengthening of the application of these instruments were often difficult. A considerable difference could be noticed in some countries between the ratification of an instrument, its application from a

legal point of view, and its practical application, demonstrating an incoherent attitude on the part of these governments. International labour standards, fundamental values and the role of the ILO were discussed several times in the commitments and programme of action which were annexed to the Declaration by the Heads of State and Governments of the World Summit. Point (i) of the Third Commitment stated that the Heads of State and Governments "would pursue the goal of ensuring quality jobs, and safeguard the basic rights and interests of workers and, to that end, promote respect for relevant International Labour Organization Conventions, including those on the prohibition of forced and child labour, and freedom of association, the right to organize and bargain collectively and the principle of non-discrimination ..." . The statement also highlighted the importance of social protection, the respect and protection of all human rights and the objective of full, productive and freely chosen employment, in accordance with ILO standards. They considered that, in order to reach these goals, the ratification by all member States of at least the Conventions of fundamental importance and their full application in law and in practice were necessary. The Workers' members further recalled the final paragraphs of the last report of the Conference Committee in which it was stated that "workers' protection is the main purpose of international labour law" and the "importance of standard-setting activity in promoting development balanced in justice and freedom and inspiring social policies is still recognized". The Workers' members were convinced that the interest of governments remained in a universal and concerted approach, allowing them to exercise a political and democratic control over economic and social development so that this development was not subject to the requirements of the market forces, to speculation and to the sole interests of international and financial groups.

16. The Workers' members said that, as the World Summit of Copenhagen had pointed out, greater coherence in the objectives and in the giving of technical and financial assistance by different organizations and international institutions, especially the World Bank and the International Monetary Fund (IMF) on the one hand, and the ILO on the other, would be necessary. The Workers' members were in favour of collaborating with other international organizations in order to reinforce the application of human rights and international standards in social and employment policy. This was the case especially with the globalization of the economy. They wanted the ILO to be closely associated with the follow-up to the Social Summit in Copenhagen and hoped the Governing Body would adopt the necessary decisions in this connection, attaching greater importance to standard setting, which should remain the priority activity of the ILO. At the same time, the Workers' member of the Netherlands expressed some fears as to a gradual marginalization of the ILO within the United Nations system: the value and importance of the ILO had been consistently underestimated in the preparations for the Social Summit; tripartism, which was considered within the ILO as one of its strengths, was seen differently by other United Nations organizations; and he regretted both that the Commitments were not binding and that no key follow-up role was given to the ILO.

17. The Employers' members observed that the ILO did not only have its own instruments and procedures to supervise and to promote compliance with its rules and standards; it also was in close contact with other international and

regional organizations with whose work it became involved. For example, this was the case concerning important issues of general human rights, or specific matters, such as children's rights. The Employers' member of the Netherlands commented that the Employers were willing to discuss the promotion of human rights Conventions and were not very pleased when they were told the discussion would be conducted in the context of the follow-up of the World Summit for Social Development. She was of the opinion that the promotion of human rights Conventions was within the mandate of the Governing Body Committee on Legal Issues and International Labour Standards. However, she was pleased that in November a discussion would start on that issue and promised that the Employers would submit a paper reflecting their points of view.

18. The Employers' member of Sweden stated that it was indeed important for the ILO and this Committee to draw the right conclusions from the United Nations Social Summit. Some speakers seemed to consider the outcome as something of a victory for the ILO. However, the ILO has not been given a key role and now risked to be marginalized. In fact, the adopted Declaration and Programme of Action only mentioned the ILO in one sentence, which gives the ILO the rather self-evident task to follow up within its own borders. Why this negligence towards the ILO? First, in the 100 pages adopted by the Summit, there was not the faintest hint at a social clause, in spite of trade union pressures during the two years of preparations. The great majority of governments were totally opposed. The Group of 77 even stubbornly refused to accept a recommendation to ratify the seven so-called fundamental ILO Conventions. They feared that it could be referred to as a first step towards a social clause. The final compromise was that the governments only were recommended to "strongly consider ratification". Thus the opposition of governments to a social clause became directed against the ILO and its standards. The second observation was that the United Nations Social Summit Declaration and Programme of Action proceeded from the idea that social development must be based on economic growth and that this could only be achieved through market economy, free trade, competition, entrepreneurship, private enterprises (small and big), privatization, decentralization, deregulation, more flexibility and higher productivity. There was nothing which the Employers would not be able to subscribe to. If the Social Summit policies were widely adopted, the world would have a brighter future. The authors of the United Nations Declaration, and not least the developing countries, were of course aware that the ILO, or rather the International Labour Office, as its views are reflected in the Director-General's Report and now the *World Employment 1995* report, advocated nearly the opposite policies marked by negative attitudes towards market forces, privatization, decentralization, deregulation and flexibility. The outcome of the United Nations Social Summit could have been more favourable for the ILO if the Organization as a whole had had somewhat better control of the policies presented as those of the ILO.

19. The Government members of Belgium, France, Germany, Iceland (speaking on behalf of the Nordic countries), Italy, Portugal, United Kingdom and United States drew attention to the positive conclusions of the World Social Summit, particularly as regards the ILO's role in devoting special efforts to promotion of the fundamental rights — including the rights of children — within its mandate. The Government member of Belgium praised the recent action of the

Director-General in calling on all member States to address themselves to the basic human rights Conventions.

20. The Workers' members noted that the Governing Body would continue its discussions on the social dimensions of economic growth and the globalization of the economy. They stated that the debate on the social clause was far from over, even if the discussions on sanctions had been suspended. This suspension allowed the ILO to advance in other fields such as the strengthening of the capacity of the Organization to ensure the full respect of workers' fundamental rights. They recalled that the social clause, as they perceived it, had nothing to do with protectionism. They were worried by repercussions of the changes brought about by globalization of the economy, continuing poverty and social exclusion on standards and the supervisory machinery. They considered that only the respect of fundamental rights and the application of standards could reinforce democracy and social justice, stimulate economic activities, and bring about a better distribution of the benefits of growth. They welcomed the conclusions of the Social Summit as well as the recent studies of international organizations with an economic vocation (for example, the Organization of Economic Cooperation and Development (OECD), the World Bank) which concluded along the same lines. In this context, they were favourable to both the ratification of fundamental Conventions and the reinforcement of the supervisory machinery, since the Committee of Experts and the Conference Committee too often faced an inertia which ended up by calling into question the credibility of the supervisory machinery. The Workers' members also drew attention to the fact that several countries, during the revision of their Labour Code or other legislation, invoked the need to adjust to the consequences of the globalization of the economy or structural adjustment programmes imposed by the Bretton Woods institutions in order to make their labour markets more flexible and to "deregulate". The Workers' members expressed their concern over this tendency which threatened to render meaningless national legislation as well as the impact of international standards. They invited the Committee of Experts to pay attention to these developments.

21. The Employers' members described the different elements of globalization of the economy which was a fact of life. A characteristic feature of globalization was the increased specialization of firms. This had resulted in considerable competition especially between countries themselves. The attractiveness of individual locations for investments depended of course on several factors. There was the political stability of the country to be considered. The stability of the currency was another factor as were the quality of the educational and professional training system, the infrastructure existing in a country, the level of taxation, labour costs and productivity. It was inevitable that capital and know-how were important factors in the creation of jobs. However, capital and know-how were very mobile, a tendency which had been increased by the opening up of markets and the new forms of communications technology. These new technologies had inevitably led to structural changes. If old structures were nevertheless propped up with subsidies then resources would definitely be lacking for building up more promising structures which were in line with these new technologies. All of these factors were what "globalization" was about and which could be advantageous to all concerned. Finally, the Employers' members noted

that there was less discussion of the social clause than last year. They thought this appropriate because, while they did not wish to call into question the social targets that were trying to be achieved, they doubted whether such targets could in fact be reached through the social clause. Moreover, they considered that there were dangers inherent in the social clause which were rather important and which could be the cause of new forms of protectionism.

22. The Government member of the Russian Federation suggested better coordination between the ILO and other international organizations, especially in disseminating information on labour standards and human rights. The Government member of Italy recommended further consideration in the Committee of the relation between social concerns on the one hand and international trade and economic and financial policies on the other. She pointed to the need for clearer relationships between the different international organizations concerned and called in particular for improved contacts between the ILO and the Bretton Woods institutions, given the importance of tripartism and the ILO's standards for economic and social development. The Government member of the United Kingdom also encouraged the ILO to link its technical cooperation activities more closely with those of the Bretton Woods institutions. The Government member of the United States said that the ILO had a critical role to play in ensuring that economic growth and expansion of international trade were accompanied by social justice and the implementation of fundamental labour standards.

23. The Workers' member of Zimbabwe observed that the structural adjustment programmes imposed on African countries by the IMF and the World Bank had caused the disintegration of African society, at a time when those countries especially needed to observe international labour standards in order to address their social problems and strengthen both their democracies and their economies. The Workers' member of Zaire said that his union had recommended to his Government the rejection of any structural adjustment programme that was contrary to workers' interests, since it was up to the country to determine its own objectives. The Workers' member of New Zealand supported a continuing examination of the relationship between trade and human rights: the ILO should work with the IMF and the World Bank to promote social justice and the basic Conventions, but the nature of the global economy demanded honest reconsideration of what incentives might be necessary to ensure the respect of basic human rights, including the right to form free trade unions and bargain collectively, the right to safe and healthy working conditions and the rights of children subjected to bonded and forced labour. The ILO should in particular recognize the urgency of the plight of indigenous peoples, the United Nations General Assembly having declared 1994 to 2004 the International Decade of the World's Indigenous People, and the Committee should respond accordingly.

24. As regards the European Union, the Workers' members noted that the Economic and Social Committee had underlined, in an important document, the respect for tripartism and the need to ratify Conventions, including those on occupational safety and health, and working and rest time in road transport. With the consolidation of European directives in this domain, the Workers' members thought member States should be in a position to ratify the corresponding Conventions. In this respect, the Government member of Italy noted that the

ILO's standards were an inspiration for the European Union; and, whilst the Government member of Germany pointed out that there were difficult questions of competence involved, the Workers' member of the Netherlands considered that these should not be raised as a pretext for not ratifying the Conventions.

25. The Government member of Iceland (speaking on behalf of the Nordic countries) remarked that ILO standards had been included intact or slightly amended in various international and regional arrangements, and he encouraged the ILO to participate fully in the supervisory work involved. In this sense, the European Social Charter had recently been revised in line with international labour standards. The Workers' member of Germany asked the governments concerned to ensure formal adoption and ratification of the revised European Social Charter.

Questions concerning the application of particular Conventions

*Economic and social policy issues arising
especially in relation to the Employment Policy
Convention, 1964 (No. 122)*

26. The Employers' members reaffirmed what they had stated in detail in 1994, i.e., that an improvement in the employment situation was a central, indeed a vital, task of all those responsible in politics, economics and social affairs, and required a common strategy in which governments, employers and trade unions had to be involved together. However, in paragraph 63 of their report, the Experts criticized the extension of employment relations which they considered to be precarious. Without giving a general definition of precarious, it was clear that the Experts were referring to working relations or contracts which were limited in time. While the Employers' members also wanted it to be possible to employ more people as a result of economic growth, costs and other problems entailed by unavoidable staff adjustments could not be forgotten about. The desired employment dynamics were often held up by institutional barriers and regulations in the labour market system, and also in labour and social law. This had to be overcome. A number of other forms of employment were also being denounced as precarious. However, the Employers' members considered that new forms of employment were the expression of initiative and mobility and would bring about further developments in a modern, working society which would otherwise stagnate if things were to become fixed in a traditional sense. This was why, in a majority of member States, there were rules for employment contracts of a limited duration. In this respect, an employment policy was most decisive when those who were seeking jobs had no chance of actually obtaining a job and were not given an opportunity to prove their worth. However, when these workers had the necessary ability, employers had to have the possibility of recruiting them without entering immediately into long-term financial obligations. Therefore, a period of probation was something that could eventually integrate temporary workers into an enterprise. Thus, work contracts which were limited in time, part-time contracts or various other forms of employment were certainly not in contradiction with the idea of a progressive integration of young trainees. In fact, these different forms of employment had led to positive experiences for employers.

27. The Employers' members noted that, while the Experts had stated in paragraph 62 of their report that their general comments on employment policy were only to be made in December 1995, they also referred in very general terms in paragraph 64 to their report to *World Employment 1995* and in this year's Report submitted by the Director-General to the Conference and entitled *The promotion of employment*. The Employers' members had considerable reservations on some of the statements made in these reports and also the way in which the *World Employment 1995* report was produced. First of all, as far as the *World Employment 1995* report was concerned, the Employers' members pointed out, as they had in the Governing Body, that this report was not produced in a way that corresponded with the tripartite nature of the Organization. Regarding the substantive issues, they agreed with the positive evaluation made in the report of globalization trends and with the assumed positive effects of foreign direct investment. For instance, this applied to developing countries. They also thought it was correct to mention the necessity for greater flexibility when it came to the duration and distribution of working time. However, they did not at all share the support for regulated labour markets which they saw throughout these reports. There was still too much faith in state intervention and subsidies. The clearly contradictory experience of the last few decades was simply not given sufficient attention and there was also insufficient differentiation between structural and cyclical unemployment. The Employers' members also considered that the excessive protection from dismissal, mentioned in paragraph 64 of the Committee of Experts' report, might be misunderstood, whereas other factors such as a very efficient educational system and a worthwhile training system are forgotten about. They felt that comments of this kind were inappropriate and disagreed with them.

28. The Employers' member of Argentina thought the development of flexibility did not reflect the destruction of the right to work, but rather the adaptation to new economic and social realities that are not always compatible with lifetime labour contracts. The Committee of Experts was pleased that the *World Employment 1995* report underlined that deregulation did not have the effects on the level of employment that had been assumed. Unemployment in Latin America and Eastern Europe was not the consequence of adjustments, but was the necessary consequence of the crisis caused by excessive state employment (which amounted to a hidden subsidy) and of closed economic models. Nevertheless, without such adjustments the levels of unemployment would not only increase but explode. Deregulation or, rather, adequate regulation, was a consequence of the adaptation to reality. For example, temporary work was a form of entry into the labour market and was not "precarious". If a realistic focus was not adopted or measures taken to adapt the labour market, the situation would worsen and the levels of unemployment and irregular work would increase.

29. The Workers' members observed that, although the Committee of Experts did not this year make general comments concerning the application of Convention No. 122 on Employment Policy, 1964, it still dealt in its report with the fundamental question of the relation between employment and the regulation of work. The Committee of Experts underlined the importance of workers' rights for making social progress. This conclusion can also be found in its General Survey on termination of employment, in the Report of the Director-General on

the promotion of employment, in the ILO's *World Employment 1995* report, and in the work by the International Institute of Labour Studies regarding the role of labour standards in industrial restructuring. The Declaration by the Heads of State and Governments at the Social Summit also connected full employment to the respect of ILO standards. The standards on security of employment benefit the good functioning of enterprises, the economy and society as a whole. Security of employment encourages the enterprises to invest in the training of workers and to improve their capacity for innovation and adaptation, thus enabling the workers to be better involved in the development of the enterprises. On the contrary, the proliferation of new forms of temporary contracts, subcontracting or self-employment tended to exclude an important portion of workers from the protection offered by contracts without the limit of time and from protection against dismissal. These would have the consequence of aggravating the risks of social exclusion and poverty which the Social Summit precisely wished to fight against. It was appropriate to recall the negative consequences of liberalism pushed to the extreme. If the Employers did not see a worrying development in new sorts of employment contracts, such as temporary contracts, and if a social regulation of this type of work contract was conceivable, it was appropriate to point out that in practice the temporary workers in several countries were not covered by labour legislation. The Director-General had underlined in his Report on the promotion of employment that the advantages of a judicious regulation of the labour market were often underestimated. Thus employment security motivated enterprises to ensure that workers were trained as much as it encouraged the latter to improve their qualifications. One could not expect workers to be experienced in several fields and then to leave when demand or profits decreased. As the Director-General had pointed out, deregulation which had been adopted to ensure a greater labour market flexibility threatened to aggravate inequalities and poverty, which is what the Social Summit wished to combat.

30. Several Workers' members spoke of the negative impact on employment of recent "neo-liberal" economic changes. The Workers' member of Spain noted that such policies had been unable to make unemployment decrease and had instead raised levels of precarious employment: this meant that workers were more and more lacking in experience and training, which results not only in poorer quality and uncompetitiveness of the goods produced but moreover in higher levels of occupational accidents — as, for example, in Spain. The Workers' members of Egypt, the Republic of Korea and the United Kingdom also referred to the harm caused by deregulation not only in terms of unemployment and security of employment but also as regards wages, protection of trade union activities and criminality. The Workers' member of Singapore said that the economic changes should not only benefit employers, which would in any event be a short-sighted policy: vigorous tripartite consultations would certainly help to minimize hardship. The Workers' member of Pakistan supported the role of the ILO described in the *World Employment 1995* report: labour was not a commodity, and an appropriate social safety net must be provided. The Workers' member of China called for concentration on economic development as the means to address unemployment and expressed Chinese unions' willingness to cooperate with unions worldwide to safeguard the interests of workers. The Workers'

member of Zaire noted that the informal sector may provide employment for many workers. The Workers' member of Turkey observed that in the absence of a formal employment relationship — which is the basis for most national and international labour standards — informal sector, “pseudo-self-employment”, clandestine and “black” employment, as well as much of what is presented as “flexible working arrangements” might be used to evade protective provisions. The Workers' member of Argentina said that in Latin America, precarious employment went hand in hand with structural adjustment policies, the cost being borne by the workers.

31. The Government members of India and Kenya stressed the need to promote the employability of workers through improved education and training. Employee protection standards, in the view of the former, should not demand too much from enterprises, and national provisions were in fact often more rigid than ILO Conventions. The Government member of Germany understood the Employers' members' reservations as to the notion of precariousness, but did not share their criticism of paragraph 64 of the Committee of Experts' report as regards employment promotion: he warned against the “fetish” of deregulation.

Paid Educational Leave Convention, 1974 (No. 140)

32. The Workers' members raised the Committee of Experts' comments on this Convention also in the context of employment policy. Those comments showed how stability and flexibility were interdependent. The indication that paid educational leave had been used more for the purpose of education in the wider sense than vocational training should be noted: the same view had been expressed by the Workers' members during the discussion of the General Survey in 1991.

33. The Employers' members noted that the Experts referred to four ratifications that had taken place over the last three years. However, the global number of ratifications had only reached the level of 28. The Employers' members considered that there was still a considerable number of problems concerning the practical application of this Convention. Although economic development in the future would require more properly trained workers, the considerable resources for comprehensive retraining could only be borne by a prospering economy. Moreover, demands for paid training leave were very often confronted with a lack of understanding and were not realistic. In addition, in the more developed States workers were entitled to more leisure time which could be used for further training.

Conventions concerning migrant workers

34. The Employers' members referred to the part of the Committee of Experts' report concerning standards that were applicable to migrant workers, particularly the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). The Experts had reported an increase in the number of migrant workers, particularly in the countries of South-East Asia and especially as concerned domestic migrant workers. The Experts had listed the difficulties of the situation of migrant workers whom these Conventions were designed to protect. However, the number of States that were bound by these Conventions had not particularly increased. Convention No. 97 had been ratified by 40 States and Convention No.

143 by only 17 States. While there could be no doubt that there were problems in the situation of migrant workers, they were partly also the consequence of economic crises and destitution. These could not just be dealt with by standards, however well they were formulated. In fact, what was needed was a real economic policy which could bring about economic growth and create jobs. In this respect, the application of the Employment Policy Convention, 1964 (No. 122), played an important role.

35. The Workers' members fully shared the concerns of the Committee of Experts as regards the situation of migrant workers. The Committee of Experts first noted the increase in the migratory flows within South-East Asia as well as the persistence of migration toward the Middle East. Most of the receiving countries in these regions have ratified neither Convention No. 97 nor Convention No. 143. One could note at each session of this Committee the difficulties of working conditions and of life for migrant workers, as regards the restrictions on their freedom of association — if it was not completely denied — the insufficient protection of their wages, their working conditions, the discrimination against them, the unfair practices inflicted by employment agencies, or inhumane working conditions of migrant workers on board ships flying flags of convenience. The problems raised for many years in the application of the Equality of Treatment (Social Security) Convention, 1962 (No. 118), should also be highlighted. Governments should be urged to respect international labour standards concerning migrant workers and to make them respected by employers. The situation of domestic workers was particularly hard, especially when they were victims of a network of clandestine labour. The police and the courts of the receiving countries had the tendency to chase them rather than their employers and the networks of clandestine labour, who take advantage of their situation. The Committee of Experts also stressed that practices of massive expulsions were not in conformity with the Migration for Employment Recommendation (Revised), 1949 (No. 86) or the Conventions on basic rights relevant to migrant workers. Migratory flows could not be controlled without the full respect of human rights and consultation of employers' and workers' organizations. It was indispensable to listen to the appeal of the Committee of Experts to examine the ratification of Conventions concerning migrant workers. The ILO and other international organizations should be encouraged to continue their action of sensitization in this field and the debate should remain on the agenda.

36. The Employers' member of Turkey particularly pointed to the international instruments and resolutions adopted with regard to human rights, labour law, social security, education, and the cultural and health rights of migrant workers. He drew attention to the invitation from the Committee of Experts to governments to examine periodically the possibility of ratifying these two instruments. The protection of migrant workers against discrimination would not be guaranteed by legislation on the equality of opportunity and treatment alone. He called for international solidarity and frank and loyal cooperation between countries of emigration and countries of immigration in order to solve the root causes of migration. These actions should be based on economic, social and humanitarian considerations and should be carried out taking into account employment goals and in the context of Third World development aid. Ending illegal immigration for employment required international cooperation, as well as

the protection of illegal migrant workers, in particular to ensure respect for fundamental rights and rights which form part of the employment relation, as migrants are often forced to accept clandestine work in conditions which would exploit them, as is the case with household migrant workers. It would be preferable to encourage the movement of capital and technology rather than that of workers, which would contribute to the improvement of the global employment situation.

37. The Workers' member of New Zealand supported the statement of the Employers' member of Turkey on the basic human rights of migrant workers even if they were illegal: migrant workers were especially vulnerable victims of the present economic environment. The Workers' member of the Republic of Korea described the labour shortage in countries such as his own, which had sucked in sometimes illegal foreign workers to do the most dangerous, dirty and demanding jobs, creating a potentially divided workforce: he too supported the commitment in Article 1 of Convention No. 143 to the respect of basic human rights for all migrant workers, regardless of their situation.

38. The Government member of Egypt agreed that there should be some means of guaranteeing wages and other rights to migrant workers, whilst the Government member of India recalled the need to create employment for workers preferably where they live. The Government member of the Russian Federation called for cooperation between the ILO and the United Nations High Commission for Refugees (UNHCR), the migrant workers question being related to the question of refugees.

*Conventions concerning child labour and
minimum age for employment*

39. Both the Employers' and the Workers' members referred to the important issues of human rights in general and children's rights in particular, and the ILO's mandate to pursue its activities in this area.

40. The Government member of Kenya agreed with the Committee of Experts' call on States to ratify the Minimum Age Convention, 1973 (No. 138): he expressed his Government's sincere appreciation to the ILO and the Governments of Germany and Spain in particular for the International Programme on the Elimination of Child Labour (IPEC) and urged countries with child labour problems to seek the ILO's assistance. The Workers' member of Singapore also endorsed the ILO's technical assistance activities in this regard. The Government member of the Belgium welcomed the continuing cooperation between the ILO and the United Nations Committee on the Rights of the Child.

41. The Workers' members of India and Pakistan underlined the need to devote greater resources to children's education. The former also considered that for historical reasons more time may be required to eradicate child labour: millions of children are involved, and in his country the Government was working with unions and employers to see that it was gradually eliminated.

42. The Government member of the United Kingdom questioned whether there was currently an adequate instrument to deal with child labour. Any difficulties in this area tended to be examined under the Forced Labour Convention, 1930 (No. 29). Convention No. 138 was not a suitable instrument

to use for the investigation of this complex issue, as it had a very low ratification rate in comparison with other fundamental Conventions and clearly did not meet the needs of member States. It was flawed because it was not directly concerned with the exploitation of child labour. The speaker suggested something more focused, that took the form of a new promotional Convention or a radical revision of Convention No. 138.

Conventions relating to seafarers and offshore work

43. The Workers' member of Argentina regretted that the Committee of Experts' report contained no reference to work on offshore installations, as it had done previously. On the other hand, he welcomed the fact that it had addressed comments to more than 20 countries regarding seafarers or the fishing industry.

Standard-setting policy: Revision of standards

44. The Employers' members considered that there was a need for changes to be made in the standard-setting procedures. This was demonstrated by the fact that the average ratification rate per country had been decreasing for several years. The Conventions that had been adopted over the last 15 years had been ratified by only about 7.5 per cent of member States. So even revised versions of existing Conventions had only been ratified to a small extent. They therefore believed that it was time to take specific steps on the basis of the results of the discussion on reforms. Obsolete standards, of which there were many, should be rendered null and void. New standards should be elaborated in the future only when it became indispensable in the light of the already voluminous list of standards. The emphasis had to be the revision of older Conventions that had now become outdated. The revised standards had to be drawn up taking into account the different levels of development, legal traditions and cultures of ILO member States and consequently it was necessary to forego complex and over-detailed provisions. Their contents needed to be very clearly worded in order to avoid any future interpretations which would extend the scope of these Conventions.

45. The Employers' member of the Netherlands (who also speaks for the Employers' group in the Governing Body Committee on Legal Issues and International Labour Standards) said the Employers were willing to discuss the subject with an open mind and thought consensus was within reach. She emphasized the need to set criteria when talking about the revision or creation of standards. Standards should above all be universal, applicable to all countries, and not of such a high standard that most member countries would not be able to implement them. Rigidity, complexity, and ambiguity in the texts should all be avoided. She described her surprise whenever she heard governments express the need to revise Conventions because they are not good: after all, they are adopted by the Conference and there are very rare occasions when governments do not vote in favour, even when they know in advance that they are not going to ratify. She believed that a vote to adopt at the Conference, although it does not impose a legal obligation on governments, clearly places a moral obligation on governments. The speaker referred to the "Sir John Forbes Watson list" (containing information, in particular, on the numbers of Conventions ratified by each Member and the numbers which governments had voted for on their adoption by the Conference but not subsequently ratified) and thought that this list should

be revived. Furthermore, governments were not always careful before ratifying to make sure that application of the Convention was possible. Governments should not just ratify for the sake of ratification, but they should ask for advice beforehand, in particular from the Office, to see if their national legislation is in compliance. She referred to the Working Party set up by the Governing Body with a carefully drafted mandate laid down in paragraph 52 of document GB.262/9/2.

46. The Employers' member of Sweden emphasized the urgent need for a revision of ILO Conventions. One example concerned the Employment Injury Benefits Convention, 1964 (No. 121), which has placed the ILO in the centre of Swedish politics. This Convention allows a country to have up to three waiting days for the payment of benefits, but only to the extent that the country had waiting days at the time of ratification. Unfortunately Sweden had no waiting day when it ratified this Convention. Because of Sweden's extremely serious economic crisis the previous Government introduced one single waiting day in the sickness insurance which also covers injury indemnities. After complaints by the Swedish unions, the Committee of Experts found that Sweden seriously violated Convention No. 121. The Committee's report expressed satisfaction that the new Government will abolish the waiting day from 1 January 1997. It should be informed, however, that the new Government afterwards has changed its first decision. The waiting day will be preserved in Sweden, which will continue to violate this Convention until Sweden has the possibility to denounce it in four or five years. Rigid and detailed provisions of this kind are detrimental not only to member countries, but also to the reputation of the ILO, which should be well aware of its responsibility to point out such possible difficulties to new member countries.

47. The Workers' members recalled the discussions in the Governing Body on the strengthening and the updating of the supervisory machinery, the promotion of standards and the possible updating of some of them. For the March-April session of the Governing Body, the Office had prepared a document in which it analysed at length the trends of ratification and the policies followed in the field of the revision of standards. This document showed that the rate of ratification of instruments classified by the Ventejol report (1987) as standards requiring priority promotion was slower than expected. General surveys published recently showed, however, that these standards, which defined basic principles, left countries with considerable room for manoeuvre and took account of the differences between countries, thus offering real ratification prospects, to the extent that there was a political will. It was indispensable to take account of the following criteria for the revision of a Convention: the existence of a climate of confidence between the groups; the revision should not serve to weaken or suppress the protection of workers; the revision should be based on an in-depth study; a consensus should emerge on the serious problems that ratification could bring about in a certain number of countries and that the supervisory bodies could not resolve; the emergence of a new situation on the economic and social levels. An objective approach and a climate of confidence were absolutely necessary. Furthermore, they considered that the attitude of the Employers' members in this respect was more objective and realistic than that of certain governments.

48. The Workers' member of Canada (who also speaks for the Workers' group in the Governing Body Committee on Legal Issues and International Labour Standards) referred to the report presented last March to the Governing Body Committee and emphasized the difficult question of evaluation with regard to updating some standards and elaborating new ones in an Organization with more than 170 member States. The report of the Committee concluded that an evaluation can be made only on a case-by-case basis through an in-depth examination of each Convention or Recommendation, and that no general criteria can be established for this purpose. With regard to the ratification of Conventions, the same report stated that the revising Conventions had, on the whole, been less widely ratified than the initial Conventions, and in some cases initial Conventions continued to receive more ratifications than the revising ones, which clearly showed that the content of a Convention should not supersede the lack of political will either to ratify Conventions or to implement them. Taking the example of federal Canada, where 13 governments have to agree in order for a Convention to be ratified, many elements having nothing to do with the content of the Conventions interfere in the process. There were various other reasons why governments did not take the steps necessary to create a better world for the human race, to help women in particular, to eliminate poverty, or simply to implement Conventions. However, no compromise should be made in the content of the ILO's Conventions, which should address the real situation of workers who often have no standards to protect them. He welcomed the fact that the Working Party established by the Governing Body had agreed to look at the recommendations included in the report, which meant looking into the whole issue of the revision of Conventions.

49. The Workers' member of Tunisia considered that the call for the revision of standards was inspired above all by the desire to dilute the effectiveness of these instruments: this procedure was aimed at ensuring flexibility in the implementation of these Conventions, which would result in the setting up of societies based on the new world economic order. The Workers' members of Singapore and Zimbabwe stressed that revision should be aimed at strengthening the effectiveness of standards and the protection offered to workers, while addressing some of the concerns of practicality and relevancy which had been raised: it should not result in the erosion of the substance or impact of a standard so as to render it meaningless.

50. The Government member of Egypt said there was a need to review certain Conventions in order to adapt to contemporary developments throughout the world and to make sure that Conventions are more modern, more appropriate and easier to apply from the point of view of member States, so as to achieve what the Director-General mentioned in his Report, that is, a new feeling of vigour, a new breath of life with regard to the ratification of Conventions. The Government member of Kenya believed that future standards should be so designed as to encourage countries at different stages of development to ratify them: flexibility was lacking even in such revised standards as the Plantations Convention, 1958 (No. 110), with its Protocol of 1982. The Government member of Portugal called for greater participation by member States in standard setting, as regards selection of topics and replies to Office questionnaires, so as to ensure

standards are sufficiently universal and flexible. The Government member of China underlined the value of a tripartite approach to standard setting, as well as the need to take account of regional differences and levels of economic development. The Government member of France favoured further consideration not only of the revision question but of all aspects of standards in the future: the Governing Body Working Party should be both moderate and daring in its proposals; the positions of the three groups would not converge spontaneously. The Government member of the United Kingdom proposed an early critical examination of the key Conventions, to confirm whether they could be regarded as embodiments of human rights, universal in scope and acceptable to a large proportion of the membership; there should also be an audit of all existing instruments to see whether Conventions could be consolidated and identify candidates for revision or ones which were obsolete, taking account of levels of ratification and over-complexity.

Ratifications and denunciations

51. The Employers' members observed that genuine difficulties in connection with revision of Conventions were manifested by ratification levels. However, it was not just the global overall figures that should be looked at. These did not give a very realistic picture of the situation since the number of Members of this Organization had increased dramatically in the last few years. It was necessary to establish a link between the rate of ratification and the individual member States and the individual Conventions with regard to the figures expressed as global figures or as a percentage; then this would give a completely different, rather negative picture. They also agreed with the Workers' members that there was a growing number of representations and complaints submitted to the ILO which was indicative of the difficulties in applying ratified Conventions. With reference to paragraphs 15 and following of the Experts' report regarding ratifications and denunciations, the Employers' members were of the view that ratification and denunciation did not formally require any detailed indication of grounds. However, it was opportune for a government to mention as a rule the most important reasons for a denunciation, since in this way one could gain useful knowledge for the future. This appeared to be the case concerning the declaration of the United Kingdom in relation to a denunciation of the Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951 (No. 99), and the Holidays with Pay (Agriculture) Convention, 1952 (No. 101). As indicated in paragraph 17 of the Experts' report, the Government of the United Kingdom believed that the requirements of the Conventions restricted its scope for action in the field of agriculture. The Employers' members considered that the denunciation procedure of ten years was too restrictive since member States sometimes denounced a Convention as a precaution, although these member States had not necessarily set up a time-schedule to draw up their own regulations in the matter. The long cycle of ten years, therefore, often obliged member States to have recourse to this procedure while it was open. As a result, the Employers' members believed the standard denunciation period of ten years should be reduced to five years, since this would bring about the necessary flexibility. The Employers' member of the Netherlands considered that human rights Conventions should continue to be denounceable only every ten years.

52. The Workers' members noted that the number of ratifications had increased during the course of the last two years and averaged over 100 per year since 1955. This illustrated concretely and directly the support of member States and organizations of workers and employers for ILO principles and values. They nevertheless deplored the fact that a large number of countries had not yet ratified the fundamental Conventions. The Conference Committee and the Committee of Experts had launched an appeal during the last session to each country to ratify at least the Conventions on fundamental rights. The Social Summit reached similar conclusions. However, considerable differences appeared between regions of the world with respect to the rate of ratification and, in the follow-up to the 75th anniversary of the ILO and the Social Summit, governments were invited to ratify a larger number of these instruments and to apply them in practice. The Workers' members noted that the total number of "pure" denunciations, that is to say, without ratification of a revising Convention, were actually rather limited, after a wave of denunciations of the Night Work (Women) Convention (Revised), 1948 (No. 89). Tripartism, as exemplified in the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), required an in-depth consultation of employers' and workers' organizations before deciding upon a denunciation. The Workers' members considered furthermore that a government which denounced a Convention without ratifying a revising Convention should provide information to the Conference. In this respect they considered that the arguments presented by the Government of the United Kingdom as grounds for denunciation were not convincing. Convention No. 101 enumerated in very flexible terms the principles concerning minimum paid leave in agriculture; the minimum length of service required and the duration of annual leave were only specified in the accompanying Recommendation. And Convention No. 99 defined in loose terms the principles concerning the methods of fixing minimum wages in agriculture. In this perspective, the explanations given by the Government of the United Kingdom in Part II of the Committee of Experts' report seemed even less well founded. The Workers' members considered that the attitude of the Government of the United Kingdom risked contravening the fundamental values of the ILO. The Workers' member of Singapore pointed out that a ten-year denunciation period ensured a certain stability.

53. The Government member of the United Kingdom said that when modern legislation might be introduced resulting in a Convention no longer being observed it was right for governments, after consultation, to denounce; the existing procedure was too inflexible, since Conventions could become prejudicial to the State's interests, and all restrictions on denunciation should be swept away. The Government member of Germany was against having a Conference discussion in cases of denunciation.

54. The Government member of India noted that inability to ratify did not mean a government did not intend to deal with the concerns of a Convention: the problem was often one of enforcement; unless the level of workers' organization and collective bargaining were taken into account it would not be possible for the supervisory bodies to assess the intent of member States.

The supervisory system

55. Several members of the Committee (the Government members of Iceland (speaking on behalf of the Nordic countries), Kenya and the Russian Federation and the Workers' member of Tunisia) stressed the importance of the ILO allocating adequate resources for international labour standards and human rights activities.

56. The Workers' members recalled that the reform of the supervisory machinery and especially the new provisions concerning the procedures for requests of reports on ratified Conventions were discussed at length during previous sessions. The new machinery was to enter into force next year and the Workers' members would monitor the way in which it was applied. This year, the Committee of Experts had indicated that incomplete reports had been submitted, in spite of an increase in the number of reports received. The Workers' members recalled that it was possible, where there were serious problems, to ask for reports outside the normal reporting cycle in order to examine cases during the Conference. The Committee of Experts was often led to use this possibility. The Workers' members considered that the cases of progress noted showed that the supervisory machinery had a real impact for workers. These cases of progress seemed to be relatively constant even if the report showed a certain decrease: 32 countries and 44 cases in 1993, 30 countries and 42 cases in 1994 as opposed to only 22 countries and 36 cases for this session. The Workers also remained vigilant with respect to the purely formal cases of progress which did not have any real impact in practice. The 2,070 cases of progress which were recorded illustrated that, even in the absence of a binding force, some countries finally adapted their legislation and practice. The close involvement of organizations of employers and of workers contributed a good deal to this success. The accumulated effects of technical assistance, the perseverance of the supervisory bodies and of tripartite dialogue thus led to positive results. The Workers' members nevertheless considered that the supervisory machinery should be reinforced. Very often the Committee of Experts, the Conference Committee and the Committee on Freedom of Association were forced to reiterate constantly their observations or conclusions, and this negative attitude on the part of certain countries weakened the authority of the supervisory bodies. It was inadmissible that the interests of workers and their organizations be harmed during an entire generation. When neither dialogue nor persuasion worked, the social clause should be applied to guarantee the actual respect of the principles of dialogue, collaboration, assistance and social justice.

57. The Employers' members were very concerned about the large number of shortcomings by member States in meeting reporting obligations. For instance, 43 governments had not fulfilled their obligation to report on ratified Conventions and overall there were 337 cases where no reply was given to direct requests for observations. They considered that this was a challenge for the supervisory system as a whole, and hoped that the modified reporting system would facilitate the situation for member States.

58. The Workers' member of the Netherlands remarked on a certain lack of continuity as regards the examination of cases by the supervisory bodies: some

cases discussed previously in the Conference Committee did not appear in the Committee of Experts' report. The Workers' member of Tunisia considered that the Committee of Experts' report was too lenient and ambiguous in some cases when it came to violation of Conventions.

59. The Government member of Iceland (speaking on behalf of the Nordic countries) thought that governments should be involved in the selection of cases for examination in the present Committee; he noted also that an increasing number of Government members of the Committee now took part in the discussions of individual cases. The Government member of the United Kingdom stated that, if the work of the Committee was to be truly tripartite, the selection of cases should be more transparent and tripartite, according to clear criteria.

60. As regards obligations to report on ratified Conventions, the Workers' member of Japan emphasized that in the streamlined arrangements with a more selective approach, sight of the basic objectives of supervision should not be lost: there should be no greater flexibility in application, only in the formulation of standards. The Workers' member of the Netherlands observed that, while the preparation of first reports might not be easy, reporting in general was not so complicated, especially for governments of industrialized countries with access to modern information technology: in these conditions, poor reporting reflected lack of interest, and the new reporting system might not be a solution if this were true.

61. The Government member of France saw in the numbers of reports not received and the insufficiency of others — as well as in what he considered a small increase in numbers of ratifications — a slow decline of the system of standards. The Government member of the United Kingdom thought the changes in the reporting system overdue and felt they should be evaluated in a couple of years. On the other hand, the Government member of Germany noticed a slight improvement in reporting over the last two years. The Government members of Bangladesh and India stated that failure to report was not necessarily wilful, but was often due to real administrative and political difficulties, with various government agencies, as well as employers' and workers' organizations, involved in policy decisions: this was, as the former remarked, particularly the case in respect of the obligation to report on submission of Conventions and Recommendations adopted by the Conference to the national competent authorities. The Government members of Kenya and Portugal recommended recourse to the Office, which offers technical assistance to member States experiencing problems in fulfilling their reporting obligations.

62. The Government member of Portugal pointed out the usefulness of general surveys under article 19 of the Constitution as a means of evaluating the application of Conventions and Recommendations. The Government member of the United Kingdom thought there should be a "rolling review" of human rights instruments by this means. The Employers' member of the Netherlands said that general surveys could be used to obtain an idea of what might be included in future standard setting.

Role of employers' and workers' organizations

63. The Employers' members noted that all governments had sent in their reports to the ILO after consultation with employers' and workers' organizations.

There had also been new progress achieved in this field; moreover, this year's report also showed that both social partners were fully involved in the ILO's work. This was reflected through the submission to the ILO of the largest number of comments by employers' and workers' organizations. Referring to paragraphs 20 and following of the Experts' report concerning the complaint, representation and other procedures available under the ILO Constitution, the Employers' members felt that considerable use was now being made of all the opportunities afforded under the Constitution.

64. The Workers' members welcomed the fact that certain Government members had underlined the importance of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). As indicated in paragraphs 20-40 and 78-83 of the report of the Committee of Experts, the numbers of observations, complaints and representations of workers' organizations were increasing, which, on the one hand, reflected the interest of workers and their organizations in standards, but, on the other hand, illustrated the extent of the problems with respect to application. The importance of the number of complaints, representations and observations proved that the system was working and close to the realities of the field. The Workers' member of Pakistan hoped the principles of tripartism and Convention No. 144 would be fully applied at the national level as well.

Sanctions

65. The Employers' members stated that, with respect to the Experts' request for the enforcement of sanctions in the event of non-compliance with obligations under the Conventions, they felt that such sanctions were a possibility for ensuring such compliance. However, there was an obligation to establish a sanction only if it was explicitly mentioned in a Convention and this was seldom the case. In the majority of cases the enforcement of sanctions was a domestic affair and not an international one. The Government member of Germany supported this position, whilst observing that an obligation to lay down sanctions could be included in a Convention.

Standards and technical cooperation

66. The Employers' members noted that, with respect to technical assistance in the field of standards, the Experts had listed the various measures that had been adopted by the ILO in order to acquaint member States with existing standards. The multidisciplinary teams (MDTs) were an example of such a measure and they were supposed to work in a more integrated form. The Employers' members welcomed this measure last year. They hoped that the MDTs would provide a better feedback for an improved and more realistic preparation of standard-setting activities. The work of these teams would bring about greater knowledge of the practical problems in the field and the rapid changes that were taking place in the day-to-day world of work. They hoped that this new knowledge would be fully taken into account.

67. The Workers' members considered that technical assistance in the field of standards was an important instrument and suggested using it regularly in individual cases. They deplored the fact, however, that certain countries had recourse to this solution as a manoeuvre. A constructive attitude on the part of

governments vis-à-vis the ILO and organizations of workers and employers was an essential condition. It was within this framework that tripartite consultations had to take place at the national level. The Workers' members welcomed the establishment of multidisciplinary teams including standards specialists. They insisted however that this new system also worked in the interests of workers' organizations. The effectiveness of the supervisory machinery depended to a large extent on the ability of organizations of workers to have recourse to it. The changing in the procedures for requesting reports reinforced their role. The number of observations from organizations of workers and employers was increasing each year. The Office should support efforts to inform and assist organizations of workers, especially in the form of seminars. The Workers' members also suggested organizing a seminar on standards for new members of the present Committee. The representative of the Secretary-General stated that this would be done next year.

68. The Government members of China and Saudi Arabia drew attention especially to the need for technical assistance in relation to labour legislation, in order to make the implementation and ratification of ILO Conventions possible. The former wished the role of international labour standards to be strengthened in this respect, and referred to his own country's experience as regards workshops and seminars at the provincial and national levels, particularly on occupational safety and health.

69. The Government member of Egypt and the Workers' member of Argentina called for the strengthening of all multidisciplinary teams by the inclusion of a standards specialist.

70. The Workers' member of Pakistan stated the need for technical assistance to translate international labour standards into national languages. The Workers' member of Italy pointed out that economic and financial assistance were also wanted. And the Workers' member of New Zealand noted that some industrialized countries would benefit from technical assistance to ensure that economic growth is translated into social development.

**C. Report of the Sixth Ordinary Session of the
Joint ILO-UNESCO Committee of Experts on
the Application of the Recommendation
concerning the Status of Teachers**

71. The representative of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) explained that the report of the Joint Committee (CEART) had drawn its conclusions not from a questionnaire methodology like the previous ones, but from a series of activities using an integrated approach, with the intention of making a normative instrument better known and applied. In conducting four subregional activities, the ILO and UNESCO had brought together representatives of governments, teachers' unions and the private sector to examine the 1966 Recommendation within the socio-economic and cultural context of the countries concerned. UNESCO had also adopted a tripartite methodology in examining certain aspects of the Recommendation of concern to it through 16 national case-studies. The validity of the 1966 Recommendation was examined by CEART at the request of the

Executive Board and the General Conference of UNESCO on the basis of a paper on current trends affecting education and the status of teachers. The Joint Committee recommended that the 1966 Recommendation remained valid but suggested that the joint commentaries on its 146 articles elaborated with the ILO should be updated, work which UNESCO intended to pursue in collaboration with the ILO over the next term. The Joint Committee also examined the status of teachers in relation to the initial and continuing education and training that is provided to them, on the basis of a number of country case-studies. It concluded that the teacher education curriculum continued to be inadequate, that more coherent national policies to update teachers' knowledge in relation to rapid scientific, technological and societal changes were needed, and that directors of schools had to learn how to build partnerships with the community to reflect the changing role and functions of schools. UNESCO hoped to team up with the ILO during the next six years to build partnerships. The Executive Board of UNESCO had examined the Joint Committee's report and called for enhanced cooperation with the ILO, continuing the new working methodology without excluding the questionnaire methodology, and looking at ways and means to apply the Recommendation as a standard-setting instrument in keeping with the social, cultural and economic conditions of each country. The Executive Board had also invited the Director-General of UNESCO to examine, with the Director-General of the ILO, means of cooperating during the next International Conference on Education (ICE) in 1996 whose theme will be teachers. The Director-General of UNESCO is also authorized to invite the Joint Committee to attend the ICE, thereby providing more attention to the application of the Recommendation. The speaker concluded by emphasizing the importance of teachers as educators in meeting the challenges of education for tolerance and peace stressed by UNESCO and of improving schools for the children of tomorrow.

72. The Employers' members noted that the document concerns the meeting held in July 1994, whilst the Governing Body of the ILO decided to refer it to the Conference Committee only this April. The point of holding this discussion, last held in 1989, was that the status of teachers affected their activities and tasks — the passing on of knowledge and education in the form of lifelong training — to which the Employers' members attached the greatest importance. It is only this particularity of their role that justified a specific standard with its own supervisory system, since for the rest they were like other workers. The report before the Conference Committee was largely a report on activities endeavouring to disseminate the Recommendation and bring about practical implementation of its provisions. To ensure better observance, certain survey methods to obtain empirical data, including a new questionnaire methodology, were being developed, and case-studies had been carried out. The recommendations of this independent monitoring system based on a joint committee raised a number of interesting points, namely the surprising spread of illiteracy. A number of the Recommendation's provisions did not require revision for the moment, but improvements were required in teacher training and other areas. The Employers' members supported these proposals. In their view, status questions such as labour law and pay should be viewed against the background of what was best for education; according priority to material conditions of teachers over these concerns would gravely endanger future generations. Given their special functions

to pass along knowledge and education, it was difficult to understand why the Committee on Freedom of Association of the ILO Governing Body had not considered the work of teachers as an essential service in which the right to strike could be restricted since the interruption of educational services would have future consequences more serious than the interruption of any other public service because it put the future of the next generation at risk. Moreover, such a strike was an extreme example of kidnapping; it hardly put the employer, the real opponent in such a strike, under pressure, while the students who were in principle unconcerned about it had to suffer. It was hoped that the ILO supervisory bodies would soon review their interpretation of this point. The Employers' members nevertheless agreed that teachers should enjoy conditions that matched their important functions, in particular proper training, and that their status should be improved in all fields. They fully supported the basic concerns expressed in the Joint Committee's report and hoped that the current discussion would contribute to improvements.

73. The Workers' members shared the concerns expressed in the Joint Committee's report. Although everyone agreed on the importance of education for human resource development, for enterprises and in the fight against social exclusion, and the Social Summit's conclusions had reaffirmed the international community's commitment to extending basic and general education, structural adjustment measures and public financial crises had diminished educational investments. This had impacted on the objectives of appropriate education for all children and on teachers' conditions and motivation. Financial difficulties and restructuring also hampered respect for international labour standards, as witnessed by violations of teachers' trade union rights, collective bargaining and employment and occupational discrimination. Conventions Nos. 87 and 98 concerning freedom of association, the right to organize and collective bargaining and Convention No. 111 concerning equal opportunities and treatment were applicable to teachers, as made clear by ILO supervisory organs. The number of allegations by teachers' organizations before the Joint Committee and the cases brought to the Committee on Freedom of Association were increasing, aggravated by the decentralization of organizational responsibility in education which considerably weakened collective bargaining. The general application of fundamental ILO Conventions should not be undermined by a specific standard for teachers. The ILO/UNESCO Recommendation supplemented basic rights guaranteed by these Conventions. Teachers took strike action as a last resort, not just to improve their own status but also over concern with the impact of economic policies on education as a vital investment for educational development and social justice. The Workers' members supported the Joint Committee's position that the principles of the Recommendation remained valid, and no revision should be undertaken for the time being. Though the Recommendation particularly provided for consultation with teachers and their organizations on educational issues, the report of the Joint Committee pointed out the frequent absence of consultation with teachers with regard to budgetary restrictions and structural adjustment measures which nevertheless had repercussions for educational quality and teachers' working conditions. The Workers' members supported the conclusions and proposals for future action contained in the report, in order to effectively promote the application of the Recommendation. To this

end, the ILO and UNESCO should closely collaborate, respecting the ILO's mandate, tripartite structure and the viewpoints of its supervisory organs. Education deserved special attention from the ILO because of its strategic importance for employment, for the world of work and for society.

74. The Workers' member of Greece pointed out that teachers' conditions had deteriorated to the point where many sought additional jobs outside teaching, and that, if access to basic education of quality was to be ensured, governments would have to allocate the necessary resources. The Workers' member of Germany noted: first, that the increased number of allegations showed a deterioration of conditions in the teaching profession; second, the steps taken by the Joint Committee to deal more rapidly with allegations were positive, since the present interval of three years between meetings was far too long; and third, that his country was an example of the lack of consultation or collective bargaining in relation to teachers' working hours which had been increased in several *Länder* by legislative means. The Workers' member of New Zealand strongly opposed the suggestion by the Employers' members that teachers be denied the right to strike; she noted the positive example of collaboration among international organizations and thought that the innovative approaches shown in the Joint Committee's report might have benefits for the ILO supervisory bodies, since they reconciled systems of information in a way that reflected country realities.

75. The representatives of Education International welcomed the change in the Joint Committee's methodology and its view that the 1966 Recommendation remained as relevant as when it was prepared. The principles of the Recommendation largely depended on the rights to freedom of association and collective bargaining which were still denied to teachers in many countries. Without such rights teachers could not play their full role in the formulation of educational policies and ensuring the success of education reforms. As the Joint Committee's report outlined, the impact of restructuring in industrialized countries caused concern — collective agreements were overridden by legislation or extended beyond expiry — and new challenges had to be faced by the teaching profession as increased numbers of students, changing family structures and new information technology greatly modified teachers' activities. Ongoing studies were designed to elaborate strategies to address the issue of stress and burn-out among teachers. The impact of restructuring in developing countries had been disastrous, however. Teachers' salaries were in arrears or not paid at all. Low salary levels had contributed to a greater feminization of the teaching profession, while the Joint Committee's report also dealt with the necessity to focus attention on discrimination against women particularly with regard to their representation in scientific and technical fields and their access to posts of responsibility. Lessons should be learnt from failures in the policies of the Bretton Woods institutions which resulted in demotivation of teachers, and from decentralization policies which were used to lessen responsibility for state funding of education and to strip away collective agreement benefits. Free compulsory education was the most potent tool in the fight against child labour. Education International fully supported the recommendations of the Joint Committee and the work of the ILO and of UNESCO to promote the principles enshrined in the Recommendation, and it intended to participate actively in the work of the ILO's Standing Technical

Committee for Educational Personnel in October 1995, and in the International Conference on Education to be held in October 1996.

76. The Committee took note of the report of the Joint Committee.

**D. Reports requested under article 19
of the ILO Constitution**

*Termination of Employment Convention (No. 158)
and Recommendation (No. 166), 1982*

77. The Committee had an in-depth discussion on the General Survey of the Committee of Experts on the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982. The Committee of Experts based the General Survey on the reports submitted under article 19 of the Constitution, as well as on the information provided in reports supplied under article 22 of the Constitution, by governments who have ratified the Convention. The General Survey also took account of the observations received from a considerable number of employers' and workers' organizations which were communicated with the governments' reports in accordance with article 23(2) of the Constitution.

Introductory statements

78. The Employers' members noted that the General Survey prepared by the Committee of Experts on the basis of reports supplied under article 19 of the ILO Constitution, showed as always, great variation of the regulations which were relevant to this field in the individual member States of the ILO. They had the impression, however, that the spectrum on this occasion was much greater than on many other subjects. However, that was not very surprising since the question of protection against dismissal was indeed an essential field of labour law. The majority of member States had some form of protection in this field, but the provisions of the relevant rules and regulations varied considerably. These provisions generally were beneath rather than above the standards set by the Convention.

79. First, the Employers' members noted in positive terms that the General Survey prepared by the Committee of Experts was a lengthy, empirical report. The survey made it possible to view the factual situation in many of the ILO's member States, measured against Convention No. 158. However, the Employers' members believed that the survey gave an incorrect impression that all the requirements of the Convention existed somewhere — indeed, everything demanded by the Convention did exist somewhere in the world in approximate form. But to conclude from this situation that there was real protection against unjustified dismissal as provided for by the Convention everywhere and across the board would be incorrect because the manner in which the member States were compared with their regulations showed that in fact hardly any State had actually done everything demanded by the Convention. Otherwise probably many more member States indeed would have ratified the Convention. The Employers' members also noted that in the area of unjustified dismissal, diverse traditions existed and a number of different developments had left their mark. Consequently, the results that had arisen differed considerably from member State to member State. An analysis of the Convention in particular on the basis of the interpretation

given by the Committee of Experts, showed that the Convention did not just set minimum standards, but much more. The Convention as a whole set very high requirements. The Employers' members believed it was obvious that many member States do not or could not meet these high requirements. This inability was due to various reasons.

80. First, with regard to the low level of ratification of the Convention, the Employers' members referred to the example of one important member State in which only relatively little legal protection against dismissal existed. In that particular country, the trade unions were much more powerful than they had now become. In their powerful past, these unions could indeed have achieved such legislation, even forced it, if this had actually been seriously demanded by political circles. But the trade unions did not want to do so, because they did not wish for legislative regulations for all workers since they wanted collective agreements to provide minimum protection against unjustified dismissal. Legislation therefore would have extended this protection mechanism to all workers and would thus have reduced the incentive for people to join trade unions. More generally, protection against dismissal which goes beyond the simple prohibition of arbitrary dismissals, would complicate the capacity of enterprises to adapt to operational or general economic changes. These complications could result from delays due to certain mandatory procedures prior to dismissals. Furthermore, protection against dismissal increased operating costs for enterprises and the national economy in general. In the context of globalization and of increasing competition, flexibility and speed of adaptation were vital to the survival of enterprises. This flexibility for enterprises was not possible if the priority of personnel policy was to protect currently employed workers. An excessively rigid protection against dismissal would give rise to certain preventive action because it impaired the ability and willingness of enterprises to recruit new workers. Such an effect would occur especially when the duration of manufacturing or service industry orders was uncertain, or during subsequent periods when order books remained empty and long-term employment commitments could not be possible. The Employers' members believed that the counter-arguments were not convincing. The employers of course had an interest in keeping a well-experienced workforce and skilled workers, especially if they had invested in their training. The Employers' members believed that this was quite correct and thus a common interest existed between workers and employers. Consequently, there was no need for any regulations where employers and workers had the same interest since intentional voluntary self-detrimental action was really an exception. It was exactly because the employer and worker had a common interest that a regulation was superfluous.

81. The Employers' members found in this General Survey a general problem that they had been pointing out many times as regards others instruments of the ILO: there was a tendency to make extensive interpretations. It was legitimate to lay down fundamental principles of a general character for a market economy with social responsibilities, but when it came to giving expression to them in the labour laws of member States, the individual characteristics of the internal system should be respected. The interpretations given by the Committee of Experts did not go in this direction. Given the different circumstances of each member State, the Employers' members believed that it was very difficult to interfere in a State's

system of labour legislation with over-detailed regulations. Such interference gave rise to contradictions and a rupture in the social structures of each country. Furthermore, hardly any country was willing to give up its own traditional order or impose a regulation originating from a foreign body. This applied to ILO regulations and standards and even more to the extensive interpretations of ILO texts. For example, it appeared superfluous to replace relatively clear terms by more complicated sub-terms. In paragraph 283 of the General Survey, the Committee of Experts explained what should be understood by the term “the opportunity for consultation”. The Employers’ members believed that the term “consultation” was so clear that it did not need any further interpretation. However, the Committee of Experts divided up this term by making a distinction between “an exchange of views” and “the establishment of a dialogue”. The Committee of Experts then referred to paragraphs 60 and 61 of the General Survey, which alluded to the explanation given to the term “consultation” in the 1992 General Survey concerning minimum wages. In the 1992 General Survey, paragraph 191 referred to the 1982 General Survey concerning Convention No. 144 on Tripartite Consultations (International Labour Standards). These references did mention something about consultations but provided no real explanation for the distinction between an exchange of opinions and the establishment of a dialogue. Moreover, totally different Conventions were alluded to which dealt with completely different issues. The Employers’ members therefore wondered why this term “consultation” had to be divided up into the terms “an exchange of views” and “the establishment of a dialogue”. The Employers’ members also considered that these sub-categories could indeed be translated into other languages, but they did have a traditional meaning only in one country. They questioned why these terms used in a particular national context were subjected to the term “consultation” for the whole world. The Employers’ members believed that if compliance with Convention No. 158 was to be examined in the future in a particular case, reference would be made to paragraph 283 of this year’s General Survey and there would be a conclusion that this particular term “consultation” must mean an exchange of opinions and the establishment of a dialogue. If, in a specific case, one element was missing, this would no doubt be considered as non-compliance with the Convention.

82. In the Employers’ view the General Survey provided other more serious examples of questionable interpretations. Paragraph 56 notes, once again, the well-known mistrust by the Committee of Experts of self-employment, which was regarded only as a means to escape the protection of the Convention. However, new forms of employment were developing all over the world, and not only in the 24 countries that had ratified the Convention. They corresponded to structural changes of great magnitude and there was no point in systematically meeting such developments with distrust or in being confined to the idea that a uniform labour law should be applied to a uniform category of employees.

83. The Employers’ members considered that some other passages of the General Survey attested the mistrust of the Committee of Experts regarding any form of flexibility. The Convention provided that the dismissal should be based on a valid reason and then refers to certain reasons which are not considered as being valid. The Committee of Experts dealt with these reasons extensively in the General Survey and indicated finally, in paragraph 93 of the General Survey, that

dismissal should only be used as a measure of last resort. Another example existed where the Convention stipulates that the temporary absence from work because of illness or injury should not constitute a valid reason for termination. But the Committee of Experts in paragraph 137 of the General Survey gave such an interpretation to the notion of temporary absence that it could be without limit of time. Another extensive interpretation was the wish of the Committee of Experts expressed in paragraph 117 of the General Survey that effect be given in practice to Article 5(c) of the Convention in a certain manner, while admitting that the Experts were not talking about requirements made in the Convention.

84. The Employers' members considered that a key to some misinterpretations might be found in paragraph 203 of the General Survey. There the clear provision of Article 9 relating to the burden of proof was made unclear by the statement that the Convention distanced itself from traditional contract law and was based on common law. Such a statement could only make sense if the intention was to consider as well the other rules of a certain legal system when interpreting the Convention. They clearly opposed such an attempt. Otherwise, in the future, not the terms of a Convention, but the domestic law system actually or supposedly used as a model would decisively influence the interpretation of the provisions of a Convention. Such a result went, however, completely against legal certainty. The most serious misinterpretation could be found in the last sentence of paragraph 203 of the General Survey, stating that "in labour disputes legal provisions must be interpreted in favour of the worker". Such an interpretation was contrary to legal criteria because it would mean that, in all cases, the legal provisions were to be interpreted in favour of the workers.

85. In their view, aside from interpretations which were dubious or erroneous, it would be favourable in the general surveys to evaluate the experience acquired through the adoption of the Convention and, above all, the practice followed in countries. A realistic criteria of evaluation was examination of the modest number of ratifications of Convention No. 158, which contrasted with the fact that two-thirds of Conference delegates had voted in favour of its adoption. This ought to have been an object for reflection and to have served as the basis of the conclusions. In this sense the positive statements of the General Survey concerning the prospects of future ratifications clearly had limited validity.

86. With regard to the measures considered in the General Survey to avoid dismissals (paragraphs 315 et seq.), the Employers' members noted that certain ones were obvious and were practised by enterprises. But reading those paragraphs left an illusory impression that with enough good will and efforts it was possible to avoid dismissals even in situations in which it was necessary.

87. The Employers considered likewise that the General Survey presented certain economic notions that did not correspond to reality, above all when dismissals were necessary for economic reasons. At times it was necessary to take immediate measures to save those jobs which could be saved. Concerning the point of view of the labour market and of experience, the simplistic idea of sharing work between those affected in the enterprise as a solution when there were problems present did not correspond to reality. Similarly, expecting that in case of justified dismissals a severance allowance should be paid (Article 12 of the Convention) constituted an example of an inadequate provision of the

Convention which was unrealistic about the allocation of resources. This static image contrasted with recent changes in the market of goods and services, and was prejudicial to workers.

88. The Employers' members regretted having to take such a critical position but indicated that they had only selected a few points for illustration. The General Survey included details and interpretations which established a level of protection for workers beyond that which was provided for in the Convention. As a final analysis, the Employers concluded that this Convention was one which ought to be revised as soon as possible.

89. The Workers' members took note with great interest of the General Survey. Although job security was a crucial aspect of the right to work, governments and employers had strong reservations against establishing employment security systems.

90. The Workers' members considered that the logic of the labour market theory had inspired certain governments, under pressure from the Employers and the Bretton Woods institutions, to weaken or to consider weakening laws concerning individual or collective dismissal. At the same time, such governments reduced the protection of unemployment benefits and related social measures which would favour the workers. Following this logic, the laws and regulations concerning employment security had negative effects on employment, since the costs of dismissal dissuaded hiring and excluded necessary restructuring. The defenders of this simplistic thesis also attempted to discredit labour standards or international standards as a whole. None the less, as had been concluded in the General Survey, both the Convention and Recommendation took into account national differences, contained flexibility clauses and emphasized the right of employers to dismiss workers for recognized and valid reasons.

91. The Workers' members did not accept any of the simplistic rationalizations which were based on prejudices. The critics of national and international standards did not base their analyses on the possibilities or limitations of the standards. Neither had these critics taken into account interrelationships and balances between the different elements of the different systems of employment security. For example, it was less appropriate to criticize the length of the dismissal process if a social security system did not provide — or provided only in a limited manner — for unemployment benefits or benefits for suspension of work.

92. The Committee of Experts had further noted in paragraph 274 of the General Survey that 163 countries had established social security schemes but that only 63 of them had created unemployment benefit systems. The Workers' members confirmed that a substantial number of countries still did not have a system of unemployment benefits, in spite of it being an essential element for guaranteeing income. In addition, in many of those countries that had introduced a system, including some which had the financial resources to establish a more developed system, it was only embryonic.

93. They noted that various recent reports demonstrated the importance of standards concerning employment security for the efficient functioning of economic enterprises and of society. The General Survey of the Committee of Experts and the Report of the Director-General on the promotion of employment

both underlined the positive impact of standards on employment stability, as much for employers as for workers, and for the economy in general.

94. Concerning the introductory observations of the Experts, the Workers' members drew the Committee's attention to the following three points. First, the General Survey highlighted the important role the present Committee played in the adoption of the two instruments. After examining the General Survey on Recommendation No. 119 (the old standard on the termination of employment), the Committee concluded that the Conference should elaborate a new instrument on termination of employment (paragraph 4). This Committee also believed that the promotion of employment security was an essential aspect of the right to work. Second, the Committee of Experts recalled the fundamental standards concerning the termination of employment. It emphasized that the exercise of discretionary power had disparities in consequence for the various parties concerned in the termination of a contract (paragraph 2). The termination of the contract by the employer could result in the worker and the worker's family finding themselves in a situation of insecurity and poverty, especially in periods of massive unemployment. The structural changes in the international economy and structural adjustments of national economies had important repercussions for many workers and their families. The Convention and Recommendation concerning dismissals guaranteed income protection and assistance for affected workers and their families. Lastly, there was (paragraph 16 of the General Survey) a close interdependence between the Convention and the Recommendation and various fundamental standards, e.g. the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), in particular as regards protection against anti-union discrimination, as well as discrimination in employment and occupation, envisaged in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). Those instruments completed and reinforced the general guarantees against unjustified dismissals. The Committee of Experts highlighted the great importance of these instruments concerning collective bargaining, including the one relating to dismissals. Collective agreements, together with the lawmakers, were the engine and source of labour relations. Upon analysis of the different situations, it was clear that collective agreements reinforced and complemented the basic legislation concerning dismissals.

95. Concerning the different methods of application and scope of application, the Workers' members recalled four points:

- (i) The Convention only covered the termination of the employment relationship at the initiative of the employer and not termination at the initiative of the worker, or termination as a consequence of an agreement freely negotiated between the parties (paragraph 19 of the General Survey). However, often terminations that apparently were at the initiative of the worker or due to *force majeure* were in reality dismissals provoked by the employer. The Committee of Experts had called attention to these disguised dismissals (paragraph 22). National legal systems should also protect workers against these disguised dismissals.
- (ii) The Convention and the Recommendation granted national systems wide latitude to decide the methods and sources of law for the

application of the provisions. None the less, both instruments established a coherent system which included, in particular, individual and collective labour contracts, the protection of wages, and the promotion of an active employment policy. The application of the Convention and the Recommendation required a system that did not limit the payment of compensatory awards in the case of either unjustified or justified dismissal (paragraph 25). Governments, employers' and workers' organizations must develop a coherent and active policy.

- (iii) The Committee of Experts rightly called attention to the principle that workers should be covered by the various provisions, subject to the flexibility clauses. The scope of application of the Convention was wide, but permitted at the same time important exceptions (paragraph 34). For the Workers' members, the erosion of protection by exploiting these exceptions must be avoided at all costs. Numerous countries had adopted, for example, provisions tending to avoid recourse to successive contracts of fixed duration. But the Workers' members felt that more countries should reinforce the mechanisms of control and sanctions to avoid abuses (paragraph 46). During the last meeting of the present Committee, an individual case was presented which illustrated clearly the importance of introducing mechanisms to avoid abuses. In that case — Spain — one-third of the workers were on temporary contracts. This by far exceeded the normal level for this type of contract, even taking into account sectors of a seasonal character such as agriculture and tourism. The Committee of Experts also was concerned over the proliferation of new varieties of contracts of fixed duration, the utilization of excessively long training periods, invoking the status of self-employed, the questioning of the presumption of contracts of indefinite duration, and the liberal and practically total use of temporary contracts in export processing zones (paragraphs 56 and 42). Above all, when there were no collective agreements, flexible measures had tended to exclude the protection of large groups of workers. The Workers' members estimated that an external flexibility, gained through excessive recourse to temporary contracts, or by reducing protection against dismissals, would impair the ability of enterprises to be innovative, and would aggravate social marginalization and poverty. The workers affected feared vulnerability due to the considerable impairment of both fundamental rights and rights relating to freedom of association. The number of temporary contracts should be limited and compensatory measures should be taken to guarantee a level of protection at least equal to that provided by the Convention and Recommendation. During the general discussion, the Employers' members drew attention to the fact that temporary contracts did not necessarily exclude protection of the right to work and to social security. A certain number of countries had instituted mechanisms for protection which were relatively efficient for temporary workers. Unfortunately, the great majority of countries had not done so, and

those were precisely the countries which at times made use of this type of contract to promote employment.

- (iv) The Workers' members also emphasized the importance of in-depth consultations with workers' and employers' organizations concerning both the use of flexibility clauses and the regular revision of their application.

96. As to the obligation that dismissals be justified by a valid reason, the Workers' members emphasized that the need to justify dismissals was fundamental, indeed the cornerstone of the provisions of the Convention and Recommendation. This was evident from the preparatory work, as well as the drafting and the structure of the instruments (paragraph 76 of the General Survey). The Workers' members agreed with the Committee of Experts that a large number of countries had implicitly or explicitly introduced protection against unjustified dismissals, independently of whether they had ratified the Convention (paragraph 80). The Committee of Experts had also noted that protection against dismissal due to certain motives, as well as protection against reprisals or the protection against discrimination, had been reinforced in the last few years. There had been at least a certain parallel between national practices and the principles of the instruments. None the less, the influence of the two instruments was negligible in the national systems of numerous countries which had not introduced a general obligation to justify dismissals. Justification was a component of the dignity of the worker and was the fundamental aspect of the right of workers to defend themselves. Also, the real impact of a system of protection against termination of employment should be assessed taking into account the interdependence of the various elements: as well as the length of notice, the amount of severance allowances, social security, the social measures connected, and consultation procedures. All of these made the justification for dismissal indispensable. When workers ran the risk of incurring a penalty as great as dismissal, which could also affect their professional future, they had the right to defend themselves (paragraph 93). Furthermore, the Workers' members noted that the Recommendation completed and specified the reach of the Convention, and numerous countries had been inspired to modify, supplement, or interpret their legislation accordingly. They also referred to the protection against dismissal in case of temporary disability due to sickness or accidents, particularly in relation to persons infected with HIV and AIDS (paragraphs 136-142).

97. Referring to the procedures for dismissal, the Workers' members noted in particular the provisions of the Convention which set forth guarantees concerning defence before the decision to dismiss and the right of appeal after the decision. Allegations should be clearly formulated and presented to the worker. The possibility to defend oneself must be real. The General Survey also pointed out in paragraph 156 that certain governments and employers criticized the length and the cost of the dismissal procedures. Without being able to evaluate the procedures in each case, it was clear that a correct defence of the worker facing unjustified dismissal or suspension needed to take account in each case of the dissuasive effects of procedures and sanctions. The position of the Committee of Experts, that the protection against unjustified dismissal provided in the Convention should not be denied to workers simply because of such costs, should

be upheld (paragraph 156). On the other hand, effective procedures were not necessarily costly or elaborate, rather the contrary. Many countries had introduced administrative tribunals or specialized commissions into labour relations. Access in these cases was easy, making the procedures flexible, rapid and of limited cost. At times the legislation or collective agreements had instituted assistance to workers through delegations, unions, or personal representatives. The international instruments were not the cause of high costs or complicated procedures. On the other hand, individual cases had been discussed in previous sessions in more detail concerning anti-union discrimination (Convention No. 98) in countries where there were violations of the right to freedom of association; here long procedures existed which were complex and not very comprehensible.

98. Concerning prevention and measures related to the social dimension of dismissals (Chapters V, VI and VIII), the guaranteed protection of the two instruments provided a combination of preventive measures that eliminated or reduced dismissals and reparation measures of a social character. The basic national systems of protection against dismissal had been brought into focus even though there were considerable differences regarding the methods and levels of protection and concerning the importance of the preventative and compensatory measures. The Workers' members firmly underlined the strategic importance of the principle of prevention of individual and collective dismissals. The Committee of Experts often recalled this principle, for example in paragraph 320. Only in the last instance should recourse to dismissals be used to resolve problems. The Convention foresaw that every other measure possible should be considered first to avoid dismissals. Without over-generalizing, it could be said that enterprises increasingly practised the inverse policy. In such enterprises dismissals were conducted in a preventive manner (anticipated dismissals) with the object of preserving higher profits or distributing large dividends to stockholders. At the same time, the enterprises wanted to limit the length of advance notice and reduce the level of contribution to the system of unemployment benefits. These trends ran the risk of provoking an unprecedented proliferation of marginalization and poverty. This was true for all countries, regions, sectors and occupations facing important restructuring as a consequence of both the globalization of the economy and technological changes. The opposite policy, one of prevention guaranteeing social measures of reparation as well as a certain level of income and retraining of workers who were in danger of losing their jobs, or who already had lost their jobs, was more realistic. Collective bargaining and consultation were excellent measures to prevent dismissals or to counteract the social costs. None the less, recourse should be made to these tools before the decision to dismiss is taken. The public authorities also had an important role to carry out by supporting placement services for workers, mediating, financing and co-financing guarantees of wages, etc. The General Survey mentioned good examples of national legislation and national collective agreements which provided measures for prevention, reparation and relocation of workers. The Workers' members referred in particular to provisions made for previous notice, internal relocation, relocation in a subsidiary or related enterprise, work sharing, reducing work hours, partial unemployment, early retirement, etc.

99. Concerning the difficulties of application and the prospects for ratification, the Committee of Experts concluded its General Survey by stating

that the two instruments were as relevant now as ever before (paragraph 371). The Workers' members completely shared this point of view, above all because no points in need of revision had been identified. Employment security, as set forth in the Convention, did not impede adaptation, for either enterprises or the labour market. The absence of ratifications was due instead to particular situations at the national level, or from misunderstanding of the Convention. Ratification was not an impossible social objective and there were real prospects for ratification. As the Committee of Experts stated in paragraph 350, general surveys often became reference instruments. It should be stressed again that governments must respond to the questionnaires and provide information on the practical application.

100. Lastly, the Workers' members again emphasized that the relevance of the two instruments also illustrated that their impact had not diminished in the context of globalization of the economy, of restructuring of numerous sectors everywhere and of structural adjustments (paragraph 372). The advantages of fair regulation of the labour market had been underestimated. Security of employment stimulated enterprises to invest in the skills and the development of workers. Consequently, the enterprises reinforced their capacity for innovation and productivity, and for internal adaptability. The workers, for their part, were able to contribute to the development of the enterprise when they felt really involved. This constructive activity would result particularly when wages and stability of employment were guaranteed. These instruments also preserved the right of employers to dismiss. In this context the Workers' members concurred with the conclusions of the Committee of Experts that flexibility and stability were mutually interdependent (paragraph 379). The right to work and labour law were reconcilable. Both were essential to promote social progress (paragraph 382). The Workers' members believed that the Convention and the Recommendation also had a place in the Programme of Action and the Declaration concluded during the World Summit for Social Development in Copenhagen.

101. The discussion that followed after the presentation from the spokespersons for the Employers and Workers centred around several subjects essentially concerning the content and value of the General Survey, the flexibility or rigidity of the provisions of the Convention, and their current relevance in the context of challenges which have resulted from economic globalization and increased competition, as well as prospects for the ratification of the Convention. Numerous members took into account the national legislation and practice of their countries concerning protection against unjustified dismissal.

102. A large number of Committee members noted the quality of the General Survey and underscored its importance. The Government member of South Africa stated that the transitional Constitution currently in force protected workers against unfair labour practices. This protection was the result of jurisprudence which, since the early 1980s, has been inspired by ILO instruments on unfair dismissal. The General Survey, which provides a bridge between the general terms of the Convention and the specific language of domestic law, would play an important role as a source of interpretation for tribunals in the application of national legislative provisions. The General Survey will help in the future development of jurisprudence concerning protection against unjustified dismissal.

He noted that currently his country had a complaints-based system which was moving towards codification in relation to protection against unjustified dismissal, and that the General Survey would be of great use in this process. In addition, the General Survey facilitated comprehension of the provisions of the Convention and helped governments in better understanding the consequences of ratification and in identifying the possible obstacles in domestic law. With reference to the General Survey's final remarks in which the Committee of Experts noted that flexibility and stability were mutually interdependent, he believed that the discussion on the General Survey should focus more on the issue of whether the Convention and its reflection in domestic law established an appropriate balance between efficiency on the one hand and fairness on the other. The Workers' member of Germany shared this view of the General Survey, which could serve in particular as a guide to national legislation and jurisprudence and which made a significant contribution to accelerate the application in practice of the Convention at the national level. The Workers' member of New Zealand likewise believed that the General Survey could play a useful role in focusing the attention of countries which had not yet ratified the Convention on the different issues raised, and in providing the discussion among tripartite parties with the examples of measures taken by different countries. The Government member of the Syrian Arab Republic noted the interest raised by the General Survey, notably, by the manner in which it dealt in detail with many topics, such as periods of notice and dismissal for technical or similar reasons. The Employers' member of Turkey also underscored the quality of the General Survey and the Workers' member of China recommended that it should be read as a comparative analysis of domestic laws and practices.

103. The Government member of Portugal noted the special interest which the General Survey presented given the extent of worldwide unemployment and the need to assess employment promotion policies. He believed that it would be helpful to have more information concerning the law and practice in 24 States which have ratified the Convention and the effect that employment protection had on the labour market as well as, in a very general manner, a comparison of the changes in employment in countries which protect workers against dismissal and in those which have reduced their systems of protection.

104. The Workers' member of Greece referred to the interventions from the Employers' members, and in particular, to paragraphs 60, 93, 117, 137 and 138 of the General Survey, and stressed that the matters dealt with in these paragraphs were not obligations. With regard to paragraphs 117 and 138, the Committee of Experts only expressed the desire for additional protection for certain victims of reprisals and where the period of absence from work because of illness or work-related injuries could be extended without any further obligations. Consequently, the pretext that Convention No. 158 was too restrictive and rigid was not a justified argument for not ratifying the Convention and applying the Recommendation, given the concessions made in 1982 and the language of the text adopted.

105. Some members of the Committee placed the General Survey in the context of the discussion on supervisory procedures and made certain suggestions. The Government member of Denmark believed that the general themes for

discussion in the General Survey, which focused on individual Conventions, contributed to a better understanding of the implementation of the Conventions in different countries. This applied to the countries which had ratified the Convention as well as to those countries which had not ratified the Convention and which thus received the request for reports that gave rise to the present opportunity for discussion. She believed that the purpose of the reporting system was for Members to examine the reasons why a specific Convention could not be ratified. Awareness of these reasons probably would contribute more to achieving the objectives of the Convention than the discussion of individual cases, which were often specific to one country. The Government member of Germany believed that the General Survey provided very interesting comparisons of legal points of view among the practices of different member States. He recalled that during discussions in 1994 on the reform of the standard-setting work of the ILO, certain delegates made it known that the General Survey should be better used to detect the weakest links in the chain so that one could identify where intervention and alteration were required. This year's General Survey partly replied to this expectation, particularly Chapter VIII which highlighted the difficulties of certain countries with implementation. However, the report provided a selective approach as there was no systematic examination of problems which countries experienced.

106. The members of the Committee discussed the opportunity to adopt international standards on dismissal in the form of a Convention, as well as the timeliness of this topic and the prospects for ratification.

107. According to a Government member of the United States, who recalled the discussions on the adoption of Convention No. 158 and Recommendation No. 166, the effectiveness of these instruments should be measured against the original objectives to improve stability and quality of employment, to strengthen the system of protection against unjustified dismissal, and to discourage unwarranted governmental interventions in areas best left to private decision-making. In his view, superimposing a detailed, obligatory, and binding Convention on an unsettled and emerging topic had proven much less desirable than a promotional, principled instrument in a field simply not ripe for codification. He recalled the adoption, by consensus, of a United States amendment to insert the word "alone" in Article 9.2, which preserved an evenhandedness between employers and workers in proceeding with the burden of proof at various stages as an example of necessary reconciliation when conflicting details emerge in hotly disputed subject areas.

108. Several Workers' members intervened during the discussion to refute the arguments that the instruments under examination restricted the employers' freedom to end an employment relationship and due to this rigidity increased labour costs and resulted in inefficiency. In this regard, the Workers' member of Iceland noted that the principal standards set in the Convention were closely linked with the universal principle of due process and stressed the importance of the general principle contained in Article 4 of the Convention providing that any termination of employment must be based on a valid reason. The Workers' member of Singapore stressed that the provisions of the Convention did not present obstacles to the termination of employment, but rather prevented employers' abuse of this right and eliminated arbitrariness. She noted that the

provisions do not restrict the employers' right to dismiss an employee for reasons such as those necessitated by operational requirements. The Workers' members of Spain and Greece also noted the Convention's flexibility; as a result of compromise, the Convention established a minimum balance between the employer and worker and based certain obligations on common sense.

109. The Employers' member of Turkey stated that nobody could negate the importance of the protection of workers in cases of termination of employment contracts, particularly in a period of massive unemployment. Many countries, irrespective of their level of development, were confronted presently with difficult economic conditions, high inflation, increased unemployment and low economic growth. The creation of new employment and the protection of workers in existing employment was of primary importance in such conditions, which was the aim of the instruments under examination.

110. Certain other Workers' members, including those of India and Pakistan, referred to economic globalization, policies of economic liberalization and structural adjustment, and the flexibility of the labour market. In this regard, the Workers' member of Nepal noted that the policies imposed by certain international financial institutions, had created in many developing countries problems in the legislation concerning export processing zones, job mobility, and anti-union policies which benefited the process of economic liberalization and structural adjustment policies. The Workers' members of China and India believed that it was necessary to oppose the pressure to reduce or eliminate protection against unjustified dismissal in aid of requirements of productivity and competitiveness. The Workers' member of Guatemala stated that, given the neo-liberal economic model's attempt to subject labour law to the rules of the market, it was vital to develop, reaffirm and apply effectively the instruments protecting workers against unjustified dismissals. The Workers' member of New Zealand referred to paragraph 379 of the General Survey which states that appropriate protection against unjustified dismissal is in principle not inconsistent with new forms of employment relations that allow enterprises to adjust their human resources to the changing economic environment. She believed that these two elements could be reconciled if adequate provisions existed or if appropriate measures were taken to help workers during the transition period with financial support, training and assistance in finding jobs. This required an active role for the State in the management of the labour market. She referred to the obligation of consultation set forth in the instruments as well as the interventions from the Employers' members on this subject. She believed that there was evidence that enterprises that respected this provision concerning consultation, far from being disadvantaged in the highly competitive economic environment, were able to make adjustments more effectively and with less disruption to production. She cited as examples two of the most competitive countries economically, which simultaneously had a high level of job security and protection against unjustified dismissal. In this regard, the Workers' member of Singapore believed that the measures suggested by the Recommendation, such as redeployment, reduced working hours, training, retraining and priority of rehiring, were not impossible to implement in practice with proper planning and would be expected of responsible employers.

111. In the context of deregulation and precarious employment, the Workers' member of France drew attention to the proliferation of fixed-term contracts, which, instead of encouraging recruitment, tended to make employment more precarious. Expressing the same concerns, the Workers' member of Guatemala believed that such forms of contracts threatened the right to work and freedom of association. Several other Workers' members also referred to the practice of subcontracting and voluntary retirement as a form of disguised dismissal, as well as the proliferation of contract work, casual employment and probationary periods. Several Workers' members referred to employment stability as a factor of social stability, as much inside enterprises as in society in general. The Workers' member of France believed that the ratification of the Convention was not an obstacle to the smooth running of enterprises, but rather ensured certain stability. According to the Workers' member of Pakistan, the principles of the Convention left workers with a sense of security which in turn led to a sense of participation in the enterprise which then generated team spirit which benefited productivity. The Workers' member of Guinea highlighted the deregulation trend in African countries and estimated that each job kept or created was an essential element in the quest for social balance.

112. The Government member of Portugal highlighted the General Survey's observation of the positive effects of employment stability, on social peace and investment in human capital by enterprises, while noting that such stability does not facilitate the awareness of workers and their trade unions of the need for internal flexibility.

113. The Employers' member of Panama believed that dismissal, whether justified or unjustified, represented a waste of resources by an enterprise. A detailed regulation concerning dismissal was not the best solution to the problem, which was caused by inadequate knowledge about the rights and obligations of workers as well as employers.

114. With respect to the prospects for ratification, a number of Committee members indicated the reasons why they believed that the Convention could not be ratified — be it for the considerations connected to the employment relationship, inflexibility for or non-compliance of the national legislation with the Convention. Other members wished for a greater number of ratifications. The Government member of Denmark noted that in her country dismissal was governed by collective agreements, which were to a large extent in conformity with the Convention. She also noted that, however, there was no protection for workers not covered by collective agreements, while the Government preferred to leave the highest possible level of responsibility to the social partners. The Government member of Germany believed that, if the General Survey had dispelled the concerns of governments, it also proposed new a interpretation of the terms of the Convention which again raised obstacles to ratification.

115. The Employers' member of Panama recalled that in Latin America labour legislation contained detailed regulations on dismissal and as examples cited Brazil and Venezuela, which had ratified the Convention. He also discouraged the ratification of Conventions that were too detailed.

116. On the contrary, the Employers' member of Turkey hoped that the ratification of the Convention would be promoted and that measures to revitalize

the national economy and organize restructuring which could be taken by member States would respect the principle of employment stability with the need for flexibility. He expressed this hope while noting that the Convention was very detailed and that only the general principles should be retained in an international instrument to permit ratification. The Workers' member of Greece was disappointed with the meagre level of ratification, and the Workers' member of Germany believed that governments should actively intervene to eliminate national obstacles to ratification. The Government member of Portugal and the Workers' member of Colombia shared the hope of the Committee of Experts that new States would be able to ratify the Convention in the relatively near future.

117. Several members of the Committee described the situation concerning employment security in their countries, while highlighting different aspects of this protection from the perspective of the standards contained in the Convention or while criticizing the situation in their countries. The Government member of Namibia believed that it was difficult to define the concept of unfair dismissal. The Government member of Lebanon indicated that the provisions of the Labour Code were in conformity with most of the provisions of the Convention. The Workers' member of New Zealand described in a detailed manner the situation concerning dismissal resulting from the adoption of the Employment Contracts Act of 1991. She indicated that the situation in her country represented an extreme amongst developed nations in terms of its open and deregulated economy and labour markets. In this respect, the Government member of New Zealand contended that since the adoption of the Act all workers had access to procedures against unjustified dismissal. With reference to invalid reasons for dismissal set forth in the instruments which were the subjects of the General Survey, the Government members of Denmark and Portugal and the Workers' member of Iceland indicated that in their countries there existed statutory provisions protecting workers against dismissal on the grounds of pregnancy and maternity. The Government member of Portugal highlighted in particular the difficulty of protecting women workers against dismissals on the grounds of pregnancy in cases of fixed-term contracts. In this respect, he noted the reference in the General Survey to a decision of the Constitutional Court in Spain which held that the failure to renew a temporary contract due to pregnancy constituted discrimination based on sex. A number of Workers' members referred to the need to protect workers against dismissal on the grounds of trade union participation or trade union activities. The Workers' member of Iceland was disappointed over the absence in the national legislation of his country of provisions prohibiting dismissal based on certain other specific reasons listed under Article 5 of the Convention. The Workers' member of Greece noted with interest that the General Survey dealt with the difficult situation of handicapped workers, who were a vulnerable category of people often insufficiently protected by society.

118. Some members dealt with the dismissal procedures in force in their countries, as well as the legal recourse available to workers. The Government member of Bangladesh described the numerous legal procedures detailed in the legislation of his country, particularly the law applicable in the case of worker misconduct. The Government member of the Syrian Arab Republic referred to the requirement of written notice to the worker in the case of allegations of misconduct as well as the mandatory administrative authorization prior to

dismissal. The Workers' member of France noted that his country had in 1986 ended the administrative authorization required prior to dismissal, and the promise to create new jobs was not kept: instead the number of dismissals had risen. The Workers' member of China stressed that dismissal procedures should provide the minimum safeguards of consultation and notice and indicated that in his country the period of notice to terminate was 30 days.

Final remarks

119. The Workers' members welcomed the many interesting contributions to the discussion on the General Survey. They found particularly interesting the Government members' interventions revealing, in diverse ways, the situations in their respective countries. They also considered that these contributions were especially helpful in the sense that they brought practical and constructive experience to bear on the subject-matter. They concurred with the Government member of the Syrian Arab Republic, who indicated that the General Survey provided explanations and salient clarifications concerning the terms of the Convention. Furthermore, they considered that while ratifications were important, they were not the be-all and end-all. They shared the opinion of the Government member of South Africa, who indicated that the value of a Convention was in institutionalizing fundamental principles and that, although Convention No.158 had not been ratified, it had inspired the jurisprudence in his country. The Workers' members noted that the Employers' members, on the other hand, believed that in an increasingly competitive world costs had to be constantly reduced in order to compete in a global market. The Workers' members believed that if there was so much belief in this global market, there should be belief no less firm in global standards. They concluded by indicating that the general idea contained in the General Survey, which must be insisted on, was that employment stability was beneficial as much as for capital investment as for workers' skills and provided an incentive for social peace. The primary aim therefore was to avoid dismissals. They hoped that the employers would henceforth talk about hiring and not about more dismissals.

120. The Employers' members understood that, while Article 2(2) of Convention No. 158 permitted, in certain circumstances, the exclusion of contracts for a specified period of time from the effects of the Convention, Article 2(3) restricted this possibility to the effect that, where appropriate, such contracts should not be used or invoked to circumvent the protection arising from the Convention. It was always difficult to determine whether a contract for a specified period of time had this characteristic solely to avoid this protection. Moreover, due to the interpretation of the Committee of Experts, this exception was extended even further, leaving very little of the original principle which allowed such limited contracts to be excluded from the scope of application of the Convention. They did not agree with the Workers' members that ILO standards had a stabilizing effect on employment. They believed that if such reasoning were to be applied in the context of Convention No. 158 the argument would be very weak, since only 24 countries had ratified. Even in those countries, there were considerable doubts as to whether the provisions of the Convention could actually be implemented. The Employers' members considered that it was naive to assert that the protection against unjustified dismissal, such as that provided in

Convention No. 158, was something positive for undertakings and employers. If this were true, then employers did not need any regulations because they would voluntarily adopt behaviour in line with the Convention. Moreover, the Employers' members believed that, while the concept of universality of the ILO's standards was important, it was not entirely in line with reality, since there was such a low level of ratifications, as was the case for Convention No. 158. The ILO's mission was not to enable only a small number of countries to ratify the Conventions. These countries were certainly capable on their own of regulating these matters. Moreover, the Employers' members were disappointed that a large number of countries, mostly developing countries, had not actively participated in the drafting of the Conventions and consequently could not comply with the Conventions. Finally, the Employers' members highlighted that the world had undergone profound and radical changes since the adoption of this Convention and suggested that the appropriate conclusions had to be drawn from this when it came to framing labour legislation. If the ILO failed to learn the necessary lessons from the changed circumstances, then the discrepancy between standards and the real world would become wider and wider.

E. Compliance with specific obligations

121. The Committee decided that, in examining individual cases relating to compliance by States with their obligations under or relating to international labour standards, it would apply the same working methods and criteria as last year, as amended or clarified in 1980 and 1987.

122. In applying those methods, the Committee decided, on the proposal of the Workers' members supported by the Employers' members, to invite all governments concerned by the comments in paragraphs 91 (compliance with reporting obligations), 97 (supply of first reports), 101 (lack of reply to comments of the supervisory bodies), 126 (special problems relating to submission) and 132 (lack of reports on unratified Conventions and on Recommendations) of the Committee of Experts' report to supply information to the Committee in one half-day sitting to be devoted to those cases. The Committee considered that this approach should in no sense be understood by governments as dispensing them from the need to take part in the Committee's discussions.

Submission of Conventions and Recommendations to the competent authorities

123. In accordance with its terms of reference, the Committee considered the manner in which effect is given to article 19, paragraphs 5 to 7, of the ILO Constitution. These provisions require member States within 12, or exceptionally 18, months of the closing of each session of the Conference to submit the Conventions and Recommendations adopted at that session to the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action, and to inform the Director-General of the ILO of the measures taken to that end, with particulars of the authority or authorities regarded as competent.

124. The Committee noted from the report of the Committee of Experts (paragraph 119) that considerable efforts to fulfil the submission obligation had been made in certain States, namely: Belize, Benin, Israel, Swaziland.

125. The Committee was informed by various other States of measures taken to bring Conventions and Recommendations before the competent national authorities. It welcomed the progress achieved and expressed the hope that there would be further improvements in States that still experience difficulties in complying with their obligations.

Failure to submit

126. The Committee noted with regret from paragraph 126 of the Committee of Experts' report that no indication was available that steps had been taken in accordance with article 19 of the Constitution to submit the Conventions and Recommendations adopted between 1986 and 1992 by the 72nd to 79th Sessions of the Conference³ to the competent authorities, in the cases of Algeria, Central African Republic, Djibouti, Ecuador, El Salvador, Guinea, Haiti, Jamaica, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mozambique, Papua New Guinea, Paraguay, Saint Lucia, Seychelles, Solomon Islands, United Republic of Tanzania, Trinidad and Tobago, Zaire.

Supply of reports on ratified Conventions

127. In Part B of this report (General questions relating to international labour standards) the Committee has considered amongst other things the fulfilment by States of their obligation to report on the application of ratified Conventions. By the date of the meeting of the Committee of Experts, the percentage of reports received was 68.7, which is the highest for four years. Since then, further reports have been received, bringing the figure to 82 per cent (as compared with 77.2 per cent in June 1994, 75.8 per cent in June 1993 and 76.8 per cent in June 1992). This year, the Committee of Experts noted that some 62.5 per cent of the reports on Conventions for which information on practical application was requested contained such information, compared with 67 per cent in 1994 and 56 per cent in 1993. The Committee emphasizes the importance of sending practical information, without which it is impossible to know if a Convention is actually being applied. The Committee joins the Committee of Experts in appealing to governments to make every effort to include the necessary information in future reports.

Failure to supply reports and information on the application of ratified Conventions

128. The Committee noted with regret that no reports on ratified Conventions had been supplied for two years or more by the following States: Albania, Burundi, Chad, Equatorial Guinea, Haiti, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia, Zaire.

³ The Conference did not adopt any Recommendations or Conventions at its 73rd Session (June 1987).

129. The Committee also noted with regret that no first reports due since 1992 on the following ratified Conventions had been supplied by Guinea (Convention No. 133), Liberia (Convention No. 133), Nigeria (Convention No. 133); or since 1993 by Luxembourg (Conventions Nos. 53, 68, 69, 73, 74, 92, 108, 147, 166) or Yemen (Convention No. 159). It stressed the special importance of first reports, on which the Committee of Experts bases its first evaluation of compliance with ratified Conventions.

130. In this year's report, the Committee of Experts noted that 35 governments had not communicated replies to most or any of the observations and direct requests relating to Conventions on which reports were due for examination this year, involving a total of 337 cases (compared with 354 cases last year and 318 two years ago). The Committee was informed that, since the meeting of the Committee of Experts, 21 of the governments concerned had sent replies, which would be examined by the Committee of Experts next year.

131. The Committee noted with regret that no information had yet been received regarding any or most of the observations and direct requests of the Committee of Experts to which replies were requested for the period ending 30 June 1994 from the following countries: Angola, Burundi, Central African Republic, Chad, Denmark (Greenland), Djibouti, Equatorial Guinea, Ghana, Haiti, Kuwait, Liberia, Madagascar, Mongolia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia, Yemen, Zaire.

132. The Committee noted the explanations provided by the Governments of the following countries concerning difficulties encountered in discharging their obligations: Afghanistan, Algeria, Angola, Denmark, Ecuador, Ghana, Guinea, Haiti, Kuwait, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mozambique, Nigeria, Papua New Guinea, Trinidad and Tobago.

133. The Committee stressed that the obligation to transmit reports is the basis of the supervisory system. It requests the Director-General to adopt all possible measures to improve the situation and solve the problems referred to above as quickly as possible. It expressed the hope in particular that the multidisciplinary teams would give top priority in their work in the field to the fulfilment of standards-related obligations. The Committee also bore in mind the new reporting arrangements approved by the Governing Body in November 1993, which will come into operation from this year.

Application of ratified Conventions

134. The Committee noted with particular interest the steps taken by a number of governments to ensure compliance with ratified Conventions. The Committee of Experts listed in paragraph 107 of its report new cases in which governments had made changes to their law and practice following comments it had made as to the degree of conformity of national legislation or practice with the provisions of a ratified Convention. There were 36 such cases, relating to 22 States and three non-metropolitan territories in all regions of the world; 2,070 cases of progress have been recorded since the Committee of Experts began listing them in 1964. These results are tangible proof of the effectiveness of the supervisory system.

135. At its present session, the Committee was informed of other instances in which measures had recently been or were about to be taken by governments with a view to ensuring the implementation of ratified Conventions. While it is for the Committee of Experts to examine these measures, the present Committee welcomes them as fresh evidence of the efforts made by governments to comply with their international obligations and to act upon the comments of the supervisory bodies.

136. The Committee thought it appropriate to draw the attention of the Conference to various important cases which it had to consider.

Cases of progress

137. The Committee noted with satisfaction that in a number of cases — including many involving basic human rights — governments have introduced changes in their law and practice in order to eliminate divergencies previously discussed by the Committee. It considers highlighting these cases, a positive approach towards influencing governments to respond to comments of the supervisory bodies. In this respect, it refers to the report of the Committee of Experts and the discussion of individual cases which appears in Part Two of this report.

Special cases

138. The Committee considered it appropriate to draw the attention of the Conference to its discussions of the cases mentioned in the following paragraphs, a full record of which appears in Part Two of this report.

139. As regards the application by Myanmar of Convention No. 29, the Committee took note of the statement made by the Government representative that measures were under way for amending the Village Act and Towns Act which contained provisions contravening Convention No. 29. It recalled that the Government had been told about this for nearly 30 years. It also recalled the adoption in 1994, by the Governing Body, of the recommendations of its tripartite Committee for the repeal of the offensive provisions. The Committee could not find a way to agree with the position of the Government, as reported to the Committee of Experts, that what was being alleged to be forced labour was actually voluntary labour. The Committee further recalled the report of the United Nations Special Rapporteur on human rights in Myanmar and deprecated a situation in Myanmar as reflected in this report. In these circumstances, the Committee called upon the Government to urgently repeal the offensive legal provisions under the Village Act and the Towns Act to bring them into line with the letter and spirit of Convention No. 29, to terminate forced labour practices on the ground, to provide for and award exemplary penalties against those exacting forced labour, and to furnish a detailed report to the Committee of Experts on legislative and practical measures adopted to fall in line with Convention No. 29.

140. As regards the application by Myanmar of Convention No. 87, the Committee took note of the statement of the Government representative indicating his Government's commitment to harmonize law and practice with Convention No. 87. The Committee, however, felt serious concern that the Government had not acted on the observations of the Committee of Experts over many years

despite mention of the matter in special paragraphs twice over, and that no trade unions in the true sense of the term existed. The Committee urged the Government to adopt, as a matter of urgency, the necessary measures to guarantee that in law and in practice workers and employers had the right to join organizations of their own choice and without previous authorization outside the existing structure, and that such organizations had the right to join federations and confederations and to affiliate with international organizations without impediment. The Committee expressed the firm hope that it would be in a position to register concrete and substantial progress in the application of the Convention in law and in practice, in the near future, considering the assistance of the ILO mission which had already taken place and it requested the Government to send a detailed report to the Committee of Experts about further developments on the matter. The Committee noted that a further request might be made for ILO technical assistance by the Myanmar Government, but it would leave the question of whether an ILO mission would be appropriate, and the timing of such a mission, to the Office.

141. As regards the application by Nigeria of Convention No. 87, the Committee took note of the statement of the Government representative of Nigeria. The Committee noted that though Nigeria ratified Convention No. 87 35 years back, there was considerable discrepancy between *de jure* and *de facto* conformity to the Convention. The Committee of Experts had also pointed out fundamental deviations in the national laws from the Convention. Legal stipulation for a single trade union system and governmental interference in the structuring of trade unions were matters of serious concern. The clarification of the Government representative that the Subcommittee of the National Labour Advisory Council was reviewing labour laws, was of a routine nature. The Committee further recalled the conclusions of the Committee on Freedom of Association regarding replacement of officers of certain unions of workers by government administrators and considered this governmental act to be a flagrant violation of Convention No. 87. The Committee therefore urgently demanded the Government to take the necessary measures to bring the legislation and practice into conformity with Convention No. 87, to repeal the decrees dissolving unions issued in 1994 and to restore to the organizations concerned the right to elect their representatives in full freedom without any interference from the public authorities. The Committee expressed the firm hope that the Committee of Experts would be able to note significant progress of these matters in the very near future.

142. The Committee trusts that the governments concerned will take all measures necessary to correct the deficiencies noted and invites them to consider appropriate forms of ILO assistance, including direct contacts, to ensure that real progress is achieved by next year in the observance of their obligations under the ILO Constitution and the Conventions in question.

Continued failure to implement

143. The Committee recalls that its working methods provide for the listing of cases of continued failure over several years to eliminate serious deficiencies, previously discussed, in the application of ratified Conventions. This year the Committee made no mention in this respect.

144. The governments of the countries to which reference is made in paragraphs 139, 140 and 141 are invited to supply the relevant reports and information to enable the Committee to follow up the above-mentioned matters at the next session of the Conference.

*Supply of reports on unratified Conventions
and on Recommendations*

145. The Committee notes that 202 of the 315 article 19 reports requested on Convention No. 158 and Recommendation No. 166 were received at the time of the Committee of Experts' meeting, and a further five since, making 65.7 per cent in all.

146. The Committee noted with regret that over the past five years none of the reports on unratified Conventions and on Recommendations requested under article 19 of the Constitution had been supplied by the following: Afghanistan, Albania, Antigua and Barbuda, El Salvador, Haiti, Liberia, Libyan Arab Jamahiriya, Mongolia, Papua New Guinea, Paraguay, Saint Lucia, Sierra Leone, Solomon Islands, Somalia, Venezuela, Yemen.

*Communication of copies of reports to workers'
and employers' organizations*

147. Once again this year, the Committee did not have to apply the criterion "The government has failed during the past three years to indicate the representative organizations of employers and workers to which, in accordance with article 23(2) of the Constitution, copies of reports and information supplied to the ILO under articles 19 and 22 have been communicated".

Participation in the work of the Committee

148. The Committee wishes to express its gratitude to the 46 governments which collaborated by providing information on the situation in their countries and participating in the discussions of their individual cases.

149. The Committee regrets that, despite the invitations, the Governments of the following States failed to take part in the discussions concerning their countries' fulfilment of their constitutional obligations to report: Albania, Burundi, Central African Republic, Chad, El Salvador, Jamaica, Luxembourg, Mongolia, Papua New Guinea, Paraguay, Sao Tome and Principe, Seychelles, Sierra Leone, United Republic of Tanzania, Venezuela, Yemen, Zaire. It decided to mention the cases of these States in the appropriate paragraphs of its report and to inform them in accordance with the usual practice.

150. The Committee notes with regret that the Governments of the States which were not or were no longer represented at the Conference, namely Antigua and Barbuda, Djibouti, Equatorial Guinea, Liberia, Saint Lucia, Solomon Islands, Somalia, were unable to participate in the Committee's examination of the cases relating to them. It decided to mention these countries in the appropriate paragraphs of this report and to inform the governments, in accordance with the usual practice.

* * *

151. Important questions of principle were discussed in the Committee, and there were some complex and even grave cases. But the spirit of the Committee was unfailingly constructive and the debates took place in good faith. All of this renews hope that solutions acceptable to all can be found. It should always be remembered that the legal instruments which it is the job of the supervisory bodies to see applied lead to the protection of the liberty, dignity and living conditions — even the life itself — of men, women and children everywhere.

152. The Committee noted that its discussions this year had shown there was consensus rather than conflict on many subjects: the place of the ILO in the international community in defending and promoting its principles and standards, the value of the supervisory processes, the complementary role of the Organization's technical cooperation activities, the undiminished need for vigilance and vigour in protecting and reclaiming basic human rights. In a world where security is generally less under threat from outside national borders than from within — both from the violation of human rights and from the fear and the reality of poverty and underdevelopment — it is in the final analysis by social progress that States and societies are to be judged.

Geneva, 20 June 1995.

(Signed) S. Gopalan,
Chair.

J. van Blankenstein,
Reporter.

PART TWO

OBSERVATIONS AND INFORMATION CONCERNING PARTICULAR COUNTRIES

I. OBSERVATIONS AND INFORMATION CONCERNING REPORTS ON RATIFIED CONVENTIONS (ARTICLE 22 OF THE CONSTITUTION)

A. General Observations and Information concerning Certain Countries

(a) Failure to supply reports on the application of ratified Conventions

The Employers' members noted that a dozen member States were listed under this paragraph but only Haiti, which had had many problems in the past, had provided an explanation. He hoped that in the future Haiti would meet its obligation to supply reports. The other member States would be mentioned in two places in the report, firstly for failing to supply the reports, and secondly because they had failed to attend the meeting of this Committee despite repeated invitations. They also intended to make this point in a statement to the plenary session of the Conference, which might help to improve the situation in the future.

The Workers' members indicated that they were fully in agreement with the statements of the Employers' members and emphasized that, in effect, non-compliance with this obligation rendered supervision impossible and could result in a blockage of the system. He indicated that if there were only 12 countries on the list it was because only countries that had not sent reports for the last two years were invited. They emphasized that in this paragraph the Committee of Experts mentioned 43 Governments rather than the 50 that were mentioned last year, which amounted to an improvement. However, he considered that this number was still too high in view of the importance of this obligation. Finally, he stressed the importance of requesting that these countries make a greater effort to fulfil the obligation.

A Government representative of Haiti stated that he shared the concern of the members of the Committee of Experts. However, it was the unusual situation that his country had experienced that had prevented it from fulfilling its obligations, rather than indifference or a lack of consideration on its part. He pointed out that as a result of the overthrow of President Aristide in October 1994 Parliament was dissolved, and the three years of havoc caused by the military had left his Government with much to reorganize. The Government was also hindered in this respect by the preparation of the next elections.

The Employers' members were in full agreement with the points made by the Workers' members. In some cases reports were submitted that did not provide any real information on either the law or practice in the country. In other cases reports were sent which did not actually provide the answer requested by the Committee of Experts. In both cases it was impossible to make a factual and realistic assessment of the situation, in the absence of which there could be no supervisory activity. For this reason they attached great importance to the fulfilment by governments of this obligation. They considered that 337 cases of non-compliance with this obligation was a frightening figure.

The Workers' members were entirely in agreement with the comments made by the Employers' members, and emphasized that separate reference should be made in the general part of the report of the Committee to the governments that had been invited but were absent from this meeting.

The Committee recalled the fundamental importance of the supply of reports on the application of ratified Conventions, not just of their supply as such, but of doing so within the stipulated time-limit. This obligation constituted the foundations of the supervisory system, and the Committee expressed its firm hope that the Governments of Albania, Burundi, Chad, Equatorial Guinea, Haiti, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia and Zaire, which had not to date submitted reports on the application of ratified Conventions, would do so as soon as possible and decided to mention these cases in the appropriate section of its General Report.

(b) Failure to supply first reports on the application of ratified Conventions

The Employers' members noted that following compliance with the obligation to submit newly adopted Conventions and

Recommendations to the competent authorities, a decision was then to be made as to whether or not to ratify. The next obligation was to supply reports on the application of Conventions at regular intervals under article 22 of the Constitution. The first report was particularly important because only then was it possible to ascertain whether the situation in the member State was in compliance with the requirements of the Convention, and for this reason the supervisory bodies attached a great deal of importance to punctual and scrupulous compliance with this obligation. A too lengthy time period between ratification and the first report would result in an unrealistic evaluation, as the facts would no longer be reflected properly in the report.

The Workers' members were in full agreement with the statement of the Employers' members.

A Government representative of Guinea stated that his Government had taken note of the comments made by the Committee of Experts and assured this Committee that in the next report all the necessary replies would be provided. He added that since 1981 his Government had regularly prepared reports on this Convention, but was unaware that it was obliged to send a first report on Convention No. 133 for submission only in 1993. In this respect he stated that once his Government had received the information correctly it would prepare a detailed report as required by the Committee of Experts.

A Government representative of Nigeria apologized on behalf of his Government for its inability to submit a first report on the Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133), but pointed out that after having ratified 30 Conventions this was the only one for which a first report had not yet been submitted by his Government. The delay was due to the complex technical details required in the report. An interministerial tripartite committee had been established to monitor and compile the report, and once completed it would be given to the National Labour Advisory Council for consideration and approval and then submitted to the Office.

The Workers' members noted that of the five countries on the list three were absent from the Committee. With regard to the statement and explanation of the Government representative of Nigeria, they noted that last year before the Committee, the Government representative had stated that efforts would be made to send a report prior to the next session of the Committee of Experts. They asked for clarification as to why this promise had not been kept when everything seemed to have been dealt with at that time. In order to improve the situation, it was important that the Government be more precise in its reasons for not sending the first report.

The Employers' members said that regular reporting on ratified Conventions under article 22 of the Constitution was the very basis for the existence of this Committee, because without reports no supervision was possible. It was this supervisory system, which was regarded as effective, that made the ILO unique among other international organizations. Every year they noted that a large number of States failed to supply reports, and that sometimes countries failed to supply the reports due for two or more years in succession. If this were permitted to continue, it would detract from the credibility of the supervisory system, so it was of paramount importance that compliance with this obligation be examined to determine the reasons for failure to supply reports. They concluded by insisting most emphatically that countries refrain from failing to supply reports.

The Committee noted the information and explanations given by the Government representatives who took the floor. It reiterated the crucial importance of submitting first reports on the application of ratified Conventions.

The Committee decided to mention these cases: namely, Guinea (for Convention No. 133), Liberia (for Convention No. 133), Luxembourg (for Conventions Nos. 53, 68, 69, 73, 74, 92, 108, 147,

166), Nigeria (for Convention 133) and Yemen (for Convention No. 159) in the appropriate section of the General Report.

(c) Failure to supply information in reply to comments made by the Committee of Experts

The Workers' members indicated that there were only 20 countries on the list of countries that had not complied with this obligation, whereas the Committee of Experts referred to 337 cases in respect of which no responses or only incomplete ones had been received. Considering that the sending of clear and complete reports was a requirement of the Experts and was one of the key elements of examination and dialogue, they emphasized the importance of insisting that governments comply with this requirement, and of suggesting that they ask for assistance from the Office when necessary.

The Employers' members fully agreed with the points made by the Workers' members that a report which did not provide any concrete information on the law and practice of the country made it impossible to give a conclusive assessment of the situation. The figure of 337 cases pointed out in the report of the Committee of Experts, which was a frighteningly large number, left room for reflection.

A Government representative of Angola recognized that his Government had failed to supply two of the seven reports due, but emphasized that the five that had been submitted had been the fruit of a very considerable effort due to the lack of competent personnel. He undertook to submit the missing reports before the next session of the Conference and pointed out that some of the points raised by the Experts had already been dealt with through new legislative measures that had just been adopted.

A Government representative of Denmark, intervening for Greenland, recalled the special relationship between Denmark and Greenland and stated that the comments made by the Committee of Experts as regards Greenland would be taken into consideration and that her Government would provide the information requested as soon as possible.

A Government representative of Ghana, regretting that the information requested had not been provided to the Experts, gave his assurance that his Government would make every attempt to bring its national legislation into conformity with the observations of the Committee. A National Advisory Committee on Labour had finished the review of the legislation in force which took into account the solutions proposed in these observations. It was just a matter of time before the amendment bills would be submitted to the competent authorities for adoption and promulgation. In view of the action taken so far, the Government had not thought it convenient to supply any other information requested until the amendment bills had received the assent of Parliament. The above-mentioned bills would address the concerns raised in respect of Conventions Nos. 87, 94, 111 and some others. Furthermore, the information requested in respect of Conventions Nos. 22, 81, 148 and 149, amongst others, would be supplied. The speaker concluded by requesting the Committee to give his Government another chance to respect its obligation to supply the information requested by the Experts.

A Government representative of Haiti, without wishing to reiterate what he had previously stated, recalled that he had taken due note of the need to fulfil the obligation to supply information in reply to the comments made by the Committee of Experts.

A Government representative of Kuwait stated that to his knowledge the information requested including statistics and copies of ministerial decrees on both forced labour and overtime had been sent in May 1995. He was therefore surprised that this information had still not been received.

A Government representative of Madagascar stated that his Government had undertaken to send the missing report as quickly as possible.

The Employers' members deplored what constituted a real "blacklist" given the lack of participation of the majority of the countries concerned. They invited the Government representative of Ghana to provide written and detailed information. They considered that the intervention of the Government representative of Denmark for Greenland was somewhat limited.

The Workers' members agreed with the views expressed by the Employers' members. They wished to recall that all governments had to send complete information so that the manner in which ratified Conventions were applied could be examined. The ILO could always provide its assistance to governments so that they could give more pertinent replies to the questions raised.

The Committee took due note of the various information provided and the explanations given by the Government representatives. It insisted upon the great importance, for the continuation of an essential dialogue, of communicating clear and complete infor-

mation in response to comments made by the Committee of Experts. It reiterated that this was an aspect of the constitutional obligation to report. In this connection, it expressed its profound concern at the very high number of cases of failure to supply information in reply to comments made by the Committee of Experts. It further observed that assistance from the ILO could be requested by governments in order to overcome any difficulties they may be facing.

The Committee urged the Governments concerned, namely Angola, Burundi, Central African Republic, Chad, Denmark (Greenland), Djibouti, Equatorial Guinea, Ghana, Haiti, Kuwait, Liberia, Madagascar, Mongolia, Papua New Guinea, Saint Lucia, Sao Tome and Principe, Solomon Islands, Somalia, Yemen and Zaire, to spare no effort to provide the information requested as soon as possible. The Committee decided to mention these cases in the appropriate section of its General Report.

(d) Failure to supply reports on unratified Conventions and on Recommendations

The Workers' members noted a slight improvement with regard to the sending of reports on unratified Conventions and on Recommendations under article 19 of the ILO Constitution. They pointed out that 17 countries had not provided any reports for the *General Survey* of the Committee of Experts which was regrettable since these reports constituted an indispensable basis to evaluate the situation in different regions of the world. As indicated during the general discussion, since this survey was focused on the revision, the updating and the use of standards, the reports were all the more useful as they reflected the difficulties encountered by certain countries. The Governments therefore had to do everything that was possible to fulfil this obligation.

The Employers' members were in total agreement with all that had been said by the Workers' members. They further pointed out that the 17 countries mentioned in the report of the Committee of Experts were only those which had not sent reports for five consecutive years. Given that the ratification rate had fallen during the last 20 years, it would be appropriate if general surveys could reflect the real situation in countries which had not ratified the Conventions under consideration. General surveys could provide important indications on the discrepancies between standards and practice in the areas under consideration in the different member States. For the future of the ILO's standard-setting activity, it was important to have reports that reflected as closely as possible the situation prevailing in the whole world, which would require that the greatest possible number of reports on unratified Conventions and Recommendations be received.

A Government representative of Afghanistan evoked the problems of internal security which were linked to foreign intervention which had not provided the necessary stability for the preparation of reports. The reports that were due would be furnished as soon as possible.

A Government representative of Haiti stated that he had the impression of being faced with what constituted a "blacklist". He nevertheless reiterated the expression of goodwill on the part of this Government to regularize the situation.

A Government representative of the Libyan Arab Jamahiriya reiterated the communication problems with international and regional organizations. A technical committee responsible for gathering the information requested would take the necessary measures to send these without delay.

The Employers' members stated that they understood some of the problems evoked by Government representatives. However they wished to emphasize the importance of this type of report for the future work of the ILO. Consequently, they wanted these failures to be referred to in the appropriate section of the General Report. They further wanted the countries who did not attend the meeting to be referred to separately.

The Workers' members endorsed what had just been said by the Employers' members.

The Committee noted the information and explanations supplied by Government representatives and other speakers. The Committee emphasized the importance it attached to the constitutional obligation to send reports on unratified Conventions and Recommendations, the importance being in connection with the future work of the Committee. In fact, these reports made a better evaluation of the situation possible within the context of the general surveys of the Committee of Experts. The Committee insisted that all member States should fulfil their obligations in this respect and expressed the firm hope that the Governments of Afghanistan, Albania, Antigua and Barbuda, El Salvador, Haiti, Liberia, Libyan Arab Jamahiriya, Mongolia, Papua New Guinea, Paraguay, Saint Lucia, Sierra Leone, Solomon Islands, Somalia, Venezuela and Yemen would fulfil their obligations under article 19 of the Constitution in the future. The Committee decided to mention these cases in the appropriate section of its General Report.

(e) *Written information received up to the end of the meeting of the Committee on the Application of Standards*¹

Algeria. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

Antigua and Barbuda. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Bulgaria. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Cameroon. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Cape Verde. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Chad. Since the meeting of the Committee of Experts, the Government has sent replies to the comments of the Committee on Conventions Nos. 6, 29, 81 and 98.

Comoros. Since the meeting of the Committee of Experts, the Government has sent the majority of the reports requested and replies to most of the Committee's comments.

Cyprus. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Dominica. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

El Salvador. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Gabon. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

Guatemala. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Guinea-Bissau. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

Jamaica. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Lesotho. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Mozambique. Since the meeting of the Committee of Experts, the Government has sent most of the reports due and replies to most of the Committee's comments.

Nepal. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

Panama. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

Rwanda. Since the meeting of the Committee of Experts, the Government has sent most of the reports due on certain Conventions and replies to most of the Committee's comments.

Sao Tome and Principe. In reply to the 1994 observations of the Committee of Experts, the Government indicated that the delay in sending the reports due and replies to the Committee's comments occurred because of a lack of experienced personnel and changes resulting from the present political situation, such as the fall of a government, the construction of an interim government, the calling of early legislative elections, and the restructuring of all the state apparatus. The Government also indicated that the sector of the Ministry of Labour, Public Administration, Employment and Social Justice responsible for labour matters had begun to deal with all matters in the Ministry related to the Secretary of State for Employment and Occupational Training in order to re-establish and maintain the appropriate order in existing documentation.

Trinidad and Tobago. Since the meeting of the Committee of Experts, the Government has sent the majority of the reports requested and replies to most of the Committee's comments.

Uganda. Since the meeting of the Committee of Experts, the Government has sent replies to most of the Committee's comments.

¹ The list of reports received can be found in Part IC of the Report.

B. Observations and Information on the Application of Conventions

Convention No. 17: Workmen's Compensation (Accidents), 1925

Portugal (ratification: 1951). A Government representative presented information on behalf of his Government in response to the three questions raised by the Committee of Experts with regard to the integration of protection against industrial accidents into the general social security scheme, the protection of workers' occupational health and safety, and compensation for industrial accidents.

(1) *Integration of protection against industrial accidents into the general social security scheme*

Employers were required to transfer their responsibility for compensation of industrial accidents to insurance institutions while paying the costs of insurance. However, the legislation authorized employers whose economic capacity was considered sufficient to assume the coverage of occupational safety hazards. In such a case, compensation for workers who sustained industrial accidents was paid for by the employers. However, several enterprises whose economic capacity was known to be sufficient preferred to transfer this responsibility to the insurance institutions. The criteria for establishing work disability benefits had a general application. They were applied either to insurance institutions or to enterprises which directly insured the payment of benefits for industrial accidents. The Act concerning the general social security scheme of 1984 provided for the progressive integration of protection against industrial accidents into the general social security scheme. This integration, whose effective date was not yet established, would occur in the future pursuant to a new Act. The present legislation provided for the organization by the Government of tripartite consultation prior to the integration of protection against industrial accidents into the general social security scheme. The Convention required States to guarantee victims of industrial accidents or those having the right to minimum conditions of compensation while providing that, in the event of incapacity, benefits allocated to workers could be paid by the employer or by an insurance institution or a social security institution. According to the Government, the Convention did not require the integration of protection against industrial accidents into the social security scheme, nor did it indicate any preference for such a system. Even if a decision had been taken to integrate protection of industrial accidents into social security, there was no obligation under the Convention to implement such a decision. Moreover, the Convention did not prevent a change of this decision. Systems provided for by Portuguese law were thus authorized by the Convention. Convention No. 17 only guaranteed minimum compensation to workers who were victims of industrial accidents. Technically complex reasons had delayed the implementation of the integration of protection against industrial accidents into the general social security scheme. However, as indicated above, this integration would be carried out taking into account the legal obligation to engage in tripartite consultation. In addition, the Constitution provided trade unions and workers' committees the right to participate in the preparation of labour legislation, including laws concerning social security. Moreover, negotiations could also be organized between the Government and the social partners within the Council for Labour Dialogue.

(2) *Involvement of medical experts in the determination of the degree of reduction of working capacity*

The courts were responsible for determining the degree of working capacity and the compensation to be given to workers as a result of industrial accidents. The reduction of working capacity was established, taking into account the national table for those disabled through industrial accidents, which had been revised in 1993 following an agreement between the Government and the social partners. Contrary to the observations of the General Confederation of Portuguese Workers (CGTP), the courts were responsible for determining the degree of reduction in working capacity with the objective of ensuring a fair decision for the worker. This determination of the degree of reduction of working capacity required very specialized knowledge. The court was assisted by medical experts responsible for evaluating the degree of reduction of working capacity on the basis of their skills and of a national disability table. The experts carried out their task with total independence. Although sometimes they were also carrying out functions as consultants to insurance companies, nevertheless they were required to make their decisions independently. However, if there was any well-founded suspicion on the part of the worker with regard to the medical expert, the worker concerned could ask for the appointment of another expert who would or would not be approved by the judge. Some workers did have sufficient re-

sources to pay the costs of an expert of their choice and did so. In addition, trade union organizations were sometimes offered the services of a medical expert to workers who had insufficient funds. With regard to the request of the CGTP concerning the implementation of the integration of protection against industrial accidents into social security because of difficulties regarding medical experts, the alternative solutions for determining the degree of reduction of working capacity were either to give this competence to an administrative body, or to maintain the competence of the courts. In all cases the presence of a medical expert would be necessary and the worker would be responsible for engaging an expert of his own choice. However, as the Government had indicated to the Committee of Experts, the comments of the CGTP concerning the medical experts had been submitted to the Ministry of Justice, but it should be pointed out that the reference in the report of the Committee of Experts to carrying out an inquiry was not to be considered a compromise made on the part of the Government.

(3) *The criteria for determining compensation for industrial accidents*

Contrary to the interpretation of the Committee of Experts, the CGTP commented on the very low level of payments made to compensate for industrial accidents, but did not say that they "continued to decrease". In reality, the compensation in industrial accident cases was not decreasing, and was reassessed periodically on the basis of criteria determined by law. The Agreement on Occupational Health and Safety concluded between the Government and the social partners within the Council for Labour Dialogue provided for the revision of not only the national disability table, but also the means for calculating compensation for industrial accidents and occupational diseases. The revision of the methods for calculating compensation was under way and the Government would send to the Office the definitive text on the methods for calculating compensation as soon as it was adopted. The allegations of the CGTP regarding the low level of compensation for industrial accidents should be supplemented as follows. In the event of temporary disability, the workers received compensation amounting to two-thirds of their salary. In the event of permanent disability, the workers received pensions whose value depended on the degree of disability. In the most serious cases of total disability for whatever work, the pension was equivalent to 80 per cent of salary, increased to 100 per cent with respect to family allowances. In less serious cases of permanent partial disability, the pension was equivalent to two-thirds of the reduction of their working capacity. Sometimes collective agreements granted such workers higher benefits and pensions, up to 100 per cent of the salary, particularly in cases of temporary disability. Therefore, benefits and pensions were dependent upon the degree of disability and on the salary of the workers. For this reason, workers who did not have a high salary and had an assessment of a slight disability received modest benefits. However, the circumstances of workers who were victims of industrial accidents to a certain extent improved when the tax assessment of benefits and pensions was more favourable than it was with regard to salaries, and that the workers who sustained permanent partial disability maintained their employment and their salary. Under the law, employment contracts did not terminate in the event of permanent total disability. If this were not the case, employers would be obliged to transfer the worker who had a permanent partial disability to a compatible job. In addition, the law did not allow employers to reduce the salaries of workers taking into account the degree of work disability or pensions received.

The Employers' members commended the Government for its comprehensive, precise and detailed report which addressed all the points raised in the report of the Committee of Experts, and provided information in response and in addition to the allegations made by the General Confederation of Portuguese Workers (CGTP). As there had not yet been any evaluation or assessment by the Experts, it was not appropriate for this Committee to evaluate or assess the situation. They said that at this point the Government should submit in writing everything they had stated before this Committee. With regard to the intention of the Government to integrate protection against industrial accidents into the general social security scheme, they agreed with the Government that the Convention did not make such integration compulsory. The Convention provided that there must be protection in the case of insolvency on the part of a private insurance company, so that compensation was guaranteed, but it did not specify the kind of insurance that must be provided for that purpose. They noted that the Committee of Experts did not comment upon or come to any conclusion on that point, but instead simply

referred to the complaint of the CGTP. With regard to the determination of the degree of disability or compensation to be paid for such disability, they considered it obvious that medical experts must have a major say in determining degree of disability. Physicians were bound by the Hippocratic oath, and courts were entitled to appoint another physician to provide a second opinion where there was doubt or uncertainty. With respect to the allegation that the level of compensation was constantly decreasing, they noted that this was denied by the Government which said that levels of compensation were increasing, and said that the Government should report on this in writing, and provide information about its plan to revise the table of compensation and the table of incapacity. They concluded by stating that the Government should report on all developments in detail.

The Workers' members appreciated the additional information provided by the Government in response to the observations of the Committee of Experts, as this was a good example of dialogue within the supervisory system. They pointed out the importance of compensation for industrial accidents in national legislation and of the discussion on new developments in the framework of the application of technical agreements. They referred to the comments of the Committee of Experts in 1986, 1990 and 1995 as well as the observations of the CGTP and the information communicated by the Government, and concluded by first insisting upon the implementation of the provisions in the preliminary tripartite agreement concerning occupational health and safety, particularly with regard to the revision of legislative provisions concerning methods for calculating benefits owing in the event of industrial accidents or occupational diseases. They also insisted upon the need for the Office to be informed about all progress that took place in this matter.

The Workers' member from Portugal noted that the Convention was binding upon all member States that had ratified it, including Portugal. He also recalled that the objective of the Convention was to guarantee to victims of industrial accidents and their direct descendants compensation conditions that permitted such persons to live with a minimum of dignity. However, he regretted the fact that Portugal had a higher percentage of industrial accidents and a greater number of fatal accidents than any other Member State of the European Union. In his view, the Government did not appropriately guarantee the conditions required by the Convention for the following reasons: (i) it had proven to be incapable of modernizing the legal framework established during the former dictatorship; (ii) the scheme for compensating industrial accidents was worse than those for other kinds of accidents (such as traffic accidents), which could be considered to be a depreciation of the value of the lives of workers; (iii) the pensions for victims of industrial accidents who were partially or permanently disabled only had a symbolic value because they were so low and had not been readjusted; (iv) the calculation of pensions was made on the basis of two-thirds of the basic salary although they should be based upon real salary, including regular benefits; (v) damage to mental health resulting from work accidents was not taken into account; (vi) the insurance companies were the primary beneficiaries of the system for compensating industrial accidents; (vii) the Government was not complying with the 1984 Social Security Act which required it to integrate compensation for industrial accidents into the general social security scheme; and (viii) the vulnerability of victims of industrial accidents was not taken into account in the courts at the time of establishing the appropriate pension. He hoped that the Government would not fail to ensure compliance with the Convention both through legislation and in practice and would take into consideration his comments.

The Workers' member of Greece subscribed to the statements of the Workers' representative of Portugal and referred to the insufficient attention that society gave to victims of dismissals because of industrial accidents. He said that Portugal did not mistreat victims of industrial accidents any more than other countries. He noted the great physical, psychological and economic difficulties suffered by such accident victims, who did not receive much assistance from society. He was not in favour of the possible integration of protection against industrial accidents into the social security scheme. Moreover, he said that the Government should provide more detailed information concerning benefits received after an industrial accident and he asked whether such benefits were established once and for all or were adjusted after a short period of time, because what was most difficult for a victim of an industrial accident was his later survival. With regard to the former kinds of benefits, there should be a state body or some other official body that would fix and guarantee them rather than private companies, given their financial insecurity. He indicated that the reply by the Government should be to state that there was a body capable of guaranteeing purchasing power for both the victims of industrial accidents and their families, and that to deny this was to fail to come to the point. He added that in dealing with this

matter more account should be taken of human rather than strictly legal or statistical aspects, and advised the Government to deal with this matter in a better fashion.

The Government representative stated in reply to the questions raised by the Workers' members that the labour courts were competent to determine the degree of disability of workers who were victims of industrial accidents and the pension to be received by the workers. He added that from the legal point of view and according to the Government the situation with regard to the workers was completely clear. It was not the social security system that was required to pay benefits and pensions, but rather the insurance companies or those enterprises whose sufficient economic capacity was recognized. This system would continue until the implementation decree entered into force and the integration of protection against industrial accidents into the general social security scheme took place. With regard to the matter of the report of the Committee of Experts concerning the legislation which he considered was badly understood by the Employers' members, he pointed out that the amounts paid to the workers periodically increased on the basis of criteria established by law. He reiterated that his country was in compliance with the provisions of the Convention. With regard to the statement of the CGTP – that it was necessary for victims of industrial accidents to receive better protection – he considered this to be a request for negotiation with the Government. He emphasized that there were both such a determination and compensation of workers and that, pursuant to Section 23 of Act No. 2127 (published in the *Legislative Series*, 1965), the basic compensation, in the calculation of pensions, comprised the basic wage and all of the other benefits regularly paid to the workers. With regard to the relation between industrial accidents and dismissals referred to by the Workers' member of Greece, he noted that Portugal had ratified the Termination of Employment Convention, 1982 (No. 158) last year, and that the national legislation was entirely in compliance with this instrument. He concluded by emphasizing that the Convention did not establish any preference for a public system of protection against industrial accidents and that it was an internal decision for each State as to whether or not to include such protection in the general social security scheme.

The Committee took note of the observations of the Committee of Experts, the statement of the Government representative of Portugal and the discussion that took place thereafter. It felt that the information furnished by the Government representative was quite useful. Further, it took into account the report of the Government that it intended to integrate protection against industrial accidents into the social security scheme and that necessary tripartite consultation would be carried out in this context. The Committee also agreed with the Government representative that the Convention did not mandate integration of protection against industrial accidents with social security or any specific level of compensation. In the circumstances and considering that the Committee of Experts had not themselves made any evaluation of the issues involved, the Committee urged that the Government should furnish a full written report in confirmation of the oral statement. It further called for implementation of the reported Agreement with social partners on occupational safety, hygiene and health and furnished particulars thereof as well in its report.

Convention No. 26: Minimum Wage-Fixing Machinery, 1928

Turkey (ratification: 1975). A Government representative first indicated, concerning the exclusion of home work from the scope of the Labour Act No. 1475 and consequently from the minimum wage-fixing machinery, that the Labour Act excluded from its scope "work performed at home by the members of a family or close relatives, involving handicrafts and without participation of anybody else from outside". He considered, therefore, that all other types of industrial work, as defined in Convention No. 26, were within the scope of the law and that the Convention was fully respected. He added that any international labour standards to be adopted in the future on home work would also be taken into consideration by the Government.

As to the question of fines, he emphasized that an employer who had not paid the statutory minimum wage would not be relieved from the full payment of this wage by having paid the fine, and that the worker would be entitled to recover not only the difference due but also any interest on delay. Referring also to the high inflation rate of about 80 per cent annually, which was causing a problem for any such fines, he stated that a draft amendment to raise the amount of fines concerning the implementation of the Labour Act, according to the present value of the Turkish lira, had already been submitted by the relevant commissions to the General Assembly of Parliament. He added that the minimum wage in Turkey was fixed by means of tripartite participation and assured

that a detailed report would be submitted before 1 September 1995 as requested by the Committee of Experts.

The Workers' members pointed out that the first question raised by the Committee of Experts was about the texts which regulate conditions of homeworkers and, in particular, the measures taken to fix the minimum wages for them, and that further information was necessary on this matter. They recalled that Convention No. 26 was of general scope including homeworking trades. The second point was about the measures to ensure the effective enforcement of the minimum wage. If the real value of the amount of fine decreased with inflation, the system of fines would not maintain its deterrent effect against violation of the minimum wage. Especially in the situation of inflation, the minimum wage needed to be reviewed, while the Turkish law provided for such reviews every two years. As raised by the Committee of Experts in the third point, effective consultation became necessary in this regard. Therefore, full information should be requested as to how the employers' and workers' organizations were associated in the operation of the minimum wage-fixing machinery.

The Employers' members considered that under Article 2 of the Convention, member States were free to decide which trades or parts of trades were to be covered by the Convention. As to the second question, they thought that Article 4 of the Convention required the member State to ensure that the wages were not paid at a lower rate than the minimum wage but did not mention the nature of the sanctions. Referring to paragraph 116 of the general part of the report concerning the level of sanctions and fines, they were of the view that only under Conventions which explicitly referred to such sanctions and fines could such demand be made: this was a matter for domestic law. Regarding the third question, they recalled that the actual level of the minimum wage was not laid down in the Convention and the question was how the social partners were participating in the procedure of minimum wage fixing.

Noting that the Committee of Experts had asked the Government to answer these three questions, they thought that the Committee should refrain from making assessment at this stage and should request the Government to provide answers.

The Workers' member of Turkey emphasized the importance of the protection of homeworkers, who were generally treated as self-employed workers in Turkey, because of the increase of informal and precarious employment. The authorities were aware of difficulties in the implementation of the minimum wage and data were necessary on the prosecutions on its violation. Given the importance of clandestine employment, 4 million in number, and 45 per cent of employees, effective measures were especially needed. He referred to the decrease of the minimum wage in terms of US dollars because of the inflation rate of 140 per cent, and urged the Government to ratify the Minimum Wage-Fixing Convention, 1970 (No. 131).

The Government representative explained the form of minimum wage-fixing machinery under section 33 of Act No. 1475: a tripartite body – comprising five persons with expertise, five workers' representatives and five employers' representatives – fixed the minimum wage, taking into consideration such factors as social and economic conditions, living indices, tendency in wages and economic branches concerned. The quorum was at least ten members and the decision was taken by majority vote.

The Committee took note of the statement of the Government representative, according to which, in his view, the exclusion of homeworkers from the Labour Act was consistent with Convention No. 26, that there was statutory protection as regards minimum wages, that proposals for enhancing the fine for non-payment of minimum wages taking account of inflation were already under tripartite consultation and that a full report would be furnished by 1 September 1995. Considering that the spread of homeworkers in Turkey was rather wide, the Committee urged the Government that, in the report promised by them within the deadline, they should give full information, supplemented by the relevant texts of the law, on all issues raised by the Committee of Experts, establishing that homeworkers were in fact covered by the Labour Act and that the tripartite consultations, reportedly initiated, were effective and meaningful.

Convention No. 29: Forced Labour, 1930

India (ratification: 1954). A Government representative of India, referring to the detailed reports supplied by the Government in June 1994 and February 1995, shared the concern shown by the Committee of Experts on the application of this very important Convention and continued by clarifying the various points made by the Committee in paragraphs 1-3 and paragraphs 42-48 of its observation. He assured the Committee that the well-founded critical concern largely expressed by the Committee of Experts would only spur the Government to intensify its efforts in the application

of this Convention more effectively in his country. The method used in assessing a situation in a country, while having certainly its merits, had its own limitations too. For obvious reasons it could only refer to what had happened in the past or at best in the recent past, and it would never reflect the current position adequately. He therefore concentrated his presentation on certain current developments which showed that India was moving with a better pace and in the right direction with genuine intentions.

One of the very important and central observations made in paragraph 2, with reference to bonded labour, was that the situation in practice did not appear to have improved very much. Elsewhere, the Committee of Experts also said that systematic identification of bonded labourers under the Bonded Labour System (Abolition) Act of 1976, had been stalled in practice for several years. This observation, in his opinion, was based on the fact that the number of bonded labourers identified, released and rehabilitated was not increasing substantially beyond the 250,000 figure reported from 1991 onwards. This was certainly a very important issue. However, the administration and enforcement of this Act essentially lay with the state governments. Currently all of them had taken a stand that there were no more bonded labourers to be identified, released and rehabilitated in their states. To clarify this very significant stand taken by the state governments, the speaker referred to the interim order of the Supreme Court dated 6 March 1995, by which the Supreme Court appointed in 13 states the advocates and the voluntary organizations which had been assigned to determine whether the practice of bonded labour had actually been eradicated in the states concerned. Local administrations were ordered to provide these advocates and voluntary organizations with assistance in the discharge of their duties and state governments were required to bear their operational costs.

Another Supreme Court Order relating to a case of bonded labour inquiry in Haryana State, was referred to in the other paragraphs of the Committee's report. As it was alleged that there were 4,000 bonded labourers working the quarries neighbouring Delhi, the Supreme Court had appointed a committee to identify each of the bonded labourers. This committee could identify only approximately 2,000 labourers and had reported back to the Supreme Court saying that none of these labourers considered themselves a bonded labourer in need of any rehabilitation assistance. These two Supreme Court judgements had clearly demonstrated that on the part of some of the non-governmental organizations there was a propensity to exaggerate the figures of bonded labour. Everybody now was keenly awaiting the decision of the Supreme Court after the appointed advocates and agencies reported back to the Supreme Court on this question. These developments, however, did not prevent the issue of fresh surveys by the state governments to identify some more bonded labourers. One of the state governments, namely Karnataka, reported that the survey done in seven out of 20 districts had revealed that there was not a single case of relapse into bondage, and very few new cases could be identified in this exercise.

A number of positive developments had taken place as a consequence of the regional conferences which had been held at the highest level by the Cabinet Minister of the Union of India, with the labour ministers of all states. The rehabilitation assistance given to bonded labour was enhanced to Rs.10,000, from Rs.6,500 per individual. The target for the current year 1995-96 had been revised to about 7,000 to be rehabilitated, and approximately the equivalent of US\$2 million was already earmarked to wipe out the backlog of the already identified bonded labourers. The states on their part were also improving their efforts in this direction. For example, in the state of Kerala, tribal bonded labour had been rehabilitated in very innovative ways by settling them in plantations relating to spices, tea and dairy farming. Similarly, Andhra Pradesh, one of the states with the highest incidence, had also provided the bonded labourers, wherever they have been rehabilitated, with the land and other inputs on cooperative farming wastes. The speaker hoped that this information reasonably answered the concern of the Committee of Experts about the apparent lack of improvement in the situation and the lack of increased identification, release and rehabilitation of bonded labourers.

Another central observation of the Committee of Experts in paragraph 2 said that a number of proposals and recommendations made by the National Commission on Rural Labour in 1991, with a view to improving the situation, had not so far been implemented. There were mainly two recommendations made by this National Commission. The first one was that in many non-agricultural occupations bonded labour elements had been noticed but had not been adequately identified by surveys and studies. In this respect the Act did not distinguish between bonded labour in agriculture and bonded labour in non-agricultural activities, and two Supreme Court judgements referred to earlier provided an interim answer to this recommendation. The second recommendation made by the National Commission on Rural Labour was that of setting up a national commission on bonded labour. This

had also been recommended, as noted by the Committee of Experts, by a working group on contemporary forms of slavery in July 1990. The Government had examined this proposal very carefully and reported that a national human rights commission would perform this function. There was also the prospect of a number of state-level human rights commissions being formed very shortly. However, the Government had also appointed a committee, under the chairmanship of the Labour Minister of Madras, to study the need to form a national commission on bonded labour. Unfortunately, the report of this body was not yet available. These were the Government's responses to paragraphs 1, 2 and 3 of the observation of the Committee of Experts.

With respect to paragraphs 42-48, which mainly dealt with child labour problems, the Government representative pointed out that India had ratified six ILO Conventions relating to child labour, and was pursuing a national policy on child labour, adopted by Parliament in 1987. This policy was designed with reference to the resolution of the ILC in 1979, and called for a three-pronged action to deal with this problem. Paragraphs 42-48 referred to two of those strategies, namely, legislative action and a focused action to eliminate child labour. The third strategy dealt with the overall development of the special groups from where most child labour came. In paragraph 42 the Committee of Experts asked for a comprehensive report on the situation of children in bondage. While the Government had supplied a report in February 1995, there had been significant developments from February 1995 until now.

Firstly, in the 11 to 12 states where the incidence of child labour was highest in the country, 100 districts were identified for immediate priority action and the heads of all these districts were called for a meeting in August 1995 to finalize districts' specific plans for elimination of child labour in hazardous employment. It was also proposed to associate the local ILO representative to assist in this meeting. The circular referred to by the Committee of Experts in this regard in paragraph 45, concerning the identification, release and rehabilitation of child labour, had been personally sent by the Prime Minister of India to all heads of state departments and to all chief ministers. The heads of state governments had given a positive response to step up their efforts and individual state governments had already drawn up their plans of action. A plan equivalent to US\$300 million was approved for the elimination of child labour in hazardous employment by the year 2000 and, as an initial step, about US\$15 million had already been placed at the disposal of the Ministry of Labour to tackle this problem in the first year. Already funds had been released for state-wide surveys of child labour in big states like Tamil Nadu, Uttar Pradesh and Ures. A massive awareness-raising campaign was under way in all print and electronic media all over the country.

With respect to paragraph 43, pending the adoption of the Bill referred to therein, executive instructions to that effect had already been given to the state governments, therefore now the fixing of lower wages for children compared with adults had been stopped. Process for the adoption of the Bill was under way with the Cabinet having to approve the proposal. Regarding law enforcement statistics, there had been a substantial improvement during the period 1994-95 and there was reason to believe that the number of offences detected, the number of prosecutions launched and the number of punishments given had substantially increased during the period 1994-95 as compared to the 1993-94 period. Concrete figures would be reported by the Government in due time.

Coming to paragraph 46, where the Committee of Experts wished to learn of the follow-up of the report of the subcommittee on the Elimination of Child Labour in the match and fireworks industry in Tamil Nadu, a copy of which had been supplied by the Government in February 1995, some very positive developments were also to be reported here. Welfare committees had been set up for the sake of children working in these factories and employers were contributing 10 rupees and the state government was also contributing 10 rupees towards this welfare fund for each child. The state government had since provided four vehicles, instead of two, for checking up on the health of the children working in these factories. The subcommittee also said that a certain basic diet was to be provided by the employers and it was being done. It had recommended that all these children should have a group insurance scheme provided for them and accordingly such a scheme was already finalized and was under implementation. The premium to be paid was now being revised and a committee under the chairmanship of the district collector had also been appointed to report to the authority on the happenings from time to time. These were the main steps taken as a follow-up of the report of the above-mentioned subcommittee.

The speaker then explained the third strategy adopted in India as part of the national policy on child labour, which concerned overall development programmes focused on the special groups. It was common knowledge that most of the child labour in India belonged to two groups of people called scheduled castes and

scheduled tribes. On the whole they constituted 22 per cent of the population. They were identified as the weakest sections of the society and a number of constitutional safeguards were provided for their general upliftment. It was the overall economic development of these groups that could provide the real answer to the problem of child labour. Very many special schemes were afoot following these constitutional provisions all over the country for their betterment. For example, there was a reservation of seats on a rotation basis to these groups in all parliamentary assembly and local body elections all over the country. There were reservations for these groups, up to 15 per cent in the case of scheduled castes and 7 per cent in the case of scheduled tribes, in all employment at local government, state government and central government levels. Free and concessional education at all levels, including higher education, was provided. Free residential schools and colleges were established exclusively for these groups. There were special national-level and state-level commissions - National Scheduled Caste Commissions, National Commission on Scheduled Tribes - as well as national-level and state-level commissions exclusively to look after their welfare, and exclusive finance development corporations. In the area of rural employment and in the area of primary education in the last few years unprecedented levels of investments had been made. With a consortium of all international lending agencies roughly about US\$15 to 25 million would go into each district for development of primary education which would help in reducing the incidence of child labour. There was exclusive earmarking of all budgets in the central government and state governments to these groups. Another important scheme which had a scale and magnitude unprecedented in the whole world was the Integrated Child Development Scheme which pre-empted the entry of the children into the world of work making them prone to reach schools. These points emphasized the fact that overall development policies were oriented towards the welfare of these groups to which most of child labour belonged.

In addition, with the assistance of the Governments of Germany and Belgium, an international programme for the elimination of child labour was already under way and about 55,000 children had already benefited from it. Similarly, with the assistance of the ILO, a Child Labour Action Support Programme was being implemented wherein the ILO supplemented the efforts made by the Government of India in this area. One of the innovative steps taken by the Government was that the Director-General of Employment and Training, who was responsible for the entire national vocational training system, had been made responsible to discharge the duties relating to the elimination of child labour with the view that the parents of these children were to be provided with some vocational training so as to reduce the need for them to send their children to work. In conclusion, the speaker expressed the hope that the Committee would make a finding that India was making sincere efforts and good progress in the areas under review.

The Employers' members thanked the Government representative for his detailed and forthright information. This case had been of continuing interest to the Committee since 1984, and it was the eighth time that it had turned its attention to the serious problems of bonded labour and, perhaps the most serious of all, the question of bonded child labour. This case was so serious in fact, that this Committee last year had found it necessary to put it in a special paragraph of its report. The full dimensions of the bonded labour problem, even to this date over ten years, were still unclear but, according to the available data, might range from a quarter of a million to several million children and adults.

There was a severe problem concerning the collection of information from state governments, and it was particularly disturbing, as reflected in the Experts' report, that the work of the National Sample Survey Organization to gather information on bonded labour was not scheduled to begin before 1998-99. This delay, for reasons that really had not been explained, raised some doubts as to whether the Government was really committed to eradicating bonded labour and child labour.

According to the Government and since at least 1989, there was no gap between bonded labour identified and rehabilitated. It appeared that the number of rehabilitated amounted to about a quarter of a million individuals and this was why the problem of identifying those in bonded labour was so very important. Part of this problem concerned the definition of bonded labour. For the Employers' group it was difficult to understand why the states, which in principle must follow the dictates of federal authority, did not seem willing to follow the definition given in the Bonded Labour System Abolition Act of 1976 as interpreted by the Indian Supreme Court in 1983. There was also the problem of the range of occupations where bonded labour was likely to occur and was not adequately surveyed. The Employers reaffirmed the view of the Experts that it was an urgent matter that necessary measures be taken at the national and state levels for the systematic identification of bonded labour under federal law.

For a number of years this Committee had also been concerned with the fact that vigilance committees, called for under the Bonded Labour System Act, either did not exist or were inoperative or ineffective, and this situation did not seem to have changed. It appeared that the Government was still of the opinion that the better implementation strategy of the Bonded Labour System Act was through state governments' action to eradicate the problem. While the Employers' group did not want to express any particular preference for one solution over another, problems with the surveys identifying bonded labour showed that the Government still did not have an effective centralized control of its system. The state-based strategy did not seem to be working, with the main question being why the states would object that a national authority was to supervise and coordinate at both the national and state levels the identification, release and rehabilitation of bonded labour. If the state-based system was not as effective as it could be, why not consider an alternative strategy? There was also the problem of the time-lag between liberation and rehabilitation leading to a return to bonded labour in some instances, and this problem was an urgent matter and needed to be corrected as well. And finally, there were very few prosecutions related to bonded labour given the large dimensions of the problem, which again raised the question as to whether the Government was really dedicated to eliminating the problem.

With respect to the Government's intention to take 2 million children out of bonded labour by the year 2000, the Employers questioned whether that estimate was realistic taking into account that, according to the reports received from state governments, only 1,400 child bonded labourers had been identified. Noting the establishment of the national authority for the elimination of child labour and the adoption at the beginning of this year of a blueprint for action that was to be adopted also at the state level, the Employers requested clarification on whether this blueprint was binding on the states and, if it was, whether it was being followed and, if so, in what time-frame the states could be expected to adopt and implement the child labour policy and pursue it as an urgent matter.

Noting the information provided on India's rural development programme, the Employers asked the Government to provide detailed information to the ILO so that the Experts might review this programme in the context of the implementation of Convention No. 29.

In conclusion, the Employers stressed that, notwithstanding the fact that since last year India had adopted some new programmes, no tangible real progress to date in eradicating bonded labour and bonded child labour could be clearly seen. They saw programmes, but what they did not see was progress. The Employers' members were not looking necessarily for more reports or for more policy statements, but they needed to see under some kind of federal/state strategy tangible evidence that bonded and child labour was being eliminated.

The Workers' members recalled that this Committee had discussed this case in 1986, 1989, 1991, 1992, 1993, 1994 and again in 1995, with the report of the Committee of Experts covering this case on nearly 13 pages. While for that reason the Committee decided to limit itself to paragraphs 1 to 3 and paragraphs 42 to 48 of the Experts' report, it was not ignoring the other paragraphs as being unimportant, but was simply trying to concentrate this year its attention on a specific aspect. The nature of the Committee's concern was that there had been a persistent failure in practice to get bonded labour and, in particular, children in bonded labour, under control. The measurement of the concern was shown by the discussion which had taken place in this Committee last year when it reached a conclusion which had been placed in a special paragraph.

It was also important to recognize that the problem of child labour, child servitude, could not be separated from the more general problem of debt bondage which was a persistent and consistent problem in India. In paragraphs 27, 37 and 40 the Experts explained the reason why there was a lack of progress: no network of agencies to supervise and consolidate the abolition of bonded labour (paragraph 27); no effective penal sanctions and enforcement procedure (paragraph 37); very slow enforcement procedures (paragraph 40). All those points were particularly relevant to the discussion today.

Paragraph 42 detailed the allegations which informed the UN Commission on the Prevention of Discrimination and Protection of Minorities of the extent of child bondage and listed the range of occupations in which child bondage was a feature. However, it was not just child bondage that was being dealt with here, but also the facts of kidnapping, beating, sexual abuse, starvation – all the things associated with child bondage. That these things existed at all, there could not be any doubt, but the specific identification and some credible methods of establishing the size and the precise nature of the problem had not really been made available, not least because the collection of information failed to distinguish

between child and adult bonded labour. In this connection, the Experts in their report had asked for measures specifically related to child labour and for a comprehensive report.

Paragraph 43 referred to the Indian Government's indication that it proposed to amend the Child Labour Act of 1986 so that the minimum wage fixation was abolished and, according to the Government representative, it had actually been abolished. However, it seemed that this particular issue in itself, although perhaps relevant, did not go to the heart of the problem. Nevertheless, if it was going to help in any way, the Committee of Experts should be informed when and how quickly this legislation, if it was passed, was going to be applied.

One of the ways in which the Committee could gain an insight into the practice in a country and measure a government's commitment to its own laws, was to obtain accurate information about prosecutions and the extent of the penalties which existed in a country for dealing with those who failed to obey the law. The Committee of Experts, as it seemed from paragraph 44 of their report, was rather unconvinced that the information provided was either accurate or convincing about this aspect of the Government's commitment. The state governments claimed to have identified 1,400 child bonded labourers against the estimates based on the surveys which pointed to a possible 17 million, 2 million of which were children in hazardous occupations. The figure of 1,400 represented one tiny part of the 2 million children that the ministers promised to take out of bonded labour by the year 2000, with the very substantial budget that the Indian Government had set aside for that purpose. There was no answer, however, as to whether these 2 million children represented the whole of the problem, a significant part of the problem, or a token gesture towards the problem. It might help if the Government representative would give some indications on that in his reply.

Paragraph 45 dealt with the action taken by the Government and the creation of a new body since last year's discussion – the National Authority for the Elimination of Child Labour – which had already sent out a circular with very laudable objectives. While the Workers' members expressed some scepticism of the ability of committees to solve problems through paperwork, they pointed out that the Government had not yet indicated any timetable for the work of this particular committee. Noting that India's economy was developing at a fairly rapid pace, the Workers considered it essential for the Government to ensure that with that rapid economic development there was, in fact, a priority strategy for dealing with child labour.

Paragraphs 47 and 48 concerning sexual exploitation were in contrast with the official view of sexual exploitation. The magistrates of three areas claimed that they had no knowledge of sexual exploitation, yet there had been 57 raids, and 131 cases had ended up with a conviction. Here again, there were reports of advisory committees being formed to eradicate child prostitution, and of conducting a survey in Pradesh in areas particularly involved in child prostitution, but indeed, the Workers wanted to see a little bit more real action.

The Workers' members expressed deep concern about the arrest of a prominent anti-child labour activist, Mr. Kailash Sathiyarti, the leader of the South Asia Coalition of Child Servitude. His arrest was connected with his denunciation of child labour in India's carpet industry, as a result of which there had been a cancellation by IKEA – a leading European carpet importer – of contracts with firms allegedly employing children in India. Prior to his arrest, he had been subjected to harassment and death threats by the Haryana State Police, and there were strong suggestions in newspaper reports in this particular case of collusion between the local carpet mafia and elements in the Haryana police. Persecution of people who were speaking up publicly about the nature of child labour in India was a new development which had not been seen before, and the Workers strongly hoped that the Indian Government would eradicate it fairly quickly.

The Workers' members concluded by pointing to the need for much more detailed information about the overall size of the problem of bonded labour and specifically in relation to the exploitation of children. They hoped that the Indian Government representative would take back to his Government the need for the figures on this case to be made available to the Committee of Experts so that it could make not only some judgement about the size of the problem, but as the years went by, could be able to see whether there had been any reduction in the problem.

The Workers' member of India referred to paragraph 4 of the report which gave diverse estimates of the figures of bonded labour. The confusion here was mainly due to two reasons: one was that the time lag between the years in which these estimates were given varied between 1970, 1979 to 1990, whilst we were in the year 1995; secondly, the figures given by the different organizations also varied widely. On the one hand, the Government said that the number was around 0.24 million, while the Bonded Labour Liberation Front of India had put the figure at 5 million adults and 10

million child bonded labourers. The figure given by impartial bodies such as the Subcommittee on Bonded Labour, set up by the central Standing Committee on Rural Organized Labour, was 2 million, but that was also in the year 1979. Therefore, the speaker supported the suggestion made by the Workers' spokesman that the Government should come out with the latest figures on this issue.

Referring to paragraph 22 on the involvement of trade unions in this question, he stated that the Government had taken the view that trade unions had not been involved in this issue because trade unions were concerned with organized labour and did not have much to do where bonded labour was employed. However, bonded labourers were working in industries like bricklaying and forestry and construction where trade unions did exist, and the Government should start to involve trade unions who were very active in these fields.

With reference to paragraph 32 on penal sanctions and enforcement, the speaker pointed out that prosecutions on these issues took a long time in India and in the meantime the bonded labour problem could not be solved. Therefore, he suggested that the Government should see to it that these prosecutions were decided speedily and penalties were a deterrent.

Another Workers' member of India asserted that this Committee, as well as the Committee of Experts, was confusing the issues of forced labour and child labour. The authorities of India had taken the decision to abolish the bonded labour system in 1976 and the Supreme Court had ruled in 1983 that engaging in bonded labour was not only inhuman but also illegal and punishable by imprisonment. While he recognized that the problem of child labour was prevalent in India, he did not accept that the situation of children in bonded labour existed. He was talking as a member of one of the biggest trade union centres in the country and as a representative of his national trade union organization. Referring to paragraph 44 of the Experts' observation, he pointed out that, according to statistics, about 1,400 child bonded labourers had been identified and that the number of child labourers was placed at 17.02 million, of whom 2 million were estimated to be engaged in hazardous occupations. Certain speakers had wondered how the Prime Minister of India could state that 2 million children were going to be removed from child labour by the year 2000. However, that was because the latter was referring to child labour and not to bonded labour. He indicated that after the land reforms and the rural development that had taken place in India, 99 per cent of bonded labour had disappeared. In his view, child labour was the major issue against which everyone in his country was struggling. It was a fact that some industries were using child labour. The workers were struggling against this phenomenon, including by going on hunger strikes. Moreover, since it was employers in the private sector who were employing this child labour, the Workers had to force the private sector management to see that it should not engage in such activities. It was inhuman and uncivilized. In addition, the workers were opposed to a minimum wage for children since they were opposed to child labour. This minimum wage was a way of regularizing child labour. However, the Government of India had to make greater efforts in the struggle against child labour. For example, by the middle of the year in primary schools there was a large decrease in attendance. This was because the children had to work to avoid starvation. Therefore, the Government had to start a midday meals programme for these schoolchildren so that they could receive both education and food. The Government had some sort of moral responsibility to ensure this. He concluded by assuring the Government of India of the workers' full support in the struggle to abolish child labour.

The Employers' member of India indicated that all employers and their associations were fully cooperating with the government policy to eliminate bonded and child labour. The employers' associations, through their own channels, were putting pressure for the non-engagement of child labour even on the industries that were engaging them. He emphasized that child labour was used only in the unorganized sector and not in the organized one, and that most unauthorized sector employers were not members of the associations at the apex level. Responding to the point raised by the Workers' member of India as to why there was such a decrease in primary-school attendance, the speaker replied that this was due to the fact that there was so much poverty. Parents did not send children to work for the sake of fun but because their income supported their families. While he did not support this, he had raised this point to illustrate that unless poverty was alleviated, it would be difficult to completely eradicate child labour. Many of the employers in India had taken positive initiatives in establishing schools to help spread education and also the rehabilitation of children at work. Even scholarship schemes had been initiated for children withdrawn from work and put in school. There also had to be an appreciation of the distinction between bonded child labour and child labour. There was no bonded child labour, but child labour obviously existed. This had to be clearly understood. Since

India was a large democracy it might take some time to eliminate this evil, but he had no doubt that it would be fully eliminated in due course with the initiatives taken by the Government and supported by the employers and the NGOs. Moreover, he did not agree with the suggestion that products manufactured with the help of child labour should not be used. This could not solve the problem of child labour. Rather it could increase the problem so that, if children could not earn this, it would create other social problems. While employers did not support child labour employment, programmes for the limitation of child labour had to be looked into and effectively utilized to be successful. If children were not to work, adequate integration programmes had to be provided so that these children could be educated.

The Government member of Germany stated that in order to assess the problem in India correctly account should be taken of the comments made in the Experts' report as well as those made by the Government representative. Bonded labour, including child bonded labour, had a very long tradition in India and was thus not a phenomenon which had emerged in the last few years. With regard to the scope and size of the problem, rapid results and solutions could not be found. He agreed with the Employers' member of India that one could not proceed in an unplanned way and "try to send the police or the army into a factory and get the children out" because the children would be employed somewhere else the next day or new children would be brought into the factory. The first step was to try to raise awareness of the problem itself and then combat it. According to the comments made by the Government representative, the Experts, and also from what he knew from other sources, there had been considerable progress over the last few years with regard to awareness of the problem and plans to combat it. This could be traced back to the participation of India in the IPEC programme of the ILO. He had been impressed by what was being done on the legislative level, as reported by the Government representative earlier, although tangible results could not actually be found immediately. His Minister, who had visited India with a high-ranking ILO official, and who had seen some projects that had been carried out under the IPEC programme, had noted that a certain amount of success had been achieved. He welcomed the commitment of many Indian NGOs which were trying to do away with the worst aspects of this phenomenon. Finally, the speaker asked the Government representative to do something for the safety and security of the Chairman of the South Asia Coalition on Child Servitude (Mr. Kailash Satyarthi), who had been threatened by a carpet manufacturer in India with regard to the statements he had made concerning child labour in the carpet industry in India.

The Government member of Iceland, speaking on behalf of the Governments of Denmark, Finland, Iceland, Norway and Sweden, indicated that it was clear from the observation made by the Committee of Experts that this case concerned serious violations of Convention No. 29. These violations consisted, amongst others, of bonded labour, child labour and child prostitution. He wholeheartedly supported the long-standing request made to the Government of India by the Experts for urgent improvements so that the situation could be brought in line with the provisions of Convention No. 29.

The Workers' member of France regretted the confusion that had arisen due to the discrepancy in the figures from different sources. In spite of the efforts at persuasion by the Government representative of India, one was obliged to note that this country had ratified Convention No. 29 40 years ago, although it had decided to abolish bonded labour only 20 years ago. It was difficult to believe in these conditions that 2 million children could be removed from hazardous occupations by the year 2000. Paragraph 42 of the observation of the Committee of Experts highlighted an accumulated non-respect of ILO Conventions on forced labour, child labour and discrimination. It would be appropriate to channel current efforts made to eliminate forced labour and bonded labour in the wider process of eliminating child labour. Faced with the situation of children in bondage in the carpet-weaving industry, for example, what measures could the Government take, faced with internal opposition which claimed that such a system was justified? As for children employed in hazardous occupations, their numbers had been stable for some time, which was worrying. While one welcomed the adoption on 16 January 1995 of an action programme on the identification, release and rehabilitation of children who worked, it was doubtful that this programme was applied very meticulously. However, this problem called for a concrete solution without delay which necessarily had to be accompanied by a major battle against poverty and also by economic development and social progress. With the globalization of the economy, it was up to the international community to work to eliminate child labour. Furthermore, it would be appropriate to reinforce national legal instruments against forced labour, bonded labour, child labour and the sexual exploitation of children, since no economic system in the world justified the fact that children

were subjected to such treatment. A child martyr was a child who had had his dignity taken away and for whom death would finally be a release. The boy of 12 years, murdered while he fought for the liberation of thousands of other children in bondage, as he had been himself, was in everyone's mind today. The Committee had the right not only to hope for but to demand concrete results, and very quickly.

The Government representative, after noting the apparent confusion in the minds of many speakers between bonded labour, children in bondage and child labour, read out one particular paragraph from his Government's national policy on child labour. This paragraph read that children often worked on the farm and in the fields, in artisan households, or in small, family-centred trade or service establishments where they most often acquired the skills which enabled them to become fully fledged workers in farming households, family establishments or trades. While work of such kind had its own problems, the Government's policy was to concentrate in those sectors or establishments where children were employed outside the family where their exploitation was most likely to arise. The speaker wished to clarify that the figure of 17 million children, referred to as "child labourers" by the Experts, consisted mostly of children working within family establishments, trades or in the agricultural sector. His Government's perception was that there were very few children in bondage, whereas there was a large number of children who were working while they should be at school. It was also the speaker's view that as his country had already ratified six Conventions relating to child labour, the issue of child labour should be discussed under these Conventions and not so much under Convention No. 29 in view of the existence of very few children in bondage in India.

Moreover, the 2 million children estimated to be engaged in hazardous occupations in the Experts' observation were those children who would receive the Government's attention first. It would then attend to the problems of those who were not in such hazardous employment. Another important point to be clarified was the question as to whether the programmes that were formulated by the central Government were binding on the state Governments. In the subject-matter of labour, both the central and state Governments jointly operated so that while the central Government's legislation had overriding power over the legislation of the state Government, the central Government would normally give the responsibility for implementing the legislation to the state Governments. Therefore, there was a need for tremendous coordination between central and state Governments since the latter would have to help in implementing and monitoring the federal legislation.

Referring to why the National Commission on Bonded Labour, as recommended by the National Commission on Rural Labour, was not being appointed, the speaker indicated that his Government felt that the National Human Rights Commission and the State Human Rights Commissions that might come up very shortly would be able to discharge their duties. However, a committee under the chairmanship of the Labour Minister had already been appointed to look into the need for a national commission on bonded labour and the Government would examine this report as soon as it was available.

Furthermore, while he had not stated that trade unions were not welcome in the process of eliminating child labour, he nevertheless considered that it might not be a workable proposition for this organized structure to take the responsibility of identification, release and rehabilitation of the children concerned. As the Government member of Germany had already pointed out, a lot of work was being done through the IPEC where trade unions were involved, not only in creating awareness but also in making sure that parents got to know of the ill-effects of sending their children to work. The speaker underlined that under the IPEC programme, 55,000 children had been brought out of the world of work into the world of education. Similarly, under the National Child Labour Projects about 15,000 children had left the world of work to join schools and to have some vocational training. He felt that the results were just starting to flow in and that more results would occur as these new large-scale schemes came into operation.

Referring to the concern expressed by certain speakers about the lack of prosecutions and convictions against those employing child workers, it was his view that it was a general investment in education and human resource development that would help to resolve the problem of child labour and not large-scale prosecutions and convictions. In this respect, he indicated that only 12-13 states out of the 32 states and union territories in his country had this problem. This was because the literacy rate in the remaining states was much higher compared to that in those states where there was a problem. For example, in the State of Kerala where the biggest employers were the plantations, children had worked in those plantations earlier on. However, the Plantation Labour

Act, which had provided not so much for prosecutions and convictions as it had provided for welfare measures and mandatory provisions for health and education, had most certainly helped in eradicating child labour in those plantations.

Finally, the Government representative assured the Chairman and the Committee members that with regard to the case of Mr. Kailash Sathyarti, an activist of the Bonded Labour Liberation Front of India, this case was filed by an individual exporter who had as much legal right as anybody to let the law of the land take its own course. This had happened on 1 June 1995, and although his Government did not yet have all the facts formally it had been ascertained informally that Mr. Sathyarti had already been released on bail and that the law would take its own course.

The Workers' members thought it necessary to clarify the definitions and distinctions, which could perhaps be requested to the Committee of Experts. Such clarification would also make it possible better to establish the number of children concerned. The number of about 17 million of children working simply in their family business of agricultural or artisan occupations had never before been referred to. The Government representative had also clarified that about 2 million children were employed in dangerous works.

The Workers' members welcomed the assurance made by the Employers' member of India since the employers and their organizations, like the workers' organizations, had an essential role to play. Further efforts must be made to discourage violations. Both the Committee of Experts and this Committee had reason to consider such measures as an indicator of the determination of the Government to solve this problem.

The Employers' members thought that the discussion had more or less confirmed their viewpoint initial. They received with scepticism the indication that no child bonded labour existed, especially because a joint programme of the Government and NGOs was precisely aimed at fighting against this phenomenon. This programme should help to accumulate statistics on the size of that programme.

The efforts for education were no doubt essential but, as the Workers' members pointed out, they could not substitute the effective application of the law. Although India had taken new important programmes in the field of child labour, significant progress could not be observed in the elimination of bonded labour or other forms of work of children. Given the apparent dimensions of the problem, the situation needed to be reversed as an urgent matter.

The Committee took note of the observation of the Committee of Experts and the comprehensive oral and written reports of the Indian Government representative. The Committee recognized the fact that the Government had expressed its readiness to cooperate and had proven this once more by providing the Committee with this information.

The Committee, however, was extremely concerned with regard to the scope and the seriousness of the problem of prohibited child labour, and the Committee considered the problem of child labour as the most important component of the overall problem of bonded labour and forced labour in India. An effective combating of this problem required the identification, release and rehabilitation of the children concerned. The plans and measures for eliminating this evil must, in the mind of the Committee, be considerably extended, strengthened and accelerated. That was particularly true because a serious violation of the fundamental Convention No. 29 had been going on for such a long period of time and because of the enormous number of children concerned. This represented an intolerable situation at the end of the twentieth century.

The Committee therefore urged the Government to improve and strengthen all possible efforts in this direction; in particular the Government at the national level should improve its coordinating activities and its supervisory activities in combating child labour. But, at the same time, the Government, as far as possible, should also make sure that the government authorities were more active at the local level.

The identification, release and rehabilitation of children working in this prohibited employment must, in the opinion of the Committee, be made more effectively and in greater detail and more comprehensively. Therefore, there had to be a greater possibility for sanctioning those responsible.

In the light of the discussion and the conclusions of this Committee over the last few years, and in the light of the inadequate degree of progress which had been made, the Committee was deeply concerned and urged the Government to adopt the measures already mentioned and to use all the resources available to them so that very soon and certainly well before the year 2000 a true degree of progress could be registered.

The Government was also urged to report in detail on all measures taken and any progress made.

Myanmar (ratification: 1955). The Government supplied the following information:

The Village Act and the Towns Act, the two laws in question administered by the General Administration Department of the Ministry of Home Affairs, are among the list of laws that were first reviewed on 29 January 1995, and again on 16 May 1995, by a Board comprising the Deputy Minister for Labour, as the Chairman, and representatives of the Prime Minister's Office, the Ministry of Foreign Affairs, the Attorney-General's Office and the General Administration Department as its members.

The Board found that these two laws were no longer in conformity with the prevailing conditions in the country, besides not being in line with the provisions of Convention No. 29. This finding is in agreement with the conclusion drawn by the tripartite committee set up by the Governing Body of the ILO to consider the representation made by the International Confederation of Free Trade Unions (ICFTU) under article 24 of the ILO Constitution alleging non-observance by Myanmar of the Forced Labour Convention, 1930 (No. 29).

Consequently, the Government of Myanmar, in compliance with the request from the Governing Body, "to ensure that the relevant legislative texts, in particular, the Village Act and the Towns Act, are brought in line with the Convention" and "to ensure that formal repeal of powers to impose compulsory labour be followed up in practice and that those resorting to coercion in the recruitment of labour be punished", has started the process of amending these laws.

In addition, a Government representative referred to the written information.

The Workers' members indicated that this case had been retained due to the seriousness of the violations of the Convention and because recent developments were worrying; these concerns could not be eased by the information given by the Government. For more than 30 years, the Committee of Experts had denounced the forced labour that was taking place in this country. This case had been discussed in 1992. Further to this, the Governing Body had adopted the report of the committee established to examine the representation presented by the ICFTU under article 24 of the ILO Constitution. In fact, in spite of the various situations condemned by the Special Rapporteur on the situation of human rights in Myanmar in his report, the Government confined itself to stating that it wished to amend its Village Act and Towns Act, without filing any information on tangible improvements. The situation of forced labour had continued to deteriorate since the authorities had recourse to forced labour to build a touristic infrastructure, on the fallacious pretext that these constructions were needed for the population. Contrary to what the authorities said, there was no question here of voluntary work within the meaning of the exception provided for in Article 2(2)(e) of the Convention, which was aimed at maintenance work performed in the direct interest of the community concerned, as the Committee of Experts had pointed out. The Committee had further noted that the Village Act and the Towns Act allowed the requisitioning of inhabitants. In this country, the army requisitioned men, women and children to carry out auxiliary military tasks for long periods of time and in terrible conditions. It was to be feared that the Government would not undertake any amendment of its legislation, as long as it considered that it had not finished carrying out its ambitious projects. Thus, it would be desirable that the Conference Committee, like the Committee of Experts, request in its conclusions that the legislation be amended, that recourse to forced labour be abandoned, both in public works projects as well as in compulsory portage services for the military and that the Government provide detailed information to the Committee of Experts.

The Employers' members concurred entirely with what had been stated by the Workers' members. They recalled that the Government had ratified this Convention nearly 40 years ago. They were concerned about the serious problems of compulsory portage that was permitted under the Village Act and Towns Act and of forced labour in public works projects. Although the Government had been stating since 1967 that the authorities no longer applied the compulsory portage provisions, it had blurred the distinction between what it considered to be compulsory labour and voluntary labour and had asked the Committee to believe that labour for public works projects was voluntary. Yet, it was reported in the Experts' observation that hundreds of porters had been killed by the military. The Experts had also commented on the existence of very poor working conditions and the numerous public works projects that had taken place in circumstances that were clearly less than voluntary. As a result, the Employers' members were somewhat sceptical about the real effect on ending forced labour of the Government's statement that the Village Act and Towns Act were being amended. While they urged the Government to amend these Acts as soon as possible, they considered that there was not going to be any real progress at all as long

as the Government held the view that compulsory labour under the supervision of the public authorities and the military was really voluntary labour. The continuation of the Government's longstanding forced labour policies was clearly unacceptable and a violation of Convention No. 29 that had to be remedied as soon as possible.

The Workers' member of the United States indicated that while the Government representative had asserted that there was no forced labour in Myanmar there was ample evidence to the contrary, reflected in the voluminous documents examined by the Committee of Experts and other international bodies, such as the UN Commission on Human Rights. The Government representative had indicated that the Village Act and the Towns Act were in the process of being amended. However, only two days ago, according to a Reuters' report from a Thai military source, military authorities in south-east Myanmar were again rounding up civilians to work as porters in preparation for further attacks on ethnic minority rebels in the area. The speaker contended that there were similar stories about forced labour in Myanmar almost every week. Moreover, in the Experts' observation, the Government had stated that nearly 800,000 people had volunteered their services to build roads and railroads for little or no remuneration. However, the fact of the matter was that there were photographs of people in shackles, building what was now being called the "death railroad". There was also new information surfacing on the Government's \$1 billion gas pipeline project paid for by the American corporation UNOCAL and its French counterpart, TOTAL. Villagers had not only lost their lands but had been forced to clear them to make way for the pipeline. Village after village was being razed in this manner by those who had lived in them their whole lives. This case reflected a vast system of forced labour which, to one degree or another, ensnared virtually every family in Myanmar. The stubborn refusal of the Government to dismantle its system of forced labour, as required by Convention No. 29, was an extremely serious matter.

The Workers' member of Australia pointed out that the recent resolution of the UN Commission on Human Rights, which expressed great concern at the continuing violation of human rights in Myanmar, and in particular forced labour, was sponsored by 27 governments and adopted unanimously by the 53 governments making up the Commission. It was therefore important that this Committee join with other international fora to add its weight to the condemnation of forced labour in contravention of Convention No. 29. Secondly, the current drive by the Government to promote tourism for 1996 required a range of infrastructure developments, including hotels, restaurants, tourist resorts and transportation, which meant that forced labour continued unabated. The Government, in a strategic and systematic way, was using forced labour to develop holiday resorts for tourists. For example, workers had been conscripted to clean out with bare hands the Mandalay canal, a canal ten kilometres long and more than three metres deep. Houses bordering the canal had been demolished and local people forced by military forces to work 24-hour shifts. A further 2,000 prisoners in chains had been brought in to assist. A BBC report in recent days had referred to hoards of men and women in Mandalay itself cleaning streets and historic buildings under armed guard. Some 30,000 workers had not been paid in the development of the new airport in Basang. These examples were but a few of the denial of fundamental and core labour rights of workers by the military government in Myanmar, in flagrant violation of Convention No. 29.

The Government member of the United States expressed her very grave concern about the Myanmar Government's application of Convention No. 29. While she understood the respected tradition of voluntary community service that existed in Myanmar, she pointed out that this case did not concern instances of true voluntary labour. Rather, people were being forcibly conscripted, taken from their villages and farms and being made to work, often without pay or food, under threat of heavy fines, and subjected to severe physical abuse. Some of these workers had died as a result of mistreatment and some had been murdered. The widespread and abusive use of forced labour in Myanmar was a phenomenon that was well documented by the international community. What was unacceptable and alarming was that not only had the Government failed to suppress the use of forced labour but apparently had even promoted the spread of this practice. While acknowledging that the Government had recognized that the Village Act and the Towns Act were not in conformity with Convention No. 29, and had embarked on the process of amending these texts, she stressed that these legal measures must be followed up in practice. It was absolutely essential that the Government issue the necessary orders to its military officers that compulsory portage and forced imposition of labour for public works must cease. Alleged violations must be investigated rapidly and thoroughly, and those responsible for these violations must be prosecuted and punished. She urged the Government to undertake, without delay, all neces-

sary measures to bring its law and practice into conformity with Convention No. 29 and, moreover, in so doing, to take full advantage of the technical assistance of the ILO.

The Workers' member of Greece pointed out that there were discrepancies, on the one hand, between the Government representative's statement according to which there was no forced labour in the country and that people worked voluntarily, and, on the other hand, the reality as reflected by detailed testimony including the report of the United Nations Special Rapporteur on the situation of human rights in Myanmar. All these overwhelming facts reflected the conditions in which thousands of individuals were in fact obliged to work. Faced with the seriousness of the situation, the Conference Committee had to go beyond its customary moderation to denounce once again in very strong terms a situation which unfortunately did not constitute an isolated case.

The Workers' member of Italy considered that the political changes referred to by the Government representatives should be understood negatively if the reality of the situation was to be acknowledged. In this country, where persons from the opposition such as the Nobel Peace Laureate, Ms. Aung San Suu Kyi, were imprisoned, the military forced workers to work in public works projects which had cost innumerable human lives, as confirmed by the Special Rapporteur on the situation of human rights in this country. It was appropriate to note that children were also forced to work and that the rate of enrolment of children in schools had dropped considerably, with 40 per cent of children not finishing compulsory education. The speaker concluded by calling on private enterprises and even on States to exert pressure on this Government so that the situation would change.

The Government member of Australia joined previous speakers in expressing his grave concern at the violations of human rights in Myanmar. He was particularly concerned about the cases of forced labour in public works and compulsory portage services for the military. He strongly urged the Government to guarantee full respect of human rights and fundamental freedoms and to meet without delay its obligations under Convention No. 29.

The Government representative pointed out that since Myanmar was a developing country and nearly 70 per cent of the population were agricultural workers, the Government was developing the infrastructure of the country in order to alleviate poverty and to improve the socio-economic conditions of the people. Indeed, many projects, such as the building of roads, railroads, bridges, dams, and reservoirs, were being carried out throughout the country, especially in the border regions where armed groups once operated. If the Government was really forcing the people to work in the projects as alleged, why had so many armed groups that had been fighting against successive governments for so many decades chosen to join hands with the Government for the development of their region? The answer could only be that the projects undertaken by the Government were really only for the good of the people. It was not for the Government and it was not for the military. In the tradition of using voluntary labour for the community development of each area or region, personnel from military units stationed in the area always took part in volunteering their labour. Government employees from the ministry concerned also participated.

The Government representative then referred to the UN Special Rapporteur mentioned in the Experts' observation. According to the Government representative, the Special Rapporteur who had visited a railroad project had indicated in his report that workers had been given work by the piece rather than by the day and that working hours were from 8 a.m. to 11 a.m. and from 1 p.m. to 4 p.m., and that each round of duty normally lasted one or two weeks. The workers were each paid 30 kyats for a piece of one cubic metre, which meant a working day for one or two persons. Wages were paid by the Government to the whole village at the end of the contribution. The Special Rapporteur had the opportunity to visit the dispensary built near the construction site to assist workers who were required to rest from work. When the illness of the workers was serious, the authorities released the sick worker from duty and sent him to an appropriate hospital. During his visit to Myanmar in November last year, the Special Rapporteur travelled to Magwe State to visit the newly completed Pakokku-Mying-Myo Soe section of the Pakokku-Gangaw-Kalay railway. The Special Rapporteur had the opportunity to speak with the people assembling around the railway station at which the train stopped. The Special Rapporteur had reported to the Committee as follows: "Apparently, the local population seemed to enjoy the opening ceremony and was happy to benefit from the new facilities." The speaker indicated that for their contribution towards community development, remuneration was given to voluntary workers by the Government, either on a piece-rate basis or at the prevailing wage rate. In some cases, the authorities disbursed a lump sum of money for the benefit of the whole community. The Government had, up to now, disbursed a total of 133.47 million kyats to the local population who had contributed labour in the

various railroad projects. A medical doctor had been assigned to each of the sections by the Myanma Railways during the construction of the railway lines, and the Chief Medical Officer had toured the area at least once a month in order to provide health care for the local populace. In case of injuries and casualties arising from the construction work, compensation was paid by the Myanma Railways to the persons concerned. With regard to the use by the military of porters, the reason why the security forces had had to use such civilian labourers was that the Government had to deal with armed groups that had terrorized the lives of Myanmar citizens. However, the Government had been inviting the armed groups to join hands with it in developing their regions and 14 such groups had done so and the problem of having to use recruited labourers no longer existed in the areas once occupied by these groups. It was not true that porters were treated harshly and inhumanely. They were recruited and employed by security forces based on the following three criteria: they had to be unemployed, physically fit and a reasonable amount of wages had to be agreed on beforehand. Apart from daily wages and food rations, they were entitled to receive rail and steamer travelling warrants or actual money to cover the cost of transport to and from their homes, and the respective military unit had the responsibility of providing accommodation, medical coverage, etc. In the unlikely event of a loss of life or limb, they or their families were compensated in accordance with the Workers' Compensation Act.

With regard to prison labour, in a great number of countries throughout the world, sentences were passed by courts of law to include compulsory labour for serious offences under national law. In Myanmar, such sentences were part of the rehabilitation process. Furthermore, prisoners could enjoy reduction of sentences through contribution of labour. For example, on 25 March 1995, the Ministry of Home Affairs issued an order which stated that the sentences of over 23,000 prisoners, who had diligently contributed their labour at the various regional development work camps, had been reduced by one-third under section 401(1) of the Penal Code. As of April 1995, over 5,600 prisoners had been released. The Special Rapporteur had witnessed one of these voluntary labour worksites during his visit to Myanmar last year and had reflected this in his report to the 51st Session of the Commission on Human Rights, as follows: "Around 200 unchained prisoners were involved in the building of the moat by piling and transporting rocks. They seemed in good health. Prisoners were seen working hand-in-hand with armed forces personnel and local civilians. Generally, prisoners as well as soldiers worked eight hours a day on a voluntary basis. Once the defined part of the work was accomplished, a wage was distributed among the prisoners who were involved in the labour. Food was provided free and they were entitled to three meals a day." Another point the speaker wished to make was that disciplinary action was taken against those members of the security forces who had broken the law. Finally, the speaker pointed out that Myanmar had ratified the United Nations Convention on the Rights of the Child on 16 July 1991 and that a Law respecting children had been promulgated on 14 July 1993. Committees concerning the right of the child, at the national, state and district level, had been formed and up to now there had been no complaints about forced child labour. Schools were opened in Myanmar and the children were attending them as usual. There was no evidence of any drop in enrolment. If a person was found guilty of forcing a child to work in life-threatening or dangerous conditions, or to engage in work that would result in contracting diseases, that person would be sentenced to six months' imprisonment or a fine.

The Workers' members suggested that the conclusions adopted by the Committee should appear in a special paragraph of its General Report, so as to have more of an impact, given the seriousness of the situation in the country and the absence of any progress with regard to forced labour.

The Employers' members summed up this case and the Government representative's view as "the end justifies the means". Economic development and development of infrastructure, in the Government's mind, justified the use of forced labour. However, Myanmar had ratified this Convention 40 years ago and it had an international obligation to respect. In this Committee, special paragraphs were reserved for very serious cases. This case, involving forced labour, was such a case and therefore the conclusions of this case should appear in a special paragraph in the Committee's report.

The Committee took note of the statement made by the Government representative that measures were under way for amending the Village Act and Towns Act which contained provisions contravening Convention No. 29. It recalled that the Government had been told about this for nearly 30 years. It also recalled the adoption in 1994, by the Governing Body, of the recommendations of its tripartite Committee for the repeal of the offensive provisions. The Committee could not find a way to agree with the position of the Government, as reported to the Com-

mittee of Experts, that what was being alleged to be forced labour was actually voluntary labour. The Committee further recalled the report of the United Nations Special Rapporteur on human rights in Myanmar and deprecated a situation in Myanmar as reflected in this report. In these circumstances, the Committee called upon the Government to urgently repeal the offensive legal provisions under the Village Act and the Towns Act to bring them into line with the letter and spirit of Convention No. 29, to terminate forced labour practices on the ground, to provide for and award exemplary penalties against those exacting forced labour, and to furnish a detailed report to the Committee of Experts on legislative and practical measures adopted to fall in line with Convention No. 29. The Committee also decided to mention this conclusion in a special paragraph of its General Report.

Panama (ratification: 1966). A Government representative of Panama recognized that the draft law to repeal and amend various sections of the Administrative Code had been submitted for ten years to the Legislative Assembly for approval without any successful voting. However, the new national Government set up nine months ago was currently endeavouring to harmonize national legislation with the ratified ILO Conventions. Also, with the active participation of legal professionals and the Supreme Court of Justice, revision was going on of existing codification to guarantee due process of law. This would lead to greater guarantees for defence of the accused in the face of standards which dated from 1916, as was the case of the Administrative Code. She considered that the draft bill, which would bring the 79-year-old legislation into harmony with Convention No. 29, would be well accepted in the legislative body. Act No. 112 of 1974 gave the police authorities the power to make summary judgements and to impose sanctions, but now fines could be imposed instead. The situation had, therefore, been improved although not yet to the optimum. It was a part of the modernization of the judicial system in the country to abolish forced labour in accordance with Convention No. 29.

She added that the issue of employment was a great concern for Panama as it was for the ILO. The Government was aware of the need to consider work as a voluntary chosen means of earning one's living and not as a punishment or a penalty. It was for this purpose that the Government had taken action to submit the draft bill in question yet once more to the respective authority – the Ministry of Government and Justice. This had been done on 12 May this year by Note No. DM 263.95, so that it could be submitted to the Legislative Assembly for adoption. She concluded by hoping that the Government would be able to communicate to the ILO that the necessary measures had been taken to eliminate these provisions which should not be part of the national legislation.

The Employers' members recalled with regret that this was a long-standing case, although the substance was clear. They considered that the Committee should urge a rapid change and wondered if it was possible for the Government to provide a time schedule within which modifications to these legislative provisions would be expected.

The Workers' members also noted that no progress had been made for more than ten years. They pointed out that the Committee of Experts' remarks concerned not only the principle but also the practical protection from forced labour. The Government should be firmly urged to take the necessary measures within a certain time-limit and the case should be re-examined perhaps in a year to see the progress made.

The Workers' member of Panama regretted that a long time had passed without improvement and that the solution depended upon the Ministry of Justice and the Legislative Assembly but hoped that the Government would fulfil its obligation under this Convention.

The Employers' member of Panama noted that, after the dismantling of the national army, the police force in Panama was not empowered to impose forced labour on detainees. He, however, agreed to call upon the Government to take legal measures so that both law and practice could be brought into line with the Convention.

The Government representative responded that the adoption of the draft bill would depend upon Parliament and did not dare to give a specific deadline. She, however, emphasized that the Government would do its best and provide follow-up to the adoption of the draft bill.

The Committee took note of the oral information provided by the Government representative and of the discussion which took place in the Committee. It noted with regret that the draft bill to amend the Administrative Code under which police chiefs are empowered as administrative authorities to impose certain sentences, including labour on public works and detention, had not yet been adopted, although the Government had been referring to this bill for more than ten years and in spite of the information supplied at the 1992 International Labour Conference. The Committee urged

the Government to bring about a rapid change in law and practice, preferably within a definite time-frame, to fulfil the relevant provisions of Convention No. 29.

Thailand (ratification: 1969). The Government supplied the following information:

1. *Data and trends in the number of child labourers.* According to education statistics collected by the Ministry of Education, during the period 1990-1994, 2.56 million children completed compulsory education at the age of 13 and then did not further their education at the intermediate and high school levels. According to the Economic and Social Development Plan No. 8 for the period 1997-2001, the trend in child labour exploitation is projected to decline to 1.4 per cent as a result of the birth control policy in effect during the preceding period. In addition, the policy to expand educational opportunities has led to a decreasing number of children outside the educational system, from 56 per cent in 1990 to 11 per cent in 1994. It is expected that in 1996, the last year of Economic and Social Development Plan No. 7, the Government will succeed in expanding compulsory education from six years (at present) to nine years, which will significantly enhance the opportunity for children to prolong their period of education until the age of 15. In pursuit of this goal, the Ministry of Education has prepared a draft of the Basic Education Act for submission to the Government and the Legislature for consideration. With regard to child labour in the non-agricultural sector, it is estimated that about 95,000 to 100,000 children are employed in small businesses (not over 20 employees) such as clothing, shoe, bag and decoration manufacturing, gem cutting and polishing, automobile and motorcycle repair, and gas stations and restaurants. According to labour inspection undertaken by officers of the Department of Labour Protection and Welfare, it was found that in small businesses, 85 per cent of child labour is from 15 to 18 years of age. No child labour was found in large businesses because they rely heavily on production processes and manufacturing technology that require more physically and mentally mature workers.

2. *Child Labour Policy.* The policy of the Government of Thailand at the legislative, administrative and operational levels is as follows. With regard to legislative policy, the policy of the Government toward protection of children is set out in section 82 of the Constitution of Thailand 1991: "Government should support the people of working age to obtain employment, and should ensure the fair protection of labour, especially women and child labour, and provide for the labour relations system including the settlement of fair wages". At the administrative level, Economic and Social Development Plan No. 7 for the period 1992-1995 adopts Government policy regarding child labour as reflected in various parts of projects such as the elimination of poverty which is the reason for exploitation of child labour; the expansion of economic and social growth in rural areas and the enlargement of educational opportunities in both conventional and non-conventional academic systems; the consideration of child labour as an economically underprivileged group in need of special treatment; the expansion of labour protection to the agricultural sector; and the development of the quality of life of employees. On 21 October 1992, Prime Minister Chuan Leekpai announced Government policy to Parliament in stating: "Encourage children to have more educational opportunities. Expand compulsory education from six years to nine years, so that children will enter the labour market when they are 15 years of age, which is the suitable age for beginning work because at that age they are considered mentally mature with grown and strong bodies so that they can protect themselves. In addition, they are able to understand how to survive living in the city and working in industry". In an address on 2 November 1992, he reiterated his explicit intention that there be "no exploitation of child labour". At the operational level, the Ministry of Labour and Social Welfare announced the following policy on 23 September 1993: "Economically underprivileged groups, especially workers in the agricultural sector, workers paid low wages in cities, women and child labour and Thai workers abroad should have job security, receive fair wages and be sufficiently protected with regard to appropriate working conditions, and should have adequate and thorough welfare coverage".

3. *Schemes and Implementation.* The problem of child labour exploitation is clearly a social problem affected by imbalanced economic and social development. The Government has long been aware of the fact that children are one of the most precious human resources that will grow up and undertake responsibility for the economy of the country and the good of society. On this basis, the Government has applied its policy and implemented various measures through the Ministries concerned. The Ministry of Labour and Social Welfare has implemented systemized and sweeping schemes, beginning with campaigns to discourage children prior to maturity from entering labour markets, and increasing educational

opportunities and options for child labour both in the course of their education and when working, to prevent them from being exploited and abused. Accordingly, three measures were designed to cover all possible aspects: prevention, protection, support and development. All are aimed at one single outcome: the elimination of child labour exploitation. They focus on cooperation among the appropriate offices, both inside and outside the Ministry, and include an effort to invite more involvement from local communities so that they can be part of the mechanism designed to solve the problem. These social measures are as follows:

3.1 Prevention of child labour exploitation. This measure is implemented in order to protect and resolve the problem at an early stage by offering proper direction for children in rural areas who plan to enter the labour market. Not only does this measure provide knowledge and understanding of employees' rights and responsibilities under labour laws, including preparedness and working skill, but it also encourages people's awareness at the village level to convince adults to become more involved and supportive with respect to the anti-child labour exploitation movement. In the year 1995, two significant projects will be implemented. The first is the Woman and Child Rescue Operation Centre, which began in 1994 and is continuing to this date. Its budget of 9.8 million bahts is directed to areas, activities and targets as follows: (1) Children who are outside of the educational system aged 13 to 18 years. (2) Targeted areas, focusing on where there is a low rate of intermediate education, and/or a heavy volume of child labour migration, in two districts of each province, except for Bangkok and the neighbouring five provinces. (3) Activities include: (i) establishment of the Woman and Child Labour Rescue Operation Centre in all 76 provinces, chaired by the governor and comprised of high-ranking representatives of the provincial office of the Ministry of Labour and Social Welfare and high-ranking representatives of other governmental offices concerned, as well as representatives of non-governmental organizations, if necessary; (ii) establishment of a training programme for village labour volunteers in 70 provinces (two districts for each province, and 85 villages in each district, amounting to a total of 11,900 training programmes); (iii) training of community leaders of 85 villages of both districts of 70 provinces; (iv) training on child labour for 40 school principals and two district education officers of each of 24 provinces, amounting to a total of 1,008 persons trained; (v) training of children regarding preparedness for working, involving 28,800 children (two districts of each of 24 provinces, and 30 students from 20 schools in each district covered); (vi) cooperation regarding occupational training programmes in 70 provinces, involving 30 participants in each province, amounting to a total of 1,008 participants.

The second significant project to be implemented in 1995 is referred to as "Prevention and Resolution of Child Labour Exploitation (Regional)". Cabinet granted approval in principle on 1 November 1994 to the improvement by the Department of Labour Protection and Welfare of the five-year project on the prevention and resolution of child labour exploitation (regional) under a budget of 210 million bahts. This project will be responsive to activities carried out by the Woman and Child Labour Rescue Operation Centre, focusing on child labour in rural areas. An application has been made to the Budget Bureau for the budget for the fiscal year 1995.

3.2 Anti-child labour exploitation scheme. Children who work in working premises ("destination child labour") would be entitled to working conditions and employment protection under the Labour Protection Act. In addition to the general provisions regarding hours of work and days of work, the Act also includes the following specific provisions regarding the exploitation of child labour: (1) Employment of children under the age of 13 shall be absolutely prohibited. (2) Children under 15 years of age but at least aged 13 would be permitted to work at commercial premises not involving the sale or consumption of liquor, newspaper delivery, sport-related services, collecting and selling flowers, selling tea and alcohol-free refreshments, and work involving lifting, carrying, supporting or pulling objects weighing not over 10 kilograms. (3) Children between 13 years and 18 years of age shall not be permitted to work in the five following premises: slaughterhouses, gambling places, dance floors, Thai local dance floors whether or not prostitutes are permitted to be present, places where food and liquor are served and prostitutes are present to take care of customers, brothels, and massage services with or without prostitutes offering sexual services. In order to implement the established schemes, the following activities were carried out: (1) District labour inspectors in Bangkok from 36 districts (a total of 100 officers), and provincial labour inspectors of 75 provinces (300 officers) launched an intensive labour inspection of working premises from January to September of 1994; 27,066 working premises throughout the country and a total of 1,399,176 employees (670,299 male workers and 719,971 female workers) were inspected; 230 of these employees were under 13 years of age; 1,184

were at least 13 but under 15 years of age; and 7,562 were at least 15 but under 18 years of age. In 23 cases, employers were prosecuted on the basis of allegations of child labour exploitation. (2) Letters were circulated to 904 trade unions that have a total of 240,000 members asking them to help by inspecting and reporting to officers if any kind of child labour exploitation was found in their areas. (3) A training programme was established for 2,000 professional bikers to encourage them to undertake surveillance to determine whether any form of child labour exploitation was occurring concealed in small and barely accessible areas such as commercial buildings in small roads (referred to as "soi"). (4) Letters were circulated requesting assistance from non-governmental organizations such as the Child Development Foundation (CDF). (5) A grievance centre was established that offered a 24-hour "Hot-Line Service", with numbers to be called during and outside hours of work. In 1994, there were 166 calls concerning complaints. When investigated, in seven cases the alleged working premises were not located; in 63 cases the alleged exploitation was not found; in 96 cases the alleged child exploitation was found but there was no child confinement; 830 child employees were found (two under the age of 13, 110 at least 13 but under 15 years of age; and 718 between the ages of 15 and 18; in 14 cases prosecutions were carried out; and in 36 cases written warnings were issued suggesting that employers comply with the law. Eleven child workers returned to their domicile, new jobs were arranged for eight child workers, and nine were sent to the public foster home. Forty child workers were represented by the officers for the purpose of obtaining rights and benefits withheld from them by their employers. (6) Cooperation with the Department of Employment Service to acquire additional information regarding the employment of child labour in order to be able to dispatch labour inspectors to determine whether there was any form of child labour exploitation. In October 1994 there were 892 children from 15 to 18 years of age employed by 421 employers. Of these children, 603 worked as salespersons, 39 as manufacturing staff, 18 as general staff, 44 as delivery staff, 48 as household workers, and 140 were involved in other activities. (7) An amendment of the Labour Protection Act is currently under consideration that would reduce the hours of work of child workers to six hours per day. A new regulation that would offer a reward to informants who disclose information leading to the prosecution of persons who exploit, confine, restrict or abuse child labour is also under consideration.

3.3 Development of anti-child labour exploitation schemes. The development of anti-child labour exploitation practised in the workplace ("destination labour") will be more focused on quality of life, creation of opportunities, educational options, and enhancement of working skill for child labour for the purpose of increasing quality of life, knowledge and working skill to assist them to obtain better jobs and higher incomes. The following activities and targets have been established for the fiscal year 1995: (1) Lectures on law, ethics, drugs, quality of life improvement and recreation for 1,920 child workers in working premises. (2) Establishment of a programme on the improvement of the quality of life of child labour. (3) Activities in accordance with the Support and Development of Child Labour in Working Premises Project in compliance with Cabinet Resolution dated 25 November 1994, funded by the 1995 fiscal year budget to carry out the following development of anti-child labour in working premises: (i) arrangement of compulsory education for 410 child workers in business premises; (ii) working skills training programme for 410 child workers in business premises; (iii) child labour corners in ten schools; (iv) recreation programme for 540 child workers.

3.4 Anti-Child Labour Exploitation Committee. This Committee was established by Cabinet Resolution in order to determine the approach and measures necessary for the protection and development of anti-child labour exploitation schemes. It is chaired by the Minister of Labour and Social Welfare, who is empowered to appoint four subcommittees: (1) The Subcommittee on the Elimination and Prevention of Child Labour Exploitation chaired by the Deputy Permanent Secretary, which held a meeting to consider the draft regulation of the Ministry of Labour and Social Welfare regarding the payment of rewards in child exploitation cases. (2) The Subcommittee on Cooperation regarding Anti-Child Labour Exploitation chaired by the Director-General of the Department of Labour Protection and Welfare, which held a meeting to consider and gather plans and projects regarding child labour implemented by governmental offices and non-governmental organizations in order to identify an approach to cooperation (networking). (3) The Subcommittee on Public Relations regarding Anti-Child Labour Exploitation, chaired by the Director-General of the Department of Public Relations, which held a meeting to consider the approach to preventing child labour exploitation. (4) The Subcommittee on Addressing Basic Necessities of Child Labour chaired by the Permanent Secretary of the Ministry of Labour and Social Welfare.

3.5 Cooperation with the International Labour Organization. Thailand, as represented by the Ministry of Labour and Social Welfare, has participated in the International Programme on the Elimination of Child Labour (IPEC) since 1992 and implemented a pilot project to campaign for and encourage that all relevant factions be more concerned and involved in the programme of prevention and elimination of child labour. In 1995, there are plans to carry out the following tasks: (1) Improvement of the project management system by establishing the international project management bureau regarding elimination of child labour exploitation to be located in the Office of the Permanent Secretary of the Ministry of Labour and Social Welfare, to function as a cooperative unit on data, planning, projects, budgeting, and cooperation among the governmental offices and non-governmental organizations to enable consistency and cooperation regarding information and news concerning the IPEC project. (2) Improvement of the National Steering Committee (NSC) functions in determining policies, direction of the anti-child labour exploitation movement, and consideration and approval of project operation plans applying for assistance from IPEC. (3) Improvement of a pilot project to determine the form and approach of child labour elimination and apply for financial assistance (15 million bahts) from ILO/IPEC to finance the following projects: (i) project to establish a child labour information centre; (ii) project to increase the effectiveness of child labour inspection; and (iii) project to support and develop anti-child exploitation in working premises.

In addition, a Government representative stated that the Thai Government had long been aware of the fact that children were a most precious human resource. The Government was promoting the opportunity for their higher education and was trying to abolish the abuse of child labour, and measures had also been taken to protect working children in establishments. The child labour problem had been recognized as a high policy priority. The Government, since 1992, had prepared a document to abolish the abuse of child labour. In November 1994, the Government approved a large budget for a five-year programme on preventing and eliminating problems in rural areas, and to improve the working conditions of children in establishments.

He referred to the assistance provided by the ILO and the International Programme for the Elimination of Child Labour (IPEC), starting from July 1992, composed of various action programmes, including the participation of various actors, such as government agencies, NGOs, employers, teachers and the media, to tackle the problems of child labour and of children in prostitution. The contribution of IPEC strengthened the role of the Ministry: for example the Ministry had a national information centre on child labour, conducted training for labour inspectors and operated pilot programmes in provinces. IPEC's initiative also developed alternative education such as skills training and informal education to overcome the risk that girls in the north of Thailand would fall into prostitution. Teachers had also been mobilized to play an active role in creating awareness among schoolchildren in the rural areas. For the next few years the Ministry of Education intended to develop a curriculum at the secondary school-level for girls at risk.

The Government had conducted a review of national policy and programmes on child labour in cooperation with the ILO and IPEC and had used it as one of the inputs to the technical workshop conducted last month, where Government, NGOs, employers' and workers' organizations and academics were invited to propose a plan of action. As a result, a five-year Plan of Action 1996-2000 was prepared and would be utilized by the Government as a framework to tackle the problems.

Measures had also been taken regarding labour inspection: for instance, measures to encourage the disclosure of information leading to the prosecution of those who exploited child labour, and the creation of centres to receive complaints so that immediate inspection could be undertaken to help abused children. In 1994, more labour inspection had been carried out than in previous years, especially in small-scale enterprises, and it had found that the number of employed children had been reduced significantly.

Apart from the deliberations of legislation and enforcement, the Government had made arrangements to ensure that child labour would be prevented at the community level before children entered the labour market. Most children working in Bangkok and in big cities were from rural areas. The Cabinet approved in November 1994 a programme on the prevention of violence against children and to provide children with information and knowledge on their rights, duties and work discipline. The speaker referred to the activities and programmes mentioned in the written information provided. He added that children who continued their studies at the secondary level had increased from 45 per cent to 83 per cent in 1994. The figure further increased if those who were in informal education were included. Success in this regard was due to intensive measures, such as the exemption of tuition

fees, free transportation, provision of school uniforms and stationery, free lunches, etc. - measures that were focused especially on rural areas.

The speaker concluded by emphasizing the good intentions and sincerity of the Government to tackle child labour problems, as a means of promoting social development, and assuring that further details would be provided in 1996 as requested by the Committee of Experts.

The Employers' members thanked the Government representative of Thailand for the information provided, which gave a fairly good historical review of the developments in the law and practice with respect to child labour in Thailand and, in particular, dealt with aspects of the 1994-95 programme.

This was really a case of whether the glass was half empty or half full. The present Committee had been discussing this case since 1985; this year was the seventh time that this case had been discussed; in 1991 this case was placed in a special paragraph; and in 1993 there was a direct contacts mission by the ILO that immediately followed the restoration of democracy in Thailand. The Employers' members underlined the positive facts that the Government had not denied that child labour existed and that, since 1993, the Committee had seen some improvements in the law prohibiting child labour, particularly with respect to children under the age of 13 and to limits on the kind of work that could be done between the ages of 13 and 15. There were also some indications of government plans to extend compulsory education to grade-7 in the immediate future, but that had not been done yet.

While there was legislation that prohibited child labour, the Employers' members doubted that the inspection process and the prosecution of violations were really effective. Based on the data available it seemed that inspections were somewhat superficial. The low number of prosecutions reported indicated that in most of the cases in which inspectors found violations, prosecutions were not actually carried out. It was hard to determine if the Government had the will because it had programmes and legislation, but did not take the necessary action, including prosecuting those who violated the child labour laws. The Government had good intentions, but it was not aggressive enough in solving the problem of child labour. Concrete steps were needed urgently to improve labour inspection and enforcement of the child labour prohibition.

The Workers' members recalled that the case of Thailand had been discussed frequently by the Committee in relation to the application of the Convention and in particular in 1990, 1991, 1992 and 1994. Likewise, it had been mentioned in a special paragraph in 1992 and a direct contacts mission had taken place in 1993. They also recalled that the conclusions of the present Committee at its last meeting had been very firm. The present Committee had hoped to verify in this year's session a real improvement in the extent to which there was conformity with all provisions of the Convention, and likewise to observe the application of measures and promises announced in the different declarations of the Government to eradicate child labour. The present Committee asked the Government to take all measures, with the help of the ILO if it were necessary, to eliminate child labour. The Government had explicitly expressed promises relating in particular to the education of the population concerning the problems stemming from child labour and to giving priority to the problem; and had promised to send all necessary information to permit the assessment of a real improvement.

The Workers' members stressed that they had hoped for real progress. Unfortunately, the written and oral information provided by the Government did not indicate a change in either thinking or attitude. For numerous years, the Government had acted as if speaking of the abolition of child labour would effectively abolish it. For example, in the written information, the Government had mentioned numerous statistics concerning the effective controls which had resulted in only 23 employers being prosecuted in a country which had thousands of enterprises. There was no indication of the outcome of these prosecutions; furthermore, the Government could, at any time, drop the prosecutions pending before tribunals. The Committee of Experts referred to this point in its report. The Government also reported that there were 36 written warnings issued suggesting that employers comply with the law. The Workers' members asked if the Government could provide precise information on the outcome of these prosecutions. The Government and the Prime Minister had announced for several years that the age for compulsory education would be extended, but stated this in a vague formulation which did not promise anything concrete.

The legislation prohibited child labour; none the less, the sanctions were ridiculous. Only in the case of the death of a child or grave physical or mental abuse, could the employer be sentenced to one year of imprisonment. Likewise a prison sentence could be reduced to a fine, and the Government or certain officials could remove a case from the competence of the court. In the case of a

conflict between the Labour Code and the Penal Code – as frequently occurred concerning child labour – the provisions of the Labour Code governed, whose sanctions were very trivial. The Government also referred to social assistance programmes for women and children. The number of children covered by these programmes was extremely limited, considering the magnitude of the problems. The budget allocation for the execution of the Five-year Programme for the prevention of the exploitation of children was in the order of 210 million bahts for the whole five-year period (approximately 10 million Swiss francs). Given the magnitude of the problems, this budget allocation was almost ridiculous. Observing the commitments which had been made and the practice, the Workers' members concluded that the statistics given in the report were unrealistic from the point of view of the magnitude of the problems which were acknowledged, and that the approach that had been taken to the problem was too bureaucratic and too superficial. Child labour did not appear to be a political priority for the authorities. This was the principal conclusion that was taken from the observations of the Committee of Experts. The measures that had been adopted, such as the creation of a Ministry of Labour and Social Welfare or the execution of certain assistance programmes, went in a positive direction but were totally insufficient and were not integrated into a coherent and sustained policy. Measures such as the extension of the age of compulsory education, the reinforcement of sanctions, the improvement of prosecutions, and the education of the public were not sufficient.

In agreement with the Committee of Experts, the Workers' members considered that fundamental rights must be respected by all countries, irrespective of the level of economic and political development. The Committee of Experts called attention to the fact that Thailand had attained a spectacular level of economic growth, and was an emerging industrialized country. This development was positive, but unfortunately widespread poverty, and profound inequalities between the rich and the poor had been aggravated. Equitable distribution of the wealth which came from world economic markets did not exist, in particular given that there was a lack of fiscal and social policy and of an effective education policy.

Lastly, the Workers' members thought that the Government should: (1) take into account the observations, requests and suggestions of the Committee of Experts; (2) immediately apply a coherent and sustained policy and take concrete measures, such as establishing a complete and operative judicial framework which included effective prosecutions, sanctions, inspections, and action to combat child labour; (3) develop coherent and credible programmes and take sufficient budgetary measures for the reintegration into society of children who were the victims of forced labour, of dangerous jobs, of jobs which harmed their health, and of sexual exploitation, all in collaboration with the ILO; (4) proceed with the extension of compulsory education; (5) conduct education campaigns for the public to combat child labour and fraudulent recruitment; and (6) guarantee the application of a coherent social policy with the aim of promoting the distribution of the fruits of economic progress throughout the population.

The Workers' members requested that the conclusions of the Committee include a special paragraph, given the gravity of the problems and the overly formal and bureaucratic approach, with the objective of signalling that the time for reflection and half measures had ended.

The Workers' member of Italy agreed with the statements of the Workers' members. He indicated that, although Thailand had been a democratic Government since 1992, had taken action at the legislative level and had cooperated with the ILO (in the framework of the Committee of Experts, by accepting a direct contacts mission and by participating in IPEC), the persistence of child labour and sexual exploitation, and of forced labour in general, offered a gloomy picture. The penalties provided for in legislation against such violations were lenient and were also open to negotiation between the guilty parties and the authorities, with the imaginable consequence of corruption. A political determination to confront the problems in question did not exist. A grave situation existed in which thousands of children were forced into prostitution, where the spread of AIDS increased and children were increasingly being born infected by the virus transmitted by their mothers. This past year the Committee learned that several million children under the age of 12 were working in enterprises in the country. Eradicating this tragedy required intensive work at the national level since these practices were rooted in society and authority, in particular following a period in which democracy did not exist. At the international level everything possible must be done to produce a positive change in the sense indicated by the Committee of Experts concerning concrete action, measures and strategies. The International Programme for the Elimination of Child Labour should be strengthened. The Government should collaborate with the ILO to improve the legislation, with the Committee on Human Rights, and with the United Nations Committee

on the Rights of the Child. Governments and interested social groups should be invited to adopt a code of conduct which would apply to tourist agencies and which would prohibit those services that promote the sexual exploitation of children. Regional organizations such as the European Union and the international organizations for economic planning which exist in Asia, and in the Pacific in general, should elaborate programmes in the framework of their activities and economic relations, to eliminate forced labour and the exploitation of children in the world.

The Workers' member of Korea drew the attention of the Committee to the fraudulent recruiting, kidnapping and trafficking of girls in the north-eastern border region of Thailand and from neighbouring countries, for sexual slavery. Sexual slavery of young girls was clearly the most serious and intolerable criminal act which should be prevented and, if done, be punished most severely. A meagre fine or a maximum one year prison sentence was not sufficient.

The Workers' member of Japan noted that, unfortunately, child labour and abuse still persisted not only in Thailand, but also in many other countries. But this case was particularly serious because the systematic organization of child labour had been left largely unabated. The Government representative provided detailed information on measures taken, but actual progress had been slow and the achievement so far was not substantial enough. The present Committee should request the Government of Thailand to take more stringent measures against those who had broken the law, and emphasize the need to strengthen the law and legislation so that those people who were engaged in organizing child labour could be brought to justice more effectively. Furthermore, the Government must embark upon a comprehensive programme with the cooperation of the ILO and other UN agencies operating in the field of child protection. The Government should also invite other countries, particularly those countries which have invested heavily in Thailand, or who are extending assistance to Thailand, to take part in such a programme. The speaker stressed that the elimination of child labour must be the prime responsibility of the country concerned but at the same time the international community as a whole must shoulder greater responsibility.

The Government representative of Germany recalled that in 1991 a special paragraph had been devoted to this case in the general part of the report. Since then, there had been at least a change in the awareness of the people responsible for the state of affairs, but that was not enough. The problem in this case was not so much a matter of the legislation as of enforcement of existing legislation and of prosecution and appropriate sanctions. However, the ILO-IPEC evaluation carried out in Thailand identified a number of non-governmental projects which gave a glimmer of hope. The conclusions of the present Committee should encourage the Government of Thailand to take additional measures concerning effective law enforcement and cooperation with IPEC. Likewise, the Committee should continue to support IPEC projects. Regarding the sexual exploitation of children, it was difficult to point a finger only in one direction. Prostitution was a market, with supply and demand. In this situation the supply came from Thailand but the demand usually did not come from Thailand.

The Government member of Finland, speaking also on behalf of the Governments of Denmark, Iceland, Norway and Sweden, observed that Thailand was one of those East Asian countries whose gross national product had increased significantly during the past few years. The state of human rights in that country should be improved accordingly. She hoped that the Government would, with the assistance of the ILO, UNESCO and UNICEF, take all the necessary steps in order to abolish all forms of forced child labour and to give exploited children the possibility to go to school and thus have a future and human dignity.

The Workers' member of Greece indicated that this was a very grave case, and was not limited to legislative aspects. The diplomatic language of the Committee of Experts left out the picture of the situation that had not improved over the past year and which was shameful for humanity. This phenomenon also occurred in other countries. It was intolerable that in Thailand an employer who was guilty of child labour or sexual exploitation would incur a penalty of only one year of imprisonment, which could be reduced to a simple fine. He stressed that sexual exploiters, in place of being judged for violations of the Convention on forced labour, should be judged for premeditated murder. Although there was no doubt that the Government had good intentions and had acted in good faith, it should be underlined that the Government's statistics on convictions did not match its professed intentions. In this regard, he asked the Government representative to clearly state the number of convictions and types of penalties that had been faced by the exploiters of children and their clients. Had any of these people been detained and sentenced? Had anyone been condemned for these sex tours and had a finger been pointed at the agencies which organized them? The speaker indicated that he

didn't have much hope that the situation would improve. Public opinion must be mobilized through communication measures and publicity so that all the world would know what was going on in Thailand and other countries, and would stop, with a unified voice, this market which shames humanity.

The Workers' member of Zimbabwe observed that most of the countries in which this type of problem was prevalent were very poor, but Thailand had made very significant developments in terms of its economic growth. The report of the Committee of Experts, based on evidence from mission reports, indicated that there was a clear reluctance on the part of the Government of Thailand to enforce the laws to eradicate child labour, and it was reluctant to use its newly acquired resources to eradicate this very serious problem. Inequalities in the distribution of the fruits of economic growth were the reason why the Workers' members had called for a social clause to be linked to trade. The speaker called on the Government to take note of the points that had been raised by the Committee of Experts to enforce the laws which called for the eradication of child labour.

The Government representative replied that, first, as concerned compulsory education, a system was currently being implemented but it could not be done in a short time. Second, as was mentioned earlier, the percentage of children in school was almost 90 per cent. Third, the abuse of child labour was decreasing. Violations of child labour laws constituted a serious penal offence and information had been provided about 33 cases. The speaker thanked the Committee members for their comments which the Government would consider very seriously, and stated that the Government would report back to the Committee of Experts in 1996.

The Workers' members, after evaluating the discussion which had taken place, indicated that, despite the initiatives adopted, this case should be included in a special paragraph with the objective of calling attention to the importance of the case and the realities which existed, since an approach which was too formal and bureaucratic would be insufficient. A special paragraph would draw attention more effectively; time for reflection and for taking moderate measures had ended. If the Employers' members took another point of view on the special paragraph, then the Committee should clearly adopt firmer conclusions than last year.

The Employers' members declared that they evaluated the case in a manner not very different to the Workers. What was needed was to determine which was the better approach to improve the situation. Given the proportion of the problems created, the conclusions of the Committee should be very vigorous and should ask the Government to eliminate child labour, in particular making labour inspections more effective, as well as increasing the prosecution and sentencing of those who exploited child labour. The Committee should ask the Government to decisively resolve the aforementioned problems. If the Government did not do this, in the following year this case should be put in a different part of the present Committee's report.

The Committee noted the detailed information furnished by the Government in writing, as well as the supplementary oral presentation made by the Government representative. The report of the Government seemed to indicate the good intentions of the Government, as well as certain steps taken in the right direction. While certain changes in the laws had been implemented by the Government, the Committee regretted and was deeply concerned that law enforcement was inadequate, levels of prosecution of offenders were negligible, and penalties rather non-deterrent. In these circumstances, the Committee strongly urged the Government to assign absolute priority to the elimination of child labour. For this purpose, the Government should bring under implementation a coherent, consistent and sustained policy, and follow up the same by immediate measures within an efficient and operational framework supported by meaningful and convincing levels of budgetary allocation. In particular, the Government should establish very strong measures for effective enforcement, severe penalties and exemplary prosecutions that would really serve the objective of eradication of child labour. The Committee further called upon the Government to furnish full information on the measures taken to this effect, as well as on the follow-up of the various plans and schemes referred to in the Government's report so as to enable the Committee to note real progress in the very near future. The Committee also observed that it reserved the right to opt for a special paragraph on the matter after reviewing the performance of the Government next time.

Convention No. 35: Old-Age Insurance (Industry, etc.), 1933

Chile (ratification: 1935). A Government representative recalled that the Committee of Experts had been making observations on Conventions Nos. 35, 36, 37 and 38, which were all adopted in 1933 and ratified by Chile in 1935. He dealt with each point of the observation.

Employers' contribution to the financial resources of the insurance scheme. The pension scheme introduced in 1980 was based on individual capitalization constituted by a compulsory contribution that the employer deducted each month from the worker's wages and a voluntary savings contribution by the worker. Legislative Decree No. 3501 provides in addition that the employers must increase the remuneration of the workers in proportion to the amount of the pension contribution. The net amount available to the worker was thus maintained and the change of legislation did not entail financial consequences. The employers' contribution to the resources of funds was constituted by the payment agreed upon individually or collectively, of the amount into the individual account so as to increase the necessary capital to finance early retirement pension or to increase the amount of the pension. This was an obligatory contribution under the law.

The pension fund was increased in 1994 by 2,600 million pesos (US\$6,500,000); in 1993, by 2,500 million pesos (US\$6 million), and in 1992 by 1,700 million pesos. This meant that over three years, from 1992 and 1994, employers contributed more than US\$15 million. In addition to this, under section 15 of Law No. 16744 on social security against the risk of occupational accident or disease, a basic general contribution was to be paid by the employer, that is, 0.90 per cent, and an additional, variable employer contribution according to the activity and the risk of the firm, which is 3.4 per cent of the worker's remuneration. These obligatory and exclusive contributions of the employer were of a permanent nature.

Contribution of the public authorities to the financial resources of benefits of the insurance scheme. He emphasized that the State did actively participate in the new system. (a) The Chilean Constitution in article 19, section 18, laid down the right to social security as a constitutional guarantee. The administration of a branch of social security, i.e. pensions, was delegated by the State to private bodies called "Pension-Fund Administrations (AFPs)". The State kept a watchful eye through the Administrative Pension Fund Supervisory Board, which was a central state body. This supervision has a monitoring and standard-setting role: standard-setting because it gave instructions with respect to obligatory processes for all the institutions supervised, and monitoring with respect to verifying compliance with the legal obligations imposed on AFPs. (b) Legislative Decree No. 3500 of 1980 laid down the State's participation in the constitution of resources by means of the state guarantee. It guaranteed minimum old age, disability and survivors' pensions to the beneficiaries and over and above this, and financed a voucher system (*bono de reconocimiento*) for former payments made under the old pension fund system. The state guarantee, which took the form of so-called programmed retirement and temporary pensions, worked once the resources of the individual accounts were in fact depleted, and also in the case of the so-called "life pension", when its level was lower than the minimum state pension. This state pension was uniform for all workers, regardless of the pension scheme that they were covered by, and its amount was in fact adjusted regularly by the law. The law also established the state guarantee for the additional contribution (that is, for the contribution, for example, to disability pensions, survivors' pensions and life pensions). The amount of the state guarantee was the equivalent of 100 per cent of the shortfall to complete the payment of the benefits, with certain exceptions. For 1994, the State made a contribution equivalent to US\$7,334,891 in state guarantees. The State further guaranteed cases of cessation of payment or declaration of bankruptcy of an AFP, or an insurance company being unable to fulfil its obligations as to the pensions. (c) The financial participation of the State in the issue of and payment of vouchers (*bonos de reconocimiento*) meant a commitment of future payments by the State of approximately US\$15,232 million by the year 2037. From all the above explanations, it emerged that the financial participation of the State was not occasional or exceptional but direct, real, concrete, specific and calculable.

Administration of the insurance scheme. The AFPs could be created on the initiative of the workers or their organizations and the statutes could provide that any profits obtained must be used for the payment of other social benefits to the worker/shareholders themselves and to their families. The individual capitalization system established in 1980 entrusted the administration of the system to AFPs – limited companies which had the right to remuneration in the form of commissions paid by the members in respect of the effective administration of the pension funds. The profit-making nature of the private administration of the pension systems has encouraged competition among the AFPs in offering better services to members, greater return on the investment of the pension funds that they administer, and lower costs for the membership in the form of lower commissions in order to attract contributions. The Government has made considerable progress towards greater transparency with regard to the information which

must be provided to members concerning the return obtained by each pension fund and the commissions which each AFP charged so that the members were properly informed when they opted for the body which was to administer their pension savings. Competition between the various AFPs, far from harming the members, has encouraged efficiency in the system. Furthermore, trade unions were also legally entitled to establish AFPs under section 220 of the Labour Code. In fact, there were AFPs established by trade unions and workers' organizations in the banking sector and among teachers. The sectoral organizations of employers have also set up some AFPs in such sectors as commerce, construction, agriculture and bakery.

Participation of insured persons in the administration of insurance institutions. The pension system allowed the participation of members of the pension institution by the creation of AFPs on the initiative of the workers or their organizations and they could also establish in their statutes that the profits must be used to improve the benefits established by law. There was no mandatory machinery for members of AFPs to intervene in the administration and management directly of the pension fund that was administered, but such participation was not prohibited either. Legislative Decree No. 3500 did not envisage traditional machinery for the direct participation of members in pension fund administration and management, but established a different form which was the right of each worker to join the AFP of his or her own choice. While a minimum amount of social capital was initially required amounting to 20,000 development units, this quantity was reduced to 5,000.

The traditional pay-as-you-go system was totally underfunded and technically bankrupt and had serious administrative problems. It was for this reason, and with the sole objective of saving the pension funds of workers and enabling the workers to obtain decent pensions, that the Government created a pension system under private administration, with strong state supervision and contribution by means of the state guarantee of the minimum pension.

Finally, the speaker stressed that the Government did not wish to appear not to be complying with its obligations under the Conventions, especially in a period when it had ratified seven Conventions and was considering the early ratification of others. He wished to inform the Committee that the Government would initiate a process of consultations in the tripartite committee established in accordance with Convention No. 144 in order to adopt, with regard to Conventions Nos. 35, 36, 37 and 38, the necessary decisions to resolve the problems raised by the supervisory organs.

The Workers' members recalled the history of the case including a representation made under article 24 of the Constitution. They noted that there had been enormous sophistication in pension schemes since 1933. They noted on the first point, the statement of the Government representative, that employers did contribute, and wondered whether there was a confusion of terminology arising from a 1933 Convention as regards the contribution of employers by law. Secondly, regarding the contribution of public authorities, in many countries governments made provision in accordance with Article 9, paragraph 4, of the Convention in a form of guarantee. On the third point, concerning the administration by profit-making limited liability companies, if the profits were directed towards the people in the scheme in a different form, it could be argued whether or not these were non-profit-making organizations. As to the limited liability of companies, the important thing was that the Government was actually guaranteeing the pension provision.

They thought that if the Government were to denounce some Conventions then, it should be accompanied by the ratification of more modern Conventions. But if they were to continue with Convention No. 35, technical assistance of the ILO could help.

The Employers' members emphasized that, although they were technical in nature, the problems raised by the Committee of Experts were nevertheless elements of non-conformity with the provisions of the Convention. The initial compensation of wages did not amount to a permanent contribution of the employers to the formation of financial resources of the insurance scheme within the meaning of Article 9, paragraph 1, of the Convention. The financing of a state guarantee could not be included as financial participation of public authorities under Article 9, paragraph 4; under Chilean law, the administration of insurance could be dealt with by profit-making bodies, but this was in violation of Article 10, paragraph 1, of the Convention; and finally, even if the participation of representatives of insured persons provided for under Article 10, paragraph 4, was possible, it was not compulsory. At a time when it was determined that a certain number of governments were introducing similar systems, particularly in Latin America, it was appropriate to wonder whether each of the technical conditions must be respected in order to ensure conditions that were "at least equivalent" as provided for under Article 1 of

the Convention. They expressed their view that the Convention needed a revision in view of the evolution during the last 60 years in the shared responsibilities between the State and the market mechanism.

The Government representative thought that the denunciation of the Convention and the ratification of some other Conventions was only one of the possibilities. He indicated however that the matter would be examined by a tripartite committee in accordance with Convention No. 144. He agreed with the Employers' members in saying that the ILO should consider adopting new standards taking into account the present situation. He emphasized that the US\$25,000 million of the fund that they were administering was under strict supervision as to investment and could not be expropriated.

The Workers' member of Argentina noted that similar systems existed in certain other countries and thought that the investment in foreign countries in fact provided certain guarantees.

The Employers' member of Chile emphasized that a system such as the Chilean one, which had achieved in so few years of existence an accumulated fund of US\$25,000 million, was one that not only demonstrated its success but also showed that it had many more possibilities to overcome whatever crisis arose.

Moreover, the successful experience of the Chilean social security system, the purpose of which had been achieved equally in other countries, to adapt their systems to the realities of the modern world, presented an excellent opportunity for the ILO to conform to the challenge established by the Director-General in his Report for 1994 to adapt the ILO to the new times and to the modern world. The possibility should be analysed to restudy the Convention on social security to make it respond better to the challenges of the world today in such a manner without losing its spirit.

The Workers' member of Guatemala expressed the deep concern of all workers in the region about this system since the Chilean model of social security system was spreading to other countries. This model, which should be regarded in the context of new liberal policies of structural adjustment and of the reduction of the State's functions, was threatening the fundamental principle of solidarity, which should be the basis of any social security system.

Another Government representative assured that the Government would provide the necessary legislation and information concerning the system to make further examination possible.

The Workers' members thought that the Government should be urged to conduct tripartite discussions on the matter and to make a report on it.

The Committee took note of the statement of the Government representative. The Committee also took note of the observations of the Committee of Experts that the new pension system, brought into force by the Government in 1980 was inconsistent with Convention No. 35 in that it did not legally mandate employers' contributions; that the State's financial participation did not strictly correspond to the contribution to the financial resources of the funds as envisaged; that the law did not preclude administration of the funds by non-profit-making institutions and that a compulsory mechanism for participation and management in the funds by the insured persons had not been legally established. While the Committee felt that the clarifications furnished by the Government representative were seemingly indicative of substantial compliance with the Convention, none the less, the technical comments made by the Committee of Experts could not be ignored. In this context, the Committee also felt that Convention No. 35 itself needed to be revised. In the circumstances of the case, the Committee advised the Government to further examine the recommendations of the Committee of Experts for the purpose of working out modalities of bringing their new pension system within the technical framework of the Convention. The Committee also advised the Government to hold tripartite consultations in this context and report the results thereof.

Convention No. 53: Officers' Competency Certificates, 1936

Argentina (ratification: 1955). The Government supplied the following information:

The Government addressed the questions raised in the communications made by the Union of United Maritime Workers (SOMU), dated 29 March 1993 and 2 December 1994, with the most complete and exhaustive information available. The letter dated 5 January 1995 referred to by the Committee had not been received at the time of the preparation of this report, despite the requests made to the ILO Buenos Aires Office, and as a result it was not possible to refer to it in the submission. In order to deal with the matters raised in the communications of the SOMU, the Government made the appropriate inquiries in the many areas involved in maritime transport. At the same time, the Government considered it appropriate to concentrate in the reply re-

quested on those points expressly emphasized by the Committee, while noting the difficulty involved in giving a precise response in view of the diffuse and general nature of the submissions of the SOMU. The Government concluded that the trade union organization did not provide the specifications necessary for the points raised by the SOMU to be considered possible contraventions in practice of the Convention. Those points were the following:

(1) *"The new regulations on the training of ships' personnel in the merchant marine (REFOCAPEMM), allows foreign seafarers with less training than their Argentine counterparts to work on ships registered in Argentina."* If this assertion were accurate, it would imply that there was an incompatibility between internal regulations and the Convention. This was not the case, as from a simple reading of sections 1.06 to 1.10 of the Regulation on the training of ships' personnel in the merchant marine (REFOCAPEMM), it is apparent that national and foreign officers must submit accreditation, which must be confirmed with respect to foreigners, and additional qualifications (fire course in order to have access to tanker-ships, among others) and a physical fitness examination. Within the national context, the procedure for the supervision of the competency of officers is carried out under the supervision of the Argentina Army which grants and/or confirms qualifications, and the Argentina Naval Prefecture which grants accreditation to crew members (in this case, the officers). This is supported by section 2 of Act 17.371 which clearly establishes that all engagement of crews of ships flying the flag of Argentina is subject to the sole requirement of technical-occupational accreditation of the crew by the competent authority and their registration in the register kept by the harbour captains in national ports. None of the provisions cited contravene international labour standards and, in the absence of more specific details, the allegations made by the SOMU were incorrect.

(2) *"Granting of embarkation documents to minors."* In the absence of any indication of specific violations detected by the trade union, this irregularity asserted in the submissions of the SOMU was rejected by the competent authority. There does exist a category of apprentices who, from the age of 16, join the "Escuela de Formación y Capacitación para el Personal de Marinería" (Training and Competency School for Marine Crew) under the Argentina Naval Prefecture and undergo practical training, but as of recently seafarers have only been able to obtain qualifications once they have reached 18 years of age (section 2.02, item 1 of REFOCAPEMM). In the event that any irregularity of this kind is found, the Government, pursuant to its power to supervise the administrative authority, immediately proceeds to put ashore the crew concerned while applying the appropriate penalties.

(3) *"Granting of embarkation documents to foreigners with very dubious qualifications."* As stated above, REFOCAPEMM does not contain provisions that allow foreign seafarers with less training than their Argentine counterparts to work on ships registered in Argentina. Considering that the SOMU is making an allegation of a general nature, it is pointed out that the scope of the application of the standard covers "officers" as defined in Article 2 of the Convention.

It is necessary that the crew of a ship conform to security manning requirements, which guarantee that Argentine crew or those with the required knowledge of the national language are the only persons involved in steering the ship. Specific regulations to this effect have been issued. The operational manning requirements (necessary particularly with regard to fishermen) involves certification and the requirements specified under the regulations in effect; inspections have occurred (detection of crew who are not on the list or improperly embarked) which have resulted in the putting ashore of such persons, the deaccreditation of the captain, the immobilization of the ship and very serious monetary penalties for the shipowner. With regard to the specific reference to the ship "Revolución Productiva", the understandable concern of the trade union that the supply of work for its members be maintained should not be confused with non-compliance with the Convention. In this case, the standards with regard to safety manning were respected. With reference to "embarkation documents for enterprises", the Government is not aware of what the SOMU is referring to in alluding to such a "supposed" class of embarkation documents, since the National Prefecture is the only authority to issue embarkation documents and to determine that the crew on board are exactly the same as authorized by the embarkation documents.

In compliance with the request in the comments of the Committee and in order to provide additional information to support this submission, the Government considers it useful to send an account, divided by headings, of the inspections carried out by the administrative authority during the last year which points out the existing concern for compliance with the Convention in practice.

In addition to this, meetings have commenced within the relevant areas to evaluate periodically the level of efficiency of supervision, and the Argentine Naval Prefecture has been available to the trade union that made the submissions in meetings held previously to receive any properly detailed accusation that that organization considers it necessary to communicate.

In addition, a Government representative stated that the observations provided by the Union of Maritime Workers (SOMU), which were the source of the comments of the Committee of Experts, were very ambiguous and vague. For this reason, it was very difficult for the Government to provide a precise explanation to the allegations which were taken up by the Committee of Experts with regard to compliance with Convention No. 53.

She referred to the great effort made to bring together the necessary information in order to provide adequate replies, which appeared in the written information. She then referred to the regulations on the training of ship's personnel in the merchant marine (REFOCAPEMM) (Decree No. 572/94), governing internal procedures, which include the conditions required in Articles 3 and 4 of the Convention. Chapter 2 of the REFOCAPEMM, entitled "qualifications", provided in detail which seafarers on board ship were covered by the Convention. Foreign officers serving on board ships were required to have accredited certificates of competency as well as qualifications confirming additional training and physical fitness examinations. As to the competent authorities, they met the standards with supplementary regulatory provisions, such as that of the Argentina Naval Prefecture No. 7 of 17 June 1993 which was submitted to the ILO together with the written reply which was available to this Committee and the Committee of Experts. Pursuant to this provision, accreditation of officers was granted only to those who were able to verbally communicate in Spanish and who were familiar with the applicable standards concerning safety in navigation and pollution prevention. Therefore, no one who was unable to speak Spanish or lacked the proper qualification could serve as an officer on board ship under the terms of the Convention.

Second, she noted that the application of the standards was ensured by frequent inspections carried out by the Argentina Naval Prefecture, either on a selective basis or through special inspections when there was a risk of danger or failure to apply the relevant regulations. In this regard, she noted that last year there were more than 18,000 inspections. Since an inspection system could always be improved, the meetings concerning inspections, which were periodically held, served the purpose of evaluating the cases of non-compliance, especially those which could be described in a precise and detailed manner and were referred to by the SOMU.

She further stated that the Government reassured this Committee that the trade union (which comprised all maritime workers except officers) that had submitted complaints to the ILO was entitled to present any detailed information or complaint which it believed pertinent, not only to the competent authorities but also to the tripartite body established following the ratification in 1987 of Convention No. 144. At no time had this tripartite Committee received any complaints from the trade union nor any request for a hearing.

She noted that the competent authorities in her country were willing to address any complaint brought by the trade union. This approach would be much more effective than bringing forth a vague complaint concerning non-compliance with the Convention. In this way the ILO would be able to dedicate more time to addressing topics of utmost importance to fundamental rights.

The Workers' members emphasized that this case was put on the list of cases to be dealt with by the Committee because of the footnote requesting information for the Conference. The written and oral information must be further examined by the Committee of Experts which had noted that the Government had not replied on several occasions to communications from the SOMU. It was clear that if this information had been provided earlier it might have avoided the footnote. However, in its written information, the Government totally rejected the foundation of the observations of the seafarers' union. Moreover, this information gave the impression that the Government was trying to discredit and even to ridicule the allegations made by the SOMU. The Workers' members could not accept this way of behaving. Moreover, the information provided was too general and seemed to indicate that there was no problem and that the number of inspections was sufficient. This remained difficult to believe, especially when the communications had gone unanswered for such a long time.

The Workers' members insisted that the Committee requests the Government to provide complete information on the three points indicated: the qualification of foreign seafarers, the conditions for granting embarkation documents to minors and foreign seafarers, and the question of the constitutionality of Decree No. 817/92 and of the REFOCAPEMM.

The Employers' members observed that the Committee had not dealt with this question before and according to their documentation there were no observations from the Committee of Experts on this problem. It was really a question of complaints and accusations put forward by the trade union in the last two or three years and the Government was called upon to answer them. The complaint was that Argentina was allowing ships to be crewed by people who were not adequately qualified and whose training was not in accordance with the Convention. For example, seafarers were hired who did not speak Spanish, thus increasing the possibility of accidents, while the purpose of this Convention was to try to reduce accidents. In general, it was also indicated that as far as the fishing fleet was concerned, there were many complaints that Chilean citizens were being hired who did not have adequate qualifications and the example cited, however, was a ship with a crew made up almost entirely of Russian nationals. The Government replied that all the regulations conformed with the standards.

They thought the only thing to do was to ask the Government to provide written information on all these points and then the Experts would have their first opportunity to decide on this kind of case and, if they felt appropriate, make known their observations. At a later date they would decide whether they wanted or needed to deal with this case again. They observed that it was not possible to consider the substantive matters at this time.

The Workers' member of Argentina stated that the Government's reply to the comments of the Committee of Experts was inadequate as it only partially dealt with the points raised in the communications from the SOMU. Moreover, it should be underscored that the Government had failed on three occasions to reply to these communications.

In order to better understand the question, he emphasized that it was about basic facts, meaning the Government's decision to allow Argentine shipowners to fly foreign flags, while retaining Argentine registration, and the promulgation of Decrees Nos. 817 and 1264, both of 1992. According to these Decrees, 62 collective agreements were suspended. They contained clauses on training of seafarers and the supervisory mechanisms guaranteeing the embarkation of seafarers in conformity with the required qualifications.

Moreover, article 36 of Decree No. 817/92, which established that collective bargaining in the maritime sector was subordinated to certain conditions linked to the necessities of economic transformation, was held unconstitutional by the Supreme Court. This was relevant because it was the absence of rules which facilitated hiring foreign workers who were non-residents in Argentina and whose qualifications were very inferior to those of the majority of Argentine seafarers, which explained why these workers were inclined to accept very poor working conditions and very low salaries. Thus, while in theory capacity certificates were required, in practice there was considerable flexibility in this regard.

Concerning the embarkation of workers who were minors, the speaker stated that they were hired as "apprentices", but that once on board they were given professional tasks and worked for 12 or more hours per day. Moreover, they were often employed to replace crew normally required to complete these tasks, especially in the fishing industry. It was deregulation which was at the origin of these violations, some of which had been acknowledged by the Government in its written reply.

Finally, he emphasized that, at present, Argentine unions had only been able to discuss informally with the Government and that no conclusive solutions had been found. He pleaded with the Committee to request that labour relations in this sector be regulated.

A representative of the International Transport Workers' Federation stated that, under the pretext of flexibility, the Argentine maritime sector was today in an anarchic situation in which seafarers' contracts were precarious. According to the speaker, this precariousness was due to the entry into force of Decrees Nos. 1772/91, 817/92 and 1493/92, among others. He then reviewed articles 1.06 to 1.09 of the REFOCAPEMM in order to underline that these standards, not only allowed the employment of people not meeting the required qualifications, but moreover discriminated against Argentine seamen, compared to foreign seamen. This was due to the very broad character of these texts which failed to provide guarantees of effective application. He then wished to emphasize that the SOMU had reported individual infractions to the competent authorities, especially concerning the granting of embarkation documents to minors, who often carried out difficult tasks ill suited to their age, and to foreigners who did not speak either English or Spanish, and to persons with dubious qualifications which could not be properly evaluated based on certificates issued abroad. Moreover, he drew attention to the title of article 1.08 of the REFOCAPEMM dealing with "employment without requirement of qualification". In addition, crew requirements were quite simply defined by the shipowner, according to the repeal of article 142 of the law on navigation No. 20094 by

Decree No. 817/92, which provided that requirements should be jointly set by the shipowner and the unions.

As for the granting of embarkation documents by companies, it was indicated that this practice was widespread in the fishing industry, especially for foreign seamen. This reality could not be denied, all the more so as, as an understaffed crew, as was most often the case, meant that the on-board seafarers must perform additional work. In this regard, he referred to the case of the vessel "Revolución productiva" mentioned in the Committee of Experts' report.

The Government representative stated that she had noted all the comments of the Committee which she would communicate in due course to the Government. She regretted that the Government's response was interpreted to be a mockery of the observations from the trade union representatives. She also emphasized that her Government had complied with the request for information by the Committee of Experts, which was to evaluate these replies.

The Employers' members observed that a vast quantity of information was provided on which the Committee could not take a decision. As this information had not been reviewed by the Experts, the Employers' members reiterated that the Committee of Experts must await the Government's report to assess the situation.

The Workers' members stated that the conclusions could be general but it was necessary to insist that the Government continue to provide all information requested.

The Committee noted the statement of the Government representative and felt that it was in rather general terms. This did not help in the examination of the complaints on merits. The Committee further noted that there had been no written statement from the Government on the matter, and this was the reason for the comments of the Committee of Experts. The Committee urged in the circumstances that the Government should furnish a full report to the Committee of Experts covering exhaustively all the issues, specifically as concerned conformity with the prescribed qualifications of the seafarers concerned and circumstances of the granting of embarkation documents to them, as well as the constitutional aspects of Decree No. 572/94.

Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Cameroon (ratification: 1970). The Government supplied the following information:

As there have been no new legislative or regulatory provisions adopted during the relevant period, the Government maintained its previous statements and asked that the Committee refer to its previous reports.

In addition, a Government representative noted that the Committee of Experts recognized in its observation that the legislation of Cameroon included provisions giving effect to Convention No. 78, namely, Order No. 17 of 27 May 1969 concerning child labour, which requires medical examination of the fitness for work of children and young persons who are employees or apprentices. But the Committee of Experts asked for the extension of this requirement to children and young persons exercising an independent activity.

Although recognizing the good reason for this request, the Government already explained, in its earlier replies to the Committee of Experts, the difficulties of extending such examination to the informal sector. The activities of the informal sector, by definition, tend to escape any form of control. Paragraph 14 of Recommendation No. 79 referred to by the Committee of Experts provides that children should obtain a licence issued by a service under the labour department: this is an obligation to which the concerned persons would not be ready to adhere. Apart from some raids on street vendors, which would be neither desirable nor effective, it was difficult to expect the success of labour inspection in a sector where the tax office failed.

The Government was aware of the necessity of this examination and applied it to the employees and apprentices in the modern sector. It was also concerned about working children in the informal sector and was making efforts to reintegrate them into the education system or to provide them with training. In addition, the Government was at present discussing with the ILO a project under the International Programme for the Elimination of Child Labour (IPEC).

The Workers' members explained the reasons why they proposed to discuss this case: first of all, the protection of the health of children should not be considered as a technical question but as a major preoccupation; further, the lack of protection of health at work was often a sign of the lack of interest of the Government in social policy.

The explanations in the form of excuses presented by the Government were understandable in a sense but not fully accept-

able, because the protection of safety and health should be ensured in all sectors including the informal sector. It was regulated by its own mechanisms which could be used to guarantee the health of children who worked within it.

They thought it appropriate to request, as did the Committee of Experts, that concrete and immediate measures be taken. As to the practical difficulties emphasized by the Government representative, they would justify the suggestion of a call for the technical assistance of the ILO.

The Employers' members largely shared the viewpoint of the Workers' members. They pointed out that the Committee of Experts was obliged to repeat its previous observation because no report had been received. The Government stated that it was willing to solve this problem without knowing how. This would therefore make a typical case in which the ILO should be called to bring its technical assistance, which should be advised to the Government in the conclusions.

The Workers' member of Cameroon supported the proposal of the Workers' members. In addition, the Committee should emphasize that the informal sector should be regulated in Cameroon.

The Workers' member of Senegal pointed out that, in discussing the question of child labour in the informal sector, the Committee was treating an important question for the whole of Africa. Accelerated by the crisis, the informal sector was growing and tended almost to overwhelm the modern sector. This situation presented a challenge for the ILO which should pick up this problem so as to find the means to ensure the social protection of children and also of adults who worked in this sector.

The Committee noted that the report of the Government had not been received in advance but written information was supplied at the Conference. The Committee also noted the oral statement made by the Government representative and the discussion which took place. Taking into account the difficulties explained by the Government, in the matter of organizing medical examinations of children and young persons in the informal sector, the Committee urged that the Government should establish practical measures to organize such medical examinations availing of technical assistance of the ILO. The Committee further called upon the Government to furnish its full report on the specific measures designed and brought into implementation to comply with Convention No. 78.

Convention No. 87: Freedom of Association and Protection of the Right to Organize, 1948

Bangladesh (ratification: 1972). A Government representative stated that the Government of Bangladesh had replied to all the issues raised by the Committee of Experts last year and understood that the Committee of Experts had examined these replies as well as some further queries which appeared in this year's report. The Government had received a direct request and would attempt to reply by the required date. As to the observation made by the Committee of Experts, he noted that Bangladesh had a law allowing workers and employers to form trade unions without requesting prior authorization. Union membership was open to persons working in factories, businesses, industries, shops and public sector corporations. Public servants of the Department of Telephone and Telegraphs and the Department of Railways were also covered by this law. Public servants of other government offices were not covered by this Industrial Relations Ordinance.

The Committee of Experts had raised six objections, the first of which concerned persons performing managerial and administrative functions: they could not join workers' trade unions. These white-collar employees, comprising approximately 2 per cent of the workforce, could form associations for the advancement of their rights or interests. Due to their small numbers, they did not form associations in each establishment, but rather at the national level or along professional lines, such as the Institute of Chartered Accountants or the Institute of Engineers. In this way, the guarantees provided under Article 2 of Convention No. 87 were exercised by persons in this professional category. He noted that the Committee of Experts had requested the Government to provide the legislation which allowed these groups of managerial staff to form their associations. The speaker confirmed that his Government would provide this information with its report in due time.

He then commented on the Committee of Experts' observations on freedom of association for public servants, who were excluded from the scope of the industrial relations law allowing workers and employers to form trade unions. There were, however, associations of different levels of cadres through which they promoted their own causes. The Bangladesh Civil Service Administration Association had the largest number of members, while another association existed for the non-cadres. Some staff, such as accountants and stenographers also had their own associations. These committees held meetings, discussed problems faced by

members and formulated a charter of demands for submission to the Government for negotiation.

Recently, the speaker noted, the Government had been in contact with associations of public employees, both towards meeting demands and implementing government decisions regarding salaries and other benefits recommended in 1991. He then referred to the observation of the Committee of Experts concerning restrictions on eligibility for holding office in a trade union. Except for workers dismissed for misconduct or convicted of embezzlement of union funds, moral turpitude, or unfair labour practices, each worker was eligible to join a trade union of his choice and to hold elected office in the union, regardless of age, sex, caste, etc. The speaker noted that a worker dismissed for misconduct might seek revenge against the management. He considered that the admission of such dismissed workers, either as union members or officers, might hinder normal union activities as well as industrial peace and productivity. This might also defeat the very purpose of the union and of collective bargaining. In practice, in Bangladesh, dismissed workers were not elected to office in trade unions. The speaker considered that section 7-A(1)(b) of the Industrial Relations Ordinance, 1969, promoted rather than restricted the right of workers to choose their representatives.

In reply to the Committee of Experts' observations on external supervision, the speaker noted that, in Bangladesh, the Industrial Relations Ordinance conferred certain quasi-judicial functions on the Registrar of Trade Unions. Any act of the registrar could be challenged in a court of law. He further noted that the Registrar of Trade Unions was not allowed to revoke a union's registration without prior authorization from the labour court.

With regard to the 30 per cent requirement for initial or continued registration of a trade union, the speaker noted that the Committee of Experts had been informed on several occasions that this practice was necessary to check the multiplicity of trade unions in Bangladesh. Nevertheless, in an establishment meeting the 30 per cent requirement, up to three unions could be registered and there were provisions for determining a collective bargaining agent. The speaker considered that the multiple union registration provision brought the legislation into conformity with Convention No. 87.

The speaker then referred to the observation in which the Committee of Experts noted with regret that the law did not cover workers in the export processing zones. He noted that the National Labour Law Commission 1992 submitted a report on this question which was still being studied by the Government. Ultimately, this report would be submitted as a bill to Parliament.

The speaker concluded by mentioning that his Government would try to reply as accurately as possible to the points raised by the Committee of Experts this year.

The Employers' members stated that it was the first time that Convention No. 87 was being discussed in the case of Bangladesh and thanked the Government representative for having addressed directly the seven points raised by the Committee of Experts. They referred to the information contained in the report of the Committee of Experts concerning a review of labour legislation by a National Tripartite Commission, as well as the draft of a new Labour Code dealing with specific questions that had raised some doubts.

With reference to the seven points raised by the Experts they indicated that they continued to pose problems. As to persons carrying out managerial or administrative functions who were permitted to form their own associations, these persons were still subject to restrictions. Consequently, it was necessary to know whether this category of employees had, in reality, the possibility to freely form their own organizations. The Employers' members therefore hoped that the Government would provide detailed information in this regard in its report.

In addition, they requested that the Government indicate the specific restrictions on the rights of public servants to issue publications, as well as the extent of these restrictions in light of the comments of the Committee of Experts.

With respect to restrictions on the categories of persons who could hold office in trade unions, they believed that the text was too general and it was unacceptable that all dismissed workers were prevented from holding office.

In relation to excessive external supervision by the Registrar of Trade Unions to supervise trade union activities, they understood that the State would want to maintain some form of control such as supervision over the finances of trade unions. However, the general control should not be too broad. They requested further information on the legal recourse available to trade unions if such control had been too extensive.

In relation to the 30 per cent requirement, they noted that when workers wished to form a trade union organization in an establishment or in a group of enterprises, the Government believed that there was a danger of multiplicity of trade unions and this was the reason for the 30 per cent requirement. With regard to the risk of such proliferation, Convention No. 87 did not speci-

cally address this issue but did provide that workers were free to set up organizations of their own choice. If workers formed too many organizations, they would weaken their own positions. The Employers' members wondered to what extent a State had the duty to protect workers from themselves. In a free society, such state protection should be strictly limited. The Government should review this issue and consider the recommendations made by the National Tripartite Commission in this regard.

As to export processing zones, they noted that the Government added very little to this issue and therefore it was necessary to wait for the information that it would provide in its report.

With regard to restrictions on the right to strike, which in the opinion of the Experts went beyond the envisaged situations and categories of workers, the Employers' members believed that the criterion of "essential services was too narrow". The State was responsible for the welfare of its citizens, and in developing countries, especially in difficult periods, a strike could cause unacceptable consequences even if the strike would not endanger life. For this reason a democratic State should assume its responsibilities and set the restrictions on the right to strike when essential services were jeopardized. Furthermore, Convention No. 87 did not contain any provisions in this regard.

Lastly, there were matters which needed careful thought and required legislative revision. For this reason, the Employers requested the Government to provide in its report detailed information on all of the points raised and stressed how important it was for the Office to provide Bangladesh with assistance.

The Workers' members emphasized that even if the Committee were examining the case of Bangladesh for the first time on the application of Convention No. 87, the Committee of Experts has been commenting on important points as to the limitations on trade union freedom in Bangladesh for quite a number of years. These were points that every country must respect, regardless of its degree of economic development.

The legislative review in progress which was given to a national tripartite committee along with the preparation of a new Labour Code undoubtedly marked the beginning of a positive change in attitude. Nevertheless, two major concerns were expressed. First of all, the effective implementation of the conclusions of the national tripartite committee should help to revise national legislation and practice as indicated in the remarks of the Experts. In this respect, there was a second concern as the Committee of Experts had taken note that while the new draft code satisfied some of its criticisms, it nevertheless included significant parts of the present code which the Experts had indicated, violate trade union freedom. In this respect, the comments of the Experts had been the same for quite some time.

The Workers' members then commented on the state of trade union freedom in Bangladesh, as described in the report of the Committee of Experts and in light of the information supplied by the Government representative. Concerning freedom of association for persons in managerial positions, they insisted on the necessity of guaranteeing that these categories of workers might enjoy and effectively exercise the right to form unions and to join the union of their choice, including unions of other categories of workers. Moreover, it was necessary, as the Committee of Experts had noted, that the concept of "managerial functions" be defined strictly in order to ensure that other unions were not weakened. As for the intervention of public authorities in the setting-up, creation and operation of unions, the Workers' members emphasized the risks of arbitrary supervision. Excessive limitation on the setting-up and maintaining of unions posed problems, especially in terms of organizational recognition based totally or for a large part on company unions in which workers of small and medium-sized businesses risked being excluded. They insisted on the need to adopt procedures and texts facilitating freedom of association.

As for export processing zones, the Workers' members stated that the guarantee of effective exercise of freedom of association was not assured and this constituted a major concern for the national and international union movement.

As for restrictions on the right to strike, the Workers' members felt, on reading the report of the Committee of Experts, that the procedures for exercising this right were such that, in practice, the very principle of the right to strike was called into question. They declared that it was unacceptable that the Government was able to ban strikes if it judged that the strike was contrary to the national interest or would harm the economy of the country. Fundamental rights should be guaranteed regardless of the political system and degree of economic development of a country. The concerns and the points of view expressed by the Committee of Experts on this point were shared by the Workers' members.

They requested that the Labour Code and other relevant legislation be reworked in order to take into account all of the comments of the Experts and the conclusions of this Committee, as the violations mentioned were significant and had very serious repercussions on the exercise of the fundamental rights of workers.

The Workers' members joined with the Employers' members in requesting that all information provided by the Government representative, as well as other additional information, be forwarded shortly for review by the Committee of Experts. They suggested that the Government call upon the assistance of the Office in order to settle the remaining problems.

The Workers' member of Japan believed this was a case of serious and complex restrictions on freedom of association. He agreed with the Committee of Experts' concern over the draft Labour Code which still apparently excluded a wide section of workers from the scope of the right to organize. Among those who were denied full freedom of association were public servants whose right to issue publications was subject to restrictions.

He pointed out the need for further information on measures the Government has envisaged to amend the Industrial Relations Rules which grant government officials excessive power – not subject to any judicial review – in supervising trade unions. He also requested more information on a union's right to appeal administrative decisions.

The speaker then focused on the denial of the right to organize in export processing zones (EPZs), in contravention of the Convention which guarantees freedom of association to all workers regardless of where they work. Citing an ILO survey, he noted that EPZs were an issue not only in Bangladesh but also in an increasing number of countries, particularly in Asia, where EPZs employed more than three-quarters of all workers. A market economy was acceptable as long as it respected human rights, trade union rights and fair rules of competition. This was not the case of export processing zones in general and in EPZs in Bangladesh in particular.

The Workers' member of the Netherlands drew attention to the fact that all of the questions discussed last year concerning the application of Convention No. 98 arose again this year in regard to the application of Convention No. 87. Consequently, this year the Committee of Experts had not raised any new issues.

Last year the Workers' group called for cautious optimism with regard to the proposed changes in the labour legislation and expressly requested that this year there be changes with respect to the external supervision of trade union affairs and export processing zones. Last year the Government expressed the hope that the problems would be solved in 1995. This year, however, the Government stated that it was in line with ILO standards and that the remaining queries were under review. The speaker believed that since the same problems continued, in essence, the Government was not willing to take concrete action to solve the problems. He asked for clarification on the existence of a tripartite labour committee headed by the Minister of Labour and Manpower and a parliamentary standing committee on labour matters which the Government referred to last year.

Noting that there had been no major changes in the legislation, he requested the Committee to address this insufficiency. He believed that the Workers' group wrongly expressed their cautious optimism and that the Employers' group was correct in stating that amending the relevant law would take time. He believed the Government had not been forthright last year, nor this year, and again referred to the available option of technical assistance to overcome difficulties in applying the Convention both in law and in practice.

The Government representative stated that he might have been misunderstood. His Government attached great importance to the observations of the Committee of Experts and intended to comply with its requests.

As concerned the Labour Code, he observed that it had not yet been passed by Parliament and there was, at present, just a recommendation by the National Law Commission to draft a Labour Code.

The Committee noted the observation of the Committee of Experts, the statements made by the Government representative and information provided on the application of the Convention, as well as the discussion that took place thereafter. The Committee observed that a tripartite National Labour Law Commission had begun to review the labour legislation. While welcoming this information, the Committee continued to be concerned with the situation both in law and in practice regarding trade union matters. The Committee urged the Government to adopt, at a very early date, the necessary measures to bring this legislation into conformity with the Convention. In particular, the Committee urged the Government to guarantee the right of managerial and administrative employees to organize, to assure judicial review of intervention by public authorities in unionization, to remove the restrictive provisions on registration of trade unions, and to ensure that modalities and procedures as regards strike action do not nullify this basic right. It also insisted on the necessity to apply the Convention in export processing zones. The Committee expressed the firm hope that it would be able to take note, at its next examination of the case, of substantial progress in the application of the

Convention, if necessary, with the technical assistance of the ILO and asked the Government to furnish more detailed information on all these matters and report to the Committee of Experts.

Bolivia (ratification: 1965). A Government representative of Bolivia stated that the points raised in the observation of the Committee of Experts referred to specific situations and legislation prior to August 1993. The new Government, which had assumed its functions on 6 August 1993, had nevertheless the responsibility of replying to the comments of the Experts. The speaker referred to each of the points raised in this observation. The denial of the right of public servants to unionize: in practice, the majority of public servants were affiliated to recognized trade union organizations which carried out their activities under the protection of the General Labour Act (GLA). Teachers, and workers from the health service, who represented 80 per cent of state employees, as well as employees of state enterprises, were members of trade unions. Officials in legislative positions, as well as those in the judiciary and in municipalities, were members of trade unions. The only workers who were not trade union members were those officials who came directly under the President of the Republic; they only represented 7 to 8 per cent of all the workers in the administration of the State. In fact, the employees of the executive branch were, for a large part, joining the public service through competitive examinations which allowed them to obtain contracts of at least five years. Section 104 of the GLA had fallen into abeyance during the process of modernizing the public sector, which had started on 6 August 1993.

The impossibility of setting up more than one union in an enterprise: neither section 103 of the GLA nor the Ministry of Labour made it impossible to set up more than one union in an enterprise. The existence of a single union in an enterprise was due to a preference expressed by workers' organizations themselves in their by-laws.

The wide powers of supervision of the Labour Inspectorate over the activities of trade unions: section 101 of the GLA was not applied. Neither the Labour Inspectorate nor any state organ exercised any control, given that trade union activities were protected by Convention No. 87, as well as the Bolivian Constitution itself.

The prohibition from holding trade union office placed upon persons who do not normally work in the enterprise: section 6(c) of the Legislative Decree of 1951 had only reflected what already existed and did not contain any legal obligation. The Ministry of Labour did not call into question the possibility of such workers belonging to a trade union. It was the workers themselves who had included such provisions in the by-laws of their organizations.

The termination of the mandate of trade union leaders when they retired from their job: such a situation could arise in practice when workers themselves decided on this but section 7 of the Legislative Decree of 1951 did not have any legal effect.

The requirement that members of the governing board had to be of Bolivian nationality (section 138 of the Regulatory Decree issued under the GLA): the fact was that political activity was closely linked to trade union activity. Since foreigners did not participate in political activities, they did not participate in trade union activities either. Of course, there was the case of foreign trade union leaders, such as in the university (which was an autonomous institution); the trade union of university teachers had three professors of different foreign nationalities. This was due to the specific nature of the university.

The possibility of dissolving trade unions by administrative authority: this possibility, provided for by section 129 of the Decree issued under the GLA, was only a precautionary measure. It was not an unrestricted possibility. In a democratic regime, it was a precautionary measure in the face of militant politico-trade union activity.

The excessive number required to call a strike: section 114 of the GLA and section 159 of the Decree issued thereunder only regulated the right to strike without running counter to the exercise of this right.

The prohibition of strikes in all public services: this prohibition had a constitutional base, a concept adopted to protect the right of all citizens and inhabitants of Bolivia without running counter to Convention No. 87.

Compulsory arbitration: section 113(c) of the GLA allowed for compulsory arbitration only after an arbitral decision had been handed down; this decision was then compulsory. In fact, this provision was not applied.

General and solidarity strikes: general and solidarity strikes which ran counter to the constitutional order of Bolivia were contrary to Convention No. 87. Democratic governments did not apply the penal sanctions provided for in the provisions mentioned by the Experts.

The Government was fully disposed to review the existing legislation, a process which would require the political will of the

Confederation of Bolivian Workers and the Confederation of Private Sector Employers in order to determine, by way of consensus, the provisions of the GLA that had to be amended.

The Workers' members recalled that, for several years, the Committee of Experts had been reiterating its comments on the points raised, which were manifestly in contradiction with Convention No. 87. The same 11 points raised in this observation had already been discussed in 1993. In this respect, the intervention of the Government representative was quite surprising: in 1993, he had stated that the first three points would be dealt with through the imminent adoption of a new general labour Act. As for the other matters, it had been stated that these provisions were not applied in practice. Now, the Government representative had stated that all of the provisions mentioned, including the first three, were not applied and that, in any event, Bolivian legislation was not contrary to Convention No. 87. However, for the Workers' members, the problems raised by this legislation with respect to Convention No. 87 were serious.

The Workers' members stated that they were very worried by the fact that a state of emergency had been declared on 18 April 1995, resulting in a violation of trade union rights. The Minister of Labour had treated the Bolivian trade union organizations in a derogatory manner in his intervention before the plenary of the Conference.

The Workers' members evoked the negotiations undertaken by the Confederation of Bolivian Workers with the Government, within the framework of which this organization had presented a series of claims which reflected the points raised in the observation of the Committee of Experts. However, the Government had not wanted trade unions in the public sector and had not wanted to engage in social dialogue either. An intervention by the Catholic Church had allowed for a preliminary agreement to be reached. Just as the Confederation of Bolivian Workers was ready to apply the agreement concluded, the Government had intervened violently, arresting the leaders of this organization and declaring a state of emergency.

For the Workers' members, the state of emergency was a flagrant violation of Convention No. 87 and ILO principles. The Bolivian Government should respect its obligations, possibly through the intermediary of the Catholic Church, and should respect the preliminary agreement that had been concluded. Trade union rights should be re-established. Similarly, the legislation in force should be modified in order to reply to all of the points raised by the Committee of Experts. The Government was urged to lift the state of emergency.

The Employers' members stated that seven of the points raised in the observation of the Committee of Experts were very important, given that the provisions in question did not guarantee the exercise of freedom of association. It would appear from the arguments developed by the Government representative that the situations that were contrary to Convention No. 87 had a legal basis. The situation on the practical level seemed quite unusual, due to the fact that, according to the Government representative, the provisions in force had fallen into abeyance. As for the example given of foreign trade union leaders within the university, this manifestly was not representative of the general situation. The Employers' members considered that the observations of the Committee of Experts relating to the restrictions on the right to strike did not justify detailed comments, given that Convention No. 87 was silent in this respect. The Employers' members noted that, according to the declaration of the Government representative, it would be necessary to amend the legislation. Given that, for a long time, this legislation was not in conformity with Convention No. 87, they urged the Government to take into consideration the seven relevant points raised in the observation of the Committee of Experts and to take the necessary measures. They trusted that the next report would contain information on progress made in this respect.

The Workers' member of Bolivia indicated that the state of emergency had suspended all trade union and political rights. The Confederation of Bolivian Workers, of which he was on the Executive Board, had submitted petitions to the Government which reflected the points raised in the observation of the Committee of Experts, in particular the possibility for public servants to exercise trade union activities. It would be appropriate to repeal section 104 of the GLA which denied this right to these categories of workers and which constituted a restriction on freedom of association. Faced with the Government's refusal, the organization had exercised its right to demonstrate and its freedom of expression, rights which were set forth in the Bolivian Constitution. His organization had also asserted its professional and wage claims. When a state of emergency had been declared, a trade union meeting had been interrupted and violent acts had been carried out against men, women and even minors, as well as journalists. The speaker himself had been detained in a military barracks near the border with Chile for 20 days due to his participation in the said trade

union meeting. As long as the state of emergency lasted, an authorization had to be obtained from the Ministry or the competent prefecture in order to be able to exercise the right to hold meetings.

The speaker recalled that the Organization of American States had called on the President of the Republic to lift the state of emergency. Similarly, a mission from the International Confederation of Free Trade Unions (ICFTU) had visited the country but had had to leave without having accomplished its task. These facts constituted a violation of the exercise of the right to affiliate with international organizations of workers. The speaker requested the Committee to ask the Bolivian Government to lift the state of emergency in order to allow political, trade union and civic liberties to be re-established. He invited the ILO to send a fact-finding mission to the country and pointed out that, in any event, amendments had to be made to the labour legislation with a view to protecting workers without losing the acquired social rights.

The Workers' member of Argentina agreed with the points developed by the Workers' member of Bolivia and added that the workers of Argentina, as well as of all of America, were strongly concerned by the state of emergency in Bolivia. The seriousness of the violations of the fundamental rights of workers enshrined in Convention No. 87 could be noted by an ILO mission to the country. It would be appropriate for the Conference Committee to give the Government specific indications as to the measures to be taken in order for the legislation, that had been the subject of comments by the Committee of Experts, to be amended in conformity with the requirements of Convention No. 87.

The Workers' member of Uruguay stressed, like the Workers' and Employers' members, that the issues raised by the Committee of Experts had already been pointed out in 1993 and that no satisfactory reply had since been received. On 1 May of this year, the member States of MERCOSUR had adopted in Montevideo a resolution in favour of Bolivian workers. A delegation of several trade union centres had visited Bolivia to request the release of imprisoned trade unionists and the re-establishment of democratic institutions, which had only resulted in the expulsion of one of the delegation. This Committee should clearly ask the Government to put an end to the violations of Convention No. 87 and to lift the state of emergency. In addition, a mission should visit the spot to study the situation.

The Workers' member of Senegal considered that laws that were rejected by the workers could not be considered valid to have a selective application. In such a case they must simply be repealed. He thought the Government of Bolivia was going in the wrong direction. It was not for going into a political debate that the violation was pointed out regarding the freedom of association since the imposition of the state of emergency. He thought it important for the Committee to request in its conclusions that good sense be demonstrated and the state of emergency lifted.

The Government representative stated that, since 1993, a draft modification of the Labour Code had been prepared following a mission of the ILO and of the Inter-American Bank for Development. Since the Government wished to make this reform in consultation with those concerned, it was for Bolivian workers to make their comments on this draft so that it could be submitted to Parliament. The Workers' members should ask their Bolivian colleagues the reasons why they had not responded to this offer of consultation.

Allegations were made of violations of human rights. But human rights had a collective dimension, and did not relate only to the interests of trade unionists. When a general strike deprived children of their right to education and blocked freedom of movement, questions could be raised whether it was not the trade unionists who violated human rights. As regards the incident mentioned by the Workers' member of Uruguay of a trade union delegate from Latin America who visited the Government, the speaker added that these trade unionists publicly criticized government policy, which justified their being returned to the border. The state of emergency was an indispensable measure to re-establish public order without affecting freedom of association or human rights. It had been imposed in conformity with the Constitution and with the consent of Congress.

Freedom of association had been preserved during the state of emergency and the trade unions continued to have meetings. An agreement had been signed on 23 May of this year with the Bolivian Workers' Central, a copy of which had been communicated to the Standards Department of the ILO. The present accusations were without basis and of a purely political character: they reflected the resistance of certain interests and privileges to the large-scale democratic transformation which was taking place.

The Workers' members agreed that the discussion should be strictly limited to the elements of the case noted in the report of the Committee of Experts. However, the general context could not be ignored, especially in the field of freedom of association. This was not an academic debate but a discussion based on the

reality of the world with the objective of achieving progress in the application of Conventions.

They thought that the situation was confused and clear at the same time: confused as to the state of legislation, and as to an agreement with trade union organizations; but clear in the absence of a response to the questions raised for a number of years, and in the existence of violations of the freedom of association. The Committee should insist in its conclusions that the Government take all the necessary measures to guarantee fundamental rights and freedom of association, both in law and practice. It could also be suggested that a direct contacts mission or assistance be called for.

The Employers' members also noted that the provisions in force were not in conformity with the Convention. If there was a draft law taking account of the observations of the Committee of Experts, it should be quickly adopted with or without consultation of the social partners, since it was the responsibility of the Government to honour its international commitments.

They did not think that the question of the state of emergency was directly related to the application of the Convention, as long as it did not have the aim of withholding such application. Since the Committee of Experts had not had the occasion to comment on this issue and since this Committee did not have sufficient information, this question should not be included in the conclusions.

For the other points, the Employers' members agreed with the Workers' members in urging the Government to take measures to ensure conformity with the Convention in law and practice.

The Committee took note of the oral information provided by the Government representative and the discussion that ensued. The Committee noted with regret that, in spite of the fact that the application of this Convention had been discussed at length within the present Committee in 1993, and that the Government at that time had given assurances that the draft law under preparation, with the help of the technical assistance of the ILO, was to be adopted in the near future, the Committee of Experts stated in its report that it was not able to note any progress with regard to the application of the Convention. It recalled that the numerous questions at issue included the denial of the right to unionize to public servants, the impossibility of setting up more than one union in an enterprise, the wide powers of supervision of trade union activities by public authorities and the restriction on the right for workers to elect their own leaders in full freedom.

The Committee, while taking note of the assurance of the Government representative concerning the continuing efforts in the area of legislation, felt that the oral information provided in regard to these various matters was not sufficient to prevent violations of the rights protected by Convention No. 87. The Committee, therefore, called upon the Government to examine urgently all of the issues mentioned in the report of the Committee of Experts, and to modify, if necessary with an ILO consultative mission, national laws and practice to guarantee full freedom of association as envisaged in the Convention, and to furnish a detailed written report.

Colombia (ratification: 1976). A Government representative highlighted the mechanisms of labour participation in the elaboration of national policies, referring in particular to the creation of the National Competitiveness Council, the Sectoral Competitiveness Committees, the Tripartite Advisory Committee for Productivity, the Tripartite Follow-Up and Evaluation Committee for the "More and Better Jobs" Project, as well as the National Council for Planning.

She referred to the progress achieved in her country in connection with the social consensus, which was related to the observations made by the Committee of Experts. Last December, in Colombia, the Tripartite Productivity, Prices and Wages Social Pact was signed with the participation of the Government, employers and organized workers. In this forum for consensus and agreement, there was a discussion about common topics. Among the many agreements reached within the Social Pact, one that could be highlighted was the agreement to establish the Tripartite Committee for Trade Union Development, as an advisory body to the Government, in which employers, workers and the Government were represented. This Tripartite Committee temporarily replaced the Standing Tripartite Committee for Consensus on Labour and Wage Policies whose draft legislation is currently before the Congress of the Republic.

The Committee for trade union development analysed the articles of the national Constitution related to trade union rights and guarantees; provided recommendations concerning plans and programmes for education and training of workers and management in aspects related to trade union rights and the incorporation of new technologies; prepared the study and proposal for actions necessary to strengthen the trade union-management relationship with a view to improving the quality of work and to increasing

employment; and proposed the adoption of an institutional campaign to promote a new culture for labour management relations.

In the Tripartite Committee for Trade Union Development, the national Government agreed to develop certain topics of a constitutional nature, such as the regulation of the guarantee of trade union rights for public employees. In addition, there was an agreement to set up committees to study collective bargaining in the public sector, and the regulations under article 56 of the Political Constitution related to strikes and essential public services.

As part of this fundamental agreement, the Government further agreed to implement the Dissemination and Training Programme for the Establishment of a New Culture of Cooperation in Labour Relations, which could count on the support and cooperation of the ILO at the request of the signatories.

The speaker then specifically referred to the observations made by the Committee of Experts. In connection with the suspension, for up to three years, with loss of trade union rights, of trade union leaders who have been responsible for the dissolution of their unions, she clarified that the legislation in force sets forth that only judges of the Republic are empowered to impose such sanctions. Section 380(3) of the Labour Code contains this provision. In this regard she mentioned paragraph No. 122 of the 1994 *General Survey* of the Committee of Experts on Freedom of Association and Collective Bargaining which provides that any removal or suspension of trade union leaders which is not the result of an internal decision of the trade union, a vote by members or normal judicial proceedings, seriously interferes in the exercise of their functions as trade union leaders.

She indicated that in connection with the issues related to the prohibition on more than one trade union in an enterprise, the supervision of the internal management and meetings of unions, the requirement that, in order to form a union, two-thirds of its members must be Colombian, and the requirements for eligibility for election as a trade union leader, the Government proposed to study these questions on a tripartite basis within the Standing Committee on Labour and Social Policy.

As to the right to strike, she indicated that the issue concerning the prohibition of the right to strike in public services, would be discussed by a tripartite committee set up as a result of the agreements reached in the Committee for Trade Union Development. There would be an analysis, in particular, of regulations concerning essential public services, before the Government submitted a draft law to the Congress of the Republic.

With regard to the possibility of dismissing trade union leaders who had participated in an illegal strike; the presence of the authorities at general assemblies gathered to vote on the calling of a strike, or the convening of an arbitration tribunal; the prohibition on federations and confederations from calling a strike; and the power of the Minister of Labour to refer a dispute to arbitration when a strike lasts for 60 calendar days, she indicated that the right to strike was a legal institution which had made considerable progress in terms of labour standards and jurisprudence in Colombia. The possible limitation or regulation of this right was based upon the collective interest of a country which was insufficiently developed and which had to protect its economic and social infrastructure for the benefit of the workers themselves, as a way of protecting their source of income, and any breakdown in the social structure which can affect the essential services of the community should be avoided. In this regard, she noted paragraph No. 151 of the previously mentioned *General Survey* to underscore that the right to strike could not be considered as an absolute right. The establishment of regulations and the setting of parameters and limits to the right to strike permitted a balance of opposing interests, preserving the general interest.

The Workers' members observed that the case of Colombia concerning Convention No. 87 was discussed in 1990, 1991, 1992 and 1993 and it was important to recall previous discussions with regard to this case as the situation in Colombia was still extremely serious. The disappearance, murder and imprisonment of trade unionists in Colombia continued unabated. They noted that, according to the Amnesty International report on Colombia, the Government had taken an important step in acknowledging the extent of the human rights violations and the responsibility of members of the security forces. The new Government had stated that human rights would be a priority issue. Nevertheless, throughout 1994 and the first half of 1995, extrajudicial executions, disappearances, torture and death threats carried out by members of the security forces and the paramilitary forces have continued. They referred to the annual survey by the ICFTU of violations of trade unions' rights worldwide. In the opening paragraphs of the report dealing with Colombia, it was noted that, during the first two months of the new presidency, 27 trade unionists were murdered; it was reported that at least 187 trade unionists were killed during 1994.

The Committee of Experts' report referred to a number of laws which were not in conformity with Convention No. 87, and many

of these points had been outstanding for years. They observed that it was encouraging that the tripartite committee was now dealing with a number of issues contained in the Committee of Experts' report. They hoped that the tripartite committee would have before it the report of the Committee of Experts on Convention No. 87, that they would be addressing the issues contained in this year's and previous years' reports, and that they would be reporting promptly to the Government recommending legislative changes which could be made to bring Colombia into conformity with Convention No. 87.

They further observed that the ban on more than one trade union was regarded in the past by this Committee as a very important issue. From the Government's past point of view, it was thought that authorizing other trade unions would weaken the trade union representation. They observed that the Committee of Experts had stated that the Convention did not impose trade union diversity on a country. It stated that, if the members of trade unions, or individual workers, want to form trade unions, then the Government should not prevent them from so doing. They recalled that many years ago there were a number of States in the Communist bloc where single trade unions were imposed by law on the workers of a country, and something like that has persisted in Colombia. They noted that it was very difficult for a new trade union to be created due to the prior legal formalities required, and that this was a violation of the Convention.

The Workers' members then referred to the strange and threatening practice of public servants supervising management and the meetings of trade unions, as well as the presence of authorities at meetings called by trade unions to decide on arbitration or a strike. These "authorities" were in fact the security services. They observed that this sort of supervision was unhealthy, interfered with the work of trade unions and should cease. They observed that, if the Government were willing to put this to the tripartite committee, thus indicating a willingness to change these laws, no one would be more pleased than the members of this Committee.

They then referred to the obstacles for those who wished to hold trade union office: the Government preferred Colombian nationals with work experience, at least six months' experience in the work of the trade union or in the work covered by the trade union, and persons not in the process of being sued for ordinary offences at the time of their election. They considered the last point very dangerous since all that was required to disqualify someone was to sue him. Moreover, they observed that in many trade unions throughout the world people become trade union leaders who do not have a specific professional relationship with the trade union they are heading.

With regard to strikes, they noted that it was never argued that the right to strike was absolute, and there must be restrictions on the right to strike. Indeed, the Committee of Experts does not recognize an absolute right to strike: there must be restrictions, but the Experts have laid down the restrictions. The Workers' members noted that the right to strike has been defined over the years by the Committee of Experts which considers that it is a fundamental part of the right to organize and the right to collective bargaining. To the extent that there must be some restraint in some areas and under some circumstances, the right to strike is less than absolute. They observed that, in the case of Colombia, strikes are not banned generally, although they are in certain areas.

In concluding, they observed that this year the report of the Government was more helpful than it had been in the past, and that if the indications provided on the issues could mature on the basis of tripartite consultation, this would be positive.

They observed, however, that perhaps nothing would be solved in this stricken country of Colombia until it could deal with the internal strife and violence. Those problems, of course, were not going to be solved under Convention No. 87, but unless those problems were solved then Colombia would not have free trade unions or free employers' organizations.

The Employers' members emphasized that the Commission was already quite familiar with the details of the case since it had been examined on several occasions. They felt that finally the situation was no longer static and were pleased that a permanent tripartite committee had been set up which could look after problems raised by the Experts and recommend solutions.

Concerning the requirements that two-thirds of the members hold Colombian nationality in order to form a union and that they must belong to the profession in question or have exercised it for at least six months, they were led to believe that the tripartite committee had considered these requirements and that they would soon be abolished.

As for the presence of representatives of the authorities in general assemblies held to vote on arbitration or strike declarations, governed by Decree No. 2519 of 14 December 1994, they insisted that this constituted an excessive and flagrant intrusion in the internal affairs of a union, thus undermining its independence.

Concerning the ban on more than one union in the same company or establishment, the Employers' members saw no change forthcoming. They considered that for unions, as well, competition had its place. They firmly hoped that the restrictions imposed on the union movement would be withdrawn when the permanent tripartite committee resumed its work.

They recalled their position concerning the right to strike. They believed that detailed rules governing the right to strike were not part of the Convention. Among the many reasons for this, they recalled that no explicit proposal to introduce the right to strike in the Convention had been formulated during its elaboration. This question was to be addressed by another instrument yet to be prepared. Consequently, rules concerning the right to strike remained an internal affair on which the Employers' group could not commit itself, even if from their point of view an unlimited right to strike would be extreme. The permanent tripartite committee was entirely free to draw up strike legislation which corresponds to the wishes of the parties. However, the Government could not be criticized if this right was not recognized in Colombia.

In conclusion, the Employers' members considered that the situation in law and in practice seemed to be moving in the right direction, but the Government's efforts must be encouraged and strengthened so that genuine progress could be recorded in the application of the Convention, particularly due to the work of the tripartite committee.

The Workers' member of Colombia acknowledged that the Government had adopted a different approach to the question of human rights and the rights of workers. However, this attitude was insufficient and on certain occasions state agents carried out contradictory activities. In his country there were *de facto* and *de jure* violations of Convention No. 87 making the exercise of the right to organize a highly dangerous activity. Last year, more than 170 workers and union leaders were murdered with total impunity. The life and the physical integrity of trade unionists were threatened by various forces: sometimes by state agents and the paramilitary which, in many regions, acted with the complicity and help of the authorities. Special circumstances prevailed in the banana plantation of Uraba where guerrillas had assassinated, in recent years, more than a hundred workers and trade union leaders. This is not a situation unknown to the ILO. During the last ten years, the Committee on Freedom of Association has noted the numerous cases of trade unionists who have been murdered, who have disappeared and been tortured, and has requested the Colombian Government to take action to punish those who have perpetrated these crimes. The Committee on Freedom of Association, in its 265th Report expressed its disappointment on the absence of punishment of these criminals. The speaker noted an official document of the National Department of Planning of Colombia indicating that the possibility for an offence to be punished is 3 per cent, this meant that officially, impunity is 97 per cent. As to crimes against trade unionists, this impunity comes close to 100 per cent.

He also noted that the national legislation does not recognize Convention No. 87, as repeatedly pointed out by the Committee of Experts. In its latest report, the Committee set forth a long list of inconsistencies between the Colombian legislation and the Convention. For example, the authorities still have to be present at assemblies convened to vote on a strike; there was the continued prohibition of strikes in all public services, even if they were not essential, and a prohibition on federations and confederations from calling a strike. In its observations, the Committee drew attention to the fact that the national legislation – in contravention of Convention No. 87 – granted the Minister of Labour the power to end a strike when it had continued for 60 or more days. The legislation also empowered the President of the Republic to end a strike when, in his view, and in consultation with the Court of Justice, it affected the economy, also in contravention of Convention No. 87. Furthermore, strikes against the economic and social policy of the Government, as well as solidarity strikes, were forbidden.

He noted that, as in previous years, workers have complained that the Government systematically denied consultations. But today, he welcomed the measures taken pursuant to the Social Pact signed by the Government, employers and workers. In this framework, these parties worked on draft legislation, in line with the provisions of the Political Constitution which addressed the provisions of the Convention guaranteeing freedom of association and the right to strike.

The speaker then referred to the Tripartite Committee for Trade Union Development which met recently as an extension of the agreements reached in the Social Pact. There were agreements on several points relating to the Convention, such as: the Government agreed to submit a draft Law to Congress to recognize the so-called minority trade unionists and their right to strike and effectively to guarantee trade union rights to public employees.

There was also an agreement to create committees to study the trade union rights of public employees, such as the right to strike, as recognized in Convention No. 87.

Lastly, he expressed the trust that progress would continue in his country to avoid situations such as the one in which a teachers' strike was declared illegal or when workers were denied social security benefits and the authorization to form assemblies. He also hoped that the policy of consensus would continue in order to encourage a true culture of tolerance, of respect for the opinion of others, for tripartism and to overcome the anti-union culture and violence so as to bring about internal peace.

Another Workers' member from Colombia was satisfied with the changes that had occurred in his country with regard to human rights and reaching agreement with the social partners. Nevertheless, it was necessary to note specific events which had taken place in the course of the last year which had not been brought to the knowledge of the supervisory bodies of the ILO, and which to some extent violated Convention No. 87. These events concerned the dismissals of workers who formed trade unions. In three important cases – in the undertakings "Tejidos El Cóndor" in Medellín, and "Alfa" and "Protelas" in Bogotá – workers who formed trade unions were dismissed from their jobs. This conduct was a violation of the Convention. In addition, strikes in the banking sector, such as in the case of the Bank of Bogotá, were declared illegal on the grounds that the strike involved workers in the public sector who were denied the right to strike. Furthermore, in the last month state university professors had been victims of police repression for staging a protest against the wage policy of the Government.

In addition, there was a concern over judgements from certain tribunals which legitimized certain violations of the Convention within the constitutional framework. He referred specifically to the judgement of the Constitutional Court which held that the authority to end a strike when it affected the economy, was constitutional. Another judgement from the Supreme Court which held that the decision concerning the right to strike which was questioned by the Committee of Experts, was justified. The speaker also was concerned that the Supreme Court of Justice had found that despite the mandate to incorporate the provisions of the Convention into the Colombian legislation, various provisions of the Labour Code which should have been repealed were still in force.

Lastly, he noted that the tripartite committee had still not been established and that the draft legislation which had been submitted to Congress contained many difficulties preventing its adoption. A transitional committee existed which had taken positive action and which functioned outside the scheme of the future committee. The transitional committee would attempt to overcome the deficiencies resulting from the Congress's failure to adopt the standard that would create the standing tripartite committee.

The Government representative from Colombia again referred to the system of reaching agreement, particularly the Tripartite Committee. In this regard, she added that the draft legislation, establishing the Standing Committee, had been submitted to Congress and had been already approved by one of the Chambers and was awaiting approval by the other Chamber.

She also reiterated that the Tripartite Committee for Trade Union Development had been created on a temporary basis and progress had been achieved on the legislation concerning the dissemination of information, the training and development of the trade union movement. Within that same Committee, subcommittees had been established to deal with, among other things, a study on the problems concerning the right to strike, and in particular, collective bargaining in the public sector. The Tripartite Committee for Trade Union Development has been operational for four months and has given rise to these previously mentioned subcommittees. She hoped that the Tripartite Standing Committee would shortly be created to reach agreements which would take into account the interests of the different parties involved in the production process and the general interest of the country. With respect to the Bank of Bogotá, she stressed that no strike had been declared illegal. There also was no prohibition on declaring strikes in certain regions in the country.

She then referred to the topic of human rights violations, which had to be analysed in the context of widespread violence prevailing in her country for many years. There were many causes of that violence with victims from all sectors, among those, the trade union movement, whose members had often been a target for this violence.

She noted that the Government had achieved progress in upholding human rights and in implementing a practical policy on humanitarian law. The Government has given priority to this policy, as recognized by the Human Rights Commission. She also indicated that Protocol No. 2 was adopted by Congress and legally reviewed by the Constitutional Court. In this regard, it was important to also note that United Nations Rapporteurs and the United

Nations High Commissioner for Human Rights had visited Colombia at the invitation of the Government. One of the Commissioner's representatives, in collaboration with the interested sectors, proposed measures to protect human rights. In addition, the Constitution of 1991 included the right to legal recourse on an expedited basis to redress human rights violations, which has been used by thousands of citizens including trade unionists and educators.

The speaker further highlighted the official acknowledgement of the responsibility of state agents in massacres such as the Trujillo massacre, adopting measures to compensate victims. The Human Rights Section of the Attorney General's office has been strengthened and measures have been implemented to continue the struggle against the problem of impunity.

She gave assurance that the Government was not complacent to nor an accomplice with paramilitary activity. A Committee was already working on draft proposals to reform the military penal system, and strict and far-reaching measures have been adopted to purge the national police and to improve internal control of excesses carried out in that institution.

Lastly, she stated that if the previously mentioned measures were successful, general violence would be reduced for everyone's benefit including trade unionists. The Government was working continuously to achieve peace which had been eroded by guerrillas, drug trafficking, paramilitary activities and some state agents. To achieve this, the Government counted upon the cooperation of workers and employers.

The Workers' members were pleased with the confirmation from the Colombian workers indicating that the new Government was trying to bring about change, although there was still a long way to go. They noted that the President had acknowledged that there was a very serious problem, that things have been very bad in the past, and that government elements, including the police, were responsible for this situation. The Workers' members considered this a very important first step in dealing with the difficulties of the past. They looked forward to the prospect of tripartite discussions, resulting in changes in the legislation where it was not in conformity with Convention No. 87, and noted that they would return to this case in the future, but with the belief that the number of issues involved might be far less than at present.

The Employers' members stated that they shared in condemning the generalized state of violence in Colombia which concerned those involved in union activities. They had no advice or recommendations to give to the Government, but they launched an appeal that it do everything possible and take all necessary measures in its power to combat this violence, particularly in terms of affording legal recourse. In this respect, in cases of unfair dismissal, the injured party must have recourse to the courts and be able to receive compensation. Likewise, misdemeanours must be punished and eliminating violence must figure among the main concerns of the Government.

The Committee noted with interest the presentation made by the Government representative in regard to the new cultural dialogue introduced in terms of a social pact and a series of national tripartite committees on productivity, trade union development, the enterprise labour relations, etc., and felt it to be a hopefully good sign.

It hoped that these tripartite bodies would go into the various issues mentioned by the Committee of Experts. The Committee, however, felt that the various factors mentioned by the Committee of Experts, including legislative stipulation of a single union, supervision of trade unions by public authorities and practices pre-empting free election to trade union offices, constituted a plain contravention of freedom of association and they should be removed from statutes and discontinued in practice.

In these circumstances, and in the light of the detailed discussions, the Committee urged the Government to furnish a detailed report on further measures taken to address all the issues raised by the Committee of Experts and to bring the national law and practice in line with Convention No. 87.

Côte d'Ivoire (ratification: 1960). A Government representative considered that the comments of the Committee of Experts concerning the application of the Convention were positive, and found that the direct contacts mission made to his country in September 1994 was effective. This mission enabled several issues to be clarified during a tripartite meeting, and subsequently there was a follow-up of the adviser responsible for standards at Abidjan. According to the speaker, there were no problems at present relating to the formation of trade unions or to the exercise of trade union rights. In addition, he indicated that the draft law referred to by the Committee of Experts had been adopted on 12 January 1995, and had been in force since its publication in the *Journal officiel* on 8 February 1995 as Act No. 95-15 providing for the Labour Code. This rectified various problems with regard to the application of this Convention in Act No. 64-290 of 1 August

1964 providing for the Labour Code. The new Labour Code, whose implementing texts were being prepared, explicitly covered trade unions in the five chapters of Title V of the Code. Moreover, the provisions of sections 51.1 to 51.9 concerning freedom of association and the formation of trade unions seemed sufficiently clear and did not make any reference to the Act on Associations. For this reason, in his view there was no ambiguity in that all matters concerning trade unions were covered by the Labour Code and not by Act No. 60-315 of 21 September 1960 on associations. The latter Act did not apply to trade unions and, as a result, did not require amendment. He concluded by stating that trade unions continued to be established without difficulty in various sectors and without being impeded in any way by the provisions of the relevant legislation.

The Workers' members began by recalling that the comments of the Committee of Experts concerning the application of the Convention were made following complaints introduced in 1992, in particular at the time of the 79th Session of the Conference. These complaints concerned a large number of practices that involved repeated violations of trade union rights. Subsequent to deliberations by the Committee on Freedom of Association, a decision was made to send a direct contacts mission to Côte d'Ivoire in view of the importance of the case and the seriousness of the matters concerned. The conclusions of the Committee on Freedom of Association referred to by the Experts determined that, in addition to questions of the adequacy of legislation with regard to trade union pluralism, there were a series of unjustifiable practices. These included, in particular, imprisonment of trade unionists, their dismissal for trade union activities, expulsion from their homes, exclusion of their children from schools, and damage to their health to the extent that several workers and members of their families died. As noted by the Committee of Experts, there clearly was a spirit of cooperation shown by the Government and an apparent willingness to remedy the gaps that had been found, which was shown in particular by the useful direct contacts mission as well as by the announcement made by the Government according to which the draft of the working group referred to by the Committee of Experts was adopted and became law. It was thus important that the new legislative text be sent to the Office so that it could be the object of an in-depth examination by the Committee of Experts. This would require confirmation of the announced revision of the draft Labour Code, which in the meantime apparently had been adopted, as well as the amendment of the Act on associations in order to eliminate any ambiguity with regard to its non-application to trade unions. However, the conclusions and recommendations of the Committee on Freedom of Association left unanswered a number of questions. In contrast to the 1995 observations of the Committee of Experts, violations of the Convention in practice had been addressed in the report of the Committee on Freedom of Association which "nevertheless drew the attention of the Government to the danger that existed for the free exercise of trade union rights because of imprisonment and conviction of workers' representatives within the framework of activities connected to the defence of the interests of their constituents". The Workers' members could not understand why, within one month after the direct contacts mission, the Secretary-General of "Dignité" was once again arrested. In addition, they asked about the fate of Mr. Sawadogo Nikiema, a militant member of "Dignité", who had been imprisoned since 17 January 1995 under the most severe conditions that were usually reserved for dangerous criminals. These two trade unionists were imprisoned for the simple so-called offence of having defended the dignity of their striking colleagues. They also recalled that the Committee had asked the Government to keep it informed regarding negotiations for the re-employment of workers who had lost their jobs following labour disputes related to the recognition of first-level trade unions that were affiliated to "Dignité" and to the holding of elections of trade union representatives in six enterprises. It was therefore important to have, together with positive changes in legislation, information on the practice and in particular on the follow-up given to the recommendations of direct contacts missions and of the Freedom of Association Committee, such as the measures taken to resolve the labour conflict concerning port workers who were members of "Dignité" in order to ensure that they were not dismissed or excluded from the list of port workers because of their trade union membership or their participation in trade union activities. In addition, they asked to what extent guarantees were given that the militant trade union members and officials would be re-employed, as requested by the Committee, and that the conditions for trade union elections would be established. It was therefore important that the Government respond to the questions raised by the Committee on Freedom of Association while implementing its recommendations in legislation and in practice, as well as follow the suggestions of the Committee of Experts, in particular with respect to freedom of association in practice.

The Employers' members stated that this case was an illustration of how the ILO supervisory machinery could work in a normal and positive way, assisted by the Government's positive attitude and by the 1994 direct contacts mission, which achieved positive results with regard to the obligations of this country under the Convention. The enactment of the new Labour Code (Act No. 95-15) addressed some of the concerns raised by the Experts, and clearly important changes had been made. The new legislation needed to be implemented in practice and it was hoped that from the outset there would be a positive application of the provisions of the Labour Code. With regard to possible conflict between the Labour Code and Act No. 60-315 of 21 September 1960 on associations with respect to their application to trade unions, they noted that while the Government insisted that only the Labour Code would apply to trade unions, the Committee on Freedom of Association questioned whether this would always be the case. As apparent conflicts in laws were sometimes not easily resolved, the Government might need ILO technical assistance to resolve any ambiguity. They asked that the conclusions stress the fundamental importance of implementation of Conventions in practice, and that all reasonable steps be taken to resolve the ambiguity concerning the application to trade unions of the Labour Code and the above Act on Associations.

The Workers' member of Côte d'Ivoire indicated that the difficulties with regard to "ambiguity" had already begun in his country in 1990, the year in which the country returned to a multi-party political system. It was normal that this multi-party policy instigated an interest in trade union pluralism. In the absence of relevant texts concerning trade union organization and practice, everyone thought that they could establish their own organizations as they liked. With regard to the provisions referred to by the Government representative, he said that although they existed they were not in themselves sufficient. He pointed out that the Experts had requested the amendment of Act No. 60-315 of 21 September 1960 on associations and youth movements because there was real ambiguity that was detrimental to the promotion of trade unionism. He was convinced that his country, as a State governed by law, intended to broaden measures concerning trade unionism in this respect and he asked whether it would not be appropriate that the Government, in view of the ambiguities that had been found, gather all provisions concerning trade unions in one trade union act, as had been done with regard to associations and political parties. He said that frequently associations called themselves trade unions and trade unions called themselves associations, and for this reason the Act on Associations was often wrongly considered to be an Act on trade unions, and as a consequence the terms "trade union" and "association" were confused. However, a trade union was a specialized association and could not be compared with youth movements that formed to carry out a specific activity and were referred to as "non-governmental associations".

The Workers' member of Togo outlined the history of French-speaking African trade unionism which began at the time of colonization and particularly after the 1944 Brazzaville Conference. These trade unions were called "cover-all" because they covered both employers, who were solely Europeans, and workers, who were called "natives". The struggle of the latter ended in independence in 1960, at which time this Convention was ratified by all French-speaking African States. However, the question was raised regarding the evolution of the application of the Convention in these countries. The second stage of French-speaking African trade unionism began in the 1970s in the framework of "trade unionism involving responsible participation" with single federations whose secretaries-general were members of governing bodies of single parties and vice-presidents of the National Assembly at the same time; this compromised the defence of trade union rights as well as of other rights of workers. In the 1990s, the fall of the Berlin wall initiated a third stage of trade unionism which became pluralist with the beginning of the democratic process in Africa. The return to trade union pluralism allowed the establishment of other independent trade union federations who were joined by a wave of members, who were supporting independent trade unionism. This scenario existed in several countries, including Côte d'Ivoire. The advent of this new trade unionism involved, and continued to involve, imprisonment and dismissals of trade unionists. He recalled that with regard to the application of the Convention the problems of "Dignité", the confederation of free trade unions of Côte d'Ivoire, began a long time ago. Several missions had previously been sent to Abidjan, including that of the World Confederation of Workers, of which "Dignité" was a member. The arrest of the Secretary-General of "Dignité" raised in general the problem of the application of ratified Conventions to legal, representative and independent trade union organizations. He concluded by asking the Government to respect freedom of association and ratify ILO Conventions. This would be a credit to the democracy to which the Government constantly referred.

Another Workers' member of Côte d'Ivoire said that the arrival of the direct contacts mission that took place from 24 to 30 September 1994 was a relief to him and his trade union organization "Dignité" – of which he was Secretary-General – which was established in 1988. With regard to the report of the Committee on Freedom of Association, the reason for sending a direct contacts mission to Abidjan was related to the problem of recognition of first-level trade unions of "Dignité", and the dismissal of trade union militants in several enterprises. With respect to the independent port of Abidjan, the recognition of the basic trade union "Dignité" did not take place until 28 May 1995. However, this recognition was in his mind incomplete in view of the fact that even if the trade union in question could participate in elections and negotiations, its officers did not have the right of access to the port. With regard to the workers of Irho Lamé, he said "Dignité" had been reproached for the absence of permission accorded by the Ministry of the Interior, as well as the fact that it had not sent a letter of apology to the political authorities and to the director of the enterprise for having conducted a strike. The direct contacts mission was therefore able to make clear that obtaining a receipt for filing the text of the constitution of the trade union was sufficient and that there was no need to wait for the permission referred to above. In addition, the mission asked the Government to no longer ask for letters of apology and to re-employ workers, taking into account their interests and those of the enterprise. He added that they had had only one meeting with the employer and the Government since 14 October 1994, as a result of which the employer had suggested the re-employment of 25 of the 618 workers between October 1994 and January 1995, and 75 others at the end of 1995; the others had been summarily dismissed on the basis of serious misconduct. "Dignité" had suggested the replacement by new employees of 122 striking workers who were at retirement age and 32 other striking workers who had died, as well as re-employment according to the needs of the enterprise of 464 other strikers. Since that time, there had not been any tripartite follow-up, and a serious incident occurred on 17 January 1995 at Irho Lamé when the employer deliberately armed the new workers with hunting rifles which they then fired at the former workers at a sit-in in front of the enterprise. He said that he had proof of this which he had sent to the Government, but without result, as the Government preferred instead to chase away the strikers who, since 17 January 1995, had been hiding in the bush with their families. Since that time, the primary school of the village had been closed. With regard to trade union elections, he pointed out that in enterprises where "Dignité" was authorized to present candidates, it succeeded in registering 458 elected delegates as opposed to 56 for the other confederation. Since then, the Government also had permitted "Dignité" to participate in all collective bargaining. He asked the Government to make an effort so that elections would be organized in enterprises referred to as the "heart of the economy", such as the independent port of Abidjan and the airport of Abidjan, etc., where such elections had not taken place for five years. He also regretted that since the departure of the direct contacts mission, no negotiations had been undertaken to resolve the problem of the dockers of Irho Lamé, as well as of the representatives and workers of several other enterprises referred to in the mission report. These problems were reflected in the Workers' members' request that the new Labour Code actually be applied. With regard to the misappropriation of trade union cards and funds of which he had been accused, he stated that he had just been acquitted by the courts, which implied that he had been arrested unfairly and without any basis. He also expressed concern about the fate of two members of "Dignité" who had been detained since 17 January 1995 in a high security prison in Abidjan set aside for murderers and persons who had committed serious crimes. He added that he would file a report with the Committee on Freedom of Association concerning the dismissal of workers for trade union activities or strikes; this report was also available to the Committee. He concluded by expressing great concern for his trade union organization, which must depend upon the effectiveness of ILO supervisory mechanisms.

The Government representative made it clear that the sombre picture painted of his country did not represent reality. He stated that aside from the problems of "Dignité" there was actual freedom of association in his country, including three trade union confederations having a total of about 300 trade unions. With regard to the restriction on trade union leaders from entering the independent port of Abidjan, he clarified that the reason for this was that there was a labour dispute before the Labour Court and that until this case was decided, nothing could be done. He stated in addition that it was not the Government but instead former members of "Dignité" who had commenced the judicial procedure against their Secretary. Moreover, the Government was not involved in the organization of elections of personnel delegates. With regard to the comments of the Worker member of Togo and of the Secretary-General of "Dignité", and the incidents that oc-

curred during the 17 January 1995 sit-in, he referred to the reports sent by the Government to the ILO. While taking into account the suggestions for the improvement of national legislation, he considered that there was no possible ambiguity with regard to Act No. 60-315 of 21 September 1960 with respect to associations and the new provisions of the Labour Code concerning trade unions.

The Workers' members once again insisted on the need for the Government to provide replies and concrete information concerning the application of the Convention in practice as well as on all the points examined that were referred to in the recommendations of the Committee on Freedom of Association.

The Employers' members expressed concern regarding what they had heard concerning the application of labour legislation in practice, and stated that a written report from the Government to the ILO was necessary on how the new Labour Code would be implemented in practice.

The Committee noted the report of the Committee of Experts and the oral information given by the Government representative as well as the discussion that took place thereafter. The Committee took note of the direct contacts mission that went to Côte d'Ivoire in September 1994. The Committee welcomed the Government's information that the new Labour Code, which was promulgated on 23 February 1995, contained provisions in line with some previous comments of the Committee of Experts. The Committee, however, insisted that implementation of law and practice was of fundamental importance and called upon the Government to adopt at a very early date appropriate measures to bring the legislation and practice into full conformity with the Convention. In particular, it urged the Government to amend Act No. 60-315 of 21 September 1960 on associations, so as to remove ambiguities and to provide that it did not apply to trade unions and to abstain from any interference in the internal affairs of the trade unions. The Committee exhorted that if necessary, with technical assistance from the ILO, the Government would implement the recommendations of the Committee on Freedom of Association and give effect to the points raised by the Experts. The Committee trusted that it would be able to take note at its next examination of the case of substantial progress in the application of the Convention and asked the Government to report in detail to the Committee of Experts in due time.

Greece (ratification: 1962). A Government representative of Greece recalled the efforts made by her Government during the last years to modify the legislation to bring it in line with the provisions of ratified Conventions, taking into account the observations made by the Committee of Experts. In reply to the Committee's request inviting the Government of Greece to provide information on the situation, the Government representative dealt successively with the three points raised in the Committee's report.

Concerning the determination of the minimum service to be provided in the event of a strike in the public services, article 2 of Act No. 2224 of 1994, in force since October 1994, empowered the social partners the right to negotiate an agreement on the designation of security staff and the staff required to provide the minimum service in the event of a strike. In case of a disagreement between the social partners, the matter was referred to mediation and, in the event of the failure of mediation, the matter was brought before a permanent bipartite (employers-workers) Commission presided over by a judge responsible for arbitration.

With respect to the finances of trade union organizations, Act No. 1915 of 1990, which was the subject of the complaints made by the General Confederation of Greek Workers (GSEE), was amended by Acts Nos. 2091 of 1992 and 2224 of 1994. In conformity with the latter Act and with the ministerial decision No. 50262 of 17 March 1995, the GSEE and its member organizations (professional federations and departmental unions "Ergatika Kentra") received from the "Foyer ouvrier" finances for their operational costs, such as rent, remuneration of staff, costs of organization of election congresses, etc. The amount of these allocations to trade unions was calculated in proportion to the number of their voting members. As to the first level organizations representing less than 500 members, they could also benefit from subsidies after consultation with the GSEE. The administrative council of the "Foyer ouvrier" was a tripartite body which constituted a real guarantee of objectivity and transparency.

Concerning the freedom of association of seafarers, the Pan-Hellenic Federation of Seafarers was functioning freely and independently of the Government. The Government acted to suppress the exclusion of seafarers from the application of Act No. 1264 of 1982. Moreover, the seafarers' trade unions, the shipowners and the Government were engaged in dialogue and the Ministry of Labour made all the necessary efforts to ensure that seafarers could benefit from the same trade union freedoms as other workers.

In addition, in Greece, in agreement with the social partners, the Economic and Social Committee had been created recently on

which were represented all the organizations concerned. It was a consultative institution chaired by a person enjoying the full confidence of the employers' and workers' organizations, and the role of which was to give opinions on all the questions relating to the economic and social life of the country.

The Employers' members thanked the Government representative for providing information on all the three points raised in the report of the Committee of Experts. With respect to the determination of the minimum service to be provided in case of strikes in the public services and the risk of financial interference by the State in trade union affairs, the Experts had taken note of the legislative modifications introduced by Acts Nos. 2091 of 1992 and 2224 of 1994, and had not expressed any precise criticisms in this respect. Therefore, the Employers' members considered that these questions were settled.

As regards the third point, namely the freedom of association of seafarers, the Experts strongly regretted that this problem had not yet been definitely solved. The Government representative here had confined her comments strictly to the general observations that a consensus had to be reached between the interested parties. For the Employers' members, therefore, this question had been left open and they expressed the hope that it would also be solved.

The Workers' members had recalled the negative and positive changes in the trade union situation in Greece over the last decades as well as the observations made by the Committee of Experts for many years and the conclusions of the Committee on Freedom of Association in Cases Nos. 1584 and 1632. The Committee of Experts had noted in its last report the modifications introduced by Act No. 2224 of 1994 and the Government representative had recalled these amendments and provided details. On the designation of security staff and the staff required to cope with the essential needs of the life of the community in the event of a strike, the new system placed the accent on the collective negotiations between the social partners. The Workers welcomed this development, stressing that the right to strike was a fundamental aspect of freedom of association, as the Committee of Experts had reaffirmed in its *General Survey* of last year. As to what concerned the independence of trade unions in their finances, the same Act modified the Act of 1990 which had a negative effect on the internal financial management of trade unions.

Finally, as to the question of freedom of association of seafarers, the Workers' members had noted the information provided by the Government representative, according to which this problem would be solved. Therefore, they requested the Government to provide detailed reports on the decisions taken and on the development of the situation in the light of the observations made by the Committee of Experts.

The Workers' member of Greece recalled that if after the adoption of Act No. 1915 of 1990 the situation was very unfavourable for Greek workers, it had since developed in a positive manner. Workers could negotiate collectively with the employers' organizations on a completely normal basis. Moreover, new laws were adopted that had already been referred to by the previous speakers. There was however scope for further improvements, particularly as to what concerned the guarantees to be provided for the sustainability of this system irrespective of the government in power.

Concerning the problem of seafarers, this problem had existed for many years due to the particularity of this category of workers. The General Confederation of Greek Workers had never accepted that seafarers were excluded from the application of the legislation which covered other categories of workers. This question concerned first of all the Seafarers' Federation which was a member of the Confederation and functioned in a free and democratic manner. The Seafarers' Federation had participated and voted at the last congress held by the General Confederation of Greek Workers in March, thus having the possibility to elect its activists to the Direction of the Confederation with the promise that its statute would be modified and brought into conformity with the relevant legislation. The speaker expressed the hope that legislation covering land-based workers would be fully applied to seafarers and port workers.

The Government representative stated that she would make a report to her Government with the aim of providing next year precise and detailed information on developments in the situation.

The Committee noted the oral information supplied by the Government representative as well as the discussion which took place thereafter. The Committee also noted with interest that some positive developments had taken place in the legislation in relation to the agreed determination of minimum services to be provided for in the event of strikes in public services and in respect of the question of finances of trade unions.

However, the Committee noted that for a number of years the Committee of Experts had referred to the exclusion of seafarers from the legislation of 1982 and 1990 concerning trade unions. The

Government, in its report to the Committee of Experts, had stated that the trade union status of seafarers had to be the subject of a broad consensus of the parties. Having noted this, the Committee felt that the future in regard to this issue was still unclear and that freedom of association should be guaranteed to seafarers in a sustainable fashion.

Guatemala (ratification: 1952). The Government supplied the following information:

Article 2 of the Convention (Right of workers and employers to establish and join organizations). The Government indicated that the substantive and procedural conditions are contained in Title 6 of the Single Chapter of the Labour Code and in Government Agreement No. 639-93. There is no specific legal provision covering special categories of workers.

Article 3 (Right of workers' and employers' organizations to draw up their constitutions and rules, to elect their representatives in full freedom and to organize their administration and activities). The law provides that trade unions are permanent associations of workers or of employers or of self-employed professionals or tradespersons established exclusively for the study, improvement and protection of their economic and social interests.

Article 4 (Dissolution and suspension of organizations by administrative authority). Dissolution is governed under sections 226-229 of the Labour Code.

Article 5 (Right of organizations to establish federations and confederations and to affiliate with international organizations). Section 233 of the Labour Code provides for the establishment of federations and confederations, and states that they can be at the national or regional level or according to branch of activity. This provision does not provide for membership of international organizations.

Article 6 (Rights of federations and confederations of workers' and employers' organizations). The establishment of federations and confederations is governed by the same provisions as those concerning the establishment of trade unions (Title 6, Single Chapter of the Labour Code).

Article 7 (Legal personality of workers' and employers' organizations and of their federations and confederations). This matter is dealt with under Title 6, Single Chapter of the Labour Code.

Article 8 (Exercise of the rights of workers, employers and their respective organizations). The requirements under this Article are taken into account particularly under the following constitutional provisions: articles 5, 24, 28, 29, 33, 34, 35, 138 and 139.

Article 9 (Trade union rights in the armed forces and the police). There is no relevant legislation in force. In accordance with custom and national practice, there is a presumption against the establishment of trade unions in the armed forces and police. With regard to the 1993 comments of the Committee of Experts, the Government will take action shortly to eliminate the divergencies indicated. However, the legislative function is exercised exclusively by Congress.

A Government representative referred to the written report provided by the Government. She expressed her appreciation and recognition for the work developed by the ILO, particularly by the present Committee. She indicated that she had appeared personally in order to demonstrate the Government's commitment to obtaining a solution to the difficulties which persisted in this matter, notwithstanding the efforts already realized. Guatemala had been affected by a terrible armed conflict during the last 35 years, as a consequence of the cold war and of internal conditions. The Government was seeking peace through the signing of accords to resolve differences. In this difficult process, Guatemala was being assisted by friendly nations and by the United Nations, which were acting as mediators in the process and which moreover were collaborating through MINUGUA in the monitoring of the global accord on human rights. During his recent visit to Guatemala, the President of Mexico recognized, on behalf of the friendly countries involved in the peace process (Norway, United States, Spain, Mexico, Colombia and Venezuela), the reconciliation work of the Government of the President of the Republic of Guatemala, and emphasized the importance of counting on the help of the international organizations and agencies to consolidate the desired peace in Guatemala. Additionally, the speaker described the importance of the presence of the ILO regional office in Central America which had permitted the improvement of relations with the ILO and at the same time enhanced the use of consultants and technicians to modernize the Ministry of Labour and make it more efficient.

Moreover, the Government emphasized the valuable work of the direct contacts missions to Guatemala, the results of which were appropriately recognized. The mission provided the opportunity for dialogue with the different sectors and evidenced the pol-

icy of the President of the Republic to open the country to collaboration with the international community in order to develop together solutions to the social problems of the country.

Concerning the observations of the Committee of Experts on the Application of Conventions and Recommendations, the speaker stated that Guatemala had already completed the reports which were referred to in the report of the Committee of Experts. Those reports had been delayed due to the lack of employees in the Ministry of Labour who were familiar with this specialized area. In the future, the Government would take measures to ensure that the reports arrived on time.

Concerning the observations formulated in relation to the Convention, the speaker stated that since the 1970s four attempts had been made to develop a new Labour Code in Guatemala, in place of the Labour Code of 1947, and that committees had been formed to develop each of these drafts, but without results. In December 1992, the modification of certain articles was achieved with the promulgation of Legislative Decree No. 64-92. Nevertheless, such modifications were minimal and in non-controversial areas, in comparison to the total reforms proposed. Regrettably, the propagation of a new Labour Code or reform of the existing Code always encountered opposition in a polarized society such as Guatemala. Consequently, it was difficult to complete accords, largely due to the persistence of internal armed conflicts. In spite of that, the modifications introduced in 1992 were elaborated with the participation of the workers' and employers' sectors, and of the Government. The Government believed that this exercise needed to be repeated. After the failed coup, which occurred in May 1993, a process to streamline the machinery of the State was initiated and in 1994 there was an excessive purge of Congress. The present delegates were due to turn over their posts in January 1996, making it difficult to adopt legislative reforms in the immediate future. None the less, the Ministry of Labour would convene a meeting with the employers' and workers' sectors to analyse the recommendations of the Committee of Experts. Such a situation should not be an obstacle for the Ministry of Labour and Social Security, which had already taken measures to promote freedom of association. In October 1993, only two months after assuming its duties, the Ministry sponsored various seminars and exercises intended to reduce the administrative steps required to obtain authorization for unions, and eradicated unnecessary formalities which had amounted to over 127 bureaucratic steps. The procedure was simplified significantly and eliminated the obligation to comply with the statutes propagated by the President of the Republic. Moreover, new reforms were introduced recently to facilitate a more straightforward procedure. This reform established a process requiring approximately 55 days to obtain legal recognition of a union (in accordance with the provisions of the revised Labour Code).

Lastly, the speaker reiterated the political will of the President of the Republic to continue taking measures and adopting actions to facilitate the existence of a culture of tolerance and to consolidate a lasting and firm peace through political accords based on dialogue and compromise. Only then would it be possible to dedicate all of the resources of the country, human as well as material, to solve the significant challenges which stem from underdevelopment, such as health, work, education and the modernization of production. Guatemala needed the understanding and help of the international community because it was easy to confuse the scarcity of resources with the absence of policies. Success must be obtained in cooperation, because peace was not only the absence of war.

The Workers' members appreciated the information provided by the Minister of Labour concerning the difficult political situation of the country and the initiatives taken to adopt a new Labour Code. It was recalled that the case had been discussed in 1991 and 1993, and that a special paragraph had been adopted firmly insisting that the Government send detailed information on measures taken to bring the legislation into conformity with the Convention; that it eliminate the discrepancies between legislation and practice on the one hand, and non-compliance with the Convention on the other; and that it take the necessary measures to prevent serious attacks on freedom of association, such as had occurred. At that time, the Government representative made promises to that effect. Nevertheless, the Committee of Experts did not receive the Government's report on time; and when it did report, the Government did not provide any new information but rather limited itself to expressing vague intentions to take steps to eliminate the aforementioned discrepancies. This was regrettable, given the grave problems which existed in the lack of conformity of the legislation with the Convention. Furthermore, the Committee on Freedom of Association, upon examining various cases, had identified the flagrant violations of freedom of association in practice: the difficulties unions faced in organizing and operating; dozens of cases of threats, aggression, assassinations, disappearances and dismissals of union activists. Paramilitary groups, police,

and directors of national and international enterprises were clearly responsible, but were allowed to act with impunity. The sectors most affected were agriculture, forestry, and the free enterprise zones. Additionally, the employers promoted the creation of "solidarist associations" to weaken trade union organizations and undermine the right of collective bargaining (reference was made to the case of four enterprises in particular); and it was estimated that the members of such "solidarist associations" numbered in the thousands.

In addition, the Workers' members emphasized the gravity of the problems, which were highlighted in the report of the Committee of Experts, which made difficult the creation of unions, the free election of representatives (a worker must have been active in the enterprise and without a prior criminal record), and the exercise of the right to strike (the excessive requirements made impossible the lawful exercise of the right). Although in 1992 improvements had been made in the law, the formation of unions still tended to be a complicated process. The Committee should adopt firm conclusions, given the gravity of the situation and the fact that the Government had not completed the promises which it previously made to the present Committee. It was also necessary to: guarantee and protect the physical and moral integrity of union activists; increase the number of labour tribunals; reinforce labour inspections; facilitate the system for forming unions and eliminating administrative procedures; and collaborate in the development of a stable and efficient system of labour relations, where freedom of association was not violated by enterprises or the public authorities. The Workers' members hoped that in the near future tangible results could be obtained.

The Employers' members agreed with most of the points made by the Workers' members. This case had been dealt with a total of six times in the course of the 1980s, and then again in 1991 and 1993. This year, the Committee of Experts did not have any report from the Government and therefore had no option but to reiterate its previous observation, despite the fact that in 1993 the present Committee had concluded by asking urgently for a full report on any progress made. On that occasion, the Government had promised that things would change very soon, but these promises were linked to the appointment of the new President of Guatemala, who was to personally ensure the fulfilment of the changes.

In fact, not very much had changed since then. The comments made by the Government representative on the whole dealt with the general political situation and the problems the country had encountered over the past 30 years. It referred to some changes which had occurred but which were not the object of observations of the Committee of Experts. The Workers' members had already listed the main points of concern: supervision of trade union activities; the nationality requirement for exercising union office; the requirement that workers be active in the enterprise in order to exercise union office; and the requirement that workers demonstrate that they did not have a criminal record. These demands certainly could not be reconciled with the terms of Convention No. 87, so here too the Employers' members supported the call for change, which was made in 1991, in 1993, and repeated now.

The Employers' members clarified that it did not support the demands made in connection with the right to strike because they could not be derived from the terms of the Convention and contemplated the right to strike in a very specific way which the Employers' members could not accept. But as for all other points, the Employers' members agreed fully with the Committee of Experts.

So what had become of the promises which were given in 1993? The present Committee said at the time that it hoped that the new political leadership would introduce changes for the better because the new President had the reputation of being somebody who was a great defender of human rights. But the Committee of Experts had not even received on time a detailed report from the Government and the information received later, which had been provided to this Committee, was not very impressive and did not provide any concrete information, and again contained a vague promise to act in the future. The Government representative stated that it was extremely difficult to achieve any change in the short term. This was less than what had been promised in 1993. Undoubtedly, the Government had good intentions, but it was evident that change came about very slowly. The Committee should adopt very firm conclusions, as the Workers' member had demanded, and should demand a report on any measures taken. The Employers' members indicated that they reserved the right to request examination of this case next year.

The Workers' member of Guatemala declared that the statement made by the Workers' members fitted reality and that violations of the Convention at the level of the legislation had existed since 1952, the date of Guatemala's ratification. Furthermore, the Government had not submitted a report on time to the Committee of Experts, and when it did (in May 1995) it did not consult the workers' organizations. The criticisms of the Committee of Experts concerned restrictions on freedom of association, on the

right to strike, and on collective bargaining, all of which existed in legislation as well as in practice. The speaker referred to various recent cases of attempts on the lives of union activists, and cases which illustrated the ineffectiveness of the labour courts concerning problems of collective bargaining. The Committee of Experts should continue to examine these problems on an ongoing basis. This would be a significant help in the actual peace process, which required respect for economic, social and political rights, to be able to solve the causes of the armed conflict.

The Workers' member of Colombia expressed solidarity with the Guatemalan union movement and observed the painful situation which the workers endured. It was disturbing that the Government had not sent its report on time, and that it had sought to excuse itself by invoking the search for peace. Peace required respect for the lives of workers and union activists, and respect for other rights pertaining to the organization of workers. The protection of the right of unions to organize, which existed in Guatemalan legislation, was more formal than real. It should be observed that the Government had failed to act firmly when enterprises proceeded with massive anti-union dismissals, or when obscure forces repeatedly assassinated or kidnapped activists. The speaker referred to specific cases of assassinations and kidnapping of union activists. The speaker concurred with the statements of the Workers' members and firmly requested that the Committee formulate stronger declarations. Lastly, the speaker requested that the ILO continue to follow all of the issues related to freedom of association.

The Workers' member of the United States stated that the observation of the Committee of Experts concerning Guatemala appeared relatively bloodless in its legalisms, but the facts in Guatemala were anything but bloodless. There existed a horrible record of the role of police, paramilitary and death squads in what the archdiocese in Guatemala City had described as the "systematic practice" of repression against the trade union movement. What amendments had been made to the 1947 Labour Code had rarely been enforced so that the protection for organizing that appeared in print was either ignored or misapplied. There existed a practice of repeated and horrific reprisals. For example, since the present Committee last met, the leader Edi Conde was abducted by four armed men in police uniform and interrogated, beaten and threatened with death unless he left the country. The AFL-CIO, with the Postal Telegraph and Telephone International, helped the Secretary-General of the Energy Workers' Federation of Guatemala to go to El Salvador to seek refuge and safety. In March, the Finance Secretary of the union at the "PCA Maquiladora" enterprise was cruelly murdered. UNSITRAGUA alone had lost eight leaders and members since mid-1994. When the Coca-Cola bottling plant or other employers claimed that the workers lacked the majority necessary to form a union, the present Committee should not focus only on the fact that the Labour Code required a two-thirds majority for a strike, in violation of the Convention, but also on the existing atmosphere of violence and intimidation so extreme that it did not require a cynic to say that many killings of union members prevented unions from reaching the required quota for registration. In light of the lack of freedom of association, it was time for this Committee to firmly insist that Guatemala bring its legislation and its practice into conformity with the Convention.

The Workers' member of Iceland, speaking on behalf of the Nordic Workers' members, stressed that everyday reports were received on acts of violence aimed at disturbing the functions of trade unions in Guatemala. While this was going on, it was confirmed time after time that no action was being taken by the authorities in order to combat the paramilitary groups, such as the "Jaguar Justiciero", which were responsible for these acts of violence. Guatemala had ratified a total of 67 Conventions, 62 of which were supposed to be in force, including Conventions No. 87 and No. 98. While reading the list of Guatemalan trade unionists who had lost their lives in the last few years as a result of their struggle to better the condition of workers in Guatemala, and observing that nothing was being done by the authorities to prevent it, it was almost impossible to see that the Government of Guatemala had meant a word of what it said by ratifying the human rights Conventions. Freedom of association had little meaning under circumstances such as this. Ratifying Conventions without taking action to implement them in practice was an abuse of the ILO and a disgrace. However, the speaker noted that the representation of Guatemalan workers at the present Committee this year included an independent trade union organization, and expressed the hope that this was a sign of better times.

The Workers' member of Panama condemned the situation in Guatemala relating to labour and union rights; the difficulty of maintaining unions under such conditions, and, above all, the crimes committed against union activists. The speaker indicated that the workers' organizations from Panama had visited the Embassy of Guatemala to demand respect for the right to life of the

workers, as well as the protection of other rights. The ILO should continue to examine all of these issues to ensure that the Government fulfilled the commitments which resulted from the ratification of the Convention.

The Government representative took note of the statements which were made and regretted the cases of violence referred to by various speakers. Many of those cases were being examined by the direct contacts mission which visited the country, and would be examined by the Committee on Freedom of Association, whose conclusions the Government awaited. The speaker indicated that the Government had already submitted all of the reports required by the Committee of Experts. She reiterated the Government's wish to convene a meeting with workers and employers to examine the recommendations of the Committee of Experts concerning the Convention, with the objective of bringing the legislation into compliance with the Convention as soon as possible.

The Committee noted the written communication and oral explanations provided by the Government representative, as well as the discussion that took place thereafter. The Committee regretted that, in spite of the discussions before the present Committee in 1993 and the assurances given by the Government at that time, the Government's report was not received in time to be examined by the Committee of Experts. The Committee of Experts and the present Committee had, for a number of years, urged the Government to eliminate the discrepancies between national legislation and practice and the Convention, particularly regarding the need to lift the limitations imposed on the right of trade unions to organize their activities and to elect their representatives. The Committee emphasized that these matters had already been discussed many times, had been examined by direct contacts missions, and had been the subject of a special paragraph in a previous report. Consequently, the Committee urged the Government to adopt in the very near future the necessary measures, in legislation and in practice, to ensure that this fundamental Convention, ratified more than 40 years ago, was applied in letter and spirit. It called upon the Government to report in detail to the Committee of Experts on the actual progress made in terms of specific steps taken to bring both legislation and practice into conformity with the requirements of the Convention.

Japan (ratification: 1965). The Government supplied the following information:

With regard to the issue of the right to organize of fire defence personnel, the Ministry of Home Affairs, the Fire Defence Agency and the All-Japan Prefectural Municipal Workers' Union (JICHIRO) have held consultations strenuously in order to find an appropriate solution to this issue since the submission by the Government of Japan of its report in December 1994. The consultations continued even in the extremely difficult circumstances caused by the recent Kobe earthquake, a natural disaster of unprecedented devastation, in respect of which the Japanese fire defence system was required to mobilize all its resources in order to cope. As a result of the consultative efforts, an agreement was reached recently that was the solution accepted by consensus of the Japanese people. This solution was the introduction of a new system to guarantee the participation of fire defence personnel in the process to determine their working conditions and improvement of such conditions.

The specific content of this new system is as follows: (1) a fire defence personnel committee (provisional name) will be established in each fire defence headquarters throughout the nation; (2) the committee will discuss opinions to be presented by fire defence personnel on improvement of working conditions or other subjects, and the committee will present its observations to the fire chief; (3) the committee will be formed by fire defence personnel, half of whom will be appointed on the basis of recommendations of members of the respective unit; (4) the fire chief will respect the intention of the committee's observations and strive to improve working conditions or other matters regarding fire defence personnel.

The Government will prepare legislative amendments to institute this new system. In this new system, the process to improve working conditions or other matters regarding fire defence personnel will be conducted with their participation at the respective fire defence headquarters where they are assigned, and problems concerning working conditions or other matters regarding specific individuals will also be handled. This new system will therefore guarantee the participation of fire defence personnel in the process to decide their working conditions, and is consistent with the spirit of protection of their rights.

This solution is based on the agreement that was reached through in-depth discussions among all parties concerned throughout the nation, and both the Government and workers greatly appreciate its significance.

In addition, a Government representative of Japan stated that with regard to the issue of the right to organize of fire-fighting

personnel, consultations had been held since 1990 between the Ministry of Home Affairs and the All-Japan Prefectural Municipal Workers' Union (JICHIRO). These consultations continued even in the wake of the Kobe earthquake, a disaster of unprecedented devastation, which the Japanese fire defence system coped with by mobilizing all of its resources. As a result of these consultations, the two parties recently reached an agreement providing a solution which would be acceptable to the Japanese people. The measures agreed on were, in short, to introduce a new system by revising the Fire Defence Organization Law. The new system was to be made up of fire defence personnel committees which would be established in all fire defence headquarters. These committees would discuss opinions concerning the improvement of working conditions or other subjects which would be proposed by the fire defence personnel.

The important points of this system were the guarantee of "locality" and "participation of personnel" in deciding the working conditions of fire defence personnel, which JICHIRO had demanded throughout the consultations. Regarding locality, this system would be established in each of the 931 fire defence headquarters across the country. With respect to personnel participation, all personnel could put forward opinions to the committee concerning improvements in their working conditions, individual outfits or other matters. All members of the committee would be fire defence personnel and half of these members would be appointed on the basis of recommendations made by the personnel themselves. The fire chief would act on the results of the committee's discussions, thereby giving consideration to the proposals of the personnel for improving their working conditions. Thus this new system would guarantee the participation of fire defence personnel in the process of deciding their working conditions and would be in line with the spirit of the protection of their rights. The Government and trade unions had agreed that both would make their utmost efforts to have this system firmly established and operating effectively so that fire defence personnel could further improve their economic status and other conditions. The Government considered that the manner of restricting the fundamental rights of workers for the sake of public welfare could be changed depending on a change in the consensus of the Japanese people. Accordingly, the Government considered that discussions on the right to organize of fire defence personnel, which was a fundamental right of workers, would be made in the future by the parties concerned.

The Workers' members expressed satisfaction that a certain amount of progress had been made with respect to this case which was one of the oldest cases before this Committee. Progress had been made mainly due to dialogue within the Committee, the assistance of the ILO and discussions held in Japan between the union concerned and the Japanese Government. While these discussions were not over, the first stages of an agreement had been reached on a very difficult case which had been outstanding in this Committee for a long time.

The Employers' members, referring to the problem of the denial of the right to organize of fire-fighting personnel, agreed that they were very pleased with the agreement that had been reached between the Government and the union concerned since this was indeed an old case before this Committee. It was important, here, that dialogue had not just been embarked upon, but that this dialogue had actually produced results which were acceptable to both parties. While further progress was possibly still needed, this first step would probably be followed by others, since in this case agreement had been reached after so many years of dialogue.

The Workers' member of Japan, who spoke on behalf of the Japanese Trade Union Confederation and the All-Japan Prefectural Municipal Workers' Union, first of all expressed his appreciation to the two high-ranking ILO officials who visited Japan last year to help the parties find a solution to this long-standing problem. The issue of the right to organize of fire-fighting personnel had been before this Committee for more than 20 years and it was therefore to be welcomed that the Government had finally agreed to make a step forward to solving this matter. The proposed introduction of the new system to the fire defence service was quite significant in terms of participation of fire-fighters in the determination of their working conditions, since at present there was no machinery for joint discussion or consultation. His organization would make utmost efforts to utilize the new system for improving the working conditions of fire-fighters through their representatives at their workplaces. However, the new system was not the final solution of this issue; therefore, whilst due note should be taken of the positive steps made so far, there was still a long way to go before Convention No. 87 was fully complied with, in law and in practice. In this respect, the supervisory machinery of the ILO could and should continue to play its constructive role in this process by asking for reports from the Government on further positive developments in this respect. On behalf of fire-fighters in Japan who had patiently striven for progress in this domain, the

speaker expressed his sincere gratitude to both the Committee of Experts and the Conference Committee for their efforts to solve this problem. These fire-fighters were fully aware of the responsibility they had in carrying out essential services to the community and their commitment would not change even after they obtained their freedom of association.

The Government representative of Japan thanked the delegates from the Workers' and Employers' sides for the various comments made of which due note would be taken and reported to his Government.

The Committee noted the written communication and the oral information supplied by the Government representative, as well as the discussion which took place within the Committee. Recalling that, for many years, both the Committee of Experts and the Conference Committee had called upon the Government to take appropriate measures to find a solution satisfactory to all parties concerned to ensure the right to organize for fire-fighting personnel, the Committee noted with interest that the public authorities and the municipal workers' union had held consultations even in the difficult circumstances caused by the recent Kobe earthquake and had agreed to the introduction of a new system to guarantee the participation of fire-defence personnel in the process of determining and improving their working conditions. The Committee welcomed, with satisfaction, this important step towards the application of the Convention and encouraged the public authorities and the municipal workers' union to continue their dialogue. It also called upon the Government to amend the law and practice, truly reflecting the agreement already reached, and in a way that was consistent with Convention No. 87. The Committee asked the Government to report to the Committee of Experts on any further developments with regard to the application of the Convention.

Kuwait (ratification: 1961). A Government representative of Kuwait indicated that the demographic composition of Kuwait was different from that of other countries in the world in that the economically active population was made up of 80 per cent foreigners who were from 138 different countries. This had a considerable influence on the country.

The Committee of Experts was asking for section 2 of the Labour Code (Act No. 38 of 1964) to be amended. However, the exclusions provided for in this provision did not imply that the workers mentioned therein were excluded from the law. They were instead covered by other Acts such as the Act on Public Services. A certain number of workers were governed by statutes under the Ministry of the Interior. As for the exclusions respecting contractual workers, he emphasized that they had not been applied for a long time. Indeed, the necessary measures had been taken recently to repeal that provision.

As regards the requirement of at least 100 workers in order to establish a trade union and ten employers to form an association, this was applicable to foreign workers who were in Kuwait for a certain period of time and who would return to their countries once their tasks had been completed. As to the number of employers necessary to form an association, this provision would shortly be amended. Concerning the requirements of having a minimum residence period of at least five years in Kuwait as well as obtaining a certificate of good reputation and conduct before being able to join a trade union, this was stipulated to ensure that there would be stability in trade union membership since non-Kuwaiti workers were not stable residents. The minimum number of 100 workers was quite small. Otherwise there would be trade unions with a very small number of workers from a given nationality. Regarding the prohibition on the establishment of more than one trade union for a particular establishment or activity (section 71), Kuwaitis in tens of thousands of establishments amounted to only 700,000 workers.

With regard to section 73, which contained a prohibition on trade unions from engaging in any political or religious activities, the Government representative wondered what the objectives of trade unions carrying out such activities would be. After all, freedom of religion and expression was guaranteed in Kuwait through newspapers and magazines. He considered moreover that the differences in the economic and social situations of various countries should be taken into account by the Committee when examining these issues. Concerning the devolution of trade union assets to the Ministry of Social Affairs and Labour in the event of dissolution, the Ministry gave support to trade unions in practice, which was why if a trade union was dissolved the assets quite naturally reverted to the Ministry. Finally, he asserted that there were no legal provisions which restricted the right to strike. Workers in the oil sector had gone on strike recently. Negotiations had taken place between the Government and trade union representatives further to which section 88 had been applied. As a result, the matter was submitted to a chamber of the Court of Appeal in which employers and workers were represented.

The speaker concluded by informing the Committee that a large number of observations concerning Convention No. 87 and other ratified Conventions had been taken into account in the current amendments to the Labour Code. The new Act would be submitted to the institutions provided for under the Constitution of Kuwait.

The Workers' members pointed out that one of the reasons why this case was on the agenda of this Committee was that there had been a complete failure by the Government to supply reports containing new information since 1992. Indeed, even in 1992, the Government representative had stated that his country had set up a committee in order to carry out a final study on the possibilities of drawing up a draft Labour Code, taking into account the observations of the Committee of Experts. That committee had finished studying the draft Code which had been submitted to the legislative authorities three years ago. The Government representative then had talked about a draft Labour Code which would be introduced to the competent authorities. The Workers' members expressed their concern as to the nature of this draft legislation which was why they considered that it should be submitted for examination before being adopted.

Referring to the various problems posed by the Labour Code, which were mentioned by the Committee of Experts in its observation, the Workers' members first of all wondered whether the new Labour Code would cover the workers currently excluded from the scope of the Labour Code or whether they would be dealt with by other legislation. Concerning the minimum requirements placed upon certain workers in order to establish trade unions, the Workers' members pointed out that under Convention No. 87 there could not be any doubt that bodies of people should be entitled, if they so wished, to set up a trade union. In relation to the requirement of a minimum residence period for non-Kuwaiti workers to join a trade union, this was again for the trade union to decide upon. It was not for the Government to tell trade unions who they could or could not recruit. The same argument was applicable for unions which wished to federate.

With regard to the general discrimination against workers who were not of Kuwaiti nationality, the Workers' members considered that the Government representative's argument that a substantial part of the workforce were foreign nationals was an argument as to why the Labour Code should be applied to them. Furthermore, it was their view that ILO assistance could be sought by the Government in resolving its problems, particularly with respect to foreign nationals. Finally, it was undesirable for a trade union's assets to be reverted to the Ministry of Social Affairs and Labour in the event of dissolution, since it implied the Ministry had been helping/financing trade unions prior to their dissolution.

The Workers' members concluded by hoping that the Government representative would seek the technical assistance of the ILO and that he would confirm that he would be able to send the draft Labour Code shortly for examination by the Office. The Workers' members also hoped that copies of other laws affecting the public sector and domestic workers, amongst others, would also be sent shortly.

The Employers' members referred first of all to the exclusion of certain workers from the scope of the Labour Code. Since the Government representative had stated that they were covered by other laws, they wished to be informed of what exactly these rules or regulations were in order to see whether sufficient protection was granted to them. They were also waiting for information in the Government's report on the issue of the minimum number of employers and workers required to establish associations, which the Government representative had indicated would be taken into account in the new Labour Code. They considered that the requirement for non-Kuwaiti workers of a minimum five-year period of residence in Kuwait before being able to join a union was an issue to be settled by the unions themselves. The denial of the right to vote and be elected of trade unionists who were not of Kuwaiti nationality also constituted excessive interference in the organizational freedom of association.

Consequently, the Employers' members felt that the Government should be called upon to report in detail on all the individual points raised in the Committee of Experts' observation; it should also, if possible, send a copy of the draft Labour Code and, if required, draw upon ILO technical assistance in this matter.

The Workers' member of New Zealand regretted the comments made by the Government representative of Kuwait which confirmed that his Government comprehensively controlled and systematically constrained any trade union activity. While Kuwaiti nationals generally were severely restricted in their ability to form and join unions, other groups, especially migrant workers, were singled out for even worse treatment. Along with Indian and Pakistani citizens, domestic workers were excluded from the Labour Code. Yet, domestic workers, almost all of whom were both migrants and women, were the most vulnerable of any group of workers. They were isolated in private homes and their passports

were usually held by abusive employers. By denying them their freedom of association the Kuwaiti Government was in fact legitimizing the abuses that they faced. In this respect, the speaker referred to a report by a human rights group which recorded the plight of nearly 2,000 women who had taken refuge in their embassies after fleeing from Kuwaiti employers. Nearly all told stories of forced labour, non-payment of salaries, oppressive working conditions and rape. Yet, the authorities had not only failed to prosecute abusive employers but in some cases had actually returned women to such employers. Since the Government had failed to protect such workers from physical and sexual violence and at the same time denied them the right to freely associate and organize through a union to protect themselves, the speaker felt that the Committee should at the very least positively request the Government to accept technical assistance from the ILO or, alternatively, accept an ILO fact-finding mission. That was the very least it could do for the thousands of migrant domestic women workers for whom it should be trying to make some real change.

The Workers' member of India indicated that whenever private employers from Kuwait hired workers from foreign countries they confiscated their passports so that the workers could not complain. Whenever they complained, they were expelled to their native country without receiving any compensation. The workers were further not entitled to any compensation in case of an accident at the workplace. The Government of Kuwait refused to allow foreign workers, who were facing an abnormally difficult situation, to join trade unions. It further insisted on a requirement of a minimum five-year period of residence to join a trade union. In addition, they had no right to form a separate union. Finally, only Kuwaiti nationals could be elected to trade union office. However, there was no reason why migrant workers should not have a right to form a union; at least they should have the right to present their own grievances. The speaker appealed to the Kuwaiti Government to introduce legislation allowing migrant workers to enjoy freedom of association.

The Employers' member of Kuwait contended that the report referred to by the Workers' member of New Zealand contained mere allegations. Moreover, the Labour Code did not ban the right to strike; however, there were no restrictions on the right to strike in the oil sector, even though it was an important strategic sector of the State. He proposed to set up a special committee to investigate what had been said. He indicated that he was one of the members of the committee set up by the Government to draft a new Labour Code. However, any new law had to go through the constitutional channels which took time. According to what had been stated by the Ministry of Labour and Social Affairs, the draft law would soon be submitted to the legislative authority. It would then be discussed therein and it was up to the Parliament to decide when to promulgate the new Bill.

The Workers' member of Greece, referring to the intervention made by the Employers' member of Kuwait, stated that the Conference Committee was not a tribunal but an assembly carrying on a social dialogue at an international level. Kuwait was a rich country and if it did not apply Convention No. 87 this was because it did not have the political will to do so. The persons affected by the provisions concerned were foreign migrant workers who did not constitute a threat to the Government. The speaker recalled his personal experience as a migrant worker in Belgium where he belonged to unions whose members and leaders included foreign workers. However, they did not constitute a threat to the Belgian Government. Democratic countries accepted that foreigners have the right to exercise their trade union rights, as demonstrated by the fact that one of the leaders of a large German trade union was a Turkish national. Migrant workers should have the right to be treated in the same way as national workers and should be able to exercise the same trade union rights.

The Workers' member of Spain considered that the issue raised was not complicated. It was not special cases nor specific sectors that were being discussed here, but more generally the free exercise of trade union rights. The Government of Kuwait did not have the right to restrict freedom of association, as indicated by the Committee of Experts in its observation. It had the political and moral obligation of ensuring the respect of Convention No. 87, without any restriction, having recourse if necessary to the technical assistance of the ILO. The speaker agreed with the views expressed by the Workers' members according to which it would be appropriate to urge the Government of Kuwait to ensure respect of Convention No. 87.

The Government representative emphasized that they would respect human rights and spare no effort in attempting to guarantee those rights, particularly following the trials and tribulations of the invasion. He said Kuwait was a democratic State. Admitting several shortcomings, he thought they needed time. They were following the right path: they were serious in their wish to promulgate the new Labour Code; they were confident in making progress step by step. He denied the allegations concerning domestic

workers. Even though they do not have trade unions, Kuwait was a State ruled by law.

Referring to some speakers' suggestions that the Government seek the technical assistance of the ILO, the Government representative stated that the consultative multidisciplinary team visited Kuwait in December 1994 and made observations, which the Government noted carefully, concerning especially the new Labour Code. As for the right to strike, he repeated that there was no law in Kuwait restricting the right to strike. He assured that the opinions of the members of the Committee would be conveyed to the Government and that the Government would spare no effort to ensure the application of the Convention, at least most of it.

The Workers' members agreed with the Government representative that they were at the beginning of the road and stressed the length and difficulty of the road. The map was provided by the Committee of Experts. They repeated that it would be helpful if the draft laws were submitted to the Office before their adoption, rather than afterwards. They hoped that the Government found the discussion useful.

The Employers' members pointed out that it was up to the governments whether they would first send a draft law for examination or whether they would adopt a law and then make a report upon it. They again hoped for changes in line with the comments of this Committee and also of the Committee of Experts.

The Employers' member from Kuwait noted that there was no provision in the Constitution of the ILO obliging member States to submit their draft Labour Codes before their adoption.

The Workers' members clarified that the suggestion was often made by the Committee of Experts for draft laws to be submitted to the Office. It was not a requirement and governments were free to take or leave the service offered by the ILO.

The Committee took note of the comprehensive statement of the Government representative in respect of the issues raised in the report of the Committee of Experts in the discussion that followed thereafter. While the Committee also took note of the assurance of the Government representative in regard to the respect for human rights and the will to guarantee workers' rights, it regretted that the Committee of Experts had been unable to note any progress in the application of this important Convention for want of any new information. It recalled that the Committee of Experts was concerned about the substantial divergencies between the national legislation and the Convention in particular in regard to the universality of coverage of workers by the Labour Code, free and uninhibited formation of trade unions and affiliation to federations, and the autonomy of unions in regard to organizational and internal affairs.

The Committee recalled the earlier reported effort at the establishment of a revised Labour Code and expressed disappointment at the absence of any information on progress in regard to the matter. The Committee urged the Government to demonstrate its will to conform to Convention No. 87, especially by scrapping the present exclusions of certain categories of workers from the scope of the Labour Code, especially domestic workers, who are mostly women, requiring special protection, removing the restrictions on formation of unions and desisting from intervening in the financial and other internal affairs of unions.

The Committee also called upon the Government to furnish a full report to the Committee of Experts in respect of harmonization of the national Labour Code and practice with the provisions of Convention No. 87 and in respect of other collateral laws which contain provisions reflecting substantial conformity with the Convention. The Committee further expressed the hope that the Government might like to draw upon the expertise available in the ILO, including through further technical assistance especially to ensure that the revised Labour Code conforms to the Convention.

Mexico (ratification: 1950). The Government supplied the following information:

While taking into account the observations of the Committee of Experts requesting additional information on the application of the Convention, the Government confirmed its willingness to comply with its obligations under ILO Conventions, and in particular those under this Convention. According to the Government, the full exercise of freedom of association and the right to organize provided for under this Convention contributes to the strengthening of occupational organizations while favouring appropriate industrial relations. The Government is studying in detail the observations of the Committee of Experts concerning possible divergencies of the Federal Act on State Employees from the provisions of this Convention in order to take them into account within the context of the political, economic and social modernization process that is affecting both labour institutions and occupational organizations.

In addition, a Government representative referred to the comments of the Committee of Experts indicating that the Govern-

ment's last report on Convention No. 87 did not provide new information, but included only points that had been made in previous years by the Federation of Unions of Workers in the Service of the State (FSTSE).

He noted that, in the framework of the process of modernization in which his country was immersed, the competent authorities were studying in detail the observations of the Committee in relation to the discrepancies between some provisions of the Federal Act on State Employees and the requirements of the Convention in order to find solutions to the matters raised. The success of this process would depend on the Government's ability to reconcile the different interests of productivity factors and taking advantage of the international cooperation mechanisms, such as this important forum of the ILO.

He noted how welcome were the new programmes of technical cooperation of the ILO and the innovative policy of active partnership due to the multidisciplinary teams. In this context, he reported that the Government intended to carry out, with the participation of the multidisciplinary team of the ILO headquartered in Costa Rica, a tripartite seminar on labour standards. Lastly, he noted that his Government would provide information in its next report.

The Employers' members noted that in the case of Mexico, the questions posed by the Committee of Experts had been around for decades. They noted that there was a considerable difference in the legislative situation when Mexico ratified the Convention in 1950 and today. They further noted that the problems concerning compliance with the Convention were obvious and wondered why they had not been looked into decades ago. The report mentioned the prohibition of more than one union in a given state body, the prohibition for state employees to leave their union, the prohibition of re-election of trade union officials, etc. They noted that these were very clear violations in which the State was interfering with the freedom of trade unions and the Government representative made no excuses, nor was there any suggestion that this should be viewed differently. The Government representative spoke of the modernization process that Mexico was undergoing, but the Employers' members considered this a rather indefinite concept the outcome of which remained uncertain. The Employers' members hoped the Government representative would have recognized that these regulations were not and had never been in compliance with the requirements of the Convention. He continued noting that the Government must eliminate these discrepancies as quickly as possible and then inform the ILO of the legislative changes.

The Workers' members stated that the attitude of the Government, consisting in not replying to the comments of the Committee of Experts and which, moreover, was the source of the footnote, complicated the operation of the supervisory system. If the reply of the Government was closely scrutinized, it could be seen that its attitude consisted of simply stating that it was going to examine the comments only concerning possible discrepancies in the federal law on workers and the comments of the Committee of Experts. However, there were important discrepancies between the legislation and the terms of the Convention. In this regard, they emphasized that the above-mentioned law contained, firstly, texts which normally should elevate the internal status of unions such as the prohibition on re-election in unions and, secondly, the prohibition on having two unions in the same state body or the prohibition on members of civil servants' unions joining workers' or agricultural unions.

The Workers' members insisted that the Committee request the Government to promptly take all necessary measures to bring both law and practice into full compliance with the Convention. In addition, the Government must be requested to provide detailed information for examination by the Committee of Experts on the measures undertaken.

The Workers' member from Uruguay stated that, despite the changes announced in Mexico, the situation remained the same. He was concerned by the absence of a solution to the problems observed by the Committee of Experts as well as by the Mexican Government's considerable anti-union sentiment. For example, in the public transport company "Ruta 100" there was an endeavour to restructure, but this cloaked an attempt to destroy trade unions, resulting in a violation of Convention No. 87. It was necessary to investigate this situation promptly, since once a union was broken up another trade union might be formed in conformity with Mexican legislation but not with ILO Conventions. In connection with the fishing sector, the Ministry of Mexican Fisheries had experienced the same situation when it had become the Department of the Environment. He also noted that as a result of this restructuring the trade union structure would be dissolved and there would exist only one trade union affiliation for public employees. For these reasons it was necessary for the ILO to adopt a firm position. Without such a stand, nothing would change and there would be no possible solution to the matters; on the contrary, the situation would grow much worse.

The Government representative from Mexico stated that, in reality, two issues had been raised: when would the legislation be amended and what would be the results. As to the first point, he had already referred to the modernization process which his country was experiencing. As to the second point, he noted that everything depended on the willingness of the workers which should be expressed as their sovereign right, to avoid the situation where it resulted from state intervention as had been said. He stated that the Committee of Experts had been making comments on his country in relation to this Convention for years. Nevertheless, he believed that in reality the issues were basically of a technical nature and they consequently required a technical/legal response. Lastly, he reiterated that his Government would fulfil its commitment to continue to report on the progress achieved.

The Committee took note of the information provided by the Government representative and of the discussion that followed. The Committee recalled that for a number of years the Committee of Experts had expressed concern about the union monopoly imposed through the Federal Act on State Employees. It referred in particular to the prohibition of the coexistence of two or more unions in the same body, the prohibition on workers in the service of the State from leaving the union to which they belonged, the prohibition of the re-election of trade union officers and the extension of the restriction applicable to trade unions in general to the single federation of unions of workers in the service of the State.

The Committee welcomed the invitation to ILO authorities to propose a tripartite seminar on standards but felt that it would not be sufficient by itself. It also welcomed the indication from the Government that it would consider all the comments of the Committee of Experts, and expressed the firm hope that it would be in a position to note progress towards the full application of the Convention at an early date, including in terms of freedom for the state employees to form and join unions of their choosing outside the existing trade union structure if they so wished. The Committee asked the Government to report in detail to the Committee of Experts in due time.

Myanmar (ratification: 1955): The Government supplied the following information:

Recent developments with regard to the application of this Convention included an ILO mission by the international labour standards specialist for the Asia region in May 1994. The Ministry of Labour decided to take steps to translate into English the draft Trade Unions Act which was written in the national language in order to facilitate discussions between government authorities and experts from the International Labour Office. The Government sought further assistance from the International Labour Office to obtain technical advice with regard to its efforts to apply this Convention. A further ILO mission was carried out by the Director of the ILO Office for the Asia region and a specialist from the International Labour Standards Department in January 1995, at which time meetings were held with the Minister of Labour and the Director-General of the Department of Labour. The Government regretted the cancellation of a further ILO mission, which might have provided advice with regard to the amendment of the Trade Unions Act of 1926 to adapt the Act to the new political and economic system, and hoped that discussions with the International Labour Office regarding the Act would take place at a later date.

In addition, a Government representative stressed that the Government had a genuine desire to cooperate with the ILO whose technical assistance would be welcomed in the drafting of the new trade union law. Further to the mission led by the Technical Adviser of the Asian region of the ILO on matters relating to Convention No. 87 in May 1994, the Ministry of Labour had decided to take steps to translate the draft trade union law into the English language to facilitate discussions between the Myanmar authorities and the ILO. A follow-up visit to Yangon was carried out in January 1995 by officials from the ILO Bangkok office. During the course of discussions with the ILO mission, Myanmar authorities were informed that another ILO mission from the Freedom of Association Branch would be arriving in Yangon in April or May 1995. The Ministry of Labour had been looking forward to welcoming this mission. Unfortunately, this mission could not visit Myanmar as scheduled. However, the Government was of the view that further contacts should be continued with the ILO in order to obtain technical advice that would contribute towards its effort to apply freedom of association principles. The authorities hoped that discussions in this respect would take place at a mutually convenient date. The speaker stressed that significant progress had been made by the National Convention whose task it was to lay down basic principles to be embodied in a new Constitution. Currently, the contents of the chapters on the state structure, heads of state and self-administered areas had been agreed upon. Chapters on the legislature, executive branch

and judiciary would be discussed in October 1995 when the National Convention reconvened. As proceedings followed their course, basic principles in connection with citizens' fundamental rights, as well as the rights of workers, would be discussed in detail. Amongst the basic principles to be enshrined in the new Constitution, the following dealt with workers from different sectors: in connection with workers in general, it was laid down that the State would enact the necessary laws to protect the rights of workers; in connection with rural and farm workers, it was laid down that the State would enact necessary laws to protect the rights of the peasantry; in connection with intellectuals, it was laid down that the State would help promote their interests; in connection with civil servants, it was laid down that (a) state service personnel would be free from involvement in party politics while retaining the right to vote for the party of their own choice, and (b) the State would enact necessary laws for state service personnel to have due security in service and sufficiency of food, clothing and shelter.

The Workers' members recalled that this case had been in existence for almost 40 years. There had been 11 observations by the Committee of Experts, seven long discussions in this Committee, and two special paragraphs on this Convention in 1982 and 1983. Year after year there had been promises of new constitutions, new labour laws and courts. This year the Committee of Experts had additionally drawn attention to the Committee on Freedom of Association's Case No. 1752 of November 1994 concerning seafarers. However, there was no point in going into detail about the nature of the various infringements at issue. The very simple and plain point was that there were no trade unions in Myanmar at the present moment. There were some bodies under the total control of the Government which under no circumstances would ever qualify as trade unions.

With regard to the National Convention which was drawing up a new Constitution, the Workers' members pointed out that the Workers' group within this Convention and, indeed, the Convention itself was selected and totally controlled by the Government. As for the request by the Government representative for an ILO technical mission to his country, it was the view of the Workers' members that extreme caution should be exercised by the Office before it sent further missions to this country. Until there were material changes, requests for a mission should be ignored since there were no trade unions and the minimum conditions for a mission were just not there. Any ILO mission could be exploited or abused by the Government in order to be seen in a better light by the world. ILO staff should not be put in this position and exploited, for example, by having anything they said quoted out of context. The Workers' members considered that there was no point in discussing this case any more since the Government was not going to be convinced by words. Its persistent refusal over many years to do anything at all about the observations made by the Committee of Experts with regard to the application of this Convention meant that a special paragraph was justified.

The Employers' members considered that the serious differences between national law and practice in Myanmar and the requirements of Convention No. 87 had been a continuing preoccupation of this Committee since 1981; this would be the ninth time that the case had been discussed here. They considered, however, that as long as the Government's request for ILO technical assistance was not a delaying tactic but a sincere effort to correct the situation, then the possibility of a technical assistance mission could be looked into. Of course, it remained to be seen whether there was actually a piece of legislation that had been drafted and submitted to the legislature and whether this legislation would be enacted. They wished to establish a real legal basis for freedom of association which currently did not exist. They thought that it was a fundamental matter that both workers and employers be entitled to form organizations of their own choice and be able to affiliate with federations and confederations.

The Workers' member of Japan believed that at the heart of the matter lay a fundamental lack of respect for human rights by the Government of Myanmar. As Amnesty International had reported in detail, the infringement of human rights in Myanmar was such that it damaged human dignity itself. This was well demonstrated by the house arrest of Ms. Aung San Suu Kyi. He further referred to the list of the Workers' delegation from Myanmar to the Conference. The fact that the Workers' delegate was not a member of any kind of union clearly showed the current situation of the trade union movement in that country. He called on the Government to change its oppressive political stance and to fully guarantee freedom of association as an essential basis for democracy.

The Government member of Norway, speaking on behalf of the Government members of the five Nordic countries and the Netherlands, noted with interest the Government's statement that deliberations relating to labour issues, including the right of association for workers, would be undertaken. He therefore expressed

the firm hope that, with the assistance of the ILO, the necessary measures would be taken as soon as possible to bring the country's law and practice into conformity with the Convention.

The Workers' member of Sweden considered that in view of the total lack of freedom of association in Myanmar and the fact that basic human rights were continuously violated, this Committee should ask itself if in reality there existed a political will of the Government to change the current situation and to conform with Convention No. 87. The Committee of Experts had noted with concern the conclusions of the Committee on Freedom of Association in Case No. 1752, approved by the Governing Body in November 1994. Here the right of seafarers to form independent trade unions or to affiliate with an international federation was just another example of the manner in which freedom of association was denied in Myanmar. Myanmar's seafarers on flag-of-convenience ships were under the strict control of the State and had to sign contracts obliging them not to contact international trade union organizations. In addition, if these seafarers' wages were to be raised to a more decent level, their contracts stipulated that such additional wage increases should be handed back to the State upon their return, otherwise they risked being penalized. In view of this and the long and serious neglect of granting freedom of association in Myanmar, this Committee had to express its strong dissatisfaction with the present situation in a special paragraph.

The Workers' member of Greece pointed out the discrepancies that existed between the Government representative's statements, according to which real progress had been made, and the reality. In this country, trade unions did not even exist, and the Government was obviously trying to buy time through meaningless speeches. As in all military regimes, it allowed itself to suppress the liberty of others. While it was appropriate for the Committee not to rule out any other alternative by refusing a new ILO mission, it was not appropriate either to leave the door open in giving too much credibility to a government which persisted in violating the most elementary rights and freedoms.

The Government representative, referring to Case No. 1752 of the Committee on Freedom of Association, pointed out that recent developments had taken place, as had been indicated in a letter by the Director-General of the Department of Labour of Myanmar, to the Director of the ILO International Labour Standards Department. These developments included the following points. Since the Government had been very concerned about the recommendations of the Committee on Freedom of Association, the Ministry of Transport had taken the following steps with regard to Myanmar seafarers. The Seamen's Control Department, under the Ministry of Transport, had promptly revoked the requirement of Myanmar's seafarers to sign an affidavit before leaving the country, with effect from 9 February 1995. Moreover, 25 per cent of Myanmar seamen's salaries, which they had previously been required to remit to their families back home, would no longer be deducted with effect from 1 December 1994. In addition, according to Notification No. 146/94 of the Ministry of Finance and Revenue, issued on 16 November 1994, Myanmar's seamen and overseas workers were liable to pay only 10 per cent as income tax on the declared total foreign exchange earnings with effect from the same date mentioned above.

The Employers' members concurred with the Workers' members' proposal that this case should be placed in a special paragraph since it clearly met the Committee's traditional criteria for serious, long-standing cases that did not seem as if they would be resolved without additional attention being given to them. However, they did think that the ILO could provide technical assistance which in turn should be converted into tangible, concrete and legislative action by the Government of Myanmar in the near future.

The Workers' members considered that the information on the recent developments regarding Case No. 1752 should be sent to the Office for examination by the Committee on Freedom of Association. They considered that if a government request was made to the Office for a technical assistance mission then it could be carried out provided the Office considered that this was worthwhile.

The Committee took note of the statement of the Government representative indicating his Government's commitment to harmonize law and practice with Convention No. 87. The Committee, however, felt serious concern that the Government had not acted on the observations of the Committee of Experts over many years despite mention of the matter in special paragraphs twice over, and that no trade unions in the true sense of the term existed. The Committee urged the Government to adopt, as a matter of urgency, the necessary measures to guarantee that in law and in practice workers and employers had the right to join organizations of their own choice and without previous authorization outside the existing structure, and that such organizations had the right to join federations and confederations and to affiliate with international

organizations without impediment. The Committee expressed the firm hope that it would be in a position to register concrete and substantial progress in the application of the Convention in law and in practice, in the near future, considering the assistance of the ILO mission which had already taken place, and it requested the Government to send a detailed report to the Committee of Experts about further developments on the matter. The Committee noted that a further request might be made for ILO technical assistance by the Myanmar Government, but it would leave the question of whether an ILO mission would be appropriate, and the timing of such a mission, to the Office. The Committee decided to mention this conclusion in a special paragraph of its General Report.

Nigeria (ratification: 1960). A Government representative from Nigeria stated that the Subcommittee of the National Labour Advisory Council on the Review of Labour Laws had concluded its review of the principal labour legislation and had submitted its report. This tripartite council would examine the report and make subsequent recommendations to the federal Government for the promulgation of new labour legislation. The speaker referred to a new national labour policy and affirmed that the federal Government would not deliberately abandon its obligations in the observance of the Convention. He continued noting that the restructuring legislation approved in Gazette No. 24, of 31 August 1993, was cancelled in Government Notice No. 2 (Extraordinary Official Gazette No. 2, Volume 32, of 8 February 1995).

He further recalled the circumstances regarding the dissolution of the executive councils of the Nigerian Labour Congress (NLC), the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) and the National Union of Petroleum and Natural Gas Workers (NUPENG) under Decrees Nos. 9 and 10 of 1994 following a protracted political strike, during which the unions never raised any labour disputes and all attempts to seek dialogue were rebuffed by them. These decrees, he noted, were promulgated because of the threats to national security. While the executive council of the union was dissolved, the union was not disbanded although it acted in contravention of the unions' constitution and the laws of Nigeria. He insisted on the transitional character of Decrees Nos. 9 and 10, intended to maintain law and order during national emergency. These laws were based on the principle of national expediency and the doctrine of necessity.

He stated that the trade unions had constituted committees to work out the modalities of restoring the unions' National Executive Councils within the shortest possible time. He further noted that elections had already been held at unit and branch levels of NUPENG and PENGASSAN and that the 31 state councils of the Nigerian Labour Congress were never dissolved and were being run by the elected leaders. Once the six committees, namely the Constitution Review Committee, the Congress Policy and Programme Committee, the Congress Secretariat Restructuring Committee, the Congress 1995 Budget Committee, the Congress Consultative Committee and the Delegates' Conference Committee, set up by the trade unions, have completed their assignment on election arrangements, and on conclusion of the elections at the national delegates' conference of the affected unions, he confirmed that Decrees Nos. 9 and 10 will be repealed.

The Government representative further assured the Committee that all steps would be taken to protect freedom of association in the proposed amendments to Nigerian labour law. He felt that the degree of compliance with Convention No. 87 could be assessed from the fact that 82 of 85 registered trade unions in Nigeria were operating freely under the principles of freedom of association.

The Employers' members observed that Nigeria had ratified Convention No. 87 35 years ago and the Committee of Experts had repeatedly expressed its concern at the considerable discrepancies between the Convention's requirements and the deteriorating legal and de facto situation. In essence, the Government had imposed a uniform trade union system through repeated cases of intervention and interference in the trade union structure.

They likened the Government's statement to what had happened in 1991. Once again, the Government representative stated that everything would be dealt with by the Subcommittee of the National Labour Advisory Council. They recalled the justification for the restructuring of trade unions in Nigeria mentioned in the preamble of Gazette No. 24 of 31 August 1993, as observed by the Experts. They then referred to the imposition of the union monopoly as well as the dissolution and the disbanding of several unions, all of which was incompatible with Convention No. 87. They felt the Government representative's statements were too general and vague on concrete solutions.

They concluded by referring to frightening developments in Nigeria which also concerned freedom of association and which necessitated the intervention of the Director-General of the ILO. They noted that Nigeria had totally failed for several decades to

meet its obligations; in essence, there was no freedom of association in the country, there has hardly been any change and in some instances only a deterioration of the situation.

They called for conclusions expressing sincere regrets and strongly urging the Government to meet its obligations under Convention No. 87.

The Workers' members referred to the matters observed by the Experts and noted that the Committee of Experts had always had serious problems with the Government of Nigeria in respect of this Convention. However, all these violations paled in comparison to the events of last year, and this was probably among the worst cases the Committee has had to deal with on Convention No. 87. They further noted that Nigeria was now threatened with suspension from the Commonwealth because of its human rights record, and its failure to observe principles of democracy. They referred to the report of the Committee on Freedom of Association on Case No. 1793 and highlighted some of the worst abuses revealed in it: senior trade unionists jailed, raids and confiscation at the headquarters of the Nigerian Labour Congress, union functions taken over by the Government, etc. They stressed that no union congresses had been authorized despite the Government's promise that this would occur before the end of March 1995. Concerning branch elections, terror prevailed.

They finally expressed their deep concern and considered a special paragraph for this case. Consequently, the conclusions should reflect its seriousness.

The Workers' member of South Africa recalling the apartheid period, expressed his empathy and solidarity with Nigerian workers in their struggle against the denial of basic human and trade union rights. He called for a special paragraph condemning a regime which was anathema to democracy, union rights and social progress.

The Workers' member of the United States observed that the situation of Nigerian trade unions had literally gone from bad to worse, as noted in the recent freedom of association case against Nigeria. He further noted that in July 1994, Frank Kokori, General Secretary of NUPENG, was arrested and remained in custody without having been publicly charged or tried. The speaker noted that five labour leaders were known to remain in government custody while other senior labour officials are in hiding. On 2 August 1994, the Nigerian Labour Congress filed suit challenging the Government's dissolution of the Federation's Executive Council. On 6 September 1994, the press announced that this action was effectively blocked by Decree No. 12 of 18 August 1994 stating that "no action of the federal military government may be questioned henceforth in a court of law". He concluded that the military rulers of Nigeria had removed their country from the civilized world and, to ensure its isolation, the regime had forbidden free and independent union activity.

The Workers' member of Zimbabwe joined in the remarks made by previous Workers' speakers and referred to the four key points raised by the Committee of Experts as among the most serious violations of human dignity. He recalled the address of the Nigerian Minister of Labour before the Governing Body in November 1993 promising a return to normal by the following March; it was now June 1995 and nothing had been done and these were just more empty promises.

The Government representative of South Africa observed that the situation in Nigeria recalled to him the authoritarianism of South Africa under apartheid. The language used by the Nigerian Government was even reminiscent of those times when the Government categorized strikes as political and invoked the terms of "national emergency and maintenance of law and order" to justify the imposition of an undemocratic order in his country. While the ends were different in the two countries, the means used were the same. Although one wanted to support measures that ensured orderly collective bargaining, those measures must never interfere with the right of workers to join and form their own trade unions. That right ensured that the unions themselves were democratic. It was impossible to accept the explanations of the Government: the case called for a strong reaction.

The Workers' member of Ghana (coming as a Workers' delegate from the West African subregion who had had the opportunity to lead a Workers' delegation to Nigeria) felt himself compelled to make a brief intervention on the issue of the serious violation of trade union and human rights in Nigeria. The naked attack on trade union rights in Nigeria had serious implications for trade unions in the subregion, if not in the whole of Africa. It constituted a very dangerous precedent which should not be allowed to stand. The Committee of Experts in its report confirmed that by decrees the Government of Nigeria removed from office the national executive council members of NLC, NUPENG and PENGASSAN and put in their place government-appointed administrators, which constituted a clear violation of the rights of these trade union organizations.

In response to universal condemnation of these violations, the representative of the Government of Nigeria sought and obtained permission to address the Governing Body session in November 1994, where he committed the Nigerian Government to take necessary measures to purge itself of these trade union violations before the March 1995 Governing Body meeting. March came, and the situation remained unchanged and, up to date, the Government of Nigeria has not considered it necessary to provide any information to the Governing Body on why it was not possible for it to fulfil that promise.

The Government's attempts to find excuses for these violations should be dismissed by the Committee as frivolous and totally unacceptable. Nigeria has a competent judicial system in place. Therefore, if labour leaders were going against the laws, they should be dealt with according to the laws of their land. It was totally unacceptable to detain labour leaders in the name of state security without any charges being proffered against them.

The speaker therefore invited the Committee to condemn the Federal Republic of Nigeria's violation of Convention No. 87 in the strongest possible terms and to call on it to take its hands off the unions in the energy and the oil sectors. He suggested that the Committee's conclusions should be put in a special paragraph to serve as a deterrent to governments in Africa which may be seeking to follow this shameful example.

The Government member of the United States recalled that in 1991 this Committee expressed concern at the fact that the Government of Nigeria did not seem to have made any progress towards bringing its law and practice into conformity with the requirements of Convention No. 87. In the intervening four years, notwithstanding the presentation made by the Government representative, it appeared that the situation had still not improved but, on the contrary, had worsened. Despite the Government's obligations under Convention No. 87, which it had undertaken in 1960, the Government of Nigeria had embarked upon a campaign of interference and harassment, with the clear purpose of making it impossible for free and independent trade unions to operate in Nigeria. The Government's actions had taken the form of public decrees, arrests, intimidation, and the obstruction of due process under Nigerian law. These drastic measures had been described fully in the Committee of Experts' observations and in the conclusions and recommendations of the Committee on Freedom of Association in Case No. 1793, and most especially, in the very eloquent and moving presentations that had been made by previous speakers. Suffice it to say that recent events in Nigeria were extremely disturbing because they demonstrated that rather than moving to bring its law and practice into conformity with Convention No. 87, the Government was instead intent upon crushing an independent labour movement in Nigeria.

If the pledges made by the Government representative of Nigeria were not just empty words, this Committee must insist that these words needed to be matched by concrete actions to restore full democracy and freedom of operation to the Nigerian trade union movement without delay.

The Workers' member of Côte d'Ivoire, supporting the declarations of other speakers, indicated that the situation in Nigeria was not exceptional and that other developing countries were faced with the same problems. There were questions to be asked in this connection. Why did States ratify this fundamental Convention, while knowing of the wide scope of its provisions? When would there be in Africa a really democratic and social policy? Democracy meant not only free elections, it should also be reflected inside the societies and enterprises. It was for this reason that the speaker was preoccupied by the frequent intervention of the military. He concluded by pointing out the importance of the negative example provided by Nigeria for other African countries.

The Workers' member of Greece supported the interventions of other speakers from the Workers' side and particularly those of the African Workers which demonstrated the gravity of the situation in Nigeria. It was a classic case of the flagrant and continuous violation of the trade union rights and of human rights. The Committee of Experts commented in a polite manner on the provisions of the national legislation which were not in conformity with the Convention, and invited the Government to remedy the situation. The Government responded by letters and speeches of various lengths. But the situation was aggravated and there was no indication to hope for a better future. It was pitiful to note that the leaders of this country did not understand that no country in the world could progress by stepping down on their workers who constituted the majority of its people. The speaker insisted that this case should be put into a special paragraph.

The Workers' member of Senegal stated that the situation in the Nigerian trade unions was painfully felt by their homologues over the whole African continent, and that violations of trade unions' freedoms had never attained such a level. Noting the complexity of the trade union system in Nigeria, he wondered what were the reasons for the government interference in their affairs,

as obviously no government should undertake to restructure trade unions. In Senegal, this was an exclusive right of the legally constituted trade union central bodies. The system established in Nigeria favoured the interference of the public authorities in trade union affairs, on whatever pretext. Nigeria was characterized by the absence of a civil government that had been brought to power by universal elections. A whole generation in Nigeria lived without having such a government. The trade union movement of all colours demanded the re-establishment of the freedom of association in Nigeria, of the civil regime and the organization of free democratic elections. Associating himself with other speakers who condemned the present situation in Nigeria, the speaker concluded by supporting the proposal to put this case into a special paragraph.

The Government member of Senegal was preoccupied by the repeated violations of trade union rights in Nigeria. Taking into account the demographic, political and economic weight of the country, Nigeria could influence negatively the internal development of certain States as well as the subregional geo-political situation. He supported the previous speakers in condemning the tyrannical methods to regulate problems of trade unions, and in demanding of the Nigerian authorities to urgently conform to the provisions of the Convention.

The Workers' member of Cameroon, associating himself with the condemnations expressed by the previous speakers, concentrated on two points. The first concerned the negative influence which Nigeria could exercise on its neighbours by systematically violating trade union rights, and the second point consisted in the need to ensure the possibility for the trade unions to protect the interests of the workers in a free and independent manner.

The Government representative of Nigeria said that ILO delegations were always tripartite and in all situations workers who were directly affected were also given a chance to take the floor. It was unfortunate that the Nigerian Workers' delegation, which arrived late, had been denied the opportunity of telling the world what happened in their own country. It therefore meant that all other speakers were speculating because they did not know the true position in Nigeria and many did not seem to understand clearly what they were talking about, using some inappropriate comparisons. Moreover, a human rights commission which sat here in Geneva had already looked into human rights and other abuses with which Nigerians were charged, and the Government was therefore surprised that another United Nations agency could come in and put Nigeria a second time on trial. With respect to what the Committee of Experts have observed about Nigeria, definitely in Nigeria things were not deteriorating. On the contrary, there was every action towards complete democratization of the trade unions in Nigeria. There were about 85 accepted trade unions in Nigeria which were still operating freely, apart from the three which engaged in criminal acts and in the wanton destruction of property in a country which was already saddled with heavy debts.

The international community should look more closely at Nigeria's peculiar situation, at its teeming population, at the complexity of the country, and at its own march forward. The unions were still there, they were working out a programme towards democratization of their own organizations, and that dispelled that impression that Nigeria has deteriorated to a stage that every worker was being haunted.

On the issue of political strike, the speaker explained that Frank Kokori was arrested because he used his own position as the General Secretary of NUPENG to promote his own personal political ambition as the Financial Secretary of the Social Democratic Party, and, in doing so, he had used the workers to involve massive destruction of property, lives, petroleum pipelines and so many other things. So, most of those who were being detained because of their trade union activities were not being detained because they have participated in political activities, but because of criminal acts. That was the position about the political strikes and detention of some of the union leaders.

Concerning the issue of the Nigerian Labour Congress, it was paradoxical that the ILO, being against the establishment of a single central labour organization, was now complaining that it has been dissolved. When it said that you cannot have one central labour organization by law, it needed to look at the genesis of the establishment of the central labour organization. And in Nigeria, the unions decided on their own, not the Government, that they would like to come together. Furthermore, there were records to show that the unions themselves wrote and asked the Government to assist them in their restructuring. Now, when this had been done, the Committee of Experts came up with their findings that it was improper for the Government to establish trade union unity by law. The country obeyed and dismantled the restructuring as demanded by the Committee of Experts. There was an element of compliance and one would not say that the Government had not complied.

It was also erroneous to believe that all unions in Nigeria were affiliated to the Nigerian Labour Congress. Out of the 85 registered unions in Nigeria, only 41 were affiliated to the NLC. So, the impression that was given here that Nigeria had one central organization and everybody was forced to be there was not true.

It has also been established here that the registrar of trade unions had the power to supervise the accounts of trade unions. This was not true. The registrar of trade unions had no business in supervising or administering the accounts of unions. The trade unions, under their own constitution, had provision whereby the accounts must be audited every year and members must be informed how the contributions were being expended. The federal Government made a check of this law, so as to ensure that the unions were properly funded. If the Government should make a law to ensure that workers' money was deducted at source and paid to trade unions, such a Government should also ensure that the money was properly utilized. In this concept it had to look at the unions and their objectives and ensure that there was no question of financial impropriety. The annual audited accounts of the trade unions were meant for the Committee of Management of their respective unions to deliberate and approve of the ways and manner that workers' contributions had been expended. Copies of the audited accounts were then sent to the Registrar of Trade Unions for information and scrutiny to ensure that the management and expenditure of trade unions' funds were in conformity with the objects of the unions as prescribed in their constitutions. This arrangement was meant to serve as checks and balances for the purposes of probity and accountability by the leadership of trade unions in Nigeria. The unions elected their own chartered accountants to audit the accounts on their own without any interference by the registrar of trade unions. So, this other issue about interference with the accounts of unions was also incorrect.

As to what concerned the issue of democratization, the Government was not interested in the running of trade unions, in fact, it was an additional headache. The federal Government appointed sole administrators because of the erring attitude of the leaders of these unions and it was only a transitory arrangement, it was not a permanent arrangement. The Nigerian Labour Congress had virtually been run by the workers themselves. About nine committees had been set up and all these committees were headed by the workers themselves. When the Committee set up by the 41-member trade unions of the Nigeria Labour Congress (NLC), and other Committees set up by the elected branches' executive councils of NUPENG and PENGASSAN had been established, the national executive councils of these unions would be elected in the Special Delegates' Conferences organized by the affected Unions.

The whole discussion which implied that the federal Government was so much against trade unionism and was out to destroy it, was not true. On the contrary, the federal Government has done a lot in an effort to promote good and strong federal unions in the country. The Nigerian Labour Congress at the time that it was established in 1977, received from the Government a fund of 1 million naira; between 1992 and 1994, the federal Government gave the Nigerian Labour Congress the sum of 100 million naira to enable it to invest in its transport company. That was to encourage the mobility of workers to go to work and back and so that they could pay cheaply rather than being exploited by other transporters. When the Nigerian Labour Congress decided that it would like to move to the new federal capital of Nigeria, the federal Government gave it the sum of 50 million naira to enable it to build their secretariat. Again, to encourage investment so that unions would not run out of funds or so that they may be able to recruit a high calibre of people to work for them, the Government gave them 80 million naira for them to invest in the Urban Development Bank. Apart from the financial aid, the Government had established the National Institute for Labour Studies for the training of trade union leaders in the country. The Government had promulgated a decree on the checking of dues which were deductible at source and paid to the unions to ensure that they have proper funds. Apart from this, the law on recognition of trade unions by employers has been made mandatory by the Government and sanctions were placed against any employer who failed to recognize a duly registered trade union. A law has been made protecting trade unionists in their jobs to avoid unfair dismissals. All these issues, among many other things which the federal Government has done, showed that it was not interested in the destruction of unions. He then referred to the additional information which had been given in the paper prepared and submitted by the Government in response to the ILO's Committee of Experts, where it assured this Committee that all trade unions would soon conclude their elections and that new national officers would be elected into the national executive councils so as to enable the unions to run their own affairs.

Another Government representative added, in the continuation of the Nigerian position, that if the Nigerian Government was

being accused of gagging Nigerian workers, this Committee should have allowed the Nigerian workers who were here to speak for themselves. But besides that point, it should also see the complexity of Nigeria, which was a country of 100 million people and 250 ethnic groups. Those who understood Nigeria, knew that even under the so-called military Government, Nigeria was even more democratic and more open than so-called democratic governments.

It was important that the efforts of Nigeria to move towards constitutionalism and democracy should be encouraged, not discouraged. Punitive statements, punitive pronouncements would not help. If through these so-called punitive actions Nigeria were moved to such a complex situation as to produce refugees, the refugees would not only overwhelm West Africa, they would overwhelm the whole of the continent and Europe would be a recipient of the refugees.

Nigeria did not want to be a case of those countries that had broken up, and that was why it was asking to be allowed to solve its problems and, indeed, intended to solve the problems very quickly. The constitutional conference in Nigeria would be finalizing its work by the end of this month and there would be a move towards constitutionalism and democracy. Therefore, the Government representative appealed for an understanding of the Nigerian position and of its commitment to a democratic State and democratic and free trade unions.

The Workers' members recalled the procedure according to which every speaker had to register in order to have the right to take the floor in this Committee. There was no representative of the workers of Nigeria in this Committee as, unfortunately, no such person had registered. There was no censorship involved, and it was purely a matter of procedure which permitted the Committee to function properly.

The Workers' members then thanked all the speakers taking the floor and particularly their African colleagues. They pointed out that the members of this Committee seemed to unanimously condemn the situation which prevailed at present in Nigeria and considered that the information provided by the Government representatives was a smoke-screen. They concealed more than they revealed. The Workers' members could have no sympathy for a government who was not doing anything to stop the repression of the workers. They insisted also that an individual who was arrested and detained because of his trade union activities was entitled to be judged impartially, and the judiciary in a country could not make impartial judgements when the government was consistently changing the laws to suit its own convenience. They have also pointed out that Nigeria could provide a negative example for the other African States, and that it was important that the Committee should dissuade other countries from following this deplorable example. For these reasons they commended that this case deserved a special paragraph.

The Employers' members stressed the fact that only those registered in the Committee were entitled to the right to speak according to the established procedure. They deplored the absence of concrete indications on the actions which might be taken to improve the situation and have noted the ambiguity of the declarations made by the Government representative as regards the dismissal of trade union leaders and the criminal acts that they allegedly committed. The Employers' members concluded by insisting that this case should be treated under a special paragraph through the unanimously adopted conclusions highlighting the dimension of the discrepancies accumulated up to date.

The Committee took note of the statement of the Government representatives of Nigeria. The Committee noted that though Nigeria ratified Convention No. 87, 35 years back, there was considerable discrepancy between *de jure* and *de facto* conformity with the Convention. The Committee of Experts had also pointed out fundamental deviations in the national laws from the Convention. Legal stipulation for a single trade union system and governmental interference in the structuring of trade unions were matters of serious concern. The clarification of the Government representative that the Subcommittee of the National Labour Advisory Council was reviewing labour laws, was of a routine nature. The Committee further recalled the conclusions of the Freedom of Association Committee regarding replacement of officers of certain unions of workers by government administrators and considered this governmental act to be a flagrant violation of Convention No. 87.

The Committee therefore urgently demanded the Government to take the necessary measures to bring the legislation and practice into conformity with Convention No. 87, to repeal the decrees dissolving unions issued in 1994 and to restore to the organizations concerned the right to elect their representatives in full freedom without any interference from the public authorities. The Committee expressed the firm hope that the Committee of Experts would be able to note significant progress on these matters in the very near future. The Committee also

decided that this conclusion be placed in a special paragraph of the General Report.

Pakistan (ratification: 1951). The Government supplied the following information:

1. With regard to the observation of the Committee of Experts concerning the ban on trade union membership and activities for employees of the Pakistan Television Corporation (PTVC) and the Pakistan Broadcasting Corporation (PBC), it is pointed out that the workers of the PTVC and the PBC have exercised trade union rights in the past. During the martial law regime, television stations were occupied by the former trade union leadership. This was found to be contrary to the discipline enforced by the former Army regime, and as a result the employees of both PTVC and PBC were excluded from the provisions of the Industrial Relations Ordinance, 1969 by a legislative amendment on the basis that they were involved in the sensitive field of information. This matter recently was placed for deliberation before the tripartite Task Force on Labour constituted by the Prime Minister of Pakistan to suggest ways and means of bringing national labour legislation into conformity with ILO Conventions. A subcommittee established by the Task Force recently heard the representatives of workers and employers of both PTVC and PBC who favoured the restoration of trade union rights for these employees subject to appropriate conditions to reinforce discipline in view of the sensitivity of information media. The Government may decide to restore such rights to employees of these corporations. The recommendations of the Task Force are actively under consideration by the Committee. The Ministry of Labour will inform the Committee of the outcome of the decision of the Cabinet on this matter.

2. With respect to the observation of the Committee concerning denial of the rights guaranteed by this Convention for workers in Export Processing Zones (EPZ), although these Zones have been exempted from the application of certain labour legislation, the conditions of employment of such workers are regulated by the Export Processing Zone Authority (Control of Employment) Rules 1982 which provide a separate system of rights for workers and for resolution of their grievances. Moreover, the benefits accruing to these workers are superior to those of other workers. At present only one EPZ has been established, the Karachi Export Processing Zone (KEPZ), which employs less than 6,000 workers, 80 per cent of whom are women. Since the cultural climate in Pakistan is not in practical terms in favour of unionization of women workers as a result of social taboos, these women workers do not themselves demand restoration of their trade union rights within the meaning of the Industrial Relations Ordinance, 1969. However, they are not prevented from forming an association. EPZs were exempted from certain labour legislation because of arrangements made by the Government with foreign investors. This matter is under consideration by the Government to determine how labour legislation can be applied equally to all workers without discrimination. With regard to the KEPZ case, withdrawal of such an exemption must be considered while taking into account the arrangement made with foreign investors who invested in this Zone on the basis of certain exemptions provided to them. It was reiterated that employment conditions in the KEPZ were no less favourable than those under existing labour legislation. The labour force of this Zone has never complained in any manner about their rights, and instead seem to be content and satisfied with the above arrangements. In view of its electoral mandate, the Government is more committed to the labour cause than the previous Government, and is thus determined to redeem its promises to protect the rights of labour in the light of ILO Standards. The terms of reference under consideration by the Task Force on Labour provide for simplification, consolidation and codification of labour legislation. The deliberations of the Task Force in this regard may culminate in its recommending the establishment of a permanent commission for the codification of labour legislation, with the additional responsibility of ensuring that all labour legislation is adopted in accordance with ILO Conventions. The ratification by Pakistan of Conventions Nos. 87 and 98 has established a climate that has been conducive to a democratic approach to resolving labour problems and disputes concerning employer/employee relationships on a collective basis. Fundamentally, this is a positive development in the field of industrial relations. Since Pakistan is a newly created State, it must rely to a greater extent on its economic activities while taking initiatives to build up its national infrastructure. In such circumstances no nation can easily afford the costs of social programmes when measured against economic viability. However, the initiatives of Pakistan in the social sector is proof of its intention and will to bring change to the living standards of the poor and the working community. Any restriction that is imposed or any practice that may be seen to be a deviation from the path that it is committed to is a result of the inherent

interest of the Government in raising the living standard of the average person. Change will be inevitable as soon as circumstances are improved so that the affairs of the country can be administered at the same level as those of nations that have already passed this transitory phase. While bearing in mind the concessions made by the Government for the establishment of Special Industrial Zones (SIZ) to attract foreign investment, the matter of exemption of such Zones from the application of certain labour legislation was considered by the tripartite Task Force on Labour, and its recommendations are being actively considered by the Cabinet Committee.

3. As a result of the Administrative Reforms of 1973, all civil service associations representing services that existed prior to 20 August 1973 have ceased to exist. However, civil service associations other than those referred to above have been permitted to continue to function as previously. There is no prohibition against the formation of associations of different categories of employees, which is fairly in consonance with the provisions of this Convention. However, the employees of the federal Government and of all four provincial governments are subjected to certain restrictions to prevent activities that are harmful to the basic aims and objectives of their establishments, such as their involvement and that of their organizations in political activities, the issuance of periodical publications, or publishing representations of their members without prior approval of the Government. This is purely an administrative matter to maintain discipline and the smooth functioning of public establishments, which cannot in any way be considered a contravention of Articles 2 and 3 of this Convention. Rights provided to the employees under the above Articles are exercised in full freedom. However, the restrictions referred to above are in the vital interest of public establishments as well as of the employees in order to achieve the goal of efficiency leading to greater productivity and production. For the purposes of the Pakistan Essential Services (Maintenance) Act, 1952 "Essential Service" means an employment or class of employment which is essential in the opinion of the federal Government for securing the defence or security of Pakistan or any part thereof or for the maintenance of such supplies or services as are essential to the life of the community. It is in all respects consistent with national considerations and objectives that the above criterion be followed in applying the law in question to employment that is by nature essential. The Government noted that the report of the ILO mission to Pakistan had considered the issue of essential services to be a complicated matter to which generalizations were difficult to make and apply, and that in general terms the basis for exclusion must be a serious matter for health, safety and law and order. If this is taken as an ILO criterion, Pakistan has acted very carefully in extending the application of the above law to certain organizations. It is not correct that the Pakistan Essential Services (Maintenance) Act, 1952 has been applied broadly to employers such as the Post and Telegraph Services, the Railways, Airways and Ports. While extending the application of this law to any organization for any limited period of time, due care is taken and for that purpose requests of the employers are thoroughly examined by the Ministry of Interior and the Ministry of Labour. Only those requests that meet defence needs or concern the life of the community can be considered for coverage by the above law, which does not prohibit trade union activity. The Interior Division recently issued an explanation in respect of the application of this law:

... the application of this Act to an organization does not take away workers' rights of collective bargaining. The provisions of the Essential Services Act and the rules made thereunder empower the Chairman, NIRC to regulate the wages and other conditions of service of persons or classes of persons engaged in any employment or class of employment to which the Act/Rules apply. Accordingly the settlement reached between the management and the CBA are authenticated by the Chairman, NIRC and forwarded to the Ministry of Interior for notification in the Gazette of Pakistan. Furthermore, the Act also does not impose any ban on trade union activity.

The main goal of the Government is to ensure economic viability of its national priorities programmes. For this reason the country cannot afford industrial action including strikes or lockouts to continue for an indefinite period, and it is in the national interest to restrict the rights to engage in such activity. This restriction presently acts as a deterrent, but workers have seldom resorted to a strike or lockout for a period of even as long as 30 days. Restrictions on industrial action that may be more undemocratic do not exist within the legal system.

4. The management of Pakistan International Airlines Corporation (PIAC) is implementing the terms and conditions of Conventions Nos. 87 and 98 as applied by various labour laws. As a result of the amendment of section 10 of the PIAC Act, 1956, the

applicability of the Industrial Relations Ordinance, 1969 has been restored and formation of trade unions of PIAC employees has already been permitted. As a result of the existence of trade unions of employees in the PIAC, the collective bargaining agent (CBA) has been determined by the National Industrial Relations Commission for a term of two years ending in 1994 through a referendum conducted during 1992. The CBA and management have signed an agreement on the revision of wages and allowances on the review of terms and conditions of employment taking into consideration the welfare of the employees. The withdrawal of application of the Pakistan Essential Services (Maintenance) Act, 1952 to certain other establishments referred to above is under consideration by the tripartite Task Force on Labour, and its recommendations on this matter were submitted to Cabinet for approval. The list of establishments covered by this Act is expected to be modified in accordance with the decision of the Cabinet and will be reported on in the next annual report.

5. With regard to the right of representation of minority trade unions, the federal and provincial governments have not yet faced any problems in this regard as their rights are adequately protected under the Industrial Relations Ordinance, 1969 and their grievances if any, redressed by courts of law. Their interests are properly looked after by their respective CBA trade unions, as collective agreements entered into by CBAs are binding on all kinds of workers and as such, benefits under such agreements are granted to non-CBA members as well. However, the Government has taken note of the observation of the Committee and is taking all possible measures under the Industrial Relations Ordinance, 1969 which are in consonance with this Convention to protect the rights of the minority trade unions.

6. The Government reiterates its previous explanation with regard to the allegations made in the complaint (Case No. 1534) by the Pakistan National Federation of Trade Unions (PNFTU) against the alleged anti-union policy of multinational companies in Pakistan. It affirms that Section 15(i) provides protection against anti-union acts and that if in effect false promotions occurred whereby the employees received higher wages but there were not the corresponding change of task to a supervisory role, employees could resort to the unfair labour practice provisions of Section 22(A)(8)(g) of the Industrial Relations Ordinance, 1969, and eventually proceed to the labour court for redress. The PNFTU has lodged no complaint against the Government as such, and is instead aggrieved by certain decisions of the management of some of the multinational companies operating in Pakistan. As the complaint is against one civil person by another, the aggrieved party can obtain redress by approaching judicial bodies established for this purpose. This matter was also discussed at length during the visit of the above-mentioned ILO mission. The law on this matter is quite clear, and the complainant can resort to its provisions to attain justice if they are of the view that there has been an infringement of any of their trade union rights. This is a matter between the management and workers, and the Government should not intervene in their relations. Promotion of workers to a higher level job is also considered to be their right, and if a law is adopted to restrict this, even if it were to exclude workers from the worker category, this would be taken to be a measure affecting their legitimate interests. However, if a court considers such a matter to be bad faith, it would be dealt with differently. There would be very few cases determined by the courts on such ground, and no relevant statistics are available. However, this matter was considered by the tripartite Task Force on Labour in the light of all existing legislation, and it made certain recommendations which are being actively considered by the Cabinet Committee. The Task Force has also considered broadening the definition of workman, which may provide a solution to the problem as indicated.

7. It is incorrect that employees working in the public and private sector hospitals and clinics are deprived of the right to organize and form trade unions. However, these services have been declared essential to secure the defence of the security of Pakistan or any part thereof and to maintain such supplies or services which are essential to the life of the community pursuant to the Pakistan Essential Services (Maintenance) Act, 1952. The application of the above Act does not deprive workers of the right to organize as provided under this Convention, and they therefore have the legal right to form associations.

In addition, a Government representative referred to the written information provided, and stated that he would limit his intervention to the progress made with regard to trade union rights since the last sitting of the Committee. He first recalled the promises that the Government had made with regard to workers: (1) all labour legislation would be revised to guarantee trade union and employers' rights; (2) democratic trade unionism would be promoted by implementing international labour standards that governed relations between the Government, employers and workers;

(3) bonded labour and child labour would be abolished; (4) rights recognized under ILO Conventions would be guaranteed. He indicated that the Government had prepared a new policy in the area of labour that was based on the recommendations of the tripartite Task Force on Labour and on the result of the direct contacts mission that had recently taken place. This new policy, which provided for important reforms at the level of labour administration and the guarantee of trade union rights, was presently being examined by the Cabinet for approval. With regard to the application of labour laws to workers in export processing zones, the Government would examine the possibility of eliminating, over a period of five to six years, the exemption of the application of labour legislation to those zones. With respect to the application of the Pakistan Essential Services (Maintenance) Act of 1952, he indicated that the number of enterprises covered by this Act had been reduced from 16 to eight, and that the list would be regularly examined. In relation to the application of the Industrial Relations Ordinance, 1969, he explained that the only employees excluded were those employed by railways that had been classed as defence-sensitive, in that they were essential for the purposes of the Ministry of Defence. At that time, there were 20 railway lines of this kind. Two of the lines had been deleted from the list. In other cases, railway workers were free to form trade union organizations. These examples were evidence of the willingness of the Government to apply the provisions of the Convention. He asked the Committee to be flexible, considering that the new labour policy would permit a response within a reasonable period of time to the concerns indicated by the Committee of Experts.

The Employers' members expressed appreciation for the oral and written information, but emphasized that it was difficult for the Committee to examine the merits of the alleged changes because of the extensive written and oral information provided by the Government. This case had been examined on ten occasions since 1981 and was the subject of special paragraphs in 1987 and 1988. They noted a gradual improvement during this period and indicated that they were pleased to learn that the Government would continue in this direction. In the meantime there were problems that persisted, particularly with regard to the prohibition against employees in the telecommunications sector from joining a union or carrying out trade union activities; the denial of rights guaranteed by the Convention to workers in export processing zones; the exclusion of a considerable number of public servants from the application of the Industrial Relations Ordinance, 1969, and restrictions on their recourse to strikes; prohibition on minority trade unions from representing their members in relation to individual grievances; artificial promotions used as an anti-union tactic in the banking and finance sector; and the denial of the right to form trade unions for employees in public and private sector hospitals. The Employers' members noted in particular the reduction in the applicability of the Essential Services Act, and said that it was for the Committee of Experts to determine whether the problem of the right to organize and the right to strike had been resolved.

The Workers' members said that they had been unable to adequately examine the extensive amount of written information provided by the Government. For this reason, the extent of their intervention on this matter was limited to several points. Firstly, they wished to receive information on the views of the Task Force on Labour and its influence on changes to labour legislation, in particular with regard to the restoration of the rights of freedom of association for employees of the Pakistan Television Corporation and Pakistan Broadcasting Corporation. Secondly, they wished to have more detailed information on the implementation by the Government of the recommendations of the 1994 direct contacts mission. Thirdly, they were concerned about restrictions on the right to organize in a number of sectors. They asked whether hospital workers had the right to organize, and about the percentage of railways that were considered to be defence-sensitive which meant that employees of those railways were prohibited from striking. A distinction was drawn between the right to organize and the right to strike, and they asked that the Government not confuse these two rights when extending trade union rights to workers. They hoped that in view of the existence of the Task Force on Labour, a tripartite organization, the Government would be able to introduce its recommendations as soon as possible.

The Workers' member of the United States expressed disappointment that the Committee would only be discussing point 2 of the Committee of Experts' comments, in view of the many important issues that were contained in the other points of the report. If the other points had been dealt with, he would have mentioned the recent arrest of three workers of the Bonded Labour Liberation Front as well as the detention of 13 relatives of Iqbal Masih, the child rights labour activist who was murdered in April 1995. He stated that the requirement under the Convention that all workers, without distinction whatsoever, had the right to establish

and join organizations of their own choosing had been made needlessly complicated by the Government. He questioned the motives of the Government which continued to exempt or partially exempt many different groups of workers from exercising this basic right to organize. He hoped that the Government representative would assure the Committee that the prohibition against railway employees and forestry workers, as well as any other groups of workers, from exercising their fundamental right to establish and to join unions of their own choosing would be unequivocally removed.

The Government representative reiterated that some time would be needed before his Government could withdraw the exemptions from provisions of the Industrial Ordinance concerning collective bargaining for the export processing zone (EPZ) because when the investment was attracted for the EPZ, investors were given certain assurances regarding labour activity, so that there was now a contractual obligation between the Government and the investors from which it could not withdraw arbitrarily. However, the policy of the Government was no longer to allow such exemptions for any particular area of the country. With regard to the restriction of freedom of association in hospitals and clinics, persons working in private hospitals and clinics other than government hospitals were not subject to any such restrictions. The employees of government hospitals were not covered under the Industrial Relations Ordinance. However, they could form associations to safeguard their interests. Employees of private hospitals and clinics could form their own unions.

The Committee noted the observations of the Committee of Experts, the statement of the Government representative and the discussion that followed. While the Committee appreciated the information in regard to the proposal for a new labour policy and the gradual improvement that had come about, it felt that there were multifarious groups of workers who stood denied freedom of association by law and practice, that is the workers of Pakistan Television and Broadcasting Corporations, workers in export processing zones, civil servants, railway employees, hospital workers and those engaged in forestry operations. This was rather wide-ranging and pervasive and needed to be corrected for compliance with the Convention. The Committee also felt concerned about certain practices such as the granting of artificial promotions and manipulation of definitions so as to effectively exclude workers from the purview of the Industrial Relations Ordinance, 1969. Recalling that in 1994 the Government had welcomed a direct contacts mission which went to Pakistan in January 1994, and the creation of the tripartite Task Force on Labour to solve difficulties in the application of the Convention, the Committee trusted that the Government would take the necessary and concrete measures which would give effect to the recommendations made by the direct contacts mission and the Committee of Experts. The Committee expressed the firm hope that the Government would indicate in its next report any decisive progress made in relation to the application of the Convention, in particular, with regard to the right of all workers, without distinction whatsoever, to establish and join organizations of their own choosing, in the private as well as the public sector, including export processing zones. The Committee also hoped that the new labour policy would serve to address the recommendations of the national tripartite Task Force on Labour made from time to time, and all the issues raised by the Committee of Experts, and asked the Government to furnish the texts of the relevant policy documents for examination of issues of conformity to the Convention.

United Kingdom (ratification: 1949). A Government representative started with the overview of the background of the case and pointed out that the Government Communications Headquarters (GCHQ) collected and monitored information for intelligence purposes and formed an integral part of the United Kingdom intelligence system. He emphasized the change in the legal status of the GCHQ under the Intelligence Services Act of 1994 and the fact that GCHQ provided government departments and military command with vital signal intelligence, and had close and vital links with the intelligence services in many other countries. The Act made it clear that GCHQ's intelligence production functions were exercisable "in the interests of national security with particular reference to the defence and foreign policies" of the Government. In the Act, the expression GCHQ referred to the Government Communication Headquarters and to any unit or part of a unit of the armed forces which was for the time being required by the Secretary of State to assist the Government Communication Headquarters in carrying out its functions. The speaker repeated that these were functions carried out directly or indirectly by the military in many countries. He explained, referring to the requirement that GCHQ's work maintain continuity of operations, that the action which the Government took to restrict staff representation at GCHQ was in response to the disruption caused between 1979 and 1981 when 10,000 staff days were lost through industrial action. The Government believed that it had an overriding re-

sponsibility to safeguard national security and therefore could not allow the continuity of GCHQ's operations to be threatened by industrial action.

As the first main problem of the case, the representative of the Government indicated that, in Britain, agreements reached between trade unions and employers were not legally enforceable and that, therefore, any offer of a no-strike deal from trade unions could never guarantee that future disruption would be avoided. In fact, a draft no-disruption agreement proposed by the Council of Civil Service Unions (CCSU) in 1984 was subsequently repudiated by two of the main unions. This risk of disruption would be inherent in any proposal to allow GCHQ staff to rejoin national unions.

The speaker thought that the second main problem was the difference of view between the United Kingdom Government and the Committee of Experts about the exemption of GCHQ staff from Convention No. 87 under Article 9. He emphasized that GCHQ staff included civil servants who come under the authority of the Foreign Secretary, as well as military personnel who come under the authority of the Secretary of State for Defence. If Britain suddenly imposed full military status upon these who had always enjoyed civilian status, it would be an arbitrary and unacceptable change for the individuals concerned, who regarded themselves as civilians and not as military personnel. He nevertheless considered that this was a difference of definition and not a real difference of function. He referred to the case of the European Court of Human Rights, which found in 1985 that the Government's action over GCHQ was not in breach of article 11 of the European Convention on Human Rights regarding freedom of association, since GCHQ was "a special institution whose purpose resembles to a large extent that of the armed forces and the police in so far as GCHQ staff directly or indirectly, by ensuring the security of the respondent Government's military and official communications, fulfil vital functions in protecting national security". He thought that the Committee of Experts had endorsed this view in practice in the 1994 General Survey on Freedom of Association and Collective Bargaining by noting that the exceptions authorized by Convention No. 87 were "justified on the basis of responsibility for the external and internal security of the State" (paragraph 55).

The Government believed that GCHQ was covered by the provisions of Convention No. 151, which allowed governments to decide on the extent of rights to trade union membership for public servants whose duties were of a highly confidential nature. It was therefore disappointing that the Committee of Experts dismissed this argument without specific grounds.

For the above reasons the Government representative considered that the position of staff at GCHQ needed to be regarded as an unusual and special case that fell outside the normal scope of freedom of association.

The Government representative further indicated the developments since the discussion of this case at this Committee in 1992, following the Government's assurance to continue the dialogue with the trade unions seeking an acceptable solution: there was a series of detailed and constructive discussions between the Secretary of the Cabinet and the head of the whole civil service, and the general secretaries of the national civil service unions; the Government Communications Staff Federation (GCSF) was formed and recognized by GCHQ management for all negotiating purposes, and now had membership of over 50 per cent of GCHQ staff; GCSF has been listed by the United Kingdom Certification Officer for Trade Unions and Employer Associations since 1985 and is recognized by the Certification Officer as operating largely in the same way as many other small trade unions in representing its members' interests. As regards the affiliation of GCSF to the CCSU, the speaker emphasized that the Government was prepared to make such affiliation possible but that the civil service unions were not prepared to accept it. Since the meeting between the Prime Minister and the unions in December 1993, there had been no formal proposals submitted by the trade unions but informal contacts had been continuing on this issue.

The speaker thought that the Government had thus clearly demonstrated its willingness to find a solution to this matter by pursuing a genuine dialogue. The proposals put forward by the Prime Minister represented a considerable change in the Government's position from 1984. The Government had taken note of the most recent observation of the Committee of Experts, thought that there was still scope to examine new possibilities for making progress and expressed its willingness to give consideration to any new proposals for the resolution of the problem.

Referring to the recent press information, the representative of the Government emphasized that no decision had been made to withdraw from the ILO and that no threat had been issued. He explained that the evaluation of membership of the ILO was part of the continuous evaluation which the United Kingdom Government undertook of its membership of all international organizations and the expenditure associated with them.

The Workers' members first clarified that only point 1 of the observation of the Committee of Experts was dealt with in this discussion. Referring to the long history of this case, they thought that its continuation without any resolution was a threat to the whole standard-setting machinery. The Committee of Experts' views had been clear and unequivocal from the beginning: denial of the right of GCHQ staff to join a union of their own choice is an infringement of Convention No. 87. The Government, however, consistently refused to accept the observations of the Committee of Experts and insisted on its own interpretation of Convention No. 87. As regards the interrelationship of Conventions Nos. 87 and 151, nothing overrode Convention No. 87. As to the second argument that GCHQ should be treated as a military establishment, if the Government could not put them in uniform, they were not military personnel in the context of this Convention. Regarding the question of a conflict of loyalty in the case of strike, the right to strike was a separate issue from the issue involved in this case. Referring to the Government's indication that the existence of GCHQ had recently been publicly admitted, the speaker noted that it should also be publicly revealed that trade unions had existed in that organization for about 40 years before the right to organize in that area was taken away. He also stated that despite the number of hours lost through strikes the full coverage of the operation was ensured because the trade union members in GCHQ were loyal citizens to the country.

In the 1992 discussion of the case, not only the Workers' members but also Government members and Employers urged dialogue between the United Kingdom Government and the trade unions. The Committee then "expressed its deep concern at the continuing refusal of the Government to implement the Convention as regards the situation of workers at GCHQ who still did not enjoy the right to join a union of their own choosing". Stressing that three years had elapsed since the Committee's hope for substantial progress, the Workers' members thought that the conclusions and how they should be expressed should be made only after the discussion as to how this case should be concluded.

The Workers' member of the United Kingdom continued the second part of the statement of the Workers' members. He first pointed out that in Britain agreements between unions and employers could be legally enforceable if the union concerned and the employer so wished, and that the trade union did suggest it as one of the contributions in meetings with the Cabinet Secretary. Secondly, there was nothing unusual about a mixture of civilian and military personnel working together. Thousands of members of his organization worked in the Ministry of Defence, worked with military personnel, managed military personnel as serving officers or are themselves managed by serving personnel.

Referring to the assurance made by the Government in 1992, he noted first that the conclusions of the Committee were reported to the Government, second, the dialogue with the trade union was resumed and remained open. The third point was that the Government would continue to look within the dialogue for a solution safeguarding the security of the country and acceptable to the parties involved. He agreed with the Government representative that the discussions with the Cabinet Secretary and the meeting with the Prime Minister were in good faith. During such meetings, the issue remaining between the two sides was a question of conflict of loyalty. As regards the offer of affiliation of GCSF to CCSU, the speaker explained the reasons why the workers rejected it. Firstly, the workers asked if GCSF would be free to affiliate to the Trades Union Congress or if it would be free to undertake transfer engagements. The answer appeared negative because of the possible conflict of loyalty, while the Government was prepared to consider the removal of the veto that the Director effectively had. The GCSF was thus not independent as it was supposed to be. Secondly, it would not have provided a solution in conformity with Convention No. 87 since there is no freedom of choice. Thirdly, it would bring no benefit to anybody, as the CCSU was no longer able to negotiate with the Government, except for the question of pensions, because the Government was ending national bargaining.

At the meeting with the Prime Minister, on the technical items on national security, workers did make proposals which would be acceptable to Government. As for the no-strike agreements, they offered to look at having legally enforceable contracts but the Ministers in the Government believed that there was a conflict of loyalty in being a national trade union member and being employed at GCHQ. Therefore, in spite of the willingness of the Government to continue dialogue, there seemed to be no proposals that workers could make to overcome this perceived conflict of loyalty.

Referring to the threat concerning membership of the ILO and a special paragraph, the speaker noted a direct press interview by the responsible Minister saying that if there was a special paragraph, then the position of Britain in the ILO was in jeopardy, which caused workers in the United Kingdom great concern. He

added that in recent discussions with Ministers and the Cabinet Secretary, the Ministers said that special paragraphs were for military dictatorships. The same rule should apply to every country irrespective of its state of development, of its contribution to the ILO and of its size. The question was how to bridge the gap with the Government when the problem was only in Ministers' minds. The Government had no proposals and said that the trade unions should have them. So there had to be a solution or a special paragraph. The speaker concluded by recalling the fact that 11 years ago members of his organization, some of them for 30 years, were taken away by a sudden decision by the Government in contravention of Convention No. 87.

The Employers' members did not think it necessary to recall the details of the well known history of a case which first appeared on the agenda of the Committee in the middle of the 1980s. In addition, they were not directly concerned with a problem which did not involve private employers. This case was characterized by an unusual attitude of the two parties to stick to their respective positions.

Few new elements had been brought since the last discussion of this case. Discussions and negotiations took place, including at the highest level with the Prime Minister, but without reaching an agreement. The proposal by the Government of an independent staff association was rejected, while the Government did not want staff at GCHQ to join the TUC. The problem would have perhaps been resolved if this organ had been put under the authority of the Ministry of Defence or if the workers had been given military status, as was the case for activities of this type in certain countries. However, in the present situation of the case, it could only be resolved by conciliating two positions of principle, as recommended by the Committee on Freedom of Association: the Government's will to ensure that the service of GCHQ was not interrupted on the one hand and the determination of the workers that Convention No. 87 should be fully applied to them on the other.

They noted the Government's indication of their willingness to continue the dialogue and hoped that sufficient common sense and goodwill would be shown there so that a satisfactory solution could be found. Concerning the so-called "threat" referred to by the Workers' member of the United Kingdom, which the Government representative stated was without basis, it had no more to do with the work of this Committee than the prospective elections.

The Employers' member of Sweden pointed out that the Committee of Experts itself recognized that the staff at GCHQ ensured functions identical to those provided in other countries by military institutions, and that the exclusion of armed forces provided by Convention No. 87 would have been fully applicable to them, had they been administratively placed under the authority of the Secretary of State for Defence. The entire case should therefore be regarded as a purely administrative issue and not one of human rights.

He thought it regrettable that this case was treated, both in the United Kingdom and in the international sphere, as a main preoccupation of the ILO in the field of human and trade union rights, also taking into account the relatively small number of persons concerned. The attacks on the United Kingdom Government for a decade were particularly incomprehensible, taking into account that the ILO was practically silent for nearly a half century concerning the enormous and systematic violations of human and trade union rights in the Soviet bloc. Where were the proportions? He also found it obvious that it was for political purposes against a particular government or certain types of policies that the Workers' group had given the case such proportions. The speaker thought that it was not good for the ILO to be used for such purposes.

The Workers' member of the United States regretted that, after 11 years, the only new thing was the pressure from the Government on this Committee, threatening the withdrawal from the ILO if its rules were applied to the United Kingdom. It was without precedence that a country used such a threat of financial and diplomatic consequences to challenge the very integrity of this Committee and also the ILO itself. The rules should be the same for everybody, even for the rich and powerful.

The Workers' member of South Africa thought that this case concerned not only the United Kingdom but also a question of principle. In South Africa, the Government had proposed to deprive workers in the National Intelligence Service of their trade union rights. This was stopped by the workers who were determined to bring such violations of Convention No. 87 before the ILO if necessary.

He stressed that the Government of the United Kingdom did not comply with the recommendations of the Committee of Experts and even made the intolerable action of threat. To another country, this Committee did urge today that Convention No. 87 be fully respected. This was no doubt a particular case, but the principles were the same and should be applied equally. In contrast with

the United Kingdom Government, the workers at GCHQ were not asking for special treatment. This Committee should maintain its consistency and strong will as to its principles.

The Workers' member of Germany deplored that a strong country with such a long tradition of democracy ignored the recommendations of the ILO. The situation of trade unions in the United Kingdom probably caused less problems than in other countries outside Europe. But if an interpretation was made to justify a special treatment for this case, it would ruin the principles of objectivity and universality in the supervision of standards' application, and it would also give the impression that special paragraphs were only for developing countries. It was true that these countries do not have the same means of influence and pressure.

The question of a special paragraph had already been discussed by the Committee at the end of the 1980s but so far these warnings have not led to a constructive solution. It was incorrect to think that the two parties were equally insistent in maintaining their principles: the workers had demonstrated their willingness to take account of the requirements of their security. In addition the problem should not be reduced to a purely administrative question since it was the very principle of the freedom of association that was challenged. The employers should consider the consequences upon their own right to organize if such a restriction was to be tolerated. For all these reasons the speaker thought that the Committee should take a firm position on this case.

The Workers' member of Canada first reacted to what appeared as a form of threat that the United Kingdom Government would withdraw from the ILO if it was treated like any other governments. Referring to the statement of the Government representative that no decision had been made to withdraw from the ILO and that such a decision would require careful evaluation, the speaker felt that it was obvious that the Government should have evaluated carefully their statement to the media. It was not the workers but the Government who had made this case a high profile one in the media.

In addition, some Government members expressed their irritation by this case coming back again. But all the members of this Committee had good reason to be irritated by the attitude of a government that insistently refused for 11 years to follow the recommendations of the authoritative bodies of the ILO.

Therefore, the speaker thought that the Government of the United Kingdom should not be discriminated against: after all the procedures exhausted during the last 11 years without the Government's complying with the requirements, a special paragraph was warranted.

The Workers' member from India summarized the principal problems. He indicated that he agreed with the declarations made by the Workers' members and that this case demonstrated an unfair and unreasonable practice on the part of the Government which violated trade union rights. Furthermore, a trade union was acceptable to the Government only if it was recognized as independent from the TUC. During the past 11 years the Government had been negotiating, but the delay in reaching solutions was also a denial of justice. The United Kingdom was wealthy and influential. Therefore the ILO should be careful not to apply a double standard or give special treatment in favour of the United Kingdom which would not also apply to developing countries. The present Committee always asked developing countries to immediately remedy violations of the Conventions. An inequality of treatment in favour of the United Kingdom would give rise to suspicion and damage the image of the ILO. Consequently, the case should be mentioned in a special paragraph, unless the Government gave assurances that it would resolve these problems in the near future, that the TUC can resume its presence in GCHQ, and that the original statute concerning the workers at GCHQ will be restored. The argument that a special paragraph would be used in the coming elections against the Government was totally unacceptable in this case.

The Workers' member of France stated that in the last few years the Government had made few credible arguments and that it was contradictory to have a civilian status if, as had been demonstrated, the workers at GCHQ carried out military functions. The United Kingdom was an important democratic country which formed part of the OECD and the G7; none the less, the Government exempted itself frequently from the social standards of the European Union and had violated the union rights of workers at GCHQ over the past 11 years. Furthermore, the Government had threatened to withdraw from the ILO if the Committee adopted a special paragraph. The Committee should not give in to such a threat. The statements of the Government representative gave a bad impression of the United Kingdom in the world. If this country continued to violate the social standards and the Conventions of the ILO, it would be converted into a free enterprise zone and unfair competition would exist. The contradiction between the United Kingdom's actions in promoting a social clause at the international level while at the same time reducing the rights of trade

unions in the United Kingdom, an industrialized country which was one of the wealthier countries, warranted that the Committee adopt firm conclusions.

The Government member of the United States noted that this was one of the most difficult cases the Committee had ever discussed. She explained that, on the one hand, it was impossible to deny that freedom of association, including forming and joining a trade union of one's choice, was as basic a right in industrialized countries as it was in developing countries. On the other hand, this particular case had an extremely narrow scope, involving a relatively small number of highly technical employees dealing with matters of national security which were military in nature, and the potential conflict between loyalty to one's employer and loyalty to one's union was a very real concern. On the two previous occasions the Committee had discussed this case, her Government had joined in a strong, tripartite recommendation that the United Kingdom Government engage in substantive, frank and constructive dialogue carried out in good faith, so that a mutually satisfactory solution could be found that would be in conformity with the Convention. She regretted that the problem still had not been solved. She hoped that the present Committee would once again send a clear and strong message to the Government, and that the message would once again be unanimous. Such a unified signal was the best way for the ILO to encourage continued, genuine and intensified dialogue on the matter of freedom of association at GCHQ, so that once and for all this case could be resolved.

The Workers' member from Argentina expressed his concern over the attitude of the Government concerning this case for the last 11 years, and the fact that it had done nothing beyond making unfulfilled promises. The Committee on Freedom of Association had strongly urged the Government to strengthen its efforts to comply with the Convention. In previous years the Government had repeatedly defended the universal application of ratified ILO Conventions, without exception. In this case, a violation of Articles 2 and 4 of the Convention continued to impede the right to organize for a group of workers who had not been excluded by the Convention. Measures had been taken against their freedom of association; and in 1983 almost all members of the union had been dismissed. He considered that the Committee should adopt a special paragraph to demonstrate impartiality, independence and the need to apply the same rules to all countries.

The Government member of India stated that liberty came with certain obligations; therefore application of certain reasonable restrictions on fundamental rights of liberties was well recognized. What was a reasonable restraint was a matter of policy evolved in a specific ethos. In the particular case of GCHQ, the workers were not denied a right to representation through a grievance-registering mechanism. And the employers in question clearly performed functions flowing from the exercise of the sovereign power of the State, making them distinct. For these reasons, the restrictions imposed by the Government of the United Kingdom were reasonable, and this case was an example of the need to make the interpretation of ILO Conventions more flexible. The real functions of these employees should be taken into consideration instead of merely their civil or military status. ILO bodies must avoid a legalistic and rigid interpretation of Articles 2 and 9 of the Convention. Therefore the Committee should recommend that dialogue should continue, and the parties should be more flexible, but a special paragraph in the case of the United Kingdom was not only inappropriate, but unfair.

The Workers' member of Japan noted that the Committee of Experts had consistently asked that measures be taken by the Government concerning this case. Unfortunately, the measures had not been taken, leading to a double standard where the Government asserted its own interpretation of the Convention. If the Committee gave in to one government under mounting pressure, it would set a negative precedent. In this case the principles of independence, objectivity and fairness of the ILO supervisory machinery were at stake.

The Government representative of Germany set out the problems in this case and summarized the position of the Committee of Experts and the Committee on the Application of Standards in the last years. He recalled that the Committee of Experts had noted that this was an exceptional case. It had not asked directly that the legislation or practice in the United Kingdom change, but rather that the discussions be resumed in order to comply with provisions of the Convention. However, the situation had not improved and the parties could have done more. Therefore, the Committee should ask for other measures, but it should not adopt a special paragraph. The adoption of a special paragraph required the existence of both a sustained violation and a certain measure of gravity. Although there had been a sustained violation, the violation was clearly not so grave in comparison to other cases in respect of which the Committee had adopted a special paragraph. In the present case, involving 13 employees working at the GCHQ (at least as of three years ago), who had not made use of three

options available and had not suffered either physically or financially, the question was whether they had been granted the full freedom of association rather than the right to organize. It was never alleged that any of these employees suffered any physical, or even financial, detriment. It had been mentioned numerous times that there would be no failure to comply with the Convention if the United Kingdom Government simply decided that these employees should be placed under the Ministry of Defence, indicating that the real issue in the case was the nature of the functions performed. Therefore, a clear difference existed in this case, as far as gravity was concerned, which made it difficult and impossible to support a proposal for a special paragraph. There was a danger that the special paragraph would lose its meaning and importance if it was adopted in this case. While recognizing that the Government did not seem to be ready to take all the necessary measures, the speaker hoped that there would not be a vote on this matter and indicated that, if there were, he would vote against a special paragraph.

The Workers' member of Finland, speaking on behalf of the Workers' members of the Nordic countries, stated that the United Kingdom Government's delay tactics had called into question the effectiveness of the ILO supervisory bodies. By opposing conclusions of the ILO supervisory bodies in this case, the United Kingdom Government had behaved contrary to both the Constitution of the ILO and the basic rules on which the ILO supervisory machinery was based. Taking into consideration the length of this case, strong actions and a special paragraph should be taken in order to secure the observance of Convention No. 87 in the near future.

The Government representative of Canada observed that the possibility of GCHQ workers joining other organizations created a risk which was a legitimate concern for the Government, and which was recognized as such by the Committee of Experts in its observations. It was perfectly within the realm of Convention No. 87 to prohibit the right to strike to workers in such sensitive and security-related areas. In other countries, public or civil servants engaged in similar duties were usually exempt from the scope of that Convention because they were usually included in the military or defence department. For this reason, a special paragraph clearly was not appropriate in this case, although the Committee should once again call upon the Government to resume dialogue. She stated that this case was not so serious as to warrant such attention in the light of so many other cases of much more grave violations but noted that it had existed for too long a time.

The Government member of Uruguay noted with concern that despite the observations of the Committee of Experts and the present Committee the parties had not arrived at positive results after such a long time. He was surprised that the Government representative had alluded to possible doubts concerning the loyalty of the civil servants in question toward the employer, since he believed that the issue of loyalty was set aside in 1991, given the statement by the Worker member of the United Kingdom in this respect. A solution to this problem could be reached by making a clear distinction between the possibility of freely affiliating with a union and the question of eventual limits on the right to strike. The speaker hoped that the democratic tradition of the United Kingdom would permit it to avoid a possible vote by the present Committee, and would assist in resolving the problems in question in the coming year. None the less, the Government must accept a definite compromise. Lastly, the speaker indicated that it was not good that this type of discussion on such a problem had been prolonged for so many years.

The Workers' member of Turkey stated that some governments of the developing world which did not fulfil ratified Conventions in their countries, when criticized by the present Committee, had tried to discredit the ILO by alleging that the ILO was an organization dominated by industrialized countries, which humiliated poor countries. This case was important for refuting these accusations. Therefore, he urged the Committee to resist any attempts to apply a double standard and to adopt a special paragraph.

The Government representative of Australia, after summarizing the problems and the position of the Committee of Experts and the Committee on the Application of Standards in the last years, noted that the United Kingdom case was only one of 59 observations by the Committee of Experts on Convention No. 87, covering countries from all regions and at various levels of development. This demonstrated the rigour of the ILO supervisory processes in seeking to protect the fundamental rights of workers. The speaker concluded by stating that the protection of workers' rights in this case should be made with a positive approach, seeking that the parties reach agreement.

The Government member of France indicated that this was an important and delicate case since it involved the principles of freedom of association which governments should respect, above all if they have ratified the Convention. The United Kingdom should be treated the same as all States and impassioned debates on this

issue should be avoided. The options available to the present Committee made it less urgent to adopt a special paragraph. Following a jurisprudence, developed from considerable experience, the special paragraph procedure applied to all member States, regardless of their geographic location or their level of economic development, whenever two circumstances existed: when a grave failure of application persisted, or when there was a belligerence on the part of member States which resulted in grave violations of human rights, such as imprisonment, violence, arrests and assassination of union activists. The speaker believed that both conditions did not exist in the present case and summarized the position of the Government member of India favouring dialogue and discussion between the parties to resolve the serious but limited conflict.

The Government representative of the Netherlands suggested that the United Kingdom Government could accept an advisory mission of the ILO to facilitate negotiations between all the parties concerned.

The Government representative of South Africa supported the proposal made by the Government of the Netherlands, based on the length of the problem and its own experience of how very difficult disputes could be successfully resolved and reconciled by an ILO direct contacts mission.

The Government representative of the United States concurred with the proposal to request the United Kingdom Government to invite an ILO consultative mission to the United Kingdom to help seek a solution to the problem. Her Government would support Committee conclusions in this direction.

The Government representative of Turkey expressed objection to the inclusion of this case in a special paragraph.

The Government member of the United Arab Emirates, speaking also on behalf of the Government members from Saudi Arabia, Oman and Kuwait, supported the recommendation of the Committee of Experts urging the Government to adopt measures to resume dialogue with the trade unions with the objective of reaching a satisfactory solution for all of the interested parties. In order to arrive at a solution, it must be taken into account that this was a limited problem which should be considered in its appropriate dimensions. A clear distinction should be made between the right to organize trade unions and the right to strike. The status of the workers in question also must be taken into consideration, whether civilian or military. Furthermore, all of these points should be considered with regard to the context, culture and tradition of the United Kingdom. The Committee should find a solution by urging both parties to resume the discussions, but this case did not require a special paragraph.

The Workers' member of the Netherlands referred to the statement made by the Government member of France and indicated that the second criteria mentioned to adopt a special paragraph – the existence of gravity and problems involving questions of human rights – was not correct. He asserted that other types of violations also could be the subject of special paragraphs, and that was the criteria the present Committee followed. Otherwise, special paragraphs could only be addressed to military dictatorships.

The Government representative of the United Kingdom welcomed the debate which he followed with much interest and expressed his agreement with the statement made by the Government member of France on the climate which had surrounded the debate which had made it a sober and responsible discussion. Many speakers had recognized the complexity of the situation and the difficulty in finding solutions. He emphasized that there was no truth to the suggestion that the United Kingdom had decided to withdraw from the ILO if a special paragraph were to be adopted. The Committee should decide the case on its merits and not on extravagant press information. Regarding the circumstances for adoption of special paragraphs, it was fundamental that all countries be regarded as equal concerning compliance with ILO standards. The United Kingdom Government did not want to be treated differently from other countries. However, special paragraphs must be reserved for serious cases. The issue of proportionality was important here, as had been noted by various speakers. In this respect, the situation at GCHQ was very particular. Workers had the right to join a union in the great majority of workplaces in the United Kingdom and if they were dismissed or their rights violated, legal redress existed. The speaker rejected the idea put forth by various speakers that the rights of workers in the United Kingdom were trampled under foot. The Government representative concluded by indicating that the proposal to send a mission to the United Kingdom was not for him to decide. None the less, if this proposal was adopted it would be considered by the Government.

The Workers' member of the United Kingdom noted that there were a number of errors in some of the statements, starting with the Employers' member of Sweden who failed to realize that the transfer of civilian staff of GCHQ to the Ministry of Defence would have created the same problem because the latter orga-

nization is unionized by civil service unions and would have resulted in the same loss of rights. He further noted that his union and all civil service unions in the United Kingdom are apolitical and are proud of serving governments, whatever their politics.

The speaker referred to the statement of the Government representative of Germany concerning the situation at GCHQ and noted that 7,000 people lost freedom of association rights in 1984; the figure 13 apparently came to mind because 14 people were dismissed.

He took exception to the Government representative of Canada's statement concerning the desire of GCHQ staff to join other unions. He emphasized that for the past 11 years they had had no rights to belong to any union, only to the staff association. No previous guarantees had been broken by the unions. Two of the civil service unions had repudiated agreements in 1984, but he recalled that the first party to repudiate such agreements in 1984 was the Government itself.

The speaker endorsed the Netherlands Workers' member's point and was straightforward concerning the need for a special paragraph: what he wanted was the restoration of trade union rights guaranteed under Convention No. 87 which were taken away from GCHQ staff 11 years ago. He renewed his willingness to engage with the Government in meaningful dialogue, although he noted that the Government failed to suggest any way in which it could be meaningful. He observed that everyone in Britain has legal recourse against individual dismissal, except those people employed at GCHQ who no longer have access to industrial tribunals. They had been forced to accept £1,000 in exchange for losing their rights.

The speaker then welcomed the proposal by the Government representative of the Netherlands to send an ILO fact-finding and conciliation mission to the United Kingdom if this would stimulate meaningful dialogue.

The Workers' members congratulated the Government representative of the Netherlands for his suggestion that an ILO mission might be helpful and regretted that this suggestion came so late in the debate. They felt that such a mission might change the Workers' feelings with regard to a special paragraph.

The Workers' members observed that notwithstanding a certain sense of drama surrounding this case, it was a part of a slow procession of cases before the Committee. It had elements in it, however, which the Workers believed to be important and wished to emphasize in the debate.

Indeed, taking most of the Governments' statements into account, it was the Workers who should be threatening to leave the ILO and not the United Kingdom Government, because some of the statements made on this case were at their best, malign, and at their worst, mischievous, so that the discussion in this Committee stumbled from equivocation to downright misrepresentation. The whole issue was bedeviled by the special paragraph – the whole question of the special paragraph influenced the debate.

In the first place, the Employers attempted to play the issue down as an embarrassment that should go away. They made a valuable point, however, in reminding the Committee of the two points raised by the Committee on Freedom of Association when it first considered the case: firstly, that there should be an uninterrupted service at GCHQ if there was to be a settlement of this case and, secondly, that there should be a right to join a union for the staff, a union of their own choosing. This had also been the view of the Committee of Experts throughout, fully shared by the Workers who could not be accused therefore of taking an extreme position. They believed, however, that a boil, this particular boil included, had to be lanced if a cure was to be effected. Incidentally, the Workers' members rejected the insulting and false remarks made by the Employers' member from Sweden that the Workers' group stood by silently when the Soviet Union and the Eastern bloc were abusing human rights.

With respect to the comment of the Government representative of the United States emphasizing the small number of people at GCHQ and the fact that they were professional and technical staff, the Workers stressed that professional and technical workers were just as entitled to trade union rights as anyone else and one should not thrust them aside merely because their numbers were small.

Referring to the interventions of the Government representatives from Germany and France, the Workers' members argued that the key issue for a special paragraph was sustained violation, consistent refusal of the Government either to take notice of the Committee of Experts or of the conclusion of this Committee, or both. Special paragraphs, historically, had been given on a variety of cases including on purely technical cases involving no deaths, no outrage, no human rights violations. It was important, as far as this Committee was concerned, to clear up this confusion, which was used as an excuse to prevent any discussion of a special paragraph in connection with GCHQ, and not to have in any future discussions on this case, or any other case, the argument that spe-

cial paragraphs had a special character because they should only be proposed when major human rights violations were concerned.

With respect to the arguments advanced by the Government representative of Canada that the GCHQ had got a union and therefore had nothing to complain about, the Workers' members pointed out that it was in fact a government-sponsored union, a house union, which was under the complete control of the Director of GCHQ. They also pointed out that the argument according to which Convention No. 151 had to override Convention No. 87, already very long ago had been rejected by the Committee of Experts as totally irrelevant.

Concerning a number of other government contributions which were helpful, they singled out one question which was strung through the debate, and this was about the military nature of the operation. According to one Government representative, for example, had GCHQ staff been under the Ministry of Defence it would have escaped. The Workers' members stressed that it was not possible because people working there were not military, they did not wear uniforms, they were not under service traditions and they did not get service pay, so this confusion should also be put out of the way. Indeed, there were trade unions throughout the Ministry of Defence where civilians worked with the military – only GCHQ staff were excluded.

Coming to the issue of the special paragraph, the objective of the Workers' group was not a special paragraph for itself. The Workers did not believe, in the light of the attitude of the Government representative from the United Kingdom, that a special paragraph would change the situation. The issue has become a sort of political football within the governing party in Great Britain and the Workers did not want to play any part in political manoeuvring. This was not a political issue as far as the Workers were concerned, but the Workers' group, like everyone else, wanted a solution and a special paragraph in itself was not a solution, it represented at its best a spur to action or the ultimate frustration of the Committee. While on that basis a special paragraph in this case would be more than justified, the Workers' group supported the suggestion made by the Government representative of the Netherlands, and supported by others, for a conciliation mission, which might represent a road to a solution. In this connection, the Workers' group stressed the need for such a conclusion as to be virtually unanimously accepted by this Committee – Workers, Employers and Governments – and which should firmly invite the United Kingdom Government to accept the mission offered. There was no humility involved in them accepting this offer, but it should be recognized that a subsequent refusal either to accept the request when it was made or failure to take into consideration any suggestions which might emerge, will be viewed by everybody on this Committee as undermining the standard-setting aspects of this Committee's work. The Workers did not want to threaten anybody, nor to set time-limits, but time was running out on this particular issue and they hoped therefore that a mission, if accepted, could take place as quickly as possible and that conclusions could be reached in sufficient time for any discussion that might take place in this Committee next year, in sufficient time for it to have the knowledge that the mission had taken place and that the conclusions and the helpful nature of what they had done had produced a solution. On that basis, the Workers agreed to draw up a conclusion on this case for this year which would not be included in a special paragraph.

The Employers' member of Sweden, referring to his previous statement, explained that he did not accuse the Workers' group for not having criticized the Soviet bloc, but had talked about the disproportionality of this case.

The Workers' members accepted his apology.

The Workers' member of the United Kingdom, speaking on a point of order, repeated the comments he had made during the previous sitting in rejecting the accusations that there was a political motivation to the TUC bringing a complaint about the GCHQ at the request of the Council of Civil Service Unions who were the unions in GCHQ prior to the ban. All the unions in the Council of Civil Service Unions were trade unionists who did not affiliate to the Labour Party in Britain and were proud of being non-political in order that the British civil service should be non-partisan and serve efficiently governments of whatever political colour.

The Employers' members refrained from commenting on what had been said by individual delegates because those persons would not have the opportunity to react again. Nor would they be used to making conjectures on the sense to be given to an intervention. They would hold to what had been said but still wished to make some remarks of substance on two subjects. On several occasions, reference had been made to the question of the authority of the supervisory machinery and some people felt that this authority was being called into question. This was not totally appropriate because it overlooked the difference between domestic law and the way in which domestic law was implemented, and international law. International law was based on the wish of a

country to be a member of an international organization, on the voluntary pursuance of the rules of an organization by a State. There were no ways of enforcing such legislation apart from trying to convince countries to obey the rules, and the ILO had a very well tried and tested procedure for supervising its Conventions, which was exemplified by the many hours of discussion on this case.

A second point which played an important role in this debate concerned the question of equal treatment; this was raised on several occasions, particularly in connection with a special paragraph. Equal treatment in the special terminology of the ILO meant the avoidance of any double standards. The emphasis with which this point was made seemed to be rather exaggerated because nobody would say they were not in favour of equal treatment. However, one could not establish what was equal treatment with some kind of a ruler or with a stopwatch, there were certain aspects to be taken into account, including the length of period that a case had existed and was being discussed. In this Committee there had been a whole number of cases which were dealt with at greater length than the case of the United Kingdom. Some of the cases had a tradition of more than 20 years and in most of them, in fact, there had been no special paragraph because what was decisive was certainly not the length of a case, but the content, the weight to be attached to a particular case. The Employers believed that the case of the United Kingdom was a very special case and for the Convention it was an atypical case. It was of a relatively limited dimension, it was not about freedom of association being called into question for a whole country, but about a small group of people in a semi-military profession. Nevertheless, the Committee had to find a solution for this case also, and the Employers regretted that up until now no solution had been found. They were demanding that serious efforts be made in order to bring about such a solution, which must be found basically by the parties to this dispute themselves. They must have to accept it and must be able to implement it. But it could also be useful to have a mission sent to the United Kingdom to provide additional assistance in bringing about the solution.

As regards the question of the special paragraph, on which there were many theoretical comments on the usefulness and on the harm which could possibly be done by such a measure, the Employers did not need to adopt a position because nobody had requested this special paragraph.

The Committee noted the oral information supplied by the Government representative, as well as the wide-ranging discussion that took place thereafter. In the discussion concerning this case, many references were made to the length of time which had elapsed since the case first came before the Committee and to the views expressed by the Committee on previous occasions.

The Committee deeply regretted and deplored the fact that the Government had not taken action to resolve the issues underlying the case.

In these circumstances, the Committee had given some consideration to the adoption of a special paragraph concerning this case. While a significant number of members of the Committee were disposed towards the adoption of a special paragraph, the majority were prepared to extend to the Government a final opportunity to resolve the issues.

In this respect the Committee had noted the Government's statement that further dialogue was possible and desirable.

The Committee hoped that it would be possible, with the exercise of common sense and goodwill, for a satisfactory resolution of this case to be reached in the near future. The Committee invited the Government to receive an ILO advisory mission to help this process.

Venezuela (ratification: 1982). A Government representative considered the situation to be unusual due to the fact that the points raised had been made by an association of employers. He recalled the negotiation that had precluded the adoption in 1990 of the new Organic Labour Act (OLA) with the active participation of organizations of employers and workers in Venezuela. The Congress of the Republic had adopted the OLA without any dissenting vote. As deputy, he had then accepted the proposal of a person mandated by the Venezuelan Federation of Chambers and Association of Commerce and Production (FEDECAMARAS) so that the period of residence required for foreign workers in the initial Bill (two years) be increased to ten years (section 404 of the OLA). He recalled that the relationship between the President of the Republic and the ILO was very close, as well as the responsibility that he had assumed in the drawing up of the OLA. He then referred to the other points raised in the observation of the Committee of Experts:

- The list of attributes and purposes required for workers' and employers' organizations was too extensive and detailed; sections 408 and 409 of the OLA only had the purpose of guiding

those who wished to set up organizations of workers and employers. These provisions had to be placed in the context defined by sections 401 and 403 of the OLA which guaranteed the free exercise of freedom of association protected by the Convention. Moreover, these provisions had not prevented employers from establishing their associations - FEDECAMARAS was in fact a civil organization.

- The number of workers (100) required to form unions of self-employed workers was too high (section 418): Freedom of association, the cornerstone of collective rights, was only one aspect of labour legislation. The latter governed individual relations and collective relations of dependent workers. Consequently, the provision in question of the OLA tended simply to confer a specific protection to one category of workers - those who were self-employed - who were naturally not covered by labour legislation.
- The number of employers (ten) required to form an employers' organization was too high (section 419). While the legislation of 1936 had prescribed a smaller number of employers to establish such an organization, there had only been one organization of employers that had been registered in the history of Venezuela (SINTRA Bares, distributors of spirits). FEDECAMARAS had not taken the trouble to register itself as a sectoral organization under section 405 of the OLA. The civil associations of employers were reticent about the idea that the Labour Minister conferred on them legal personality.

Venezuela respected the obligations flowing from ILO Conventions and even public sector workers enjoyed all rights of organization and association. In any event, the Government would study ways to harmonize the presumed content of the Convention and the intent and content of the OLA. It would engage in a social dialogue to this end and would also include FEDECAMARAS to examine the problem. However, in the absence of sufficient parliamentary support, it was to be feared that the proposals to amend the OLA touched upon other matters than those raised by the Experts.

The speaker added that a recent ruling of the Supreme Court confirmed that international labour Conventions prevailed over the OLA. In these conditions, legally, there were no difficulties to impose the application of the Convention. It would also be appropriate to look into the possibility that the National Executive, in conformity with section 13 of the OLA, take the legal measures through the administrative channels to meet the claims of the complainants and to bring Venezuelan labour legislation into conformity with the Convention.

The Employers' members thanked the Minister of Labour for coming. They pointed out that, although the Employers had requested a discussion of this case, it had been the decision of the entire Committee to take up the case. The Minister had said that he was not familiar with the procedures of this Committee but the Employers' members pointed out that he had always been welcomed to come to the Committee in the past as he would be in the future. In any event, depending on the outcome of this discussion and the results achieved in the coming month, the Minister might well be asked formally to come before the Committee each year. The Minister should understand that freedom of association applied to both workers and employers, not just to workers. The Employers' members indicated that it was very unusual for them to ask for a case to come before this Committee and it was only done in the most serious cases in which the interests of employers were at stake. From their point of view, there was something fundamentally wrong in Venezuela regarding the application of the Convention with respect to both employers and workers. Since 1988, there had been 18 cases filed before the Committee on Freedom of Association which was a record. One of those cases was Case No. 1612, a representation presented to the Committee on Freedom of Association by the International Organization of Employers (IOE) and FEDECAMARAS. The Committee's conclusions on this case were approved by the Governing Body at its session in May 1993. The Employers' members recalled that four of the Committee's conclusions concerned the points raised by the Experts in its observation. These matters concerned interference with the rights of workers and employers to form organizations of their own choosing.

In the Employers' members' view, these were fundamental violations of the Convention. However, the Government of Venezuela had undertaken during the Governing Body session of March 1995, that it would engage in tripartite consultation to correct the problems identified in Case No. 1612. The Employers' members pointed out that the Government representative had stated that the Supreme Court of Venezuela had ruled that Conventions prevailed over national legislation. Therefore, the lack of parliamentary support which the Government representative had also given as a reason for not having these problems resolved, was not relevant. Moreover, it was not enough to state that regulations

implementing the Organic Labour Act were in the process of being elaborated since this Act had become effective on 1 May 1991.

Finally, the Employers' members, referring to the terms of Articles 2 and 3 of the Convention, insisted that the Government should meet its obligations in law and in practice by amending its legislation in consultation with workers' and employers' organizations.

The Workers' members first of all emphasized that there was no difference between employers and workers with respect to the right to organize under the Convention. The rights of both employers' and workers' organizations to organize under the Convention were important, and the interference by governments in that right to organize could be serious in both cases. If employers' organizations raised issues concerning workers' rights in a country, this was sometimes because they had more knowledge of these rights or, sometimes, because workers' organizations did not exist or, even sometimes, because these organizations were controlled by the government. Referring to the Government representative's argument that the labour law in force was adopted by the majority of people in Parliament and the workers, the Workers' members indicated that this was not the point. The point was to listen to the expert advice of the Committee of Experts as to whether particular laws were in conformity or not with the Conventions concerned. Referring to another point made by the Government representative that most employers in Venezuela did not want to join an organization, the Workers' members indicated that once again this was not the point. The point was that the law should not place undue restrictions which would prevent employers from forming organizations if they wished to do so. The Convention did not lay down a rule that employers must form organizations; what it stipulated was that undue restrictions should not be placed on them if they were indeed formed. The same principle applied as far as workers were concerned.

They suggested that since the executive branch had powers to regulate labour laws, this was perhaps one way for the Government to bring its legislation into conformity with the Convention, since there were sometimes difficulties in getting legislation through Parliament. They concluded by stating that it did not matter whether the workers or employers in the country had not opposed a certain law. If a country had ratified the Convention, it had agreed to observe the obligations in that Convention and it was the Committee of Experts which established impartially and independently whether the country was doing so. And what was important for this Committee was to see whether the terms of the Convention were being observed. Quite clearly, they were not being observed at the present moment in Venezuela.

The Employers' member of Panama recalled the representation presented by the International Organization of Employers (IOE) and FEDECAMARAS in July 1991 under article 24 of the ILO Constitution alleging the non-respect by Venezuela of several international labour Conventions ratified by this country, including Conventions Nos. 87 and 98. In the recommendations of the Committee on Freedom of Association (Case No. 1612), the Government of Venezuela was invited to review various provisions of the OLA, in particular sections 398, 404, 405, 406, 408, 409, 418, 419, 425, 446, 448, 473 and 513. The discrepancies between the OLA and the Convention were confirmed in the report of the Committee of Experts as well as the other issues relating to the application of other Conventions mentioned in this report. The OLA was a classic example of excessive, strangling and paternalistic regulation which tended to model organizations of employers and workers according to the image of successive governments. In February 1995, the Government proposed to examine the recommendations made. It had, however, in the meantime committed new violations of ILO standards and had not shown any will to introduce the modifications suggested in its labour legislation, modifications that were vital for the initiative and dynamism of employers.

The Workers' member of Venezuela agreed entirely with the points made by the Workers' members. Trade union organizations of Venezuela had good relations with employers' organizations when collective agreements had to be concluded by branch of activity or at the enterprise level. Most of the disputes concerned the State and its quality as an employer. The Ministry of Labour was certainly trying to keep up the negotiations, which was the best way to find answers to the questions raised by the ILO supervisory bodies. According to his personal experience as a trade union leader, the speaker confirmed that section 404 of the OLA was not applied vis-à-vis organizations such as the federation that he had once chaired, close to the border with Colombia, since trade unionists of Colombian nationality not having resided for ten years in Venezuela had held trade union office. The speaker added that trade unions enjoyed complete independence concerning the drawing up of their internal rules. As had been suggested by the Workers' members, it was through this negotiation that the necessary amendments had to be made to the relevant provisions

of the OLA in order to bring this legislation into conformity with international labour Conventions, in cases of infringements.

The Workers' member of Greece pointed out that when a country adopted legislation regulating the right to associate, it was hardly a good sign since this right was guaranteed by the constitution in democratic countries. For a country having ratified the Convention, the social partners had to have the possibility to negotiate on all matters without restrictions. They did this by respecting the legislation in a democratic country. It was therefore not necessary that a country legislated on the matter, since this could lead to a risk of interference by the public authorities in this freedom of association.

The Employer member of Venezuela stated that the Government representative's tone was not in harmony with the customs of the ILO. In a document submitted to the 262nd Session of the Governing Body (GB.262/7/2), the Venezuelan Government provided its response to the Committee on Freedom of Association, officially indicating its willingness to comply with the recommendations of supervisory organs. Regrettably, however, the facts showed that this had not been done. Besides, what the Government representative said about the representation of FEDECAMARAS at the Congress was not true: the said Congress was elected by direct popular vote, without representing specific sectors in any manner. As to the discussion and adoption of the Organic Labour Act in force, FEDECAMARAS had pointed out that this had been done without sufficient and effective consultation required under ILO standards on these matters. The speaker added that the Venezuelan employers had established and maintained the position of agreeing to the call presented with the IOE that the Government should assume its commitments deriving from the recommendations of the Committee on Freedom of Association. He referred also to the basic spirit of the tripartite document ("carta de intención") signed on 5 June of this year, between FEDECAMARAS, the Venezuelan Confederation of Workers (CTV) and the Government, trusting that the Government would not maintain a position denied by the ILO standards. The Venezuelan employers had a deep respect for President Caldera, a personality closely linked to the ILO and national democratic institutions, but they requested that the rights of the social partners be respected in this manner. Thus, it was unacceptable to the Venezuelan employers that the Government not only had not taken the measures called for in the Organic Labour Act, but also, for the first time in the democratic history of the Government-FEDECAMARAS-ILO relationship, granted improperly the right to designate the employer member of Venezuela for the recent tripartite meeting on the chemical industry, which made the situation even worse. In addition, relevant obligations respecting the participation of the employers' delegation to this 82nd Session of the Conference had not been complied with. In exercising the rights of FEDECAMARAS before the ILO, the Venezuelan employers, far from wanting to damage the country's image, as the Government representative had mentioned, were trying to protect it as shown in the statement made by the employer speaker at the 262nd Session of the Governing Body, a copy of which had been sent to the Government and was available to those who were interested. The speaker concluded by emphasizing that FEDECAMARAS did not ask for the indulgence of the Government, as the Government representative had said, but requested the Government to comply with its commitments to the ILO and with tripartism, renewing and ensuring its responsibilities before this international organization.

The Employers' members indicated that there was no reason for the Government representative to be surprised that this case had in fact been brought before the Committee and that the Employers had asked for this discussion. It was the decision of the Committee to discuss the cases under discussion here. However, if the Employers had taken the exceptional initiative as to the list that was drawn up, this should not be construed as a problem since then one would be overlooking the tripartite nature of this organization.

The Government representative expressed his support for the proposal made by the Workers' members, including the Workers' member of Venezuela. It was up to the Venezuelan social partners to assume responsibility for amending the points that had been raised by the ILO supervisory bodies.

The Committee noted the oral information supplied by the Government representative and the discussion that took place thereafter. The Committee noted with concern that the Committee of Experts had to state in its report that no progress had been made by the Government to remove the numerous restrictions and conditions that continued to exist, inhibiting the free formation of organizations of employers and workers and which contravened freedom of association as envisaged in the Convention. It recalled that both the Committee of Experts and the Committee on Freedom of Association, in the course of the examination of the representation made by the International

Organization of Employers (IOE) and the Venezuelan Federation of Chambers and Association of Commerce and Production (FE-DECAMARAS), had insisted on the measures that had to be taken by the Government with a view to removing the discrepancies in the legislation that conflicted with the Convention. The Committee strongly urged the Government to scrap the provisions stipulating more than ten years of residence in the country in order for foreign workers to be eligible for trade union office, imposing extensive and detailed lists of attributions and purposes on employers' and workers' organizations and laying down too high a number of self-employed workers to form a trade union and too high a number of employers to form their organizations. In this context, the Committee noted with interest the observation of the Government representative that according to judicial pronouncement, the Convention would prevail in the event of an inconsistency with the national law. It hoped that the Government would immediately do its utmost to bring its laws and practice into conformity with the requirements of the Convention in consultation with employers and workers, and requested it to report in detail to the Committee of Experts on progress made in this regard. The Committee noted the promise of the Government representative to convene a tripartite meeting to seek a resolution of the problems under the Convention and hoped that substantial steps to resolve these problems would be taken in the coming year.

Convention No. 95: Protection of Wages, 1949

Mauritania (ratification: 1961). A Government representative of Mauritania recalled that in the report of the Committee set up to examine the representation made by the National Confederation of Workers of Senegal (CNTS) the Mauritanian Government was requested to take the necessary measures with a view to a final settlement of all the wages due to the persons who were obliged to leave Mauritania following the events of April 1989. He indicated that the Mauritanian Government was keeping open all the judicial channels recognized under national legislation, and that the process of normalizing relations with Senegal had been under way since 1992. He wished to point out, however, that the workers concerned who were not on Mauritanian territory could not lay claim to their wages being paid since they were considered as having abandoned their jobs. He added that there were no obstacles to these persons returning to their country where their security and freedom were guaranteed on the same basis as for other Mauritians. The position of his Government was that since it was not possible to force these workers to come back to their country, an employer could therefore not be expected to pay wages to workers who were absent. In any event, Mauritania was willing to receive technical assistance from the ILO, particularly through its multidisciplinary team based in Dakar.

The Employers' members noted that this case concerned a problem of wage arrears due to Senegalese workers who had been obliged to leave Mauritania. The Committee of Experts had stated that Mauritanian law did provide for the settlement of wages due before the expiration of a contract. They noted the statements made by the Government representative on this matter and on the issue of the resumption of friendly relations between the two countries, but observed that the Government continued to state that these arrears in the payment of wages were not due because the workers in question were not on Mauritanian territory. However, it was undeniable that this concerned arrears in the payment of wages that had already been earned. The Employers' members therefore suggested, as the Government had indicated itself, that the ILO furnish its technical assistance with a view to the final settlement of this issue.

The Workers' members recalled that this case, which was a result of a representation made by the National Confederation of Workers of Senegal under article 24 of the ILO Constitution, had led to a direct contacts mission in 1992 which had also covered the application of other Conventions. It appeared that the issue of arrears in the payment of wages was indeed covered by Mauritanian legislation, but that this legislation was not applied in the present. The Committee of Experts had made it clear that the amounts due should be settled. The Workers' members suggested that the Conference Committee follow this approach and adopt conclusions in which the ILO would be invited to provide its assistance rapidly with a view to the final settlement of the totality of the wages due.

The Workers' member of Niger stated that, in spite of the general declaration of goodwill on the part of the Mauritanian Government, nothing had been concretely undertaken to try to solve this problem. The Government of his country had only stated that the workers in question could not be paid since they were not on Mauritanian territory, a position that was obviously a denial of the principle that all work merited a wage. It would be appropriate to count the workers who should be compensated,

and to count the amounts due, eventually, with the technical assistance of the ILO, in order to reach a final settlement of this issue.

The Government member of Mauritania declared that, according to what his Government had understood, the arrears in the payment of wages were due only to workers who were Mauritanian in view of the fact that all Senegalese workers in this situation had returned and had obtained the payment of their wages. The Government was not aware of any complaints which could have been submitted to it by other Senegalese workers in the same situation. The speaker reiterated therefore that, to his knowledge, this case concerned Mauritanian workers who had left the country in 1989 and who had not returned.

The Employers' members pointed out that, according to the observation made by the Committee of Experts, the situation was without ambiguity and the arrears in the payment of wages in question were due to Senegalese workers in conformity moreover with what had been provided for in Mauritanian legislation. It would therefore be desirable that the Mauritanian Government clarified this issue.

The Government member of Senegal stated that he was astonished by the declaration of the Government representative of Mauritania in view of the fact that the Committee of Experts had clearly described the situation. This case concerned Senegalese workers who had been in Mauritania and who had returned there after the regrettable events of 1989, and in whose name the National Confederation of Senegalese Workers had intervened to re-establish their rights. During this series of population movements, Senegalese workers had been expelled and it was because of the closer relationship between the two countries today that it was possible to resolve the problem.

The Workers' member of Senegal recalled that it was his organization, the National Confederation of Senegalese Workers, that had submitted a representation against Mauritania in this case, which concerned Senegalese workers residing in Mauritania who had been expelled from this country in 1989 without having been paid their wages. With the normalization of relations between the two countries, and with the efforts undertaken by the workers at the union level between his organization (the CNTS) in Senegal, the UTM in Mauritania and the UTM in Mali, a settlement of this issue could be hoped for, to which could be added the problem of Mauritanian workers who had taken refuge in Senegal.

The Workers' members appreciated the clarification provided by the Government member of Senegal on this situation. They suggested that the Conference Committee ensure that the issues at stake be in effect unambiguous for the Government representative of Mauritania.

The Government representative of Mauritania reiterated that his Government had understood that the issue concerned Mauritanian workers. Noting that the case concerned Senegalese workers, he could only reaffirm that Mauritania was a State of law and that the judicial channels provided for under legislation were open to them. The Mauritanian enterprises as well as the public authorities of this country, in this instance its administrative and judicial bodies, were entirely at their disposal to examine any claims.

The Committee noted the information furnished by the Government representative with regard to the final settlement of all the wages due to the persons who left Mauritania following the events of April 1989. Having taken into consideration the difficulties and problems expressed by the Government representative in the matter of settlement of wages, as the concerned workers were not currently domiciled in Mauritania, the Committee urged that serious and meaningful efforts be made by the Government of Mauritania to settle the wage entitlement of the aggrieved workers by taking technical assistance from the ILO in the matter of enforcement of the national law, which did provide for the payment of wages due. The Committee further urged that the Government furnish information on the progress made in this matter.

Russian Federation (ratification: 1961). A Government representative stated that, while it was the first time that the Government of the Russian Federation had to report before this Committee, it regarded this reporting as a normal phenomenon.

Payment of wages for labour performed was one of the most important prerequisites for normal labour relations; it must be regular and timely and in accordance with the labour performed. The problem of the late payment of wages in his country illustrated, above all, the fact that the situation regarding labour relations was far from ideal. The main causes of this were the continuing fall in production and in the services sector, the breakdown of the system of mutual payment between enterprises and the destruction of the technological and economic networks in the country. On the other hand, some directors of certain enterprises were taking advantage of this difficult economic situation by avoiding paying wages and thus using this money for the purposes of enriching themselves and their own families and friends.

The Russian authorities were undertaking measures in order to eliminate the problem of unpaid wages. In the report of the Committee of Experts mention was already made of decrees passed by the President of Russia on this subject. In addition to this, the public prosecutor's office had been asked by the President to increase its supervision of the compliance by enterprises and organizations, regardless of the form of ownership, with the labour legislation and to pay particular attention to the problem of wages. On the initiative of the Russian Government and the state Duma – the lower house of Parliament – a Bill has been adopted on the introduction of changes in the Labour Code concerning sanctions for violations of the Labour Code, in particular in case of unpaid or late paid wages. The Ministry of Labour of Russia had elaborated a draft law on the compensation of material loss because of late or irregular payment of wages, which contained provisions concerning the time at which wages must be paid, the mechanism for indexing unpaid or late paid wages and the liability of those managers who were responsible for violating these rules. The state Duma, in third reading, had adopted the law concerning the compensation for material loss for late paid or unpaid wages, pensions or other social benefits which should be paid to the citizens of Russia. On the instructions of the Government, the Ministry of Finance had prepared a draft Presidential Decree on the temporary possibility of using cash resources which were paid into the current account of enterprises. This draft allowed enterprises and organizations to allocate for the payment of wages up to 30 per cent of the resources paid into their current account or their foreign currency account.

The Ministry of Finance of Russia, on 20 March this year, approved a schedule for debt repayment on the Defence Procurement Financing Programme for 1994, with an allocation of cash resources for the payment of wages. Finally, in the draft law on protecting the rights of workers to the regular payment of wages, all the measures mentioned above were provided for. The adoption and the implementation of all these measures should help to a considerable extent to deal with the problem of late paid and unpaid wages.

However, the solution of the problem of unpaid wages or late paid wages could only be found once there was a complete reform of the economic mechanism in the country, the elimination of old debts, the improvement of the effectiveness of production, the acceleration of the turnover of cash resources and the increased responsibility and liability of directors and managers at all levels in solving these problems. One should bear in mind that this country was going through a very difficult period of state reorganization and reform of the economy as a whole, and this process was being accompanied by certain political complications. The Government was seeing the dialogue with the ILO and its supervisory machinery and, particularly the interest being shown in its problems by the Experts, as an effort to help it to bring about constructive solutions, and therefore it welcomed this interest and this dialogue.

The Employers' members thanked the representative of the Government of the Russian Federation for coming to the Committee and discussing the case of Convention No. 95, which was a normal case engaging the Government's constitutional obligation. In the Committee of Experts' report, certain specific issues had been mentioned and a general situation described of late payment or non-payment of wages, and sometimes the considerable period of time during which wages had not been paid at all, or only part of the wages had been paid. For the workers involved, it was a very difficult situation and for that reason it was appropriate to deal with the question here.

Of course, it was easy to imagine the reasons and origins of the problem. The Government in its report indicated, *inter alia*, that the country was in transition to a market economy, and it was not a typical feature of a market economy that wages were not paid, on the contrary. The Employers recognized, however, that there were many difficulties in transitional phases, and it would only be helpful if the transition to a market-based economy could take place even faster and was implemented in a more effective way. This would help with many of the aspects of this case, as it would also if the law, including fiscal law and all other forms of economic law, were upheld in all parts of the economy. There had to be some kind of stability, some kind of confidence, which was important in any economy.

As far as the wages problem was concerned, the Government was not trying to pretend that things were better than they were, and it had indicated certain measures that had been adopted, a decree passed by the President as well as pieces of legislation, including penal provisions to underpin the decree. Obviously, at the present time, there seemed to be enough legislation, at least a very good legislative basis for tackling these problems. Now it was really a question of the practical implementation of these legal provisions, on which things would depend in the future. The Government should further strengthen its measures along the

lines recommended by the Committee of Experts and should enhance the supervision of their implementation, so that there were prosecutions for non-payment of wages, and so that the workers involved were given adequate opportunities to stake their claims and have their claims satisfied as quickly as possible. The Employers' members asked the Government to report on everything that happened in this area in the future, on what the Government was doing, and on the practical impact of these measures, and hoped to see considerable progress in the near future.

The Workers' members emphasized that the non-payment of wages was an important problem in the Russian Federation as well as in other, maybe in all, the countries in the Commonwealth of Independent States. There were many workers who suffered from non-payment or very late payment of their salaries having to support all the consequences of the degradation in the conditions of life for them and their families. Information provided by the trade unions and the observation of the Committee of Experts showed that non-payment or late payment was not only widespread, but contravened both the national legislation and Article 12 of Convention No. 95, which was a priority Convention.

According to the Government representative, these problems were caused by the transition to a market economy. However, the Government also admitted that there were serious problems concerning the effectiveness of the national legislation and of the judicial system. The Government mentioned, as reflected in the report of the Experts, the adoption of additional measures by Presidential Decrees No. 1005 of 23 May 1994 and No. 458 of 10 March 1994, as well as other initiatives yet to be taken. In this connection the Workers' group supported the Committee of Experts' request that the Government continue to inform the Committee on the measures taken to implement these new legal instruments.

In the context of the Russian Federation, and elsewhere, this problem was spreading partially due to the economic situation but also, and this was perhaps even more preoccupying, because of the weakness of the legal framework in establishing the state of law. Too many groups and persons were benefiting from those weaknesses to abuse workers who already lived in very difficult conditions. It was therefore absolutely necessary to reinforce the implementation of rights through the system of supervision and penalties. This was the reason why it was necessary to insist in the conclusions that the Government took effective measures to have a real impact on ensuring respect of the Convention. The Experts had underlined the three crucial elements to guarantee the application of the legislation: supervision, appropriate penalties to prevent and punish infringements and steps to make good the prejudice suffered. The Workers' members insisted, in full agreement with the Employers' members, that the Government provide to the Committee of Experts all the information on the practical application of the Convention, including extracts of the reports on investigations made, infringements observed and penalties imposed.

The Workers' member of the Russian Federation welcomed the effort being made by his Government to turn for assistance to the International Labour Organization and to continue this dialogue. However, in the Russian Federation, violations of the right to receive wages for labour, one of the most fundamental human rights, had become a chronic and widespread problem. There were many facts which had been confirmed in communications from trade unions throughout the country and in those sent in to the International Labour Organization, to the effect that many provisions of Convention No. 95 were not fully implemented in practice, that the Government did not provide for the observance of these provisions, and that the President and Parliament were slowing down the adoption of additional and supplementary legislation which would help to implement international standards.

The main thing was the violation of Article 12 of the Convention on the regular payment of wages. These violations happened in all branches and on the territory of all the republics of the Russian Federation. Wages for millions of workers were held up for several months in conditions of permanent inflation and were becoming worthless. In the Primorski Krai, for example, unpaid wages had doubled over the last year and were now about US\$15 million. Throughout Russia, according to official statistics, unpaid wages at 1 June 1995, in round figures, amounted to US\$1.2 billion, and had increased by 10 per cent in the month of May alone.

The real wages paid to workers were not in accordance with the concept laid down in Article 1 of the Convention. Not only the minimum wage, but very often the average wage in a particular branch was not even up to subsistence level. There were many cases when the payroll documentation was not kept properly, contrary to Articles 1 and 15 of the Convention.

Articles 3 and 4 of the Convention were also violated since wages were paid not only in cash, but also in prohibited forms, such as promissory notes, coupons and also in kind, which was undesirable and inappropriate for the individual consumer. The workers did not always get treated as the privileged creditor with

regard to the payment of wages, which was required in Article 11 of the Convention. Despite Article 15 of the Convention, the Russian legal system did not contain the necessary sanctions concerning legal liability for violation of labour rights of workers, including for late payment of wages. A fine imposed would only be roughly 22,000 roubles which amounted to about US\$4 now. Workers and trade unions had to wait a very long time in order to have their claims for unpaid wages met because the courts were overloaded. Even when a judgement was handed down by a court, often it was not implemented.

Much of the legislation remained in the form of pious projects. Much-needed legislation had been held up for more than a year by Parliament. To put it on the agenda, trade unions had had to organize national demonstrations of protest in October 1994 and in April 1995, but in May of this year the President of the Russian Federation had nevertheless still rejected one of these draft laws approved by the Federal Chamber which would provide for strengthening responsibility and liability for the violation of trade union rights. The proposals which were now being put forward by the President could only give rise to surprise. He suggested reducing the number of people who were responsible for supervising labour legislation, as well as to introduce sanctions against trade unions for their "participation" in collective bargaining. The authors of these proposals from the President's administration who were putting these measures in one package with measures which would strengthen responsibility for the timely payment of wages, or non-payment of wages, understood that this would give rise to extreme protests in the trade unions and give them an excuse to postpone once again the adoption of this legislation. This all proved the seriousness of the question which had been brought before the Conference. The Russian trade unions hoped that the measures taken by the Government following this decision would be re-examined at the next meeting of the Committee.

The Workers' member of Belarus expressed his full support and solidarity with the position of the Workers' group on this particular case and with the justified demands of the independent trade unions of the Russian Federation. When people did not get any remuneration for their labour for months, it concerned not just violations of Convention No. 95, but it was a systematic violation of the Constitution of the Russian Federation which enshrined fundamental human rights such as remuneration for labour. He recalled that the former Soviet Union had ratified this Convention more than 30 years ago, and that it had never been called before this Committee to give this kind of explanation.

The Government of the Russian Federation was explaining this problem by referring to difficulties in the economy and of the transition period. However, people whose social rights were being violated would not be likely to help the Government move on its path to a market economy. The violations of this Convention were having a negative impact not just on the workers of the Russian Federation but also on the workers of other countries belonging to the CIS, such as Belarus. Belarus was also experiencing late payments of wages, but of course not on the same scale as was happening in the Russian Federation. The economies of Belarus and Russia were very closely integrated, and if there was a systematic non-payment of wages to workers and trade unionists in Russia and they had to fight for their rights by work stoppages and strikes, this had an automatic impact on the economic and social position of the workers in Belarus. He considered that the information provided by the Government of the Russian Federation was not satisfactory and hoped that the Committee's conclusions would reflect this and would provide a possibility to come back to an examination of this case next year.

The Workers' member of Ukraine stated that the observance of this Convention on the protection of wages was extremely important because it concerned a fundamental human right for the majority of the population who were only living from one wage packet to the next, some of them well below the subsistence level. Non-payment or late payment of wages created a terribly difficult situation for the workers and the non-working members of their families. Therefore, he supported the demands of the trade unions of the Russian Federation that the Government should take on its full responsibility with regard to observing this Convention. A similar situation had also arisen in Ukraine, but under the pressure of the trade unions the Ukrainian Parliament had recently adopted a law providing for compensation in cases of non-payment of wages. In conclusion, he hoped that the measures which were mentioned by the Government representative to implement and observe this Convention would become effective and would provide a good example for other countries in the CIS to adopt similar legislation.

The Employers' member of the Russian Federation stated that the question of irregular and late payment of wages was a widespread phenomenon. The Government said that the managers of a number of enterprises were deliberately withholding wages, which was true. But it was quite obvious that they were tempted to do

this because of the weak legislation which left them unpunished. The Association of Employers of the Russian Federation was in favour of increasing the liability and the responsibility of the managers of enterprises because it was in favour of the conscientious running of enterprises, but it was equally convinced that the radical reasons for late payment of wages could be found elsewhere in the crisis situation which pertained in the economy.

Of course, the reference to the transition period which had been mentioned on many occasions was obvious, but it was not necessary to have all these phenomena in the period of transition. There was a paradoxical situation in Russia: production had dropped by half over the last five years, productivity of labour had also considerably decreased but real monetary incomes were being maintained and in a number of cases were actually increasing in relative figures. This was because wages in Russia had become some kind of a social subsidy rather than real remuneration for labour and they were no longer operating as an incentive to work. To cope with this situation and to stabilize production, the Association of Employers of Russia considered that it was necessary to strengthen the role of the State in the transition period, in the legislative sphere as well as in the executive sphere, including strengthening responsibility for sustaining economic and legal environments which provided for decent labour relations. The State and the Government were also the biggest employers and the biggest buyers of a wide range of products and goods and they also were the largest debtors because they did not pay for the goods, energy, transport and other kinds of products and they did not pay wages.

In conclusion, he said that the problem of observing and implementing this Convention was one of the key problems and its examination by the International Labour Organization would hopefully stimulate the work of the Russian structures and, above all of course, the Government in putting an end to this crisis situation throughout the economy of the country.

The Workers' member of Côte d'Ivoire supported comrades of the trade unions of the Russian Federation. The family budgets of workers based on very low salaries did not permit workers to economize enough to face even the period of one month without wages. Thus, if one month of arrears in the payment of wages could be explained by the lack of conscience on the part of the employer, it was only by their criminal attitude that arrears for three, four and even ten months in the payment of wages could be explained. The dramatic situation in which numerous workers' families had to live was even more shocking in view of the fact that their enterprises often continued to function normally and to produce profits. The speaker drew attention to the fact that such practices were sources of grave tensions in the world of work, including his own country. In addition, he considered that when an enterprise was forced to have recourse, even for as short a time as possible, to the non-payment of wages, these arrears should bear interest as any other financial debt, as a right and from the very first day when the payment was due.

The Government representative of the Russian Federation thanked all the speakers for their comments and criticisms which would be taken into account in the future. With respect to the reference made by one speaker to the example of the former USSR which had never had to report to this Committee on this particular Convention on payment of wages, he reminded him that the USSR, on the contrary, had usually had to report on the Conventions concerning freedom of association, forced labour and discrimination.

The problems of late payment or non-payment of wages existed not just in his country but in a number of countries which were experiencing the same period of transition. Problems of non-payment had become a phenomenon which was characteristic of a country moving from one way of organizing its economy to another, and certainly all the comments which had been made in this room were right in that the country needed stability and an effective legal system. The Government was providing for legal reforms but the courts, for example, were still unfortunately too weak. There were also problems linked with retraining of legal experts in areas of human rights and economic matters.

Everything that was going on as far as the non-payment of wages was concerned constituted not only a violation of the Convention but was also a violation of the national legislation, and the measures taken were aimed at combating these violations, introducing increased liability and even including new articles in the Penal Code.

However, whilst the law might help, economic problems could only be solved by economic means. And, in fact, there was another way which existed in many countries of the world, and that was bankruptcy. Enterprises who were not in a position to pay their workers, and who were in a serious economic situation, stopped production. But in Russia that might mean even worse problems caused by increased unemployment. The Government was taking measures in order to introduce a more stringent economic policy

and to put the economy back on its feet and to combat inflation. Had it adopted a purely legalistic approach, it would end up with lots of bankrupt enterprises, and then come up against much greater problems and more difficulties. The Government was fully aware of the need to fulfil its international obligations. It would take into account the comments which had been made here. It intended to continue this dialogue taking it as proof of a constructive approach helping the Government to overcome the very unusual, not to say unique, situation which the country was passing through at present.

The Committee noted the information supplied by the Government representative with regard to various measures taken to ensure the regular payment of wages and to reinforce payment obligations. While the Committee recognized that there did exist a sound legislative framework in the Russian Federation for tackling the problem, non-payment and delayed payment of wages for work done were matters of serious concern, particularly considering that what was contravened was not merely national legislation, but Convention No. 95, which was a priority Convention. The Committee also felt that conformity to this Convention would in fact strengthen the role of the State in speeding up economic transition.

In the circumstances, the Committee called for enhanced supervision for securing unflinching and prompt payment of wages. The Committee also urged the Government to furnish full information on legal implementation and on the practical steps taken against infringement of the law.

Convention No. 98: Right to Organize and Collective Bargaining, 1949

Croatia (ratification: 1991). The Government supplied the following information:

Section 95 of the Labour Relations Act of 1992 provides that where two or more trade unions have been formed, the right to represent workers in collective negotiations is laid down by a joint agreement of all the trade unions concerned, and that if no such agreement is reached, representation shall be settled by discussion between the workers of the union which refuses to negotiate and the other unions concerned. Since there are no provisions providing for a mandatory procedure in this respect, Section 95 grants full freedom to trade unions to initiate discussions independently and for trade union members with whom no agreement has been reached to give statements. In their statutes, trade unions shall independently determine means of reaching mutual agreement and of taking statements from their members in the event that no agreement has been reached. If the competent authority were to impose an obligation on trade unions to carry out these proceedings in a manner prescribed by law, this would constitute direct interference by the Government with the relations between trade unions and with their internal structure, as well as limit the freedom to bargain collectively. It is in the interests of trade unions to reach a mutual agreement through collective bargaining as provided for under this Act.

The new draft Labour Act is under consideration for enactment by Parliament. This law will cover collective labour relations comprehensively, ensure the representative role of trade unions in collective bargaining, and will be entirely in accordance with the principles contained in this Convention.

Article 1 of the Convention (Protection against acts of anti-union discrimination). Under Section 87 of the Labour Relations Act, 1992, workers are free to become members of trade unions in order to realize, promote and protect their rights and interests. Workers must not be in a less favourable position because they are members of a trade union or participate in the activities of a trade union. This general provision relates to the prohibition of discrimination and to the protection of all workers, regardless of whether they are or are not members of a trade union, in relation to all work-related rights, such as protection from transfers or dismissal. In view of this general protective provision, such protection need not be particularly emphasized in all cases. The Government referred to its report on the application of the Workers' Representatives Convention (No. 135), 1971, which stated that in addition to the above general provision, additional protection is given to trade union officers. Penal provisions in existing legislation as well as the Labour Relations Act, 1992, that prescribe the amount of fines have been periodically amended because of inflation and the change in the official currency. The Government considered the suggestion of the Committee of Experts to be appropriate, and would take it into consideration when drafting the new legislation.

Article 2 of the Convention (Protection against acts of interference). Under the draft Labour Act, Chapter XIX on trade unions and employers' associations proclaims the right to freedom of association of both workers and employers, and section 176 prohibits supervision by employers and their associations of the establish-

ment and activities of trade unions and of their higher level associations. In the above manner, the future Labour Act will comply with Article 2 of the Convention. Under section 227, item 68 of the draft Labour Act, an employer who attempts to supervise or actually supervises a trade union or a confederation of trade unions shall be punished with a fine of from 5,000 to 20,000 kunas. Trade unions or their confederations are prohibited from attempting to supervise or actually supervising the activities of employers and their associations, but there is no penalty equivalent to that which is assessed against employers and their associations for the corresponding activity.

Article 4 of the Convention (Promotion of collective bargaining). The statement of the Committee with regard to the application of Article 4 of this Convention was not accurate, either because of an incorrect interpretation or an incorrect translation of the Government's report. The Croatian Chamber of Commerce Act, which provides that the Chamber of Commerce has the power to negotiate collectively on behalf of employers, is in force. As the Labour Act has not yet been enacted, present legislation does not regulate the establishment of employers' associations. However, the prerequisites for the creation of an employers' association based on the principle of freedom of association exist by direct implementation of this Convention and in particular of the Constitution. On this basis employers are free to become members of the Croatian Association of Employers, which has entirely replaced the Chamber of Commerce in the area of collective bargaining. The new Basic National Collective Agreement for the Business Sector and Public Enterprises (the Agreement), which follows both in word and spirit this Convention as well as the Freedom of Association and Protection of the Right to Organize Convention (No. 87), 1948, was entered into by trade union associations and the Croatian Association of Employers, and in practical terms excludes the Croatian Chamber of Commerce from collective bargaining. Articles 3 and 4 of the above Agreement provide for freedom of association and activities of both workers and employers as well as the right to become a member on a voluntary basis of any of the organizations that are party to the Agreement. Under article 4 of the Agreement, favourable treatment of a trade union by an employer or pressure by an employer on employees that aims to influence them to become members of a particular trade union or cease to be members of a trade union shall constitute a violation of a right to organize. The Agreement also prohibits interference by any party to the Agreement with the organization and activities of any other party. In this way, the application of Article 2 of this Convention has also been provided for under the above Agreement.

Section 96 of the Labour Relations Act, 1992, provides a procedure for registration of collective agreements which is solely for the purpose of maintaining records of these agreements and examining whether they are in basic accordance with national laws and ILO Conventions. No other examination is to be carried out and no interventions are to be made with respect to the content or scope of the right to bargain collectively. In practice, if a collective agreement is not registered it does not necessarily mean that it cannot be implemented.

With regard to the Government's statement in its report on this Convention to the effect that collective agreements are implemented which have not been registered in accordance with the Labour Relations Act, 1992, the competent Government authorities do not intervene and do not request registration of the agreements if collective agreements reflect the will of the parties that have signed the agreements, and the parties to the agreements are duly fulfilling their obligations under the agreements. This approach is entirely in accordance with the principles of freedom of collective bargaining. Collective agreements that are not registered include the Collective Agreement for Seamen and the Collective Agreement for Health Care. As the Government does not insist on registration of collective agreements, it is unable to determine the precise number of such agreements.

In addition, a Government representative first pointed out that the Republic of Croatia accepted obligations under 54 Conventions of the ILO to which the former Socialist Federal Republic of Yugoslavia had been a party, including Conventions on basic human rights, such as Nos. 87 and 98. In spite of the situation of Croatia, under aggression the war imposed on it, and a part of its territory temporarily occupied, the Government had never brought into question the constitutional guarantee of freedom of association either of workers or of employers, the right to bargain collectively or the right of trade unions and their confederations to use all the legal means to achieve their aims, including strikes.

She noted that the manner in which freedom of association and the right to bargain collectively was regulated in the former Yugoslavia legislation, which Croatia had temporarily adopted with some amendments, was not yet completely in accordance with the standards of Conventions Nos. 87 and 98. Therefore, the Govern-

ment had introduced, through a social dialogue, a radical change in the entire labour and welfare legislation of Croatia, the most eminent of which was the Labour Act. The Government was convinced that social peace was the most important prerequisite for the stability of the State, which comprised 1,240,000 employed workers, 240,000 unemployed, 840,000 retired and about 600,000 displaced persons and refugees.

Regarding the work on passing the new draft Labour Act mentioned in the written information, as a consensus of the social partners on the content of the provisions of this law had been reached, Parliament passed the new Labour Act on 17 May 1995. The legislation referred to in the observation of the Committee of Experts was therefore outdated. The new law was based on the fundamental assumption of freedom of association and collective bargaining, while it left plenty of space for the parties to a collective agreement to determine all the rights and obligations among themselves. Because of the protection of the employees regarding collective bargaining, the law contained only the provisions which determine the guaranteed level of rights below which the parties to collective bargaining could not go. The comments of the Committee of Experts on the application of the Conventions served as helpful guidelines in the making of this law.

As to the first point of the observation of the Committee of Experts relating to the procedure to establish the representation of the unions where there were two or more unions in the field in which the collective agreement had to be signed, she repeated the Government's view that representation in such a case had to be decided by the unions themselves, and that the interference of the State in this sphere would limit the freedom of collective bargaining. The Government had suggested that the trade unions define the provision themselves and the text proposed by all the union headquarters became the provision of Section 186 of the new Labour Act. Trade unions had independently determined the procedure to establish their representation so that, in the case of the representation of several trade unions or union confederations in the field in which a collective agreement had to be signed, an employer, several employers, an association of employers, or a confederation of employers could negotiate the collective agreement only with a negotiating committee made up of the representatives of those trade unions. The number of members and the composition of the negotiating committee would be decided by the trade unions, but it could not have less than five or more than 11 members. If trade unions could not agree upon the number of members of the negotiating committee, this would be decided by the President of the Economic and Social Council (a national tripartite council) taking account of the number of trade unions in the given field. If the trade unions could not reach agreement on the composition of the negotiating committee, the number of the representatives of each trade union in the committee would be determined proportionally to the number of votes which each of them received in a secret voting of all the members of the trade unions active in the field in which the collective agreement had to be negotiated. The rules and the procedure of election of the negotiating committee would be determined by the trade unions in agreement but, if they did not reach agreement by the date of passing the decision to carry out the elections, these rules would be determined by the Economic and Social Council.

Only trade unions registered for at least six months before passing the decision to carry out the elections had the right to propose candidates for the members of the negotiating committee. Trade unions might agree that, instead of electing the candidates for the negotiating committee in the manner mentioned above, the composition of this committee might be decided by arbitration. The negotiating committee had a mandate to work for the period of time for which the collective agreement had been reached, but not for longer than three years, and it had the authority to determine independently the manner of its work and decision-making. The Government representative emphasized that the above procedure had been defined by trade unions themselves.

As to the second point of the observation of the Committee of Experts concerning the Decree on Wages, the Government representative repeated the explanation on the aim and the reasons for passing this Decree: it was based on the Constitution of the Republic; the social and economic circumstances and the surroundings were characterized by such factors as the situation of neither war nor peace, war damage of tens of billions of dollars, stagnation of production, a constant increase in the number of refugees and displaced persons (10 per cent of the whole population), unemployment and very high inflation. The Government established monetary reforms and carried out programmes of stabilization and economic recovery by cutting inflation to accomplish a real increase in salaries. Another factor was that the collective agreements prescribed by the earlier legislation to be valid for all the employees concerning certain rights, had ceased to be valid. Due to some unrealistic demands and expectations, new collective

agreements could not be reached and left a certain void on such matters as salaries.

She stressed that the Decree on Wages had a limited application both in time and in scope. The Decree, which had ceased to be in force on 31 October 1994, contained a provision to become invalid when and if collective agreements were reached. In addition, the Decree referred only to the wages of the employees financed from the state budget. She emphasized the effect that the Decree had in the stabilization of inflation, which justified the decision of the Government. She noted also that the Government had, at the same time, implemented a special social programme to support those with lower incomes. In addition, the Constitutional Court ruled that the Government did not violate the provisions of the right to organize and bargain collectively, or Convention No. 98.

With all the above reasons, she thought that there was no violation of Convention No. 98 and assured that the Government would submit a new report on the Convention by 1 September this year, as well as the text of the new Labour Act.

The Employers' members noted that the Government of Croatia seemed to be there for the first time to explain the application of a Convention which was complex and of a rather promotional character. The legislation regulating collective bargaining used to be very detailed and somewhat confusing, in particular regarding the cases where several trade unions represented the workers in a given sector. This legislation had been abolished but the new provisions also appeared slightly too complicated. This certainly did not suffice for putting an end to a violation of the Convention, which the Committee of Experts explicitly noted. The Government should communicate a report containing information on the application in practice of the new system, together with the new texts.

As to the other point of the observation, concerning a Decree on Wages, the Employers' members noted the Government's explanation that it applied in fact only to the wages financed by the state budget. In view of the probable importance of the public sector in Croatia, it could still cover a large number of workers and seemed to be a form of interference in collective bargaining. The provisions of Article 4 of the Convention were however quite flexible. As to the circumstances and conditions which would authorize, according to the Committee of Experts, a provisional derogation from wage fixation by free collective bargaining, this seemed to be a case of such circumstances. The Government had provided a satisfactory response to the question of the Committee of Experts as to the period of validity of the above Decree, which had ceased to be in force last October. The Government should communicate a report together with the pertinent texts so that the evolution of the situation could be followed.

The Workers' members thought that this case showed the difficulties of the rapid transformation of the economic systems which used to be centralized. Such difficulties were not only a question of practice but could also partially relate to a certain passive mentality.

The first problem concerned the manner in which collective bargaining was, perhaps in too much detail, regulated, which was not to be criticized in itself, although the balance between the establishment of the rules of the game and interference was sometimes delicate. The Committee of Experts should therefore keep a close eye on legislation on the matter.

The Committee of Experts had many times examined the circumstances which would justify a government unilaterally imposing a wage rate without collective bargaining, and usefully clarified them again in this observation. The Workers' members were pleased to note that the Decree on Wages was no longer in force but considered it useful to receive information on the practice that the Government envisaged adopting in future. The Committee of Experts should be attentive to the case until it was fully assured of conformity with the Convention in law and practice.

The Workers' member of Croatia welcomed the abrogation of the 1992 Act, which had contained atrocious provisions and allowed manipulations. The new provisions had been adopted following an agreement with trade union organizations and the explanation given by the Government representative was exact. The trade unions chose to have a unique representation in collective bargaining in order to avoid splitting the organization into pieces while permitting participation of small unions at the same time. The ILO should monitor the practical application of these provisions.

The problem of the Decree on Wages was more complex. It had been promulgated while collective agreements were still in force, and they had not been cancelled in the predicted period. Recourse to the judiciary could not correct the situation because of the slow and inefficient court procedure. This situation of blockage had brought about several strikes in 1994. Parliament had adopted in October 1994 an Act obliging the Government to negotiate wages in the public service but the Government had

violated these provisions and the wages of public servants had stagnated, if not decreased. The speaker hoped that, on the basis of the new Labour Act, labour relations would develop in a more positive direction.

The Government representative explained, as regards the Decree on Wages, that even though the collective agreements were in force, the basic wage had never been fixed in them and the Government therefore had to take this measure. She emphasized again that Section 186 of the new Labour Act had been prepared by trade unions and hoped that it was in accordance with Article 4 of the Convention.

The Committee took note of the observations of the Committee of Experts, the statements of the Government representative and the discussion that followed. The Committee noted that the old legal provisions stipulating the modalities of collective negotiations were no longer in existence, and that the new Labour Act had been introduced so as to be consistent with Convention No. 98. The Committee further noted that the Decree on Wages imposing a wage rate was limited in scope and time and that this Decree was no longer current either. The Committee called upon the Government to furnish to the ILO the text of the new Labour Act so that its consistency with this Convention could be examined. The Committee also asked the Government to furnish a report on the practical aspects so that further developments could be observed. The Committee further recalled the observation of the Committee of Experts that a prohibition on fixation of wage rates through collective bargaining would be warranted only as an exceptional measure, limited in scope and time and supported by guarantees of effective protection of living standards of workers, and hoped that the old Decree in question would not influence the Government's attitude and policies any longer.

Indonesia (ratification: 1957). A Government representative, referring to Case No. 1756 before the Committee on Freedom of Association, stated that the Government had sent its responses to the ILO dated 23 March, 10 May and 23 May 1994, and continued to pay the greatest attention to the protection and welfare of the workers. Under Act No. 3 of 1992, the social security programme for workers and its implementation had been expanded, while Act No. 11 of 1992 required employers to include their workers in their company's pension fund scheme. Each company was also under the obligation to set up a committee for occupational safety and health. Regional wage committees had long been established in each province whose members were derived from tripartite elements. The role of these committees was to conduct surveys on the minimum physical needs (MPN) and to make recommendations on the setting of the regional and sectoral minimum wage. Based on those recommendations, the regional minimum wage was raised from time to time. Thus, the average minimum wage has increased from 48.5 per cent of the MPN in 1990 to 63.6 per cent of the MPN by the end of 1993 and reached around 100 per cent of the MPN on 1 April 1995.

The existing labour laws and regulations provided adequate protection to the workers' rights to organize and to bargain collectively. Workers' and employers' organizations in various institutions have developed steadily. Their participation and role at national, regional and company levels were continually increasing, such as in the bipartite institutions, national and regional tripartite bodies, national and regional committees for labour dispute settlements, national and regional committees on occupational safety and health, national and regional productivity councils, national and regional wage councils, national and regional training councils. At the same time, the workers' unions had been actively exercising their rights through the formulation of collective labour agreements in each respective company.

In the framework of facilitating the growth of trade unions, the Minister of Manpower issued Regulation No. 1 on 17 January 1994. Based on that regulation, workers may establish an independent, democratic and genuine union in each respective company free from any obligation to be affiliated to other trade unions such as SPSI. During the last 18 months, about 800 independent and democratic trade unions had been established at company level. Each newly established trade union was required merely to submit information on its organizational status and the members of its executive to the Ministry of Manpower. At the same time, soon after the union was established, it was able to perform its functions and to negotiate with employers for the drafting of a collective agreement. In other words, those trade unions were not subject to any restrictions with regard to the number of their branches or their membership in order to be qualified to conduct negotiations and collective bargaining. The Government, the employers' organizations and the workers' organizations in Indonesia had been successful in establishing close cooperation through their own programmes and activities to promote, develop and draw the community's attention to the industrial relations system, with a view to creating industrial peace and to promoting the develop-

ment of the company. A wide opportunity was given to workers at the plant level to establish trade unions enabling them to negotiate collective labour agreements. In the absence of a trade union or collective agreement, each company was required to have company regulations, approved by the Ministry of Manpower. With the steady increase in the number of unions and of collective negotiations, more company regulations would be replaced by the collective labour agreements.

Finally, the Government of Indonesia, in cooperation with the ILO, had formulated a five-year work-plan in the field of employment training and of industrial relations as well as of workers' education. The tripartite elements would be involved in each activity. The Government looked forward to the ILO's contribution to the realization of this plan in the very near future. Through this combined effort, it hoped to speed up the establishment of more independent, democratic and genuine trade unions in Indonesia.

The Workers' members regretted that the Government representative of Indonesia had not provided the sort of information which the Committee of Experts required in their report. They recalled that the Committee of Experts had been raising observations concerning the application of this Convention since 1979, and the case had been discussed in the Conference Committee in 1986, 1991, 1993, 1994 and again in 1995. In addition, a direct contacts mission was undertaken in November 1993 with a view to advising on measures to be taken to improve the application of Convention No. 98, and at that time the Committee of Experts indicated that the Office was ready and willing to provide technical assistance with respect to matters raised concerning this particular Convention.

Coming to measure the Government's response to the points raised in the Committee of Experts' latest report, the Government representative merely repeated what was contained in last year's report. But since then, there had been the conclusions of the Committee on Freedom of Association which were approved by the Governing Body in November 1994, and the issues raised by the Committee of Experts. First of all, concerning the protection against acts of anti-trade union discrimination, it was quite clear that according to the Committee of Experts, the measures taken by the Government to settle cases of workers' dismissals did not guarantee adequate protection to workers where anti-trade union discrimination was involved. The employer was allowed under the law to invoke "lack of harmony in working relationships", and this vague concept had been used to justify the sacking of workers who were merely exercising their right to organize. The Experts recalled that one of the recommendations of the direct contacts mission was to guarantee by fact and by law protection against anti-trade union discrimination by employers. The Government promised last year to amend that legislation and to invoke the assistance of the ILO. However, the Workers' members did not get any impression whatsoever that in fact the promise that was made last year to commence amending the legislation with the help of the ILO had commenced. They wanted a clear indication from the Government that the present legislation was going to be amended and they had not had such an indication.

In the second part of the Committee of Experts' observation concerning protection against acts of interference by employers, a number of points were raised for which there was no reply from the Government representative.

The third point raised concerned a whole series of restrictions placed by the Government on unions regarding the membership requirements that they must reach before they were allowed the right to bargain. All these restrictions were in contravention of Convention No. 98 and should be removed. But again there was no indication from the Government except the reference to the Minister of Manpower Regulation No. 1 of 1994 about which this Committee already had full details last year, and it was not convinced that it dealt with the situation as revealed by the Committee of Experts.

In addition, there was only one recognized trade union in Indonesia, and while there was nothing wrong with that if that was what the workers wanted, one must not, however, legislate on that point or insist by creating such complicated regulations so that it became impossible for any union to be formed because of the restrictions and the interference of the military. For many years, the Workers' members had a distinct impression that the role of free trade unions in this country was severely restricted. There had been trials of trade unionists, charged with incitement to disobey government orders following labour demonstrations, and there was a widespread belief, supported by Amnesty International, that these trials fell far short of widely accepted international standards of fairness.

The Workers' members were encouraged to learn from the Government's statements that there had been various measures introduced, that the minimum wage was raised, that social security was being improved and that a five-year programme of training and education was being implemented. However, what was mis-

sing from that statement was some positive evidence or even some promises which would be kept that there would be changes in the legislation recommended by the Committee of Experts, and, more importantly, that there would be a change in practice because the Workers' members were seriously disturbed by what was taking place in this country at the present moment.

The Employers' members, in recalling that this case had been before the Committee on several occasions in the past, noted that the Government representative reported on general developments in her country, on changes as far as social policy was concerned, but gave very little indication on those points which were raised by the Committee of Experts in their report: the absence of provisions to protect workers against acts of anti-union discrimination; the absence of sufficiently detailed legislative provisions to protect workers' organizations against interference by employers; and restrictions on free collective bargaining.

The Employers' members were concerned in the first instance that workers could be dismissed because of a lack of harmony in the working relationship. Indeed, this was a very broad and general statement, and in practice it was resorted to in cases of union membership of the worker. The Government had for some time been drawing attention to a Ministerial Decree, dating back to 1992, which explained that trade union membership was not a ground for dismissal. Last year the Government representative accepted a suggestion made by the Experts that this should be strengthened and clarified in law, so that it should be expressly stated in a piece of legislation that union membership must not be a ground for dismissal. This involved turning into a statutory provision something which was already covered in a Decree, and then seeing that this was actually also implemented in practice. The question remained open in this connection as to whether the International Labour Office's technical assistance might be required all the more so, as from what the Government stated last year, its aim coincided with what the Committee of Experts was asking it to do.

As regards the possibility and the extent to which employers could interfere in trade union activities, the Government again stated that there was a Ministerial Decree which made this interference impossible, but the Experts were asking for information on the extent to which this ministerial decision was actually applied in practice and for the strengthening of the legislation in this regard. So it was not a situation where there was no protection whatsoever but rather there was a request for clarification and strengthening of rules and regulations, and a request to ensure that what existed on paper was actually applied in practice. However, on this point, no further information had been given by the Government representative.

The third point of concern for the Committee of Experts was the various requirements for a trade union to be able to engage in collective bargaining or to be registered. Convention No. 98 did not contain any detailed provisions in this regard but a number of standards could be derived from it, since the aim of the Convention was to promote free collective bargaining wherever possible. It was known exactly how many workers and what sort of percentage of membership was required in Indonesia in order for a trade union to be allowed to engage in collective bargaining. The comparison of these figures with those contained in the report of the Committee of Experts for 1991 revealed a considerable change in the right direction. For example, in 1991, the requirement was that a union had to be represented in 20 provinces and 100 districts, and now it was only five and 25 respectively. As for company units, the requirement in 1991 was 1,000 and that had now dropped to 100. The Employers' members requested the Government to submit the specific figures in a written report and to indicate whether it was planning any further change in this connection.

The members of this Committee had always agreed in the sense that a single trade union was always a breach of the Convention, if it was prescribed by law, and an indicator of that would be, for example, if one specific trade union was referred to in the law. However, there was no comment on this particular subject in the report of the Committee of Experts, and according to the Government representative, there was a large number of newly established trade unions which could readily be registered without undue complications and could proceed to engage in collective bargaining virtually immediately.

All in all, there was clearly still need for change in the situation, for greater clarity and strengthening of legislation and for better controls as to actual practical application. Therefore, the Employers' members requested the Government representative of Indonesia to deal with these specific points in a written report and to provide replies to these questions and, above all, to indicate whether the Government was planning any further change and improvement in the near future along the lines of what this Committee had asked it to do, because the Employers believed it to be necessary.

The Workers' member of Indonesia provided information about developments in the All-Indonesia Workers' Union (SPSI). In early October 1994, SPSI conducted its Second Convention which adopted the new structure of SPSI from one that was unitarian to a federation consisting of 13 industrial unions. Two of them were already affiliated to international trade secretariats: the All-Indonesia Seafarers' Union, affiliated to the International Transport Workers' Federation, and the All-Indonesia Timber and Forestry Workers' Union, affiliated to the International Federation of Building and Woodworkers' Union. The other 11 industrial unions had already contacted respective international trade secretariats and would invite them to their own national Congresses, which would be held between July and October of 1995 before the Congress of SPSI.

On the other hand, workers who were not interested in affiliating to SPSI also had, on the basis of Ministerial Decree No. 1/1994, the right to organize and bargain collectively through established independent, democratic and genuine trade unions in their respective companies.

In the case of SBSI, the All-Indonesian Prosperity Workers' Union, the speaker recalled the statement made by the group leader of the ICFTU mission to Indonesia, that SBSI was not a real trade union movement, but only a group of people who were very sympathetic to the struggle of the workers.

The Workers' member of the Netherlands supported the statement made by the Workers' spokesman and particularly insisted that the law should not recognize any one trade union by name. With the changes recently made by the Indonesian Government on the right to organize, the new law made it possible to establish the enterprise-level unions which were not affiliated to the SPSI, but if they wanted to form federations, it was in that law that they should affiliate to the SPSI, which was mentioned by name in contradiction to the classical principle which had been established by the Committee of Experts, by this Committee, by the Committee on Freedom of Association, and supported also by the Employers' members.

The speaker regretted that the Committee of Experts left a couple of points out in the report as compared to the report of last year. He considered that there was no reason to leave out the question of the military because interference of the Government and of the military in labour conflicts and in trade union affairs was a basic illness of the Indonesian trade union movement. As long as that key problem existed, the Committee of Experts should pay attention to it.

Another point which was left out was compulsory arbitration. One of the bad things about the arbitration system in Indonesia was that, when trade union leaders or activists dismissed for their defence of workers' interests won their case in arbitration courts, they were never reinstated in their jobs and the most they obtained in Indonesia was compensation and for the rest they were usually put on a blacklist without the possibility of finding another job. That was the real situation, and therefore it was very important that the point of the Indonesian arbitration system was kept under surveillance by the Committee of Experts. The speaker strongly urged the Experts not to drop these two points, unless they had good reasons to do so, which were not present in the report this year.

The Experts' report made it clear that there were definite and long-standing weaknesses in Indonesian labour law. There were also definite efforts of the Indonesian Government to improve the minimum wage, for example, and that should be noted by this Committee. On the other hand, it should remain aware of the possibility that much of the changes advertised by the Government might be window-dressing and the Workers' members would take a position giving them the benefit of critical doubt, a wait-and-see attitude, first see and then believe.

Despite all the shortcomings in labour law criticized by the Experts, the basic weakness in Indonesia was the enforcement of the law, and if it came indeed to protection against anti-union discrimination, interference by employers in internal trade union affairs, restrictions in collective bargaining, there were many examples of non-enforcement. The basic problem was that the Government did not make a great effort to see that legislation was being enforced, and that had been the main reason for an enormous wave of strikes against non-payment of the legal minimum wage in the past few years. As in the past, it was very important that the Committee of Experts continued to take a close look at that. The same applied to the right to organize and bargain collectively, the heart of this Convention, which the speaker illustrated by two examples. By the end of last year journalists in Indonesia set up an independent journalist association, the AJI. That organization by its mere existence came into competition with the official government-controlled journalists' organization, the PWI, and was severely repressed. Several of the leaders were arrested and put in jail, a long list of people mentioned by name were dismissed or deprived of membership in the PWI because the membership

of the PWI was declared incompatible with the membership of this independent association. The editors of the newspapers and magazines had been instructed by the Indonesian Government to dismiss people who were members of the AJI. The AJI was a professional organization wanting to represent the interests of workers in their profession, and it should not have been possible to suppress an organization only because it was parallel to the official government-recognized one.

The second example concerned the SBSI, which, in the eyes of the two trade union internationals represented at this Conference, the ICFTU and the WCL, was a genuine trade union. However, this organization was meeting with fierce repression of the Government which had refused to recognize it. It had warned employers and local authorities not to deal with this organization, which meant that it practically could not function at the enterprise level, and each and every worker declaring himself or herself to that union faced enormous risks, one of which was immediate dismissal. Despite all these obstacles the SBSI had definitely acquired a following, although, as was proved in the documentation underlying Case No. 1773 before the Committee on Freedom of Association, it was not a large organization.

Labour relations, as had been stated in this Committee previously, were seen by the Indonesian Government primarily as a security issue. Therefore, the Government wanted to strictly control the trade union movement and labour relations. This was why the police and the military interfered so often, and the retired military officers, many of them, were planted in the structure of the SPSI, the official union, at the regional and at the local level. This stemmed from an official state doctrine ["Dwi Fungsi"] which specifically said that the military not only must have a role in the defence of the country but should also participate in the larger organizations in society. As long as this government doctrine existed, the military would remain in these positions. So the Government should be asked to withdraw this doctrine which would perhaps cure, in due time, one of the main diseases of the country's labour relations system. Was it ready to do that in due time?

The speaker addressed two other concrete questions to the Government of Indonesia: "If, under the new legislation, where workers can set up unions through their own choice, the SBSI sets up a union in a plant which is not yet organized, will that SBSI union have the right to organize and to bargain a collective labour agreement? In view of the future congress of the SPSI and of SPSI unions, will for once the Government refrain from interference in trade union elections?"

With respect to the conclusions that might be formulated by the Committee, he hoped that they would include the points concerning the military interference and the compulsory arbitration, and that the next report of the Committee of Experts would draw attention to the enormous gap in Indonesia between legislation and implementation of the law.

Finally, he hoped that the Committee would express strongly and firmly – as strongly and firmly as the Committee on Freedom of Association did – that the right to organize and bargain collectively should also indeed be open for other organizations than the official state-controlled organizations and that a strong appeal would be made here so that the Government would ensure that military intervention and its own intervention in any internal trade union affairs and labour matters as a whole would be stopped.

The Workers' member of Japan adopted the statement made by the Workers' spokesman and the Workers' member of the Netherlands. Having listened attentively to the statement made by the representative of the Indonesian Government, he noted that the promises given still stood largely as empty words, and some of the promises and some of the changes had brought very little improvement in view of the magnitude of the problem referred to in the report.

As regards the question of protection against acts of anti-union discrimination, the absence of such protection became even clearer in the light of the waves of strikes and demonstrations which took place last year in Indonesia. In fact, the lack of such protection was partly a cause of these industrial disputes. As regards protection of workers' organizations against acts of interference by employers, the complaints contained detailed examples not only of interference with workers' organizations by the employers but also by the Government itself. With respect to restrictions on collective bargaining, particularly in public services, the problem was that, in Indonesia, in the event that the Government owned more than 5 per cent of a company's stock, the company was considered to be a national enterprise and therefore workers had no right to form trade unions. A vast section of workers did not have freedom of association and were completely left out of any collective bargaining process.

While there were confusingly many so-called ministerial orders governing labour relations, the real problem arose from the absence of a single clear-cut labour law which complied with the ILO

Convention: The speaker concluded that he was more pessimistic this year because of the statement made by the Government representative which had a very different tone from her speech last year.

The Government member of the United States noted that last year she had stated before the Committee that the situation in practice in Indonesia was far more serious than was apparent from a reading of the report of the Committee of Experts. She noted that once again the Government planned to cooperate with the ILO to bring its legislation and practice into conformity with the Convention, and welcomed the Government's indication that a number of legislative measures had been taken in cooperation with the ILO, but emphasized that the Government's intentions must be met with adequate and speedy action. She hoped that the specific recommendations made in reports of the Committee of Experts, the Committee on Freedom of Association and by the direct contacts mission would be taken very seriously and that changes far beyond those of a merely cosmetic nature would be made, thus leading to conformity with the Convention in the very near future.

Another Government representative, in responding to the observations of the Workers' members, pointed out that significant progress which occurred through gradual improvement over a period of time sometimes was more difficult to detect by those who had been witnessing the gradual progress through the entire period than by those observing only the difference between the circumstances at the beginning and the end of this period. In his view, this was what had occurred with respect to his country, which had been indicating examples of progress at the last two meetings of this Committee. For example, last year his Government had reported that the minimum wage was sufficient for 70 per cent of basic needs, and now it met 100 per cent of these needs. Last year, the number of independent company unions was about 100, but now it was about 800, an increase of 700 per cent. He asked whether any country in the world had experienced such great progress in such a short time. He then emphasized the amount of time that was needed in order to introduce new legislation. In 1991, it was indicated to the Government that it should review existing legislation, but only after 1992 was it able to begin this review. In 1994 Ministerial Decrees Nos. 1 and 15A were adopted, which represented great change, and he noted the reference by the Employers' members to the fact that some improvement had occurred. In outlining the process for preparing legislation in his country, he stressed the time needed to conceive of an idea for new legislation, to engage in tripartite consultation, to redraft legislation taking into account input from employers and workers, and to ask for further comments from them on the draft. The lengthy process involved in preparing new Conventions, which were adopted four to five years after the idea for a Convention was raised, was likened to the procedure involved in adopting new labour legislation in his country. For this reason he considered it unlikely that his Government would report on a new Labour Act in this Committee at next year's Conference. Five years ago three new bills were submitted to the Cabinet Secretariat. One of these, on Social Security, was adopted in 1992, but the remaining two bills were returned for refinement, and had recently been submitted once again to the Cabinet Secretariat. With the strong commitment of the Minister responsible he hoped that the redrafted bill would be selected as a matter of national priority among the approximately 50 other bills under consideration, but he said that it was unlikely that it would materialize as a law by next year's Conference. With regard to the restrictions on collective bargaining, he stated that it was now clear that where company-level unions had been formed and an executive established, they were not restricted from collective bargaining and entering into collective agreements. He drew a distinction between dismissal for engaging in trade union activities and dismissal for misconduct. The former was protected by the Trade Union Law, while the latter was not. The Committee of Disputes Settlement, composed of five employer, five government, and five worker representatives, was responsible for deciding whether dismissal was appropriate or not. With regard to demonstrations and strikes, he pointed out the difference between the practice elsewhere and in Indonesia, and gave as an example the announcement by the KLM crew during his flight from Indonesia that it would be engaging in a strike at a specific later date, and for a duration of from six to eight hours. In his country they had never experienced such a well-organized demonstration or strike, although they followed similar regulations on conducting strikes and demonstrations. This exemplified, in his view, the need for regulations that had clear objectives and clear demands of which both employers and employees were informed. In this way it would be clear what action should be taken to protect employers, workers and society. With reference to the invocation of a "lack of harmony in the working relationship", he pointed out that in many cases the workers themselves raised this question. He then reiterated that every trade union when estab-

lished could engage in collective bargaining and negotiate collective agreements. With respect to the five-year plan, the minimum wage and pension funds, he noted that his Government would accelerate the realization of objectives for these activities and hoped to continue to make progress. In response to the observations of the Workers' member of the Netherlands regarding the naming of a particular trade union in the Regulation, he considered that there was nothing wrong with this as after a period of one year a new trade union could choose whether or not it wished to join the SPSI. If it felt that there was no need to do so, the trade union was free to make the decision not to join the SPSI. As stated before the Committee in 1991, 1993 and 1994 regarding military involvement, there had been a division of work between the country's security apparatus and the Ministry of Labour. If workers in their activities went beyond industrial relations matters, the security of the country became an issue. In this respect, it was not concerned at all with the industrial relations system, but was a matter of the role of the military in security aspects and national development. With reference to the requirement of a permit for conducting meetings, he said that such permits were needed so that the security apparatus would be informed. To explain the need for such permits, he gave an example of a church meeting held in 1992 which could have resulted in the death of many persons if the security apparatus had not been present. Although the security apparatus should not be present at meetings, it should be aware that they were taking place so that it could quickly settle down any problems that might arise. With respect to the enforcement of labour legislation, from 1994 to 1995, 183 companies were brought to court regarding violations of regulations of minimum wage legislation and, of these, 21 employers were penalized. He then emphasized that the Government did not have a list of workers dismissed from companies for engaging in trade union activities. He did not know whether employers who interviewed potential workers were actually aware, during the recruitment process, of the practices and backgrounds of employees, and stated that the Government had no information regarding dismissal for such reasons and discrimination against such workers who sought re-employment. On the other hand, when an employer violated labour legislation, the Government published this information so that society was aware. For this reason, he suggested that, if a blacklist did exist, it was of employers rather than of workers. With regard to the establishment of AJI as a competitor of a recognized trade union of journalists, he was unaware of this matter and noted that the AJI had never reported to the Ministry of Manpower regarding its existence. He suggested that the Workers' delegates of his country might give relevant information. The Government had already communicated information to the Committee of Experts concerning the SBSI and the riot in Medan, and he had documentation on this matter available to all those who wished to have further information. He noted that information had already been given on the public service to this Committee in 1991, 1993 and 1994. He emphasized the very particular relationship that existed between his country and the United States, and noted the intensive communication that had occurred in 1992 at which time a total of 25 kg of documentation was provided. In the past, the Government had invited a delegation of the Government of the United States to come to Indonesia on two or three occasions. Another mission from the United States was expected at the end of June or early July 1995, and his country would be pleased to provide as much information as necessary. In response to the statement of the Workers' member of the Netherlands regarding the involvement of the military in the executive of the SPSI, the latter would hold a congress by the end of this year prepared by all branches and regional executives, and he thought that they had certain criteria on who could be elected to the executive of the SPSI and how such elections were to be conducted.

The Workers' member of the Netherlands asked the Government representative again whether, under the revised legislation, a non-SPSI trade union could be established at the enterprise level, choose to join the SPSI and then proceed to negotiate collective agreements on behalf of workers in that enterprise.

In response, the Government representative stated that he had not yet considered whether workers could set up a central union other than the SPSI. If they were to do so pursuant to a democratic decision, and it was their right to do so, it was possible. From his personal point of view, as this type of trade union was just beginning to develop, little was known in this area. Such trade unions needed to be mature enough to do this. The Government wished to see leadership of this kind of trade union grow from within to accommodate this, and for this reason it was making considerable efforts to prepare leadership of trade unions through workers' education. He considered that they should be allowed to decide on the above matter later.

The Workers' members agreed with the suggestion of the Employers' members that a written report on all the issues raised in the report of the Committee of Experts and in this Committee

would be helpful. They were grateful for the contribution made by the Government member of the United States, but remarked that it would have been helpful if this report had been given at the commencement of the discussion on this case, so that there would have been time to prepare a proper response, as the report could open up a new debate. They stressed that there had not been a satisfactory reply by the Government representative to the questions raised. The nature of the three bills submitted to the Cabinet Secretariat five years ago was unclear. They assumed that in addition to the bill on social security there was a bill on collective bargaining and on trade unions. They suggested that the reference by the Government representative to the 50 other bills pending was made to provide the Government with an opportunity to return next year to explain that it was unable to announce progress because the bills had been sent back. In their view, the example given of the need for the security apparatus to be present at the church meeting gave the Committee an understanding of the situation in that country. They noted that there had been no promises made by the Government to institute changes of the substantial nature required. Although the Employers' members and the Government member of the United States had noted some small changes, and the Workers' members agreed that one or two tiny changes had been made, the Workers' members stated that the situation had basically not changed and was not going to change. They said that the Committee could not change the nature of a society of a country, or bring about fairness, reason and democracy in it, but it could indicate the manner in which Conventions were to be applied and what might be the democratic role that could be adopted in respect of this Convention. They suggested that the Government representative tell his Government that these issues must be dealt with during the next year. They stressed that they were seriously disturbed and deeply concerned about the way trade unionism was practised in his country, and hoped that the Government would provide a detailed written report in reply to the Committee of Experts and to this Committee. They hoped that the conclusions would convey the deep concerns of the Workers' members on the issues raised and the apparent failure of the Government to meet the requirements of the Committee of Experts not just this year but for many, many years.

The Employers' members noted that there had been a very extensive and detailed debate which in parts was highly interesting, and had given a great deal of insight into these issues, which went well beyond those contained in the report of the Committee of Experts. They noted the readiness of the Government representative to address some of the points in some depth, although he did not have a solution to offer for all of the problems.

The Committee noted the report of the Committee of Experts, the information provided by the Government representative on the application of the Convention, as well as the discussion. The Committee felt deeply concerned that, in spite of the direct contacts mission that went to Indonesia in November 1993, the discussion within the present Committee last year, and the technical advisory mission that went to Indonesia in January 1995, much progress was yet to be achieved to ensure in law and in practice the full application of the Convention. The Committee felt encouraged by the information furnished during the meeting by the Government representative, inter alia, on the formation of more trade unions. However, the Committee urged the Government to take specific measures to guarantee protection against anti-union discrimination in fact and law, to ensure de facto non-interference by the employers in workers' organizations, and to establish a regime of laws, rules and practice by dismantling all restrictive registration requirements and thereby creating a free environment for formation of unions without hindrance. The Committee further called upon the Government to furnish a detailed report to the Committee of Experts on specific further measures taken by it with reference to the matters mentioned in the report of the Committee of Experts and to fully comply with all the parameters of Convention No. 98 and to guarantee collective bargaining.

Turkey (ratification: 1952). A Government representative, regarding the first question raised by the Committee of Experts, repeated that the Government was continuing its efforts for the removal of the requirement of at least 10 per cent of the membership of workers for a trade union to bargain collectively in spite of the objections made by organizations of employers and workers.

Regarding the trade union rights of civil servants, the parliamentary commission debating the proposal of a law regulating the issue had held that the proposal was not compatible with the Constitution as such. A proposal had been eventually prepared with the consensus of all the political parties to amend the Constitution, submitted to Parliament and passed through the relevant commissions only a week ago. One of these draft amendments aimed at securing trade union rights of public employees. The draft Bill was pending debate.

As to the third point concerning section 33 of Act No. 2822, the Government representative emphasized, quoting the provision of the said section, that it only concerned a case that was likely to be prejudicial to public health or national security, and was therefore in full conformity with the views of the Experts. He added that any decision of the Government was subject to the supervision of the independent judiciary. The interested parties could, at any state, also have recourse to voluntary arbitration. Furthermore, the Government could withdraw its decision if circumstances that justified the postponement no longer existed.

The Employers' members recalled that this Committee had treated this case many times in the past. The facts were therefore well known. The first point was the numerical requirement for trade unions to bargain collectively. The Government indicated their readiness to modify it but said that the social partners had last year expressed their wish to maintain things as they were. Besides, the Committee of Experts did not indicate from what level of the numerical requirement it would become abusive, and the Convention did not lay this down. It would be useful if the Government supplied in its next report information on the areas in which collective agreements existed and their number. If such data showed collective bargaining taking place everywhere, this first point would lose its importance.

The second problem concerning the denial of collective bargaining rights of public servants was not new either. A draft Bill had been submitted and it was for Parliament to adopt it. The next report of the Government should indicate any new measures that had been adopted.

The third question concerned compulsory arbitration in certain circumstances. The Committee of Experts reiterated its interpretation that compulsory arbitration should only apply to essential services in the strict sense, that is, services the interruption of which would endanger the life, safety and health of the whole or part of the population: on this interpretation, the Employers' members had been making reservations. In view of the guarantees of procedure, the possibility of recourse and the involvement of the social partners, it would appear that the problem was getting resolved, at least in terms of Convention No. 98. The recent ratification of Convention No. 87 by Turkey should also bring about new improvements. The Government should be requested to supply in its next report detailed information on any new evolution.

The Workers' members pointed out that this case had already been discussed in 1988, 1989, 1991, 1993 and 1994, and could not share the patience of the Employers' members. Although the Government referred last year to the Bill being discussed, the Committee of Experts this year could only reiterate its observation on each of the three points raised. It was also noted that the Government had not responded to the comments made by the Confederation of Turkish Trade Unions (TURK-IS).

As regards the Bill in question, this Committee had last year requested the Government to take measures to "adopt specific legislative provisions to accord to workers in the public sector, covered by the Convention, the right to form trade unions so as to enable them to bargain collectively on the conditions of their employment". Now this Bill had not been adopted and the Government seemed to be preparing a new Bill which would no longer cover the right to bargain collectively. This change in the Government's position should be explained.

The Bill concerning the double criteria to recognize trade unions for the purpose of collective bargaining was still under examination. As they had done on several occasions, the Workers' members recalled that an equilibrium should be sought between the requirement of pluralism and of effectiveness. The double threshold of 10 per cent of the branch and 50 per cent of an establishment would exclude many workers from collective bargaining.

The obligation to promote collective bargaining was violated both in law and practice by the procedures of compulsory arbitration. The Workers' members fully subscribed to the observation of the Committee of Experts that recourse to compulsory arbitration should be strictly limited to essential services. It was indispensable that detailed information should be examined again by the Committee of Experts.

The Government should be asked to supply specific information on each of the points raised by the Committee of Experts and to reply to the comments of the TURK-IS. By ratifying several fundamental Conventions recently, Turkey had demonstrated its interest in the principles enshrined in those instruments. It was for the Government to show its willingness to respect these international commitments in practice by making necessary changes.

The Workers' member of Turkey recalled that this case had been discussed almost every year since 1983, when a special paragraph had been formulated. The first question of the numerical requirement required a complete revision of the legislation on the basis of tripartite consultation and with the technical cooperation of the ILO. As to the second point concerning the denial of collective bargaining rights for public servants, the perspective had be-

come worse since last year. While the Government had promised to recognize this right, its attitude had changed radically. In terms of the constitutional amendment which was under discussion in Parliament, negotiations would be authorized but the concluded agreement would have no binding force. In addition, the decision of 25 May of this year of the Court of Appeal threatened the very existence of trade unions of public servants. As regards compulsory arbitration, it was imposed upon a very wide variety of activities, most of which did not correspond to essential services. On all these points, the situation had not improved but rather appeared to be deteriorating even further.

The Committee took note of the statements of the Government representative as regards the issues mentioned by the Committee of Experts on the numerical requirement for unions to bargain collectively, the denial of collective bargaining rights of public servants and compulsory arbitration in certain cases. The Committee called upon the Government, having gone into the contents of the statement, to furnish full information on further developments as regards removal of restrictions on collective bargaining, and hoped that the proposed law for extending collective bargaining rights to public servants would truly reflect the suggestions of the Committee of Experts made earlier. The Committee also urged the Government to limit further, as advised by the Committee of Experts, the scope of compulsory arbitration to be truly harmonious with Convention No. 98 and furnish information on this as well in its report.

Convention No. 111: Discrimination (Employment and Occupation), 1958

Brazil (ratification: 1965). The Government supplied the following information:

The Government has the pleasure of informing the Committee that Bill No. 229/91, mentioned in point 2 of the 1995 Observation on Convention No. 111, Report III (Part 4A) of the Committee of Experts on the Application of Conventions and Recommendations, has become Act No. 9029 of 13 April 1995, already in force in the country. This shows the Government's genuine concern for the adoption of anti-discrimination policies.

In addition, the Government is seeking an understanding with the social partners so as to develop joint action which would allow the broadening of the real fight against discrimination. In this context, the Government is repeating its request for the ILO's technical cooperation for the development of an effective policy of concrete action, with the objective of better implementing the provisions of this Convention. Discussions for this purpose are currently underway with the workers' and employers' organizations.

As outlined in the meeting held on 12 June between members of the Brazilian delegation to the Conference and officials of the Department of International Labour Standards, the technical mission of the ILO would, as one of its main purposes, cooperate with the Brazilian Government in holding a tripartite seminar in Brazil on the subject. In principle, the activities of the technical mission and the holding of the seminar would be developed between September 1995 and May 1996.

In addition, a Government representative confirmed the commitment of his Government to the rule of equality, a paramount principle of the Constitution of Brazil and its national law. In addition to having ratified the Convention, Brazil was also a party to other important international instruments regarding discrimination, such as the Convention on the Elimination of Racial Discrimination and the Convention on the Elimination of Discrimination against Women. With regard to discrimination based on sex, Bill No. 229/91 was approved, and became law under Act No. 9029 of 13 April 1995 and was presently being enforced. This law forbade discrimination based on gender as well as any other discriminatory practices or restrictions to job access or to maintenance of employment based on grounds such as race, colour, civil status, family situation or age. A copy of this law had been sent to the Office in May of this year. Employers or their representatives and public employees responsible for any discriminatory practice as defined under the Act were subject to one to two years' imprisonment, or fines and prohibition from borrowing from official financial institutions. Among other measures to strengthen the enforcement mechanism of this Act, the Ministry of Labour had consulted representatives of trade union federations to discuss improvement of supervisory mechanisms such as complaint procedures in order to more effectively enforce its provisions. In addition, enforcement of labour standards in this and other fields had been strengthened by the hiring last year by public examination of more than 600 additional labour inspectors who were now in the process of being trained. The Government was in the process of shaping more effective national policy on job equality, and intended to use programmes to be developed with the assistance of ILO technical cooperation. An official request to this effect had

been forwarded to the Office, as indicated in the written documents furnished by the Government. These technical cooperation activities were expected to begin in September 1995 as agreed in a recent meeting between the Brazilian delegation to the Conference and the Office.

The Workers' members noted that this case had been considered in 1993 and 1994, but that since then the Government had provided further information and indicated that they had made arrangements to obtain ILO technical cooperation. The matter of employers requiring sterilization certificates or gynaecological examination of women as a condition of employment had concerned the Committee of Experts and affronted some members of this Committee. They welcomed Act No. 9029 of 13 April 1995, which prohibited such discrimination, but expressed the hope that the Government would keep the Committee of Experts informed on how the Act was being implemented, what penalties would be imposed, and on any prosecutions that took place, in order for the Committee to be assured that a practice committed in the past had been eliminated. They were pleased that additional labour inspectors had been hired despite the cost of doing so because these were absolutely essential for an entire range of aspects that concerned this Committee, and in particular the question of discrimination. Although discrimination must first be addressed with legislation, changes would require not only the application of legislation but also a change of cultural attitude, and measures against discrimination. The Government could set the tone not only with laws but also by emphasizing and giving priority to the elimination of discrimination, which would indicate that such measures were central to the attitude of the Government. Trade unions and employers' organizations could encourage the Government to take the necessary measures, and influence the public and their members through publications and discussions by also attaching priority to the problems of discrimination. In their view, by accepting ILO technical assistance, the Government indicated that it understood that anti-discriminatory measures were necessary. The independent and highly skilled advice and experience of the Office regarding this particular area of discrimination would be of immense value to a government genuinely seeking help. Rather than accepting such assistance merely to avoid criticisms in this Committee, there must be a genuine will to accept and act upon the assistance given. Seminars were useful, but the most valuable assistance would be to help the Government to establish a legal framework where discrimination could no longer apply. They looked forward to further reports of the Government following the technical assistance mission as well as discussions in this Committee that would hopefully lead to a resolution of this problem.

The Employers' members considered that this was a case of progress, an altogether too infrequent occurrence in this Committee. They noted that the Government now understood that it must effectively implement this law, and they applauded the Government's request for ILO technical assistance, and in particular the fact that the mission would have a broader scope than only legislative matters. They urged that the Government enact the legislation concerning non-discrimination with regard to access to vocational training, and asked for an indication of when this might occur. They also said that the Government should submit a report to the ILO responding to the requests of the Experts for information concerning the role of work organizations, measures prohibiting discrimination based on colour, and the work of the National Labour Council (CNTB) in this area. They suggested that the conclusions state that as an urgent matter the Government must effectively implement its non-discrimination legislation in practice, but that the Committee should note with satisfaction the positive legislative development, particularly with respect to sterilization certificates, and the Government's willingness to accept technical assistance provided by the ILO.

The Workers' member of Brazil recalled that for a long time there had been serious and violent discrimination with respect to women and blacks in various parts of the country. In addition, blacks were not accepted in the labour market, and when they did obtain employment they received a lower salary even if they performed the same work as whites. Pursuant to policies established by the Government, the black population remained the primary victims of unemployment, and suffered from a high rate of illiteracy because of discrimination against black children in schools. There was also discrimination by the public security forces against blacks who endured charges and imprisonment based on their race. He stated that black women suffered from discrimination both as women and as blacks. In spite of the existence of legislative provisions to curb the practice of racial and sexual discrimination, such as Bill No. 229/91 adopted as Act No. 9029 dated 13 April 1995, discrimination in his country was hidden and subtle and its perpetrators generally were not aware that they were engaging in it. Nevertheless, he said that the above law was an important and positive step in the struggle against discrimination and that it should, at the same time, be accompanied by a great effort

to make Brazilian society conscious of this problem, in particular workers and employers, and by severe penalties for contraventions. From this point of view, the search for a consensus between the Government, employers and those engaging in the struggle against all forms of discrimination proved to be very difficult. In this respect, the offer by the Office of technical assistance was welcomed. Preparation of seminars to promote the implementation of the Convention and of national legislation had already begun in his country. He concluded by expressing the hope that between now and the next session of the Committee progress would be made that would permit a better evaluation of discrimination based on race or on sex in his country.

The Government representative pointed out that the request by his country for technical cooperation had been made last year, and then had recently been repeated. This ILO technical cooperation was for the overall enforcement of the Convention, rather than for the verification of enforcement mechanisms under the Act, as it would be premature to verify the enforcement mechanisms of the new Act because at this time no complaints had been submitted. With regard to racial discrimination, he noted that his country had already adopted laws against racial discrimination in 1953, followed by a reinforcement of this legislation in 1989. He stressed that the legal framework to prohibit racial discrimination was in place and the relevant laws were being enforced in his country.

The Committee noted with satisfaction the enactment of Act No. 9029/95. It also urged that measures against discrimination should continue to be central to the attitude of the Government and priority should be attached to the same. The Committee further hoped that the ILO technical mission for which arrangements had already been made would be the basis for the development of a positive plan for actual implementation of the laws. It further asked the Government to keep the Committee of Experts informed on arrangements for implementation and on guarantees against discrimination.

Cuba (ratification: 1965). A Government representative of Cuba stated that the Committee of Experts took note with interest and satisfaction of the measures adopted by the Government, *inter alia*, the amendment of some legislation and other practical measures so as to avoid erroneous interpretations departing from the principles of equality enshrined both in the Constitution of the Republic and in the Labour Code. When the Committee of Experts evaluated the information submitted by the Government, as a case indicating progress, it was recognizing the will expressed by the Government to fully comply with Convention No. 111. None the less, the Committee of Experts requested additional information on some aspects for which the Government representative expressed the following:

Paragraph 1. The changes which had occurred in the country, including the reorganization of the bodies of the central administration of the State, meant that those directly related to some of the measures subject to observation had to be analysed.

In an ordered and gradual way the labour and wages law was being overhauled to adapt it to new, existing and future conditions. It was necessary to take into account that the process of adapting labour and wages legislation could not take place overnight, it had to be done through a careful analysis and through consultations with organizations, companies or undertakings and trade unions.

Paragraph 2. The Committee noted with satisfaction one of the important measures adopted by the Government which showed the will expressed by the Government to delete anything that could be interpreted erroneously as being in conflict with equality of opportunity and treatment underlying the educational system of the country.

Paragraph 3. In addition to the qualifications required for each speciality, another of the essential requirements to be a teacher was to be accepted by the college of teachers and the student body. In the present case, the assembly of workers of the institution, in two meetings of the teachers and at the students' assembly, had adopted an agreement to request the rector to dismiss the person in question from the teaching corps. The procedure adopted was that laid down in Legislative Decree No. 34 of 1980 which provided that the dismissal of teachers may be decided upon by the rectors of universities and was subject to appeal to the Minister of Higher Education. This was an exceptional procedure, only applied to teachers in teaching centres with direct relationship to students because an ordinary procedure existed for the final dismissal of workers for disciplinary reasons, contained in Legislative Decree No. 132 of 9 April 1992 which regulated the workings of the organs of labour justice and provided that an appeal may be made to the Labour Court of the Supreme Court.

Paragraph 4. This paragraph repeated the arguments in respect of Legislative Decree No. 34 of 1980 and, as already mentioned,

important aspects of the labour law needed to be revised to bring it into line with the new conditions existing in the country. When this was done, the Committee of Experts' comments would be taken into account in respect of Legislative Decree No. 34 of 1980.

Paragraph 5. The Committee of Experts noted with interest the repeal of resolution No. 50 of 1987 by resolution No. 17 of 16 November 1993 and requested additional information as to the practical application of section 3 which listed the indicators used in evaluating the results of the work of journalists, in particular paragraph (c), which dealt with the scope and repercussions among the public of their activities. The Committee of Experts' report stated that the text of resolution No. 17 of 16 November 1993 contained in its annexes extensive information on the practical application. In Annex 3 it set out the indicators for evaluating the work of journalists. Regarding the information requested on the scope and repercussions among the public of their activities, Annex 3 explained that an element for consideration was whether the journalists contributed to solving or rectifying errors and therefore merited public recognition by society. This information had been transmitted to the Committee of Experts in the form of annexes to resolution No. 17 of 16 November 1993.

Paragraph 6. As soon as there was a new regulation on employment policy it would be handed to the Committee of Experts. None the less, it was confirmed that changing the content of professional records did not depend on the new regulation to be adopted. The contents of these professional records had already been amended in resolution No. 1 of 1993 in line with the specific request of this Committee. The text of resolution No. 1 and the format of the professional record had been sent to the Committee of Experts in the previous report.

Paragraph 7. The Committee of Experts had been extensively informed about the procedure contained in resolution No. 1 of 11 March 1994, explaining that entry to higher education was done on the basis of the academic index and the marks obtained in the entry exams, the role of the teaching institutions and the part played by the student body. The practical application of the resolution had not contained any of the prohibited elements listed here. The consultation mentioned in the resolution between the rectors of the universities, the provincial directors of education, the Communist Party and the trade unions was intended to support the dissemination and application of the activities governing this resolution in respect of entry exams and also the responsibilities of the teachers in this respect. As a part of these consultations, no criteria were applied which differed from those used in qualifications as established in the resolution itself.

Paragraph 8. Concerning access to employment, no internal rules had been issued which violated the Convention. The nature of the measures adopted was to check compliance with the principle of equality in employment enshrined in the Labour Code, although there had been no infractions reported in this respect.

Paragraph 9. As can be seen, the posts mentioned in this paragraph were directly connected with the policy of the State, as pointed out by the Committee of Experts in its General Survey.

The Employers' members thanked the Government representative for the precise information relating to each of the points in the Committee of Experts' report. This was the fourth time since 1991 that this case had been discussed and each time there was only minor progress. The fundamental problem was the various definitions and criteria that were applied concerning employment or access to training which, given the history in this particular country, could be abused in practice. The Employers' members noted some improvement, relating to entries in school records, and that each year the observations by the Experts indicated that in some new area there was improvement. Furthermore, it was clear from what the Government representative had said that the Government had a clear understanding and appreciation for the Experts' comments. But looking at the totality of the observations, there were eight areas of the Government's law and practice which were not in line with the prohibition of Convention No. 111 relating to political opinion discrimination.

The Employers' members concluded by stating that although the report of the Committee of Experts contained some encouraging indications, vestiges of political opinion discrimination continued to exist in law, and that substantially more was required by the Government to bring both its law and practice into line with the requirements of Convention No. 111.

The Workers' members agreed with the Employers' members that small steps had been made slowly, but hoped that the end result would be positive. However issues remained, some of which required more clarification than change, and others which still required action. Furthermore, they agreed that the problem in dealing with this case was that there had perhaps been too much concentration on the precise nature of the law and not enough on the point raised by the Employers' members concerning the actual

practice. As the Committee of Experts observed, the accumulated school record problem seemed to have been solved and perhaps did not need further investigation. Concerning conditions of employment, there were one or two issues of concern. First, the Workers' members requested clarification on what in practice was meant by essential qualities required for teaching and whether these qualities included political conformity. Second, they asked the Government to confirm its statement that there was some independent judicial appeal beyond the Ministry of Education for people who were dismissed from teaching jobs.

The Workers' members were also concerned about the possibilities of dismissal for activities that were contrary to social morals. They noted that major changes were under way, and that the Government would provide copies of the appropriate amendments that had been introduced. They noted the repeal of resolution No. 50 of 1987 regarding the evaluation pay of journalists, but were slightly worried about the application of section 3 of the new regulations and wanted to know how the regulations operated in practice, including any examples of when it was used. Regarding access to employment and training, the Workers' members shared the Committee of Experts' concern about the consultations between the university authorities and the Communist Party; whether these consultations included matters other than professional qualifications and ability. They also requested information on this point.

Finally, the Workers' members were concerned about criteria for placement in administrative posts. It was understandable that ministers and top people in government departments might have to follow the political faith of the party, although that was not true in many countries; but the level at which political conformity with the party in power was a justification for holding the job must be limited to very few people. They hoped that the precise nature of the posts involved in this area could be established to the Committee of Experts' satisfaction. The Workers' members underlined that the Committee of Experts was less concerned about the laws and more concerned about whether the practices of the past still prevailed, and requested that information continue to be provided until all the problems were finally resolved.

The Government representative expressed her thanks and took note of the comments of the Employers' and Workers' members. She observed in particular that basically it was a question of continuing a dialogue to exhaust all small points on which there were still doubts. A copy of the legislation which had been mentioned would be transmitted once adopted. The opinions expressed during the discussion would be communicated to the appropriate authorities and the next report of the Government would contain the information requested.

The Committee noted the observations of the Committee of Experts and the statement of the Government representative. The Committee felt that in respect of conditions of employment, access to employment and access to training, seemingly there was scope for discrimination based on political opinions of individuals. The Committee urged that a further report be given by the Government clarifying that in fact discriminatory practices militating against Convention No. 111 did not exist. The Committee further asked the Government to provide practical information on the implementation of the legal provisions relating to conditions of employment so that the Committee of Experts could further examine that Convention No. 111 was being complied with.

The Government representative made a reservation concerning the part of the conclusions of the Committee in which it considered that there was scope for political discrimination in access to training and employment. That did not accord with the observations of the Committee of Experts, or with the discussion maintained in the present Committee. In this respect, she recalled that the Committee of Experts had noted this as an area of progress in the application of the Convention, and that now, it was only necessary to make certain modifications and to send the required information.

Pakistan (ratification: 1961). The Government supplied the following information:

With regard to the observation of the Committee of Experts concerning the exclusion of establishments in newly created industrial zones from the application of labour legislation, the Committee may wish to refer to the reports of the Government in response to comments of the Committee concerning the application of Convention No. 87. With reference to the observations of the Committee of Experts, it may be stated that minorities in Pakistan enjoy all fundamental rights equally together with other citizens as provided for under the Constitution of the Islamic Republic of Pakistan, 1973. They are treated both justly and generously by the Government. Their legitimate rights and interests have been adequately safeguarded in the Constitution.

The substantive impact of the restraints in the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadiis

(Prohibition and Punishment) Ordinance, 1984 (No. XX) on the Ahmadis is not onerous. The restraint applies only to the public exercise of certain practices. In many non-Muslim countries, restraints are applied to the public aspects of Islamic religious practices for lesser reasons. For example, in the city of Geneva, Muslims are not allowed to make a public call for prayers, presumably to avoid disturbance of its inhabitants. The Ahmadis may continue to practice their religion in their religious places which are separately maintained by them. Even religious practice can be observed as long as this is done in private without causing affront to the Muslims. The provisions of Ordinance No. XX of 1984 do not disqualify Ahmadis/Quadianis from any employment or occupation, and therefore are not relevant to employment opportunities on the basis of religion or belief.

However, it may be added that the exercise of a right is never absolute. While proclaiming freedom of religion or belief in article 18, the International Covenant on Civil and Political Rights stipulates under paragraph 3 of that article that: "Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, morals or the fundamental rights and freedoms of others." These conditions are repeated in paragraph 3 of article 1 of the Declaration of the elimination of all forms of intolerance and discrimination based on religion or belief. In the same spirit, the Constitution of Pakistan provides in article 20 that: "Subject to law, public order and morality, every citizen shall have the right to profess, practice and propagate his religion and to establish, maintain and manage religious institutions." It is further stated that Ordinance No. XX of 1984 has been declared in July 1993 to not be *ultra vires* with respect to the Constitution of Pakistan, 1973.

Under the provisions of section 10 of the Pakistan Army Act, every citizen of Pakistan has the right to join its Armed Forces. Article 27 of the Constitution of Pakistan, 1973 provides clear safeguards against discrimination in employment on the basis of race, religion, caste, sex, residence or place of birth. Article 36 of the Constitution further provides that the State shall safeguard the legitimate rights and interests of minorities. Adherence to a particular religion has never been a prerequisite to joining the service in the Armed Forces of Pakistan, promotions therein and release therefrom. For this reason the request of the Committee for statistics regarding the number and percentage of Ahmadis/Quadianis serving in the Army is not considered relevant.

It should also be pointed out that the information of the United Nations special rapporteur is exaggerated. There is no discrimination in employment or in practising any faith among personnel of various sects in the Armed Forces. With regard to the dismissal of a first-class technician of the Pakistani Armed Forces, it may be pointed out that the person was dismissed from service not for belonging to the Ahmadi faith but rather for some other offence and in the interests of the service. This can best be proved by the fact that many minorities including Ahmadis are serving in the Armed Forces in accordance with their quota and the Constitution. The Military Law of Pakistan fully safeguards the interests and rights of minorities (which include Ahmadis) including their representation in the services of Pakistan. There is therefore no discrimination in employment or discharge from the Army on the basis of religion, race, colour or creed, etc. The Ahmadis continued to pose as Muslims. For this reason, it became necessary to prevent non-Muslims from obtaining passports indicating their religion to be Muslim. The declaration with the passport application form has proved to be a deterrent differentiating Muslims from Ahmadis. An applicant describing himself as an Ahmadi in the religion column is not required to sign the declaration. This has no relevance with regard to employment opportunities on the basis of religion. It is reiterated that discrimination on the grounds of religion or faith is not allowed against minorities including Quadianis; the Constitution of Pakistan provides equal opportunities in employment to every citizen of Pakistan regardless of faith and religion and Ahmadis/Quadianis are eligible to compete for all posts in all categories of the services in Pakistan. The Ahmadis/Quadianis who are willing to migrate for employment opportunities are simply required to indicate their religion in the application form and are not required to sign the declaration attached to the form. They are issued passports like other citizens without any other condition or hesitation, and therefore there has been no contravention of Article 1, paragraph 1(a) and (b) of the Convention.

With reference to the direct request of 1994, it is stated that minorities in Pakistan enjoy all fundamental rights equally together with other citizens as provided for under the Constitution of Pakistan. They are not only treated justly but generously by the Government. Their legitimate rights and interests have been adequately safeguarded in the Constitution of the Islamic Republic of Pakistan, 1973. Six per cent of all vacancies in the Federal Services other than those of merit quota are reserved for the scheduled caste community in order to provide an incentive to eliminate

their economic and social backwardness. No discrimination in these services occurs on the ground of race, religion and caste. No such law exists in our country which violates the above provision of the Constitution. All citizens are entitled to equal protection of the law. Some members of the Ahmadi community have important positions in both the civil and the military services of Pakistan. No Ahmadi has been dismissed from government employment on religious grounds.

Ten seats are reserved in the National Assembly for the minorities as follows: Christians (4); Hindus and persons belonging to scheduled castes (4); Sikh Buddhist and Farsi communities and other non-Muslims (1); persons belonging to the Qadiani Group of the Lahori Group (who call themselves Ahmadis) (1). Moreover, the number of seats allocated to non-Muslims in the provincial assemblies of the Provinces of Baluchistan, Punjab, NWFP, and Sindh are as follows:

Province	Christians	Hindus and persons belonging to the scheduled castes	Sikhs, Buddhist communities and other non-Muslims	Persons belonging to Qadianis Group or the Lahori Group (who call themselves Ahmadis)
Baluchistan	1	1	1	—
NWFP	1	—	1	1
Punjab	5	1	1	1
Sindh	2	5	1	1
Total	9	7	4	3 = 23

An Advisory Council for Minorities Affairs including MNAs, PMAs and leaders of minority groups has been established by Minorities Affairs. Meetings of this Council are held annually to advise the Government on matters concerning the welfare of minorities. District Minority Committees have been established in all districts to examine daily problems faced by minorities and to resolve them at the local level. Meetings of these committees are held regularly and chaired by Deputy Commissioners and/or Additional Deputy Commissioners.

The Government has introduced a "Cultural Awards Scheme" exclusively for minorities for the promotion and preservation of their cultural heritage. Under this scheme, cultural awards of a considerable value (Rs.50,000) are granted annually to talented persons who are members of minority groups in the fields of literature, performing arts, fine arts and folk arts. The Government also created a permanent fund for the welfare and promotion of minorities in 1985-86 in the amount of Rs.20 million. Thirteen per cent of the amount available in this fund on an annual basis is reserved and placed at the disposal of the Minorities Affairs Division to provide financial assistance to needy persons who are members of minority groups in cases received in the Division through the Secretariats of the President or Prime Minister, or directly.

The Government established on 27 September 1993 a National Commission for Minorities to examine the problems of minorities and make suitable recommendations on their behalf. This Commission has held three meetings, and at its inaugural meeting, the following three Committees were established to provide reports about the assignments entrusted to them: (1) Committee on Rules and Procedures; (2) Committee on Education to examine the problems faced by the minorities in this sector; and (3) Committee on Legislation to examine the laws reported to be discriminatory towards minorities. The Commission has approved the report on rules and procedures. The report submitted by the Committee on Education is being actively considered by the Government. The Committee, *inter alia*, has recommended denationalization of 22 schools of the Roman Catholic Dioceses and the Church of Pakistan in the Punjab. The Committee has also recommended that one Christian teachers' training college be permitted to be opened.

With regard to legislative issues, a programme is under way in the Ministry of Law and Justice to reform and update the personal laws of minorities. The issue of delimitation of minority constituencies for the national and provincial assemblies following the pattern of Muslim constituencies is also under consideration in the Law and Justice Division. The above clearly indicates that the Commission is performing its functions independently and effectively to help redress the grievances of minority groups by making suitable recommendations to the Government. The Commission is an influential body and its recommendations are given high priority by the Government. No discrimination in employment is made on the grounds of race, religion or caste. All including the minorities can compete for services on merit. Further, the Government has also reserved 6 per cent of all vacancies to be filled by direct recruitment made on an all Pakistan basis, for the scheduled castes within the respective provincial/regional quota.

Seventh Five-Year Plan, the measures taken to follow up the Plan and the results achieved in promoting equality of opportunity and treatment between men and women in employment and occupation: Constitutionally and legally, gender equality is guaranteed in Pakistan. In practice, however, this equality is not perfectly reflected in society mainly because of socio-cultural constraints that have endured over centuries. The Seventh Plan acknowledged the low status of women and their neglect in the past and provided for the full integration of women in development by providing them with improved equality of opportunity in education, health, employment and all other spheres of national life. The Plan also provided for establishing awareness among leaders of public opinion and the public at large regarding the need to eliminate discrimination against women and its economic and social consequences. Following these imperatives, the Plan envisaged the expansion of opportunities for women's education, health and employment. The Plan provided for removal of gender disparities in education and the opening to women of all branches of learning, including physical and social sciences, as well as professional, technical and vocational subjects. Specifically, the employment programmes included skill development and credit facilities for women, the securing of a larger share of employment for women in professions which are more suited to them, such as teaching and nursing, and encouragement of women's cooperatives. During the Seventh Plan (1988-93), the role of the Ministry of Women's Developments and Youth Affairs in the sectoral programmes had been that of a financier and coordinator. The Ministry sponsored a variety of small projects for development of women in collaboration with federal and provincial line departments and non-governmental organizations. These projects primarily consisted of community welfare centres, mother-children health centres, eye units, gynaecological wards, day-care centres, hostels for women, industrial homes, skill training centres, water supply schemes, women's cooperatives, credit schemes, literacy/education centres, libraries, the strengthening of female educational/technical institutions and grants-in-aid to non-governmental organizations for women's programmes. The Ministry of Women's Development has encouraged non-governmental organizations to incorporate women's development programmes by giving them funds and assistance in addition to assisting the line departments to undertake developmental projects for women. Special credit facilities for women entrepreneurs have been arranged through the First Women Bank under which the Ministry of Women's Development had deposited Rs.30 million in that Bank. During the financial year 1992-93, Rs.18 million were provided to the First Women Bank in addition to the Rs.30 million. As of 31 March 1994, the Bank had distributed Rs.49 million to 2,163 needy women. According to an interim evaluation, the women had borrowed for a variety of purposes. In rural areas, funds were used for the purchase of cows and buffaloes, Karyana Stores, stationary and general items stores, fish farming, etc. In urban areas the loans were used for operating units to produce ready-made garments, stitched and leather products, spinning, etc.

The sectoral and provincial distribution of these products under the Seventh Plan is as follows:

Sector	Punjab	Sindh	NWFP	Baluchistan	AJ & K, NA/FA	Total
Agriculture	2	1	-	-	5	8
Community development	38	16	14	11	17	96
Education and training	42	32	21	22	21	138
Health	40	22	13	8	9	92
Social welfare	18	22	17	14	10	81
Industry	-	2	-	-	-	2
Total	140	95	65	55	62	417

The above projects in the public and private sectors have helped to increase the employment potential of women and created opportunities for their self-employment leading, inter alia, to promoting equality of opportunity and treatment between men and women in employment and education.

Amendment of laws regarded as discriminatory against women: The recommendations of the Legal Rights Committee on this matter were pursued with the agencies concerned (the Ministry of Justice and Parliamentary Affairs, Ministry of Religious Affairs, and Council of Islamic Ideology), and the Ministry of Women's Development is constantly promoting them before the Council.

Establishment of a Women Computer Training Centre in Islamabad: The Women Computer Training Centre project was approved at a cost of Rs.3.864 million (including a recurring cost of Rs.2.863 million) for a period of three years. In October 1989, the departmental development working party decided that the recurring costs of the project may be spread over five years with effect from the date of commencement of the project. The project began functioning in January 1990, and completed the initial three-year period in the financial year 1992-93. The Centre has thus far conducted 28 courses giving computer training to more than 500 female trainees. On the basis of the above decision of the Departmental Development Working Party, the Secretary of the Ministry of Women's Development has agreed to the extension of the project for a period of 12 to 18 months. The Women Computer Training Centre is the only public sector organization providing computer training facilities exclusively for women. The clerical staff of the Centre is female, and the instructors engaged during 1992-93 are also females. This exclusively female environment of the Centre results in an ideal homogeneity of trainers and trainees, and has a positive bearing on skill development.

Preparation of a draft "First National Policy for Women" in collaboration with ILO and UNICEF: The Ministry is preparing a draft National Policy on Women. When ready, the draft will be discussed at seminars and workshops at both the regional and national levels. The policy will be announced after it has been approved by the Cabinet.

Establishment of women's study centres in various universities: Five centres of excellence have been established in five universities with the following objectives: (1) to introduce and promote the discipline of women's studies in Pakistan; (2) to develop some introductory or foundation courses in women's centres for university students; (3) to promote both academic and action-oriented research on women's development; (4) to critically examine concepts, theories, models and methodologies that have contributed to scientific investigation and scientific development; (5) to identify, replicate and translate the relevant material from other languages; and (6) to redefine curricula at the university, college and high-school level with a view to incorporating knowledge on women and the contribution of women scholars. All the centres are working at varied levels and pace of achievement. The best performance has been achieved by the Karachi Centre.

In addition, a Government representative referred to the written information provided. He reiterated that the Constitution of Pakistan strictly prohibited any discrimination on the basis of religion, race, sex or caste. All minorities could compete for employment. The Government had also reserved a 6 per cent quota in the public service for minorities, who were treated equally under the law. Some members of minorities were holding important positions in the public service, and there were ten seats reserved for them in the National Assembly and 23 in the Provincial Assemblies. In addition, minorities were free to contest elections for general seats. The fact that there were some ministers both in the federal and provincial governments who were members of minorities was evidence of the tolerant and harmonious atmosphere in his country. The Government had established an Advisory Council for the welfare of minorities comprising official and non-official members including members of the National Assembly and the Provincial Assemblies. A fund had also been created for their welfare and the improvement of their situation. A National Commission had also been established to examine the problems of minorities and make recommendations to solve them, which had held three meetings. With regard to special industrial zones, he referred the Committee to his comments in response to the observation by the Committee of Experts on the application of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

The Workers' members expressed appreciation for the comprehensive written report provided by the Government, but acknowledged that they had not examined it as thoroughly as they would have wished to because of the difficulty in evaluating complex documents during the course of the Conference sittings. They noted that in paragraph 1 of the report of the Committee of Experts it was stated that two Pakistani trade union organizations had transmitted comments on the application of the Convention, particularly with regard to religious minorities and women workers. They had expected that the Government would comment on these observations, but as no reference was made in the report to what the observations were, they were unable to determine precisely whether the Government had replied satisfactorily or not on that particular point. They asked whether the tripartite Task Force on Labour established by the Government had examined the exclusion of the application of labour legislation to the special industrial zones (SIZs), or whether the council that he had referred to had been given this task. They concluded by noting the difficulty in making judgements on issues of discrimination, and suggested

This year the Committee decided to discuss part of the Spanish situation and Convention No. 122 on Employment Policy in Spain. The general topic is important at present, the discussion in plenary is about this very subject and it is also very important to us. However, I cannot fail to mention with respect to this Committee and the Committee of Experts' report, the first paragraph of the observation in which the Committee again thanks the Government for having provided very specific and documented replies to most of the points that were raised in its previous observation and also thanks the Government for the fact that it has engaged in a well-founded dialogue with supervisory bodies concerning the application of the Convention. The situation in Spain is quite well known here in this House and is particularly important for this discussion to consider the report which covers nearly 100 pages of information and is quite recent. It dates from only a few months ago and covers all of the changes that have taken place in Spain to date. There have not been any major changes in legislation. The Committee of Experts has already studied all of the legislative texts and these have been well covered in the observation. What is worth stressing, however, in terms of the measures that have been taken is that in the first few months of 1995 there has been a positive trend and an improvement in the employment-unemployment ratios. According to the last report that was provided to me here in Geneva, which dates from May 1995, in 1994 the number of registered placements in the National Employment Institute was 5,939,207 people which is a new historic high, 22 per cent higher than the figure of the previous year. The data for the first quarter of 1995 confirmed the positive trend in job placement that took place with 1,897,535 placements, 44.6 per cent higher than in the same period of the previous year. In this trend towards placement the new measures that were introduced through the reforms have undoubtedly had considerable impact. Another important variable that also had a positive impact in 1994 was the unemployment in the national employment agencies since 1994. In March of this year unemployment has been reduced by 214,146 people, which is a 7.6 per cent reduction. The current unemployment rate is 16.4 per cent, which is well below, as you can see, the 24 per cent, slightly above 24 per cent, of the previous period.

Another important point to stress is that the reduction applies above all to young people in March of 1995. There were 117,446 fewer people under 25 years of age who are unemployed than in the same month of 1994. This positive trend in terms of employment, as registered by the National Employment Institute, is corroborated by the data coming in from the social security affiliates. During 1994 the social security affiliations went up by 200,600, whereas in 1993 it had fallen to 530,000. The corresponding data from March 1995 shows an increase of 2.4 per cent (291,600), compared to the previous year's statistics for social security. This is just some of the statistics that show the general trend of employment in Spain, which complements the information contained in the report up to March of 1995, and one hopes that this positive trend will continue as a reflection of an incipient but clear economic recovery. We should not forget that in economics the results can determine the effectiveness of the measures. Still, there has been criticism from the Committee of Experts of some of these same measures. Let me say that the employment policy, as a primary objective of our general economic policy in Spain, is carried out in a coordinated fashion, as indicated by the Experts and the Convention itself.

The Minister of Finance, in particular, together with the Minister of Labour and Ministries of Social Affairs, Industry and Economics are working together, which means that the specific measures taken in terms of labour relations unemployment are discussed not just in a single Ministry, such as the Labour Ministry, but rather – and here I am quoting Convention No. 122 – come from the determination and regular review of the employment policy as an integral part of an economic and social policy which is well coordinated in order to achieve, as the first Article of the Convention says, the objectives set out in Article 1.

The second point is that such measures have managed to achieve a certain balance between the position of Spanish employers and that of trade unions. This reflects the provisions of Article 3 of Convention No. 122. In the Committee of Experts' report, the observation mentions a position taken by a Spanish trade union, which as everyone knows, therefore, is opposed to the measures that have been taken, but it also must be known that the Spanish employers have said that the measures are insufficient. The purpose of the measures is to improve employment, even when clearly there is disagreement on both sides. This means that the changes that have been produced, which are already familiar to the Committee of Experts, are part of this whole balance which has to be achieved, with some difficulty at times, between the twin goals of employment and economic development. The measures taken, however, are not just taken by the Government and the Ministry of Labour, but rather are the result of the attempted and desirable coordination of all shades of opinion

achieved through dialogue, and in the end, achieving broad support in the entire spectrum of views.

Following these general considerations, it is necessary to consider the specific social measures that have been adopted. The details and the statistics can be found in the reports, which are only a few months old:

1. In a free market economy, employment feels the effect of the expansion or shrinkage of enterprises which seek an appropriate balance between current income and future prospects. As we have said and is well known, at this point in our economic development, achieving this balance is rather difficult.
2. Transparency of the labour market is required in order to promote initial employment. Therefore, employment agencies and temporary-work agencies have been authorized, and these, together with the National Employment Institute, work together to try and reduce the bureaucracy involved in contacts between workers and enterprises. Regulations governing both are limited in relation to the pertinent legislation, and up to now it is not known whether these restrictions might not impede the free establishment in the Spanish market of such agencies. We have to achieve a balance. On the one hand, we have broken the monopoly of the National Employment Institute in order to reduce bureaucracy, but on the other hand, there has been considerable supervision exercised over the new agencies. We do not know yet whether we have achieved the necessary balance, given the characteristics of Spanish society. All of this is open to the readjustment that will come in time. What we cannot do is criticize in principle the measures adopted because this is an experiment which has proved successful in most free market countries. These agencies, which are now operating, tend to stress temporary employment and are sometimes criticized therefore as creating precarious employment. The contracts that may come from these agencies are the same as those which enterprises can sign directly with workers. Therefore, these agencies are neither restricting nor expanding the measures governing labour under Spanish law. All they do really is to increase transparency in the labour market, and they are governed by labour legislation.
3. Contracting, as a legal instrument, has undergone some changes which reflect the considerable care that has been taken in trying to seek the balance between the interests of workers and employers, the balance which has been referred to repeatedly.
 - (a) Only classic temporary contracts remain – specific working hours or fixed-term contracts, indeterminate contracts, contracts for new employment and the temporary contracts. We have indeed tried to respond to the concerns of the workers and to the situation in the market and this led indeed to temporary employment. The measure that was taken is now having an impact on employment policies in enterprises but we have tried to mitigate any negative impact.
 - (b) On the other hand, we have changed, though not to the extent that would be wished by the trade unions, the apprenticeship contracts – these are strictly traditional under Spanish legislation. There is nothing new in this area. In the changes that have been made we have tried to reaffirm the characteristics of the contract, that is apprenticeship, with lower minimum wages but without in any way prejudicing the bargaining that might take place in the enterprise and in the sector, and providing minimum social security guarantees. And this, everyone knows. There is a study under way now trying to modernize our social security system. Because of the youth of these workers, the social security benefits that they receive have to do with accidents and diseases in the workplace and general medical assistance, disability benefits, pregnancy benefits and protection of wage levels. They are not given any protection for loss of employment or for temporary disability.
 - (c) In terms of contracts, let us also stress the positive measures that have been adopted as part of our employment policy in order to promote stable and permanent contracting but, given the existence of the temporary contracts for promoting employment, all of the other temporary contracts, which are those which are generally found under all labour legislation, are given financial incentives to be turned into permanent contracts. This is not a question of seeking balance between employers and workers, but rather is a public measure that tries to benefit both sides in order to create stability in employment and the cost of this is paid by the entire society. Temporary contracts as a means of promoting employment are at present reduced or limited to the most disadvantaged groups of workers, that is people with disabilities, those over 45 years of age and

that the written information be referred to the Committee of Experts for a thorough examination and its comments.

The Employers' members noted that this case was qualitatively different from that concerning Convention No. 87. In the latter case, gradual progress could be detected so that the resolution of the problem was in sight. However, with regard to the matter of religious discrimination they could see no immediate prospect of a resolution to the problem, because the Government this year and in 1987, 1989 and 1993 maintained the basic position that minorities were protected in Pakistan under the Constitution. However, the existence of this legislation was clearly not providing protection for certain groups of individuals. They observed that the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (No. XX) continued to provide sentences of up to three years for religious groups who were propagating their faith, and that there was still discriminatory termination of employment of members of different communities serving in the public service and the armed forces. With regard to the statement that adherence to a particular religion had never been a prerequisite to joining the armed services, and that therefore the provision of statistics requested by the Experts was not required, they emphasized that in the area of discrimination one way in which discrimination could be assessed was to examine statistics regarding the composition of minorities in relation to the general population. Such statistics would be helpful to the Government in resolving this question and would provide information to the Experts that might resolve one of the problems with regard to the application of this Convention. With regard to religious discrimination when issuing passports, the inability to obtain a passport did provide a limit on employment possibilities and, therefore, they suggested that the Government should look at this issue once again. As this had been a long-standing and difficult problem, they said that the Government should take the necessary action in both law and practice to resolve it in the near future.

The Workers' member of New Zealand strongly supported the Pakistan National Federation of Trade Unions and the All-Pakistan Federation of Trade Unions who had asked that the Committee of Experts urge the Government to take measures to give practical effect to the Convention, and particularly to eliminate discrimination on the basis of religion, promote equality of opportunity, especially for women workers, and increase the awareness of all categories of society in this respect. With regard to the legal position, particularly with reference to the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (No. XX), she found that the response of the Government in its written comment and before the Committee, to the observations of the Committee of Experts, was disturbing because the Government of Pakistan had absolutely rejected any need for change. It stated that minorities in Pakistan enjoyed all fundamental rights equally together with other citizens; that they were treated both justly and generously by the Government; and that the substantive impact of the restraints of Ordinance No. XX on the Ahmadis was not onerous. In its 1994 report, Amnesty International described the case of five Ahmadi journalists who were charged with blasphemy. In page 3 of the report it was stated that over a number of years various laws had in effect made it "a criminal offence for Ahmadis to profess, practise and propagate their faith". The report also referred to Ordinance No. XX and Ordinance No. XXX concerning the West Pakistan Press and Publications, sections of the Pakistan Penal Code and decisions of the Federal Shari'ah Court. The cumulative effect of these laws was clearly to deny genuine freedom of religious practice and to create an environment of hostility to Ahmadis so that attacks on Ahmadis might be carried out without the authorities in Pakistan moving to protect the lives and physical safety of members of this minority community. She then referred to the attack on 9 April 1995 of two Ahmadis, Dr. Rashid Ahmad and his son-in-law Riaz Khan, as they were about to attend a court hearing in Shab Quada in the North West Province. Riaz Khan was stoned to death and Dr. Rashid was seriously injured. She also noted that persons as young as 12 could be sentenced to death for blasphemy. In her view, non-discrimination in employment could not exist in a vacuum. If the environment in the community as a whole was discriminatory, employment practices would reflect that discrimination whether or not such discrimination was prohibited under legislation. She emphasized that this Committee must reinforce in the strongest possible terms the position of the Committee of Experts and the Pakistan Human Rights Commission which sought review of Ordinance No. XX. With regard to passport procedures, she said that she could not imagine what possible valid purpose a declaration with regard to the applicant's religion could have if there was no intention to discriminate. In her view, the statement of the Government representative before this Committee confirmed that even on this issue there was no willingness to accept ILO technical assistance. She concluded by endorsing

the request of the Committee of Experts for statistics on the employment of Ahmadis and other minorities in the public service and the armed forces. Without such statistics, there was no means of confirming the accuracy of the claim of the Government that no discrimination in these services occurred on the grounds of race, religion and caste. Comprehensive statistics and data indicating that members of minority communities were distributed across all sectors of the labour market in proportion to their numbers in the population were essential to corroborate that no discrimination had occurred, particularly in view of the claims from reliable sources that Ahmadis were prevented from entering the management levels in the public service. It was her experience that governments declined to collect and publish such statistics usually when they had something to hide.

The Workers' member of Italy stated that discrimination affected women in Pakistan both because of national legislation and the customs of the country. Only 23 per cent of women over ten years of age were literate, as opposed to 50 per cent of men. Women were also subject to violence and abuse in society, and they had difficulty gaining access to employment in certain sectors such as teaching and health. In his view, in addition to the very active role of the Committee for the Defence of the Rights of Women in Pakistan and important government programmes, better legislation could bring an adequate solution to the problems encountered by women with regard to discrimination. He hoped that the fact that a woman was Prime Minister would contribute to eliminating such discrimination.

The Government representative pointed out that although a special law had been adopted that permitted the establishment of special industrial zones (SIZs), none of these zones had yet been established. The new labour policy under the consideration of Cabinet recommended that SIZs should not benefit from any exemptions with regard to labour legislation. With regard to the complaints reportedly received from two trade union organizations, he stated that these complaints were not correct because in his country there was no discrimination on the basis of creed, religion or sex, although the Constitution did contain certain provisions regarding ideology and religion. The Ahmadis professed to be Muslims, but this question was adjudicated by the Supreme Court of Pakistan which held that they were not Muslims. With regard to the passport declaration, all citizens of Pakistan who applied for passports were required to state their religion. However, this did not mean that there was discrimination with regard to job opportunities or any other matter in society. The census taken more than 14 years ago might not be very relevant, as it might not incorporate the requisite information. However, the Government would soon take a census throughout the country, and he hoped that upon completion of the census most of the relevant information regarding minorities and their involvement in various fields would be available. He stated that he would be pleased to supply this information to the Office. With regard to discrimination against women, he pointed out that the Prime Minister was a woman which in itself would create awareness about the rights and social status of women in the labour context. The Task Force on Labour recommended that a special committee be appointed to give recommendations on the socio-economic status of women and suggest immediate measures on how to improve their condition. They hoped that once the labour policy had been finalized, meaningful results would be achieved. While reiterating that although his country was an Islamic State, there was no discrimination on the basis of religion, caste or creed, he nevertheless assured that all steps would be taken to bring about further harmony in this respect.

The Committee took note of the statement of the Government representative. It also took note of the extensive observations of the Committee of Experts which had indicated the serious implications of the Anti-Islamic Activities of the Qadiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance No. XX of 1984 and the conditions for the issue of passports to Muslims for discrimination based on religion. The Committee also felt that non-application of labour legislation in special industrial zones would be a violation of the Convention. Having taken into account that the Government had furnished a report containing a plethora of details, the Committee decided to transmit the report to the Committee of Experts for a careful evaluation. The Committee also asked the Government to furnish statistical data and other information requested by the Committee of Experts. The Committee further advised the Government, as the Committee of Experts had done, to avail itself of technical assistance from the ILO for finding ways of securing total non-discrimination in law and practice.

Convention No. 122: Employment Policy, 1964

Spain (ratification: 1970). A Government representative of Spain made the following statement:

long-term unemployed whose contracts are also promoted by incentives involving social security.

(d) Provision of contracts and stability in employment is closely linked to vocational training. In this area there are no serious differences between workers and employers. However there are limits that result from the economic possibilities of the system. The three stages of training, that is basic, occupational and for promotion, which we call ongoing training, have undergone major changes in order to improve them further. With respect to the first two types of training, there has been a unitary approach to both subsystems. We have set up a national institute for professional qualifications which is the basis of providing diplomas from the Ministry of Education and Science and professional certificates that come from the Labour and Social Security Ministry. We have specified the powers of each of the two ministries involved and this shows a tremendous amount of coordination that is involved in trying to attain the objective of full employment. With respect to the third type of training, that is ongoing training, there are no real changes. Rather, we have created this on the basis of the 1993 Law on Ongoing Training and what we want to do is to finance measures and programmes for ongoing training in enterprises, otherwise as through apprenticeships. This indeed was a matter that had been criticized by the trade unions and had been a matter of concern to the employers as well. So we have paid attention to the content of the apprenticeship contracts and the training programmes which take place in the enterprises of a foundation which has been set up, which is directed by workers' and employers' organizations, which administers the public funds that are assigned for this purpose on the basis of training programmes developed by the enterprises, which then apply for funding. Here, we can talk about a lack of resources but this as well depends on the general economic situation and the report that we have recently sent contains full specific detailed information on all of these measures in the area of vocational training.

(e) We refer to regular activity in the enterprises and in this area of labour relations we have paid particular attention to finding a balance between the positions of workers and employers. The former felt that there were insufficient changes, whereas the other side felt that there had been considerable deregulation in labour legislation; and I refer to this because this was also mentioned in one of the observations of the Committee of Experts.

But let me give you a basic overview:

1. We have gone to collective bargaining for certain elements of enterprises that move from one place to another with protection for workers' rights, some of which are protected under law reducing public intervention which tended to limit the flexibility for an enterprise which, given the difficult economic situation, is essential.
2. We have also entrusted to collective bargaining certain aspects of wages and working hours but we have protected the basic aspects and the fundamental limitations increasing regulation in other areas of public protection for workers, for example, in relation to night work.
3. In terms of suspension of contracts, and an end to worker employment relationships, there have been major differences of opinion here between workers and employers. The three ways in which a contract can be ended – general or individual, because of the general economic situation, or dismissal for disciplinary reasons – have been fully regulated by the administrative authorities. Therefore, any change that was not based on major concepts was mentioned by the workers, whereas the employers felt that really nothing very important had changed. We have tried to give more power to the two parties but have safeguarded the ultimate ability of the authorities to mediate were that necessary whilst still reducing bureaucracy. It is necessary, for example, in a critical economic situation to be specific about the economic situation of the enterprise but we have tried to ensure that individual situations would not interfere with general collective results. Any dismissal for disciplinary reasons has to be carefully specified and we have always protected the basic rights of the workers. This is a broad concept which means that throughout this disciplinary procedure the Constitution provides us with considerable protection for workers on the basis of standards and possibilities for appeal by workers.

There has been some reference to deregulation but rather than deregulation we would call it reassignment of responsibilities and an attempt to adapt our regulations to the current economic sit-

uation of Spain and the need for employment and economic development.

The Employers' members thanked the Government for the information it had provided. This case had been discussed in 1988 and indirectly last year during the discussion of Convention No. 158. A distinction was drawn between Convention No. 122, which was a promotional Convention, and Convention No. 158, which regulated the conditions for termination of employment. The Employers' members questioned the relevance of connecting Convention No. 158 with Convention No. 122 when they had different objectives, merely leading to confusion.

Convention No. 122 did not set forth any precise actions for governments to take. Instead it set forth objectives for employment promotion and left room for differences in application due to varying circumstances in individual countries. Given that there was a close link with other economic and social policies, it was hard to assess the degree of the Government's accomplishments concerning the Convention. Employment promotion was a dynamic and ongoing process, particularly given the current global nature of the marketplace. Unemployment at one point had reached 22 per cent in Spain, which was quite high, but appeared to be decreasing, indicating some success in the Government's policies. This high unemployment was due in part to labour market rigidities concerning contracts, which appeared to have been relaxed, as the Government representative had mentioned in his statement. Concerning temporary contracts, these were necessary in light of the high unemployment rate, and played a role in providing employment and training opportunities to workers otherwise excluded from the labour market. The other strategies mentioned by the Government representative were a complementary part of a comprehensive approach to employment promotion. Lastly, they stressed that vocational training also played an important role, particularly in light of widespread structural adjustments.

The Workers' members indicated that they had proposed to include Spain in the list of individual cases for discussion for various reasons: to promote dialogue concerning this Convention; to call attention to the disturbing evolution of the situation of employment; to make the Government aware of the need for coherence between the general economic policy and the execution of the objective of full employment; to discuss the relationship between the functioning of the labour market and the measures adopted concerning regulation of labour and employment (concrete measures concerning labour contracts to promote employment and the conclusion of contracts of indeterminate duration); and to underline the importance of consultation with employers' and workers' organizations on all aspects of economic policy concerning employment. The Committee of Experts had underlined that the employment situation had deteriorated in the last few years. Despite certain improvements concerning flexibility which had been adopted, unemployment had reached 22.7 per cent. The number of temporary contracts amounted to a third of all contracts, which was the highest level in all of the European communities. This was an exorbitant number. Likewise, the statistics relating to the efforts of enterprise investment in the training of workers (0.6 per cent of payroll) was not encouraging. This was a preoccupation because the systems of stability in employment had a positive impact on the training and qualification of workers and reinforced enterprises' capacity for internal adaptability. In its report, the Government indicated that it was promoting employment through contracts of indeterminate duration inconsistent with the views of the present Committee. None the less, the Workers' members indicated that they wished to see more convincing results from the policy announced by the Government representative, and requested that the ILO be kept informed of the evolution in the number of contracts of indeterminate length.

Concerning social regulations (coverage for social security, the right to work, training, etc.) the Workers' members insisted that the Government guarantee to workers with temporary or part-time contracts a protection which was equal to that enjoyed by workers who had contracts without limit of time. The Government should also guarantee that the number of temporary contracts be limited and controlled in order to avoid abuses, and that measures for promotion of employment, such as contracts to facilitate entry into the workforce and apprenticeships, did not stray from their objective.

The Workers' members also indicated that the report submitted to the Committee of Experts did not contain the information requested concerning the manner in which the measures adopted in the principal areas of economic policy contributed to the pursuit of the objective of full employment. The Committee of Experts had always insisted that the economic, financial and monetary policies all be linked to the objective of full employment. This was very important. Other policies also should be developed with the objective of the pursuit of full employment. The Workers' members asked the Government to send detailed information in this respect. Lastly, they underlined that, by virtue of Article 3 of

the Convention, the Government should genuinely consult the workers' and employers' organizations concerning the employment policy and its relationship to the economic policy.

The Workers' member of Spain joined in the statements of the Workers' members. He indicated that this case was brought before the Committee in 1988 and subsequently in 1990, 1991, and 1993. On these occasions the Government representative had claimed that the policies were on the right track, that positive aspects of the employment policy existed, and that many temporary contracts with beneficial results had been created. The unions, on the other hand, had denounced the 16 per cent unemployment level of 1988 (which reached 23 per cent in 1995); the danger of the general use of temporary contracts; the precarious situation for more workers as they replaced those with permanent contracts, etc. For its part, the present Committee had requested that information be provided and that measures be taken, and had insisted that the Government develop its employment policy in cooperation with the social partners. However, the Government responded by promulgating a decree in 1992, without negotiating with the unions, from which it had preferred to distance itself in the last few years. The results regarding unemployment all these years showed that the Government had followed the wrong policy. Convention No. 122 was a promotional Convention in which trends, directions and, above all, results were important. In this respect, the statistics given earlier on unemployment (23 per cent) should be considered in relation to the number of workers with precarious employment (35 per cent). These percentages should be compared with the average in the European Union (between 8 and 11 per cent unemployment) in order to arrive at the conclusion that something grave had occurred and that the employment policy did not comply with the Convention. Concerning the statistic alluded to by the Government representative that 5 million positions had been created in 1994, it must be pointed out both that "position" meant temporary contracts of short duration, in many cases as short as one or two months; and that the active labour force in Spain was 12 million, of which 5 million were contracts of short duration. The problem of massive numbers of workers losing contracts of determinate length also existed. Furthermore, the Government representative stated that the law governing the use of temporary contracts to promote employment had been derogated; but this was not correct. In 1994, six months after this "derogation" the law was reinstated. To achieve full employment, it was important to develop an effective policy which took into account social and economic factors. He insisted that the Government take account of this in the near future.

Lastly, he stated that the speech concerning employment which the Spanish Minister of Labour gave in the plenary of the Conference was perfect and could be the basis for negotiating a plan for effective employment in Spain. Since he did not believe that this was an electoral speech, he could not fail to observe that the speech did not coincide with what the present Government representative had just said.

The Employers' member from Sweden noted that there were opposing views on the legal obligations imposed by Convention No. 122. Although there was consensus that the goal of the Convention was the promotion of full and productive employment, opinions differed everywhere sharply as to the policies and measures which were best suited to achieve this goal in the long run. Therefore it was impossible to make incontestable legal assessments on the requirements following from Convention No. 122. The Committee of Experts rightly considered it necessary to look at the entirety of all the policies that touched upon employment promotion in order to make an assessment (including finance, taxation, investment, trade, prices, incomes, wages, training, labour market and social policies). Full and reliable information on each country – including all the factors which might influence employment in the long run – would also be necessary. The Committee of Experts had asked for a little more information here and a little less there. Even if the Committee received and was able to digest all the information needed, the speaker still doubted that the Committee would be able to draw any valid conclusions concerning the financial and other policies which a country was legally required to pursue, according to the Convention. Aware of these problems, the Committee had limited itself to certain isolated comments and pointers on labour market measures in Spain. This case demonstrated the need to review ILO standards, including the abolition of Convention No. 122, against which the Employers' group voted unanimously when it was adopted in 1964. In the meantime, the Committee was obliged to make comments, but should restrict itself to as few as possible.

The Committee noted the extensive statement of the Government representative. Having carefully taken into account the various aspects of the statement, the Committee called upon the Government to implement its policy so as to promote full, freely chosen, and productive employment as envisaged in Convention No. 122, maintaining consultations with the employers and work-

ers on the matter from time to time. The Committee also called for a further full report on the consequences of their policies including in terms of developments in the employment situation.

Zambia (ratification: 1979). A Government representative of Zambia expressed appreciation for the observations and concern of the Committee of Experts. Whilst the objective of the Zambian Government's policy was promotion of full employment, the trend had been unsatisfactory over recent years, due to various factors. These ranged from a depressed economy to rising population. During the second republic, many parastatal enterprises survived on government subsidies. However, the new Government, installed in 1991, had adopted a policy not to subsidize any parastatal companies. Consequently, some companies had had to go under, in the process throwing many people out of jobs. The thrust of the government effort to create more employment had been to establish an environment in which both local and international investment could thrive. In this connection measures such as trade liberalization, deregulation of the market, strengthening of the financial sector, privatization and public reform programmes had been set up to contribute towards macroeconomic stability, with the objective of expanding the economy and employment opportunities. The effects of these measures would begin to show only later. In the immediate future the effects of the structural adjustment programme and the conditions placed on the financial assistance being provided had exacerbated the unemployment situation and the standard of living generally.

Employment in the formal sector had been contracting; on the other hand, the informal sector had grown. The informal sector was estimated to have accounted for 2.1 million people in 1993 and for 2.3 million people in 1994. In 1993 the public sector, which included the central government, local government and parastatal companies, accounted for 312,000 people, whilst the private sector accounted for 203,000; in 1994 there were 280,000 in the public sector and 202,000 in the private sector.

With regard to the distribution of jobs within the public and private sectors, before 1991, only 20 per cent of the economy was in private hands and 80 per cent was governmentally controlled, either directly or through parastatal companies. The policy of the new Government established in 1991 was to dismantle the large parastatal sector through a privatization programme, but employment continued to be dominated by the public and parastatal sectors. Various social safety nets had been put in place to soften the impact of the effects of structural adjustment. In the Ministry of Community Development, funds had been put aside for the purpose of assisting the poor and vulnerable groups. In the Ministry of Labour and Social Security a safety net had also been established to assist primarily workers who were retrenched or retired, in the form of counselling on self-employment prospects, establishment of small-scale and cottage industries, and resettlement. For the public service employees, a programme existed to assist in an alternative employment search, counsel on self-employment programmes, etc., conducted through specially organized workshops and seminars.

Concerning Article 3 of the Convention, organized labour was consulted through the Tripartite Consultative Labour Council established under the Industrial and Labour Relations Act. On this Council both the Zambia Congress of Trade Unions and the Zambia Federation of Employers were represented. The other consultative body was the National Economic Council which had much wider representation including from trade unions, employment associations, non-governmental organizations, industry and other pressure groups. From time to time other representatives participated in the Council in order to secure maximum cooperation and support.

Concerning action taken as a result of the ILO technical cooperation projects on employment, labour-intensive public works in the area of road rehabilitation had mushroomed, particularly in the rural areas. Discussions were going on with the ILO and the donor agencies to expand these activities.

Lastly, the speaker expressed the Government's wish to work closely with the ILO in fulfilment of the obligations undertaken by ratification of various Conventions including the one under discussion, and to take full advantage of the regional multidisciplinary advisory team in this connection.

The Workers' member thanked the Government representative for his precise statement, which addressed all of the questions raised by the Committee of Experts in their report. During the lengthy discussion on Convention No. 122 in respect of Spain, many of the principal and controversial issues on No. 122 were discussed, and further deliberation on the value and use of the Convention and the precise nature of the Government's responsibilities was not necessary. The Workers noted that this was the first African country discussed concerning Convention No. 122; that most often Committee discussions of cases concerning Convention No. 122 involved industrialized countries; and that it was

useful to get a feel for the position in Africa, Asia and South America on the application of Convention No. 122. The Committee of Experts' observation indicated that Zambia had many of the same problems as other countries throughout the world.

The Workers' members took positive note of the existence of a framework for tripartite discussions through the National Economic Advisory Council and the Tripartite Consultative Labour Council, as tripartite consultation was particularly important. The Committee of Experts had noted that these bodies were competent to deal with matters concerning the development and utilization of manpower, but added that the importance of the rural and informal sector areas in the country demanded that workers in these areas should be involved in the tripartite discussions and requested information on the manner in which these workers were consulted on employment policies. The Workers' members pointed out that the Government representative had stated that apart from the tripartite consultation body, the National Economic Advisory Council existed which could include other interested bodies, and therefore asked the Government to confirm that the other interested bodies included representatives of both rural areas and the informal sector.

Paragraph 2 of the Committee of Experts' observation had expressed concern that the Government seemed to be accepting perhaps too calmly the massive disruption which was taking place in the restructuring of the economy. When a country was involved in a structural reorganization of its economy involving a whole series of movements from public sector to private sector work, the Convention demanded that ratifying governments take into account the very poorest in their communities. The Government representative indicated that this was precisely what the Government was trying to do. The Workers' members asked that more positive information be provided in the Government's next report on the measures taken to mitigate the impact that these policies had on the population.

The Workers' members drew attention to the Government representative's statement that many of the ILO technical cooperation projects were taking place in rural areas on public works. The Workers' members particularly welcomed this because so often only public sector projects could alleviate the poverty of some areas in the country and could assist in dealing with the structural transition of privatization and the movement of work from the public to the private sector. The Workers' members asked that in its next report to the Committee of Experts the Government give more details of the practical achievements resulting from the ILO technical cooperation projects.

The Employers' members also expressed appreciation for the information provided by the Government representative, and agreed with most of the points made by the Workers' members. They pointed out that it had been helpful to be able to have a discussion of two different cases on Convention No. 122 because they demonstrated two points quite clearly. First, there were differences in the circumstances of a developing country versus one that was somewhat more developed, and yet, there was some commonality in terms of the overall problems faced. All countries were having to deal with structural adjustment as a result of rapid and constant change throughout the world. Second, specific information as to the results of the various programmes that the Government had engaged in was required in order to have concrete discussion. One of the fundamental differences which distinguished this case from the case discussed earlier related to the very large and apparently growing informal sector, which called for quite different measures than were applicable in the earlier case. All countries sought to mitigate, where possible, the social consequences of structural adjustment, and there were two different examples of the government policies in this area in this case, especially with respect to training and education programmes targeted at ensuring some sort of distribution of the effects of structural adjustment. However, the Employers' members believed that too much emphasis could be placed in that area resulting in labour market rigidities that could result in further unemployment and urged the Government to keep this in mind.

The Workers' member of Zimbabwe stated that this case was a benchmark for Africa. Most African Governments, especially in the southern region, had embarked on the IMF and World Bank structural adjustment programmes, which were put in place primarily to create employment; but in reality, no employment policy had been put into place which promoted job creation. Because the structural adjustments emphasized the monetary side, they emphasized the shedding of excessive labour; consequently in almost all the countries, retrenchment was increasing and no new jobs had been created. The devastating effects of these structural adjustments programmes were destroying the whole fabric of African families and poverty was on the increase. Although consultation was taking place it was limited and needed to be widened, and more emphasis needed to be placed on employment creation. Full employment required both sound monetary and sound industrial

relations. Participation by the whole population in the design and implementation of economic structuring and development was a precondition for mobilizing the human and the material resources essential for economic recovery and development which would enhance productivity and ensure that people's initiatives and their moral values largely contributed to the economic approach which was necessary for employment creation. The speaker called upon the Zambian Government to widen its consultation to include rural and informal sector workers and to put in place those policies that would promote employment creation.

The Government representative affirmed that consultations in the formation of policy on human resources went much wider than the employers' and workers' organizations. He took note of the views expressed, thanked all those who spoke on this case and promised to provide in its next report to the Committee of Experts all the information requested.

The Committee welcomed the statement of the Government representative indicating the safeguards taken in the context of structural adjustment to alleviate likely distress on the employment front. The Committee noted that there existed a framework for consultations with the employers and workers in the tripartite Labour Consultation Council and that the National Economic Advisory Council also could be recognized as a forum for consultations. The Committee also wanted the rural and informal sectors to be associated with such consultations. The Committee called for more positive information in its next report on the practical aspects of consultations and consequences of reform, in particular it asked for information on the impact of ILO technical cooperation on rural areas and training programmes for improving the employability of the people. The Committee particularly urged that the targeted programmes should result in the distribution of the fruits of reform amongst the poorer sections so that the objective of Convention No. 122 could really be achieved.

Convention No. 135: Workers' Representatives, 1971

Côte d'Ivoire (ratification: 1973). A Government representative referred to Act No. 92-573 of 11 September 1992 concerning termination of employment for economic reasons, which provided that all provisions in collective agreements concerning collective dismissal that were not in compliance with the Act were null and void. The procedure under this Act was confirmed by Circular No. 7585/EFP/CAB of 20 July 1993 of the Minister of Employment and the Public Service which called into question the protection of trade union representatives. It was quite understandable that the General Workers' Union of Côte d'Ivoire (UGTCI) and the Free Confederation of Côte d'Ivoire Trade Unions ("Dignité") were concerned about this situation. He was pleased to report that the new Labour Code had resolved this problem. Unlike the 1964 Labour Code, it provided for the designation, mandate and protection of trade union representatives. Under section 62.3 of the new Labour Code, trade union representatives had the same protection against termination of employment as personnel delegates. Former trade union representatives were protected for six months after the expiration of their term of office. As a result, the proper implementation of the Convention was assured both in law and in practice.

The Employers' members noted that at least some of the issues were resolved as a result of the direct contacts mission that followed the filing of the complaint before the Committee on Freedom of Association (Case No. 1594, 296th Report of the Committee approved by the Governing Body at its 261st Session, November 1994). They stated that it was necessary for the Government to submit the relevant provisions of the Labour Code to the Office regarding the issue of trade union pluralism and the question of allowing all representatives to stand for election (even at the enterprise level), to determine whether they addressed the concerns of the Experts. On some of the issues it appeared that the appropriate law did exist, but it was also necessary to be sure that such law was applied in practice, which in their view there was reason to doubt in this case. They concluded by asking that the Government describe in its next report how it intended to fully implement the above provisions of the Labour Code.

The Workers' members once again noted the willingness shown by the Government to bring its legislation into conformity with the Convention, a matter which seemed to have been dealt with by the new legislation that had been in force since the beginning of the year. They joined in the remarks made by the Employers, and emphasized that it was important that the Government submit new texts for the examination of the Committee of Experts. However, they stated that trade union pluralism should also be recognized in practice through dialogue among all the parties concerned and the adequate protection of all representatives of workers. It was important that the Government send in its next report information about concrete results that had taken place pursuant to the

new legislation, and regarding the re-employment of trade union delegates who were arbitrarily dismissed. The Workers' members concluded by expressing the hope that the Government would supply the information requested and that measures would be taken to avoid the recurrence of practices contrary to the Convention in the future.

The Government member of Germany stated that he was in agreement with the statements of the Employers' and Workers' members. He raised a legal question for the Office regarding the penultimate paragraph of the report of the Committee of Experts, which referred to Article 6, paragraph 2(f) of the Workers' Representatives Recommendation, 1971 (No. 143). In his view, this reference might give the impression that in order to define obligations arising under the Convention, the Committee of Experts had quoted parts of the Recommendation. This would be more than was intended by article 19, paragraph 6, subparagraph (d) of the ILO Constitution.

The Workers' member of Senegal drew attention to the threat that existed to all workers and their representatives with regard to labour protection since the Bretton Woods institutions had imposed conditions on African governments to no longer provide legal protection for workers or for their representatives. For this reason, in Senegal and in all French-speaking Africa, there no longer existed legal protection from dismissals based on economic reasons of delegates and trade union representatives and, in this regard, he added that surely the freedom to dismiss would then extend to workers and their representatives. In this sense, he asked whether it would be possible to imagine that workers' representatives and their officers would no longer be protected by the law. If this were the case, in the future neither trade union organizations nor associations of workers would continue to exist.

The Workers' member of Côte d'Ivoire was surprised at the statement that the application of the law had precedence over the existence of the law. But if a law did not exist, it was impossible to apply it. In this regard, he referred to Act No. 60/290 of 1 August 1964, the first Labour Code of his country, which was already in existence at the time of the adoption of Act No. 92/573 of 11 September 1992, which was referred to in relation to the Convention. He asked whether it would not be appropriate for the Government to gather all provisions in one single law, that would administer and regulate everything related to trade unions.

The Government representative stated that he had taken note of the suggestions made during the discussions. He pointed out that the new Labour Code had been given to the Office, so that the Committee of Experts could consult it and make any necessary comments. He reiterated that the Labour Code now dealt with all employment and labour matters, including those concerning trade unions. He did not agree that it was necessary to enact separate legislation on trade unions, as the relevant provisions were in the Labour Code. If the provisions of the Code were not adequate in this respect, proposals could be made to supplement them. He assured the Committee that the Labour Code implemented the provisions of the Convention, and that the Labour Inspectorate would supervise the application of the relevant provisions of the Code.

The Committee noted the report of the Committee of Experts, the oral information given by the Government representative, as well as the discussion that took place thereafter. The Committee took note of the direct contacts mission that went to Côte d'Ivoire in September 1994 and welcomed the Government's information that the new Labour Code had been formulated. The Committee, however, called upon the Government to adopt at a very early date appropriate measures to bring the legislation and practice into full conformity with the Convention, particularly in the matter of extending to workers' representatives full protection against prejudicial action in the context of union activity. The Committee also urged the Government to remove the provision in Act No. 92-573 of 11 September 1992 concerning dismissal for economic reasons. The Committee expressed the hope that, on the basis of the report of the Committee of Experts, it would be able to take note, at its next examination of the case, of substantial progress in the application of the Convention.

Convention No. 147: Merchant Shipping (Minimum Standards) 1976

Italy (ratification: 1981). The Government supplied the following information:

Article 2(a)(i) of this Convention: The Government stated that the legislation of Italy is fully in compliance with the Convention. All questions concerning hours of work, the period of time on board, accommodation of crew, remuneration, compensation, food, holidays, days of rest, conditions of employment, sickness and accident insurance etc. are regulated exhaustively and in detail by national collective agreements which bind the contracting

parties. For this reason, the intervention of the Government is not necessary.

Article 2(g): Inquiries into maritime accidents are carried out in accordance with section 578 and the provisions that follow of the Shipping Code and by section 475 and the provisions that follow of the Regulations under the same Code. Inquiries into occupational accidents that are not related to a maritime accident are carried out in accordance with section 55 of the Single Text concerning occupational accidents approved by Decree No. 1124 of the President of the Republic dated 30 June 1965. The conclusions of the inquiry are sent to the judicial authorities for the appropriate penalties and to the IPSEMA (Welfare Institute for the Maritime Sector with respect to consequences for insured persons). The official results of the inquiries into occupational accidents are available to all the parties concerned.

Article 2(f): With regard to inspection, Italian regulations provide for two supervisory bodies: the Central Committee and the local committees provided for in sections 80 to 82 of Act No. 1045 of 1939. The Central Committee examines the technical documentation of the ship concerning its conditions and provides the shipowner with the appropriate comments. The local committees which operate in connection with the peripheral maritime authorities have responsibility for carrying out periodic inspections every six months or as requested in order to verify the application of the relevant provisions and, at the same time, observance of the directives made by the Central Committee. Supervision of foreign ships that dock in national ports is carried out in compliance with the Paris Memorandum. If the local maritime authorities determine that irregularities exist, they make a record of their visit, and send a copy to the competent consular authorities as determined by the nationality of the ship, and to the ILO Director-General. In this respect, within the scope of the Community a Directive, which is in the process of being approved, concerns international labour standards for the safety of ships, the prevention of contamination, and the regulation of living and working conditions on board ships. This Directive, which also includes as a reference standard ILO Convention No. 147, sets out the procedures for inspection and supervision to verify that international labour standards are respected, and must be complied with by the Government of Italy.

In addition, a Government representative referred to the written comments provided by the Government. She also stated that whatever the present Committee concluded would be communicated to the competent authorities for a detailed examination, as well as to the tripartite committee charged with consideration of questions relating to the ILO. The Italian technical administrations considered that the Convention was applied already in Italy, but agreed with the Committee of Experts that a better application was always possible. The Government respected the interpretations of the Committee of Experts.

Concerning the need to adopt legislation on the hours of work for full application of Article 2.1 of the Convention, it should be recalled that in 1991 Italy had ratified Convention No. 109, which in its third part dealt with the question of the duration of work. Although this Convention had not yet entered into force, Italy was ready to guarantee its application. In fact, hours of work for the sector covered by the Convention was regulated by collective contract which bound the parties which signed it. Respect for collective bargaining was general in both the public sector and the private sector, and there had been no indications of violations, not even on smaller ships. All shipowners adhered to the collective contract in force between the employers and the unions representing the workers covered by the Convention.

Likewise, both the maritime code and the regulations for application which established that the maritime authority controlled the composition of the crew, guaranteed the security of the crew and the ships. The "tableau d'armement", established by ministerial decree, provided for the respect of rotation of shifts as established by collective agreement. In this way the collective contract applied indirectly, and also covered provisions of the International Maritime Organization and its Conventions. Likewise, the State subsidized national state contracts awarded to enterprises, which required the approval of the Minister of Transport and the Minister of the Treasury through interministerial decrees; consequently, the substantive content of the collective contract relating to the duration of work had practically a general application. Lastly, the hours of work in this sector would also be regulated at the European level in the near future. Although some countries felt that this issue should be excluded by directives relating to the hours of work, Italy was not in favour of this exclusion. In the absence of a collective agreement, the European Commission had promised to present a specific legal instrument; and as is well known, Community standards were obligatory for all Member States.

Concerning the system of publicizing reports on the investigation of accidents, the conclusions of the investigations were sent to

the Institute concerning security in the maritime sector, which published annual statistical bulletins on accidents which were widely circulated and which reached interested social groups. In the cases in which the investigations did not end in a stage of summary instructions the reports were sent to the judicial authority for consideration of criminal charges. In such cases, the sentences handed down were made public. Likewise, the Minister of Public Transportation gave an accounting each year of serious maritime accidents involving Italian ships or foreign ships in Italian ports. None the less, the Government had taken due note of the observation formulated by the Committee of Experts on this question.

The system of inspection of serious maritime accidents was regulated by the maritime code. Two levels of investigation were provided; the first was summary in nature and the second inquiry was formal. The system of inspection provided that the competent authority at the local level was the Captain of the port who conducted the commissions of inquiry. At the ministerial level, the Central Inspection of Maritime Defence before the Ministry of Transportation was the competent authority. When a serious maritime accident resulted in injuries to the worker, a system of urgent intervention existed in which the maritime authority, through an inquiry commission, carried out a preliminary summary inquiry concerning technical, administrative, and judicial aspects. The results of this inquiry were transmitted to both the Ministry of Transportation and the judicial authority to take pertinent decisions. The system of inspection in Italy was also regulated by a decree of 1991, which controlled the environment and the conditions of work on ships.

The Workers' members welcomed the information provided by the Government representative and the spirit of cooperation demonstrated, and emphasized that the Government had accepted the comments of the Committee of Experts. Concerning the points made by the Committee of Experts, the Government did not appear to have changed its position despite what the Experts had explained and clarified in the General Survey of 1990. The Government's report did not contain important information which had been requested concerning merchant marine labour standards.

Regarding the first points of the Committee of Experts, countries which ratified the Convention must adopt legislation concerning hours of work (Article 2(a)(i)). These obligations should be considered in the context of the requirements for security and the safeguarding of lives on board ships. The Experts had indicated in the General Survey of 1990 that it was essential to fix normal and reasonable hours for a working day at sea. This duration could be determined by collective agreements, but this presupposed that the collective agreements applied to all seamen. When this was not the case, it was necessary to widen the scope of application of the existing collective agreements by introducing legislation to supplement one or the other. The General Survey clarified the application of the Convention in this regard. The Government's written response was not clear since it was limited to a discussion of collective agreements between the parties concerned, without specifying the scope of application to individuals. The Government should report to the ILO on this issue.

Concerning maritime accidents, Article 2(g) of the Convention provided in part that reports on accidents be communicated to the parties concerned and the conclusions be made public. The Convention therefore imposed two conditions, but the Government had discussed only the first of these conditions, which was the communication to the interested parties. The General Survey of 1990 explained that the Convention was flexible; it was sufficient to announce publicly the final conclusion of an investigation without also publishing the full report or the intermediate reports.

Concerning the functioning of the system of inspection, the Government's report did not contain the required information on this fundamental aspect of the Convention. Written and oral information had been furnished on the instances and the procedures of control, as well as on the elaboration of a European directive concerning shipping. The Committee of Experts should analyse this information to verify if the Italian system of inspection functioned in an efficient manner.

The Employers' members indicated that the Government representative had given a lot of information but few details relating to the points raised by the Committee of Experts. The General Survey concerning the Convention demonstrated that this was one of the most difficult and interesting fields in international law; but the questions raised by the Experts in this case were relatively simple. In the first place, the Convention clearly required legislation since the question of the duration of work was regulated in Italy by collective agreements which did not apply generally. Concerning the second point (the publicizing of reports on maritime accidents (Article 2(c) of the Convention)), the Government indicated that these reports were made available to everyone but that publication was not required. This was different from the

Experts' interpretation of the measures required. It was evident that the conclusions of such reports were of interest to the public, which explained why it was a provision of the Convention. Given that the attitude of the Government had not changed concerning this point, it should be asked to examine anew the Experts' point of view and should take the measures which were indicated. Concerning the functioning of the system of inspection (Article 2(f) of the Convention), the Government's report submitted to the Committee of Experts did not contain information, whereas the report form for the Convention requested very precise information. In conclusion, the Employers' members agreed with the Workers' members that the Government should examine anew the questions posed by the Experts, and they hoped that the Government would demonstrate the will to comply with the provisions of the Convention.

The Workers' member of Italy agreed with the statements made by the Workers' members, and expressed general satisfaction with the statement of the Government representative. Concerning the duration of work, collective bargaining occurred at the national level as well as within enterprises, but it was important to also protect workers in more vulnerable situations. Concerning the question of publicizing the conclusions of reports on maritime accidents, it was important that the Government apply the provisions of the Convention. It would be very useful if the Ministry of Labour convened the Italian tripartite committee charged with the questions, together with experts in the field of merchant marine before the 1996 Maritime Conference, with the objective of overcoming the problem of jurisdiction of the different ministries and of formulating legislation which would be consistent with the Convention.

The Employers' member of Italy stated that collective bargaining in Italy covered all workers in all sectors; furthermore, it applied indirectly to the labour force in every sector. The provision of the Convention specifying that the duration of the workday be regulated through legislation intended that all maritime workers be protected. This was substantially applied since the system of labour relations in Italy functioned well, and the hours of work were regulated both by a law of 1923 and by collective bargaining at the national and enterprise levels.

The Government representative took note of the statements of the different speakers. The interventions of both the Workers' member and Employers' member from Italy indicated that tripartism existed in Italy. She promised that discussions on the application of the Convention would continue in Italy and announced that the requests for information would be fulfilled, and that a report would be sent to the ILO as soon as possible.

The Committee noted the statement of the Government representative in respect of the recommendations of the Committee of Experts concerning the legislative stipulation of hours of work on board ship, the publication of accident reports and inspection arrangements. On the first two items the Government reiterated the position it had taken earlier. The Committee felt that fixation of working hours by collective agreements was not adequate and that in view of clear and mandatory legal stipulations the same should be subjected to legislation. The Committee further called upon the Government to arrange for publication of reports of inquiries into marine accidents to be truly in line with the Convention. The Committee also called for reports on further action on these matters and also on details of inspection arrangements.

Convention No. 169: Indigenous and Tribal Peoples, 1989

Mexico (ratification: 1990). The Government supplied the following information on points 4 and 5 of the observation made on this Convention:

Mexico was the first Latin American country to ratify Convention No. 169. In this way, it reiterated recognition of the country's multicultural composition, originally based in its indigenous peoples, and assumed all its responsibilities to protect and promote the development of its languages, cultures, usages, customs, resources and specific forms of social organization. This Convention has been ratified by only seven States and entered into force, upon Mexico's ratification, on 5 September 1990.

By virtue of the Convention, the Government has adopted the measures necessary to assure, on an equal footing, the rights and opportunities that the national legislation grants to other members of the population. Account was taken in the reports to the ILO of the fulfilment of the international obligations undertaken, and the Committee of Experts has noted this with satisfaction and interest, as expressed in its last report.

The Government states, in relation to point 4 of the observation, that it has begun consultations with the National Indigenous Institute, the Directorate of the Labour Inspection Service of those States of the Federation which have indigenous populations and interested organizations with a view to preparing the report

which will be submitted in due course to the Committee of Experts, within the normal time period. This information will be supplementary to that already given in previous reports and will provide a broad view of the practical results obtained.

In point 5 of the observation, it is stated that the absence of basic protection for indigenous workers' rights and working conditions was one of the origins of the outbreak of violence in the State of Chiapas in January 1994. In this respect Mexico has maintained, and has been supported in this by various independent sources, that the basic cause of the conflict was the conditions of extreme poverty and economic backwardness that, unfortunately, still prevail in this zone despite the Government's efforts to remedy them.

Chiapas is the State of the Federation which has the highest level of needs for improvements in the well-being of its population. It is more than double the national average rate. More than half the inhabitants are minors under 14 years of age. The various indigenous groups that live in this State are dispersed throughout 12,000 localities which average less than 100 inhabitants.

With regard to the technical observations given in the previous report relating, among other things, to labour inspection among indigenous populations, the Committee of Experts itself recognized that "it is aware that a situation of the kind outlined in the previous report will take time to correct" and that "it hopes that the Government will keep it informed of the situation of indigenous workers in this region and elsewhere, and of the practical steps taken to improve the situation". The Committee concludes by encouraging the Government "to continue the efforts it has already made to improve the working situation". With regard to this question, the Government has begun to collect the necessary information for, on the one hand, the preparation of the next report, and, on the other hand, the adoption of the corresponding measures to give adequate attention to the problems referred to.

The Government is pleased to note that the information presented in its previous report has been described as encouraging by the Committee of Experts and it wishes to repeat to the Conference Committee on Standards its constant concern for the rights of indigenous workers, as well as their conditions of work. It is studying all the practical measures which could guarantee these rights and improve these working conditions. In addition, it is considering whether it would be useful to have recourse to the technical collaboration of the Office through its multidisciplinary team situated in San José, Costa Rica, with a view to finding the most appropriate solutions to the technical problems which might arise under this, or other, ILO Conventions ratified by Mexico.

In addition, a Government representative reiterated the written information provided.

The Workers' members emphasized that it was the first time that a case had been discussed under this Convention, which was aimed at protecting the rights of indigenous peoples and at guaranteeing their integrity. The Committee of Experts in points 4 and 5 of its observation noted that very serious problems existed with respect to the elementary protection of the rights and conditions of the workers in the rural sector, most of whom were indigenous people. It had underlined, as had other authorities, including the National Indian Institute, the absence of protection in practice for the rural workers, pointing out to the coercive recruitment practices, denial of trade union rights, non-payment of wages, etc. These practices were due notably to the total absence of labour inspection while Article 20(4) of the Convention highlighted the importance that the Government should attach to the creation of adequate labour inspection services, in particular in the rural sector.

The Workers' members noted on the basis of the information provided by the Government that there were modifications and improvements in the legislation. However, they were preoccupied with the concern that it was not enough to provide for principles in the legislation, if the legal framework and the social infrastructure were not really operational and if not enough initiative was being applied to remedy the situation. In these circumstances, the Workers' members considered that it was not really surprising to see that the population, such as the indigenous people of Chiapas, revolted against social exclusion and poverty. Referring to the Declaration and the Programme of Action adopted by the World Summit for Social Development, the Workers' members recalled that the fight against social exclusion and poverty in order to strengthen social peace and social justice should be an absolute priority of each government. To achieve this, sustainable and coordinated policy should be developed.

The Workers' members noted that, according to the Government representative, his Government wanted to apply the Convention in practice. It was important in this respect to ask the Government to implement a strong and coherent policy to guarantee, in law and in practice, protection for the workers in the rural sector and in the areas of indigenous population, as well as to insist that the Government organize an efficient system of inspec-

tion, provide detailed information on the application in practice of the Convention and, finally, that it avail itself of the technical assistance of the ILO in this area.

The Employers' members concentrated their comments on the two issues raised in paragraphs 4 and 5 of the observation of the Committee of Experts. Concerning paragraph 4, this observation was based on the report presented by the National Indian Institute which denounced serious abuses against indigenous people, such as the non-payment of wages and the denial of the right to organize. They expressed the hope that the Government would very soon take the appropriate measures to eliminate such abuses.

In respect of paragraph 5, which dealt with the acute problem in the Chiapas State, the Employers' members agreed with the Government representative that the causes of this manifestation of violence lay in the extreme poverty and the backwardness of those regions where the indigenous peoples lived. While the Employers' members recognized that the solution to this problem would require a certain time, they insisted on the fact that all efforts should be deployed in order to remedy the situation, including having recourse to the technical assistance of the ILO, and to provide detailed reports in this respect.

The Workers' member of New Zealand underlined the importance of the Convention which provided an excellent framework in order to understand the situation of indigenous and tribal peoples throughout the world. She commended the Mexican Government for ratifying this crucial Convention, providing a strong example to most other countries with indigenous peoples. In considering the report of the Committee of Experts in the case of Mexico, one had to bear in mind that the Convention recognized the aspiration of indigenous peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages and religions within the framework of the States in which they live. The Convention also acknowledged that in many parts of the world these peoples were unable to enjoy their fundamental human rights to the same degree as the rest of the population of the States within which they lived and that their laws, values, customs and perspectives had often been eroded.

It was clear from the report of the Committee of Experts that this was indeed the case in Mexico, in terms of evidence of serious abuses against workers in the rural sector, most of whom were indigenous. The Government had responded by saying that it had begun consultations with the National Indigenous Institute, the Directorate of the Labour Inspection Service of those States of the Federation having indigenous populations, and interested organizations with a view to preparing a report. The speaker hoped that the Government would provide detailed information on the matter.

However, not only governments had failed up to now to recognize and promote the rights of indigenous peoples but also trade unions had only recently begun to understand and incorporate indigenous peoples in their membership in ways which ensured compliance with the requirements of the Convention. For that reason, she insisted on the vital role of the labour inspectorate. By way of concluding remarks, she urged, as did the Workers' and Employers' groups, the Government, not merely to consider, but indeed to have recourse to the technical collaboration with the ILO with a view to tackling these serious problems.

The Government representative thanked all the speakers for the comments they had formulated and pointed out that the Government had developed, with the participation of indigenous communities, a systematic and coordinated programme to protect their rights and to ensure respect for their integrity. Only a month ago the President had submitted to Parliament the National Development Plan which contained five fundamental objectives for the period 1995-2000. The second of these objectives was the consolidation of a system of social conviviality with equal justice for all and resolution of conflicts. On the basis of the Plan appropriate programmes paying special attention to the problems of indigenous and rural populations should be considered. A number of chapters in this Plan were dedicated to indigenous problems. The Government indicated that it wanted to establish a new relation with the indigenous peoples to be based on the respect and the recognition of cultural diversity, and to promote the participation of indigenous peoples in the planification, definition, application and administration of programmes for the improvement of health, welfare and education of the indigenous communities.

The Committee noted with interest the written and oral information provided by the Government, as well as the discussion which had taken place. It welcomed the changes that had been made in the National Constitution and legislation to take account of the ratification of the Convention.

The Committee, while taking into account the National Development Plan of the country, noted that there were real problems in the implementation of the national labour legislation to the rural Indian populations of the country, and it was concerned that

this appeared to have contributed to the unrest in the Chiapas State beginning in 1994. It also noted the indication that the Government was undertaking consultations with a view to finding solutions to these problems but regretted that the last report contained no information on the ground situation. It hoped that the Government would soon agree to receive a technical advisory mis-

sion from the Office to explore ways of improving the situation. It looked forward to receiving information for its next session indicating the achievement of substantial progress on the practical situation concerning protection for the indigenous people, including through the strengthening of inspection, which had been called for by the Committee of Experts.

C. DETAILED REPORTS ON RATIFIED CONVENTIONS (STATES MEMBERS)

(Article 22 of the Constitution)

Reports received and not received as at 20 June 1995

The table published in the Report of the Committee of Experts, page 400, should be brought up to date in the following manner:

States Members	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	1 879		411		2 290
Algeria ^{1,2}	31	6, 11, 13, 14, 17, 24, 29, 42, 44, 56, 62, 71, 77, 78, 81, 87, 88, 89, 92, 94, 95, 97, 98, 100, 101, 105, 108, 111, 122, 127, 150	0		31
Antigua and Barbuda ^{1,2}	9	11, 12, 14, 87, 94, 101, 105, 108, 111	0		9
Bangladesh	10	11, 14, 22, 87, 105, 106, 107, 111, 144, 149	0		10
Bulgaria	23	8, 9, 11, 14, 22, 23, 24, 25, 34, 44, 45, 52, 55, 56, 71, 77, 78, 87, 94, 95, 106, 111, 124	0		23
Cameroon ^{1,2}	15	11, 14, 77, 78, 87, 94, 95, 97, 105, 106, 111, 122, 132, 143, 158	1	135	16
Cape Verde ^{1,2}	2	105, 111	0		2
Central African Republic	26	2, 3, 5, 6, 11, 13, 17, 18, 19, 26, 29, 33, 41, 52, 81, 87, 88, 95, 98, 100, 101, 105, 111, 117, 118, 119	4	10, 14, 94 99	30
Chad	4	6, 29, 81, 98	9	11, 14, 41, 52, 87, 95, 100, 105, 111	13
Comoros	7	14, 52, 77, 78, 95, 101, 105	4	11, 87, 106, 122	11
Costa Rica	19	8, 11, 14, 87, 94, 95, 101, 105, 106, 111, 114, 117, 122, 130, 135, 141, 144, 145, 150	0		19
Cyprus ²	16	11, 44, 87, 94, 95, 105, 106, 111, 114, 122, 124, 141, 144, 150, 152, 162	3	97, 100, 143	19
Denmark	16	8, 11, 14, 52, 87, 94, 105, 106, 115, 119, 122, 130, 135, 141, 144, 150	1	111	17
Dominica ^{1,2}	20	8, 11, 12, 14, 16, 19, 22, 26, 29, 81, 87, 94, 95, 97, 98, 100, 105, 108, 111, 138	0		20
El Salvador ^{1,2}	2	105, 107	0		2
France	36	8, 11, 14, 22, 23, 24, 44, 52, 55, 56, 71, 77, 78, 81, 87, 92, 95, 96, 97, 101, 105, 106, 111, 114, 115, 122, 129, 133, 135, 140, 141, 144, 145, 147, 149, 159	8	27, 82, 88, 94, 124, 127, 137, 152	44
Gabon ^{1,2}	23	6, 11, 12, 14, 29, 41, 45, 52, 81, 87, 95, 98, 100, 101, 105, 106, 111, 124, 135, 144, 150, 154, 158	0		23
Germany	22	8, 11, 22, 23, 56, 87, 97, 105, 111, 114, 115, 122, 128, 130, 132, 133, 135, 140, 141, 144, 147, 150	0		22
Greece	24	8, 9, 11, 14, 23, 52, 55, 71, 77, 78, 87, 95, 105, 106, 111, 115, 122, 124, 126, 133, 135, 141, 144, 150	0		24
Guatemala ^{1,2}	33	10, 11, 13, 14, 15, 16, 29, 50, 59, 64, 77, 78, 87, 94, 95, 97, 101, 103, 104, 105, 106, 111, 114, 117, 122, 124, 131, 138, 141, 144, 161, 162, 167	0		33
Guinea-Bissau ^{1,2}	20	1, 6, 12, 14, 17, 18, 19, 26, 27, 29, 45, 81, 88, 89, 98, 100, 105, 106, 107, 111	8	7, 68, 69, 73, 74, 91, 92, 108	28
India	11	11, 14, 22, 26, 29, 100, 111, 115, 141, 144, 160	1	107	12
Iraq	23	8, 14, 19, 22, 23, 77, 78, 81, 94, 95, 105, 106, 107, 111, 115, 118, 122, 132, 135, 137, 140, 144, 152	7	11, 42, 88, 89, 145, 150, 167	30
Italy	30	8, 11, 14, 22, 23, 44, 55, 71, 77, 78, 87, 92, 94, 95, 97, 105, 106, 111, 114, 115, 117, 122, 124, 132, 135, 141, 143, 144, 145, 150	0		30

¹ These data modify the indications concerning this country, contained in paragraph 91 of Part One (General Report) of the Report of the Committee of Experts.

² These data modify the indications concerning this country, contained in paragraph 101 of Part One (General Report) of the Report of the Committee of Experts.

States Members	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	1 879		411		2 290
Jamaica ^{1,2}	9	8, 11, 58, 81, 87, 94, 97, 98, 105	5	100, 111, 117, 122, 150	14
Kyrgyzstan	7	52, 77, 78, 95, 106, 115, 124	3	87, 111, 122	10
Lesotho	6	5, 11, 14, 45, 87, 98	0		6
Libyan Arab Jamahiriya	10	29, 88, 95, 98, 100, 105, 111, 118, 122, 131	6	14, 52, 81, 89, 121, 130	16
Mozambique ^{1,2}	6	18, 81, 88, 100, 105, 111	3	11, 14, 17	9
Nepal	4	14, 100, 111, 131	0		4
New Zealand	18	8, 11, 14, 17, 22, 23, 42, 44, 52, 82, 97, 101, 105, 111, 122, 133, 144, 145	0		18
Pakistan	19	1, 11, 14, 18, 22, 29, 32, 45, 59, 81, 87, 89, 90, 96, 98, 105, 106, 107, 111	0		19
Panama ²	27	8, 11, 17, 22, 23, 52, 55, 56, 68, 71, 73, 77, 78, 87, 89, 92, 94, 95, 105, 107, 111, 114, 117, 122, 124, 125, 126	1	64	28
Rwanda	8	11, 14, 87, 94, 105, 111, 132, 135	0		8
Sweden	23	8, 11, 14, 87, 105, 111, 115, 121, 122, 130, 132, 135, 138, 140, 141, 143, 144, 145, 150, 163, 167, 168, 170	1	164	24
Tajikistan	12	14, 23, 52, 77, 78, 87, 95, 106, 111, 115, 122, 124	0		12
Trinidad and Tobago	59	87, 97, 98, 105, 111	0		5
Turkey	12	11, 14, 58, 77, 94, 95, 98, 105, 111, 115, 122, 123	0		12
Uganda ^{1,2}	8	29, 94, 95, 98, 105, 122, 124, 143	1	11	9
Yemen	3	87, 132, 158	10	14, 58, 94, 95, 98, 105, 111, 122, 135, 159	13

¹ These data modify the indications concerning this country, contained in paragraph 91 of Part One (General Report) of the Report of the Committee of Experts.

² These data modify the indications concerning this country, contained in paragraph 101 of Part One (General Report) of the Report of the Committee of Experts.

D. STATISTICAL TABLE OF REPORTS ON RATIFIED CONVENTIONS

(Article 22 of the Constitution)

(20 June 1995)

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee of Experts		Reports received in time for the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-1932	447	—	—	406	90.8	423	94.6
1932-1933	522	—	—	435	83.3	453	86.7
1933-1934	601	—	—	508	84.5	544	90.5
1934-1935	630	—	—	584	92.7	620	98.4
1935-1936	662	—	—	577	87.2	604	91.2
1936-1937	702	—	—	580	82.6	634	90.3
1937-1938	748	—	—	616	82.4	635	84.9
1938-1939	766	—	—	588	76.8	—	—
1943-1944	583	—	—	251	43.1	314	53.9
1944-1945	725	—	—	351	48.4	523	72.2
1945-1946	731	—	—	370	50.6	578	79.1
1946-1947	763	—	—	581	76.1	666	87.3
1947-1948	799	—	—	521	65.2	648	81.1
1948-1949	806	134 ¹	16.6	666	82.6	695	86.2
1949-1950	831	253	30.4	597	71.8	666	80.1
1950-1951	907	288	31.7	705	77.7	761	83.9
1951-1952	981	268	27.3	743	75.7	826	84.2
1952-1953	1 026	212	20.6	840	81.8	917	89.3
1953-1954	1 175	268	22.8	1 077	91.7	1 119	95.2
1954-1955	1 234	283	22.9	1 063	86.1	1 170	94.8
1955-1956	1 333	332	24.9	1 234	92.5	1 283	96.2
1956-1957	1 418	210	14.7	1 295	91.3	1 349	95.1
1957-1958	1 558	340	21.8	1 484	95.2	1 509	96.8
1958-1959	995 ²	200	20.4	864	86.8	902	90.6
1958-1960	1 100	256	23.2	838	76.1	963	87.4
1959-1961	1 362	243	18.1	1 090	80.0	1 142	83.8
1960-1962	1 309	200	15.5	1 059	80.9	1 121	85.6
1961-1963	1 624	280	17.2	1 314	80.9	1 430	88.0
1962-1964	1 495	213	14.2	1 268	84.8	1 356	90.7
1963-1965	1 700	282	16.6	1 444	84.9	1 527	89.8
1964-1966	1 562	245	16.3	1 330	85.1	1 395	89.3
1965-1967	1 883	323	17.4	1 551	84.5	1 643	89.6
1966-1968	1 647	281	17.1	1 409	85.5	1 470	89.1
1967-1969	1 821	249	13.4	1 501	82.4	1 601	87.9
1968-1970	1 894	360	18.9	1 463	77.0	1 549	81.6
1969-1971	1 992	237	11.8	1 504	75.5	1 707	85.6
1970-1972	2 025	297	14.6	1 572	77.6	1 753	86.5
1971-1973	2 048	300	14.6	1 521	74.3	1 691	82.5
1972-1974	2 189	370	16.5	1 854	84.6	1 958	89.4
1973-1975	2 034	301	14.8	1 663	81.7	1 764	86.7
1974-1976	2 200	292	13.2	1 831	83.0	1 914	87.0
1977	1 529 ³	215	14.0	1 120	73.2	1 328	87.0
1978	1 701	251	14.7	1 289	75.7	1 391	81.7
1979	1 593	234	14.7	1 270	79.8	1 376	86.4
1980	1 581	168	10.6	1 302	82.2	1 437	90.8
1981	1 543	127	8.1	1 210	78.4	1 340	86.7
1982	1 695	332	19.4	1 382	81.4	1 493	88.0
1983	1 737	236	13.5	1 388	79.9	1 558	89.6
1984	1 669	189	11.3	1 286	77.0	1 412	84.6
1985	1 666	189	11.3	1 312	78.7	1 471	88.2
1986	1 752	207	11.8	1 388	79.2	1 529	87.3
1987	1 793	171	9.5	1 408	78.4	1 542	86.0
1988	1 638	149	9.0	1 230	75.9	1 383	84.4
1989	1 719	196	11.4	1 260	73.0	1 409	81.9
1990	1 958	192	9.8	1 409	71.9	1 639	83.7
1991	2 010	271	13.4	1 411	69.9	1 544	76.8
1992	1 824	313	17.1	1 194	65.4	1 384	75.8
1993	1 906	471	24.7	1 233	64.6	1 473	77.2
1994	2 290	370	16.1	1 573	68.7	1 879	82.0

¹ First year for which this figure is available. ² As a result of a decision by the Governing Body, detailed reports were requested as from 1958-59 until 1976 only on certain ratified Conventions. ³ As a result of a decision by the Governing Body (November 1976), detailed reports are now requested, according to certain criteria, at yearly, two-yearly or four-yearly intervals.

II. OBSERVATIONS CONCERNING THE APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES (ARTICLES 22 AND 35 OF THE CONSTITUTION)

A. General Observation

France (French Southern and Antarctic Territories). A Government representative reaffirmed that the 21 international labour Conventions applicable to the French Southern and Antarctic Territories (TAAF) applied to vessels listed in the Registry of the TAAF and to their on-board crews regardless of their nationality. In the reports due for 1992, the French Government made known the conditions under which the Conventions in question took effect. This applicability was either automatic, or in virtue of Law No. 52-1322 of 15 December 1952 setting up an Overseas Labour Code, or according to national texts which ensure the transposition. The speaker also referred to Law No. 83-581 of 5 July 1983 and to its implementing Decree of 31 August 1984 incorporating the essential standards from Conventions Nos. 92 and 133. He also specified that the Ordinance of 23 November 1987 concerning safety of vessels and annexed regulations which constituted indispensable texts in applying the aforementioned law and decree in the TAAF were presently being updated. A copy of this document would be forwarded immediately to the ILO. He then mentioned a Bill concerning the modernization of transportation which was adopted by the National Assembly on 18 November 1994 and which had still to be presented in the Senate. Article No. 27 of this Bill dealt specifically with labour rules for crews on board vessels registered in the TAAF and was based on two principles. First, that all seafarers on board these vessels were subject to the Overseas Labour Code, 1952, as well as to certain parts of the Maritime Labour Code and, second, that if the seafarers did not reside in France, the parties to the labour contract could apply the law of the residence of the seafarer to set the conditions of engagement, remuneration, leave and repatriation, as well as the regime of social protection. He emphasized that this disposition was in conformity with the International Convention concerning the Law Applicable to Contractual Obligations, which entered into force on 1 April 1991 in all French territories. Concerning the question of the applicability of the Maritime Labour Code instead of the Overseas Labour Code, the Government was of the opinion that this would not be the case. In this respect he specified that the decision in the case of *Vendier vs Port autonome de Bordeaux* of the social chamber of the Supreme Court on 12 January 1993 to which the Confédération Générale du Travail - Force Ouvrière (CGT-FO) referred, in no way affirmed that the Maritime Labour Code applied to the TAAF. This case involved the application of the Labour Code for metropolitan France to questions not expressly covered by the Maritime Labour Code. On the basis of the opinion of the Council of State on 27 February 1990 which indicated that, unless otherwise stated, the Maritime Labour Code did not apply to overseas territories, the Government had begun the legislative process to apply certain parts of the Maritime Labour Code to the TAAF. The speaker emphasized that litigation between the Government and the CGT Federation of Maritime Unions on the legality of Decree No. 87-190 of 20 March 1987, as amended, concerning the registration of vessels in the TAAF and in particular its conformity with international Conventions ratified by France had been before the Council of State since 1988. The decision, which would be rendered shortly, would have the value of precedent *erga omnes* and would be immediately forwarded to the ILO. His Government deferred until now sending the requested reports while awaiting the end of this procedure but he assured the Committee that these reports would be forwarded to the ILO in due time to allow the Committee of Experts to examine them in its next session.

The Workers' members emphasized the seriousness of this case as well as its complexity. In their opinion, it was a case of resorting to flags of convenience with foreign seafarers hired under discriminatory conditions in comparison with French seafarers who thus became unemployed. In this respect, they recalled that the National Federation of Maritime Unions (FNSM) referred in 1987 to a decision of 17 June 1986 which provided that vessels registered in

the TAAF must have crews with at least 25 per cent French citizens, which allowed shipowners to hire 75 per cent of the crew at lower conditions of employment. He recalled the previous comments of the Committee of Experts as well as the discussion which took place at the Conference Committee in 1992. In addition, they referred to comments by the FNSM on 17 January 1995 concerning the non-application of international labour Conventions to vessels registered in the TAAF, as well as the observation of the CGT-FO which considered that, on the basis of the decision of the Labour Chamber of the Supreme Court on 12 January 1993, the Maritime Labour Code applied to these vessels instead of the Overseas Labour Code. They highlighted the fact that the TAAF was an uninhabited territory, except for seals and seagulls. That was sufficient to settle any doubt as to the true reasons for this registry - the application of less protective legislation than for seafarers on board vessels registered in metropolitan France. However, the case involved very complex legal questions.

Initially, the Employers' members emphasized that the problem of the unsent first reports dated from 1992 and that the Government representative provided no information on this subject. In addition, the applicability of the Conventions did not seem obvious from the information provided; in fact, the Government representative shed no light by indicating that application was ensured, according to the case, by article 55 of the French Constitution, the Maritime Labour Code or the Overseas Labour Code. This legal complexity became further complicated by the references to decisions taken or which were to be taken by the judicial institutions mentioned, such as the Supreme Court and the Council of State. For all these reasons, it was essential that the French Government provided the relevant information in writing as soon as possible so that the Experts would be able to more clearly identify the issues and decide so that the Conference Committee could get to the essence without getting lost in the complexity.

The Workers' member from Argentina emphasized that this registry, known as the "Kerguelen Registry", did not amount to a Government decision which, in order to allow shipowners to be competitive, concerned reducing the registry fees for vessels while guaranteeing the same social and labour conditions as for vessels registered in metropolitan France. On the contrary, it was a question of offering French or foreign shipowners the possibility of exploiting workers through the use of a flag of convenience. The legal entanglement here was just a smokescreen to avoid the sanction that must apply to countries which offered their flags in order to better exploit their own or foreign seafarers.

The Workers' member from France went through the background of the case, emphasizing that the Committee of Experts had been making observations on the question of TAAF registries since 1987. He highlighted the problem of discrimination, particularly concerning wages, which was brought before the Committee of Experts. The difference in salary was between four and five times less for foreign seafarers, which constituted a violation of Convention No. 111. Moreover, this practice was contrary to the Maritime Labour Code and to the Overseas Labour Code, the latter was applicable to the TAAF and established equality of salary regardless of the origin of the worker. The speaker also insisted that this territory was uninhabited and emphasized that half of the French fleet was registered there. It was a registry of flags of convenience without limitation of tonnage. The crews of the vessels which were registered there were made up of seafarers who did not benefit from the same conditions of employment and wages. These conditions were significantly lower than those for French seafarers with the same qualifications performing the same work. The speaker emphasized that the Government had created the second registry in order to put pressure on the wages and guarantees of seafarers, and he placed the responsibility on the social partners for the lack of collective bargaining for vessels registered in the TAAF. He wondered, moreover, who could nego-

tiate on behalf of the workers on these vessels since the territory was uninhabited. In addition, the unions of French seafarers could not accept to negotiate collective agreements which would constitute discrimination based on the national origin of the seafarers. The decree of 1987 creating the Kerguelen Registry was challenged in the Council of State by the seafarers' union of the CGT, along with the officers' union of the CGT, and they hoped that the aforementioned decree would be annulled by July 1995. In any case, the Committee was not required to wait for the decision of the Council of State to decide on whether or not France respected the relevant international labour standards. He considered that in particular with regard to Conventions Nos. 98 and 111, it was necessary to appraise the setting up of a second registry for the TAAF. It was only by ending a second registry that Conventions would be respected. Moreover, the conclusions of the Committee would undoubtedly help to enlighten the Council of State on the consequences of TAAF registry and the international engagements undertaken by France. In addition, he emphasized that the conclusions of the Committee could also alert the countries concerned as to the foreseeable effects of setting up a European registry allowing discrimination between seafarers of the European Union and those of third countries in the crew of a single vessel.

Given the number of years this had been going on and the seriousness of the case, which concerned human rights and fundamental Conventions, he considered that the conclusions of the Committee should be particularly firm and request that France bring its law and practice into conformity with ratified Conventions very soon.

The Government member stated that he would forward the information from this debate to his Government which was following the matter closely.

The Chairman stated that the Committee took note of the detailed information provided by the Government representative and also of the discussion which followed. The Committee expressed its concern about the absence of detailed reports on the manner of application of the 17 Conventions mentioned in the observations of the general report, particularly in view of the ambiguity about the status of the registration of ships in the French Southern and Antarctic Territories and the legal and practical consequences thereof. The Committee urged the Government to send reports without delay and to provide full particulars to the Committee of Experts on the various comments made. It also particularly urged that the decision of the Council of State of France be sent as soon as it was made, as requested by the Committee of Experts.

**B. DETAILED REPORTS ON RATIFIED CONVENTIONS
(NON-METROPOLITAN TERRITORIES)**

(Articles 22 and 35 of the Constitution)

Reports received and not received as at 20 June 1995

The table published in the Report of the Committee of Experts, page 432, should be brought up to date in the following manner:

Countries and Territories	Reports received		Reports not received		Grand total
	Total	Conventions Nos.	Total	Conventions Nos.	
Grand total	357		119		476
Australia					
Norfolk Island	6	11, 87, 105, 122, 142, 160	0		6
Total	6		0		6
United Kingdom					
Guernsey	16	8, 11, 22, 24, 25, 44, 56, 87, 97, 105, 114, 115, 122, 135, 141, 150	0		16
Montserrat	9	8, 11, 14, 82, 87, 95, 97, 98, 105	0		9
St. Helena	7	8, 11, 14, 82, 87, 105, 150	0		7
Total	32		0		32

III. SUBMISSION TO THE COMPETENT AUTHORITIES OF THE CONVENTIONS AND RECOMMENDATIONS ADOPTED BY THE INTERNATIONAL LABOUR CONFERENCE (ARTICLE 19 OF THE CONSTITUTION)

Observations and Information

(a) Failure to submit

The Workers' members emphasized the importance of the examination of the cases concerning countries that had not fulfilled their basic obligations under the ILO Constitution. These concerned governments that had not supplied any information indicating that the Conventions and Recommendations adopted by the Conference since the last seven sessions had been submitted to the competent authorities. They shared the concerns expressed by the Committee of Experts in paragraph 126 of the General Report not only with regard to the large number of countries concerned (20) but also the risk that those countries would find themselves in a situation involving great delays and practically insurmountable difficulties. The Constitution provided an obligation to submit newly adopted instruments within a prescribed time in order to draw to the attention of the authorities and public opinion the existence of these instruments. The Workers' members stated that paragraphs 121 and 122 of the report of the Committee of Experts indicated that many countries were late with regard to submission and in other cases submission was not accompanied by proposals on the action to be taken. They recalled that such submission was not equivalent to ratification, as all governments submitting new instruments to the competent authorities remained entirely free to either propose immediate ratification or a subsequent examination. Therefore, this submission was primarily aimed at promoting a quick but thoroughly considered decision by each member State with regard to Conventions and Recommendations adopted by the Conference. From an examination of the list they determined that 14 of the countries mentioned were on the list last year. Like the Committee of Experts, they insisted on the need to fulfil the obligation to submit and hoped that the Governments would take the necessary measures, if necessary with the assistance of the Office and the multidisciplinary teams, to improve the situation, in particular in developing countries.

The Employers' members subscribed to the statement made by the Workers' members. They stated that once a Convention and Recommendation had been adopted, the first obligation under the Constitution was to submit the instrument to the competent authorities, and at that point it was immaterial whether the country had decided to ratify the Convention or not. This constitutional obligation was not subjected to very stringent controls, in that the Committee of Experts addressed such a failure to submit only after Conventions and Recommendations adopted at seven sessions had not been submitted. If such cases of failure to submit were addressed immediately, there would be a very large number to deal with in this Committee. The question of who the competent authorities were was no longer a contentious issue, but as a rule it was the parliament of a member State. They shared the view of the Workers' members that the Committee must be emphatic in requiring member States to comply with this obligation, and asked that the Governments in question immediately begin to consider how and when they could deal with their failure to submit to the competent authorities so that they would not reappear on the list again next year.

A Government representative of Algeria noted the comments made by the Committee of Experts, and stressed the importance attached by his country to respect of obligations of member States under the Constitution. However, he indicated that 1992 had been marked by the dissolution of the Popular National Assembly, which was the only body that had legislative powers, and its replacement by a National Advisory Council and later by a National Transitional Council in 1994. Since then, the implementation of economic reforms involved a process of preparation and modification of a significant number of legislative and regulatory texts with the involvement of all of the competent national institutions. With regard to submission, the Ministry of Labour and Social Protection regularly kept the ministerial departments informed with

regard to instruments adopted during the various sessions of the Conference, and requested that they incorporate the substance of these instruments into their areas of competence. Moreover, the Ministry in question had taken the initiative of submitting the instruments concerned to the Secretariat-General of the Government for consideration by the National Transitional Council. He concluded by pointing out that this information had been communicated to the Office.

A Government representative of Ecuador said that his Government was known for attempting to comply with the various obligations that it had undertaken as a member State of the ILO. Until now his Government had complied with the obligation to submit reports and information on the application of the Conventions in his country. However, he recognized that his Government had not complied with its obligations to submit the instruments adopted at the various Conferences to the National Congress, because those standards related to a number of very different matters. In addition, since 1987 there had been three different governments, which had hindered the appropriate departments in their submissions of Conventions to Congress, as this latter body approved Conventions prior to their ratification, pursuant to the Constitution of Ecuador. The present Government clearly intended to comply with this obligation of submission and several Conventions were being studied for ratification. In this respect, the Convention adopted at the 73rd and 74th Sessions of the Conference was in the final stages of examination, and he indicated the intention to continue this process. In addition, he referred to the assistance given by the ILO through technical cooperation, and he requested the continued technical assistance of the Office to help his Government comply with this obligation. He concluded in assuring the Committee that, prior to the next Conference, Ecuador would refer to Congress most of the instruments adopted that had not yet been submitted by the competent authorities.

A Government representative of Guinea stated that his Government had taken into consideration the comments made by the Committee and that in the near future measures would be taken to give effect to this obligation. Despite the suspension of the National Assembly in 1984, at which time the Army took power, the Government had been able to study the question of submission of the instruments adopted up until the 70th Session of the Conference. He promised that once the Legislative Assembly established through elections on 11 June 1995 was in place, the Government would not fail to submit the relevant instruments.

A Government representative of Haiti emphasized the importance that his Government attached to the principal obligations under the Constitution. However, he indicated that the special situation of his country – marked in particular by the return only six months ago of the Government that had been in exile, followed in January 1995, by the end of the Parliamentary Mandate and new elections to be called between June and July 1995 – had prevented them from fulfilling this obligation. While promising that his country would fulfil this obligation once the new Assembly was in place, he once again requested the technical assistance of the Office.

A Government representative of Lesotho drew the attention of the Committee to the fact that his Government had submitted Conventions and Recommendations to the competent authorities previously, and apologized for its failure to submit all outstanding Conventions and Recommendations. He assured the Committee that all necessary measures were being undertaken to submit the rest of the Conventions and Recommendations to his Government's Cabinet as soon as possible, and promised the Committee that it would soon be able to note progress made in this regard.

A Government representative of the Libyan Arab Jamahiriya began by commending the Committee of Experts for its excellent report. He then pointed out the difficulties which his country was facing because of measures imposed against it which had caused

great harm in many areas, and in particular to transport and communication. For this reason his Government was deprived of its full capacity to communicate with regional and international organizations, and it was very difficult to submit and receive documents on schedule. In spite of these difficulties and hardships, he had submitted the reports required as mentioned on 8 June 1995.

A Government representative of Madagascar stated that the Government recognized its failure to comply with this obligation. He promised that it would be respected in the near future, and said that the National Assembly was already in a position to meet to consider the matter.

A Government representative of Mozambique stated that in the context of the consolidation of the peace process, of national reconciliation and of democratization, her country had ratified important ILO Conventions on freedom of association. However, the public administration had been preoccupied since the October 1994 elections by important duties that were part of this process, and this had resulted in some delay in complying with its obligations under the Constitution. In fulfilment of the promise that it had made last year, the Government had supplied a considerable number of reports and replies due to the Committee of Experts. She repeated her promise that her Government would fulfil its obligations to submit instruments adopted between the 72nd and 80th Sessions of the Conference.

A Government representative of Papua New Guinea informed the Committee that his Government would be submitting the required reports after the Conference.

A Government representative of Trinidad and Tobago was pleased to report that there had been progress in principle, and that the matter of submission to the competent authorities with regard to the Part-Time Work Convention (No. 175) and Recommendation (No. 182), 1994, had recently been addressed by the Cabinet of his Government, which had decided to place these instruments before a tripartite committee for study and recommendation with regard to ratification. He was confident that the Cabinet would also address the question of ratification of the other Conventions in the near future. He noted that his Government had recently ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), which would provide an ongoing mechanism for tripartite consideration of the desirability or feasibility of ratifying the Conventions concerned. He concluded by expressing his appreciation for the assistance which had been afforded to his country as a result of the presence of the ILO Caribbean Office in Port-of-Spain.

The Workers' members, while noting the encouraging nature of the number of intentions expressed and promises made by governments with regard to submission, noted that some countries, having made promises last year that they had not kept, had not responded to the invitation by the Committee to attend the Committee. They recalled the difference that existed between the obligation to submit to the competent authorities and the proposal that a Convention be ratified, and suggested that technical assistance of the Office should make this distinction clear in order to end the confusion. While regretting that half of the countries concerned were absent from the discussion, they proposed once again that these countries be referred to in the general part of the report of the Committee.

The Employers' members noted the various explanations for the failure to submit, such as the dissolution or non-functioning of Parliament, and a change of government preventing submission to the competent authorities. However, such circumstances usually only related to a limited period of time and did not account for the failure to comply with this obligation over a fairly extensive period of time. He noted that there was a great difference between submission of adopted instruments to the competent authorities and their possible ratification; it was not necessary for these different steps to be taken concurrently. It was also not necessary to conduct a study of submission to the competent authorities, and for this reason the explanation given by one Government representative was not entirely realistic. However, if technical assistance were necessary they were sure that it would be available from the Office. In most instances they thought the failure to comply could have been prevented because there were no hardship cases. They considered it remarkable that one Government representative had

said without further explanation that all instruments would be submitted immediately after the Conference, as the question then arose why his Government had failed to do so in the past. They deeply regretted the fact that so many countries mentioned under this paragraph had not attended the discussion on this point before this Committee although invited to do so, and said that these countries should be mentioned in a separate part of the report of the Committee, and that details be given in the appropriate part of the report regarding all the countries that had failed to comply with this obligation.

The Committee noted the information supplied and explanations given by the Government representatives. It also noted the specific difficulties encountered in complying with this obligation, mentioned by various speakers. Lastly, it took due note of the commitments made by several Government representatives to comply with their constitutional obligation to submit Conventions and Recommendations to the competent authorities in the shortest possible time. The Committee expressed the firm hope that the countries mentioned, namely, Algeria, Central African Republic, Djibouti, Ecuador, El Salvador, Guinea, Haiti, Jamaica, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mozambique, Papua New Guinea, Paraguay, Saint Lucia, Seychelles, Solomon Islands, United Republic of Tanzania, Trinidad and Tobago, and Zaire, would in the near future send in reports containing information relating to the submission of Conventions and Recommendations to the competent authorities. Delays and failures to submit and the increase in the number of such cases were of great concern to the Committee because these were obligations emanating from the Constitution and were essential to the effectiveness of standard-setting activities. In this connection, the Committee reiterated that the ILO could provide technical assistance to help comply with this obligation. The Committee decided to mention all these cases in the appropriate section of its General Report.

(b) Information received

Bangladesh. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted between the 70th (1984) Session of the International Labour Conference and its 80th (1993) Session.

Congo. In response to the 1994 comment of the Committee of Experts, the Government once again indicated that the great delay in its submission to the competent authorities of various instruments adopted by the International Labour Conference was essentially related to reasons of an administrative and a material nature. The Government therefore requests the technical assistance of the Office so that it may surmount the relevant difficulties.

Costa Rica. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of Conventions and Recommendations adopted between the 71st (1985) Session of the International Labour Conference and its 81st (1994) Session.

El Salvador. Since the meeting of the Committee of Experts, the Government has supplied information on the submission to the competent authorities of the Convention and Recommendation adopted at the 80th (1993) Session of the International Labour Conference.

Kenya. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions and Recommendations adopted between the 65th (1979) Session of the International Labour Conference and its 80th (1993) Session.

Malawi. Since the meeting of the Committee of Experts, the Government has supplied information on submission to the competent authorities of Conventions and Recommendations adopted between the 55th (1970) Session of the International Labour Conference and its 80th (1993) Session.

IV. REPORTS ON UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

Reports on unratified Convention No. 158 and Recommendation No. 166 as at 20 June 1995

(Article 19 of the Constitution)

In addition to the reports listed in Appendix III on page 152 of the Report of the Committee of Experts (Report III, Part 4 B), reports have been received from:

Cameroon, Chad, Honduras.

INDEX BY COUNTRIES TO OBSERVATIONS AND INFORMATION CONTAINED IN THE REPORT

- Afghanistan:*
Part One, General Report, paras. 132, 146.
Part Two, I A(d).
- Albania:*
Part One, General Report, paras. 128, 146, 149.
Part Two, I A(a) and (d).
- Algeria:*
Part One, General Report, paras. 126, 132.
Part Two, I A(e).
Part Two, III(a).
- Angola:*
Part One, General Report, paras. 131, 132.
Part Two, I A(c).
- Antigua and Barbuda:*
Part One, General Report, paras. 146, 150.
Part Two, I A(d) and (e).
- Argentina:*
Part Two, I B, No. 53.
- Bangladesh:*
Part Two, I B, No. 87.
Part Two, III(b).
- Belize:*
Part One, General Report, para. 124.
- Benin:*
Part One, General Report, para. 124.
- Bolivia:*
Part Two, I B, No. 87.
- Brazil:*
Part Two, I B, No. 111.
- Bulgaria:*
Part Two, I A(e).
- Burundi:*
Part One, General Report, paras. 128, 131, 149.
Part Two, I A(a) and (c).
- Cameroon:*
Part Two, I A(e).
Part Two, I B, No. 78.
- Cape Verde:*
Part Two, I A(e).
- Central African Republic:*
Part One, General Report, paras. 126, 131, 149.
Part Two, I A(c).
Part Two, III(a).
- Chad:*
Part One, General Report, paras. 128, 131, 149.
Part Two, I A(a), (c) and (e).
- Chile:*
Part Two, I B, No. 35.
- Colombia:*
Part Two, I B, No. 87.
- Comoros:*
Part Two, I A(e).
- Congo:*
Part Two, III(b).
- Costa Rica:*
Part Two, III(b).
- Côte d'Ivoire:*
Part Two, I B, Nos. 87, 135.
- Croatia:*
Part Two, I B, No. 98.
- Cuba:*
Part Two, I B, No. 111.
- Cyprus:*
Part Two, I A(e).
- Denmark:*
Part One, General Report, paras. 131, 132.
Part Two, I A(c).
- Djibouti:*
Part One, General Report, paras. 126, 131, 150.
Part Two, I A(c).
Part Two, III(a).
- Dominica:*
Part Two, I A(e).
- Ecuador:*
Part One, General Report, paras. 126, 132.
Part Two, III(a).
- El Salvador:*
Part One, General Report, paras. 126, 146, 149.
Part Two, I A(d) and (e).
Part Two, III(a) and (b).
- Equatorial Guinea:*
Part One, General Report, paras. 128, 131, 150.
Part Two, I A(a) and (c).
- France:*
Part Two, II A.
- Gabon:*
Part Two, I A(e).
- Ghana:*
Part One, General Report, paras. 131, 132.
Part Two, I A(c).
- Greece:*
Part Two, I B, No. 87.
- Guatemala:*
Part Two, I A(e).
Part Two, I B, No. 87.
- Guinea:*
Part One, General Report, paras. 126, 129, 132.
Part Two, I A(b).
Part Two, III(a).
- Guinea-Bissau:*
Part Two, I A(e).

Haiti:

Part One, General Report, paras. 126, 128, 131, 132, 146.
Part Two, I A(a), (c) and (d).
Part Two, III(a).

India:

Part Two, I B, No. 29.

Indonesia:

Part Two, I B, No. 98.

Israel:

Part One, General Report, para. 124.

Italy:

Part Two, I B, No. 147.

Jamaica:

Part One, General Report, paras. 126, 149.
Part Two, I A(e).
Part Two, III(a).

Japan:

Part Two, I B, No. 87.

Kenya:

Part Two, III(b).

Kuwait:

Part One, General Report, paras. 131, 132.
Part Two, I A(c).
Part Two, I B, No. 87.

Lesotho:

Part One, General Report, paras. 126, 132.
Part Two, I A(e).
Part Two, III(a).

Liberia:

Part One, General Report, paras. 129, 131, 146, 150.
Part Two, I A(b), (c) and (d).

Libyan Arab Jamahiriya:

Part One, General Report, paras. 126, 132, 146.
Part Two, I A(d).
Part Two, III(a).

Luxembourg:

Part One, General Report, paras. 129, 149.
Part Two, I A(b).

Madagascar:

Part One, General Report, paras. 126, 131, 132.
Part Two, I A(c).
Part Two, III(a).

Malawi:

Part Two, III(b).

Mauritania:

Part Two, I B, No. 95.

Mexico:

Part Two, I B, Nos. 87, 169.

Mongolia:

Part One, General Report, paras. 131, 146, 149.
Part Two, I A(c) and (d).

Mozambique:

Part One, General Report, paras. 126, 132.
Part Two, I A(e).
Part Two, III(a).

Myanmar:

Part One, General Report, paras. 139, 140.
Part Two, I B, Nos. 29, 87.

Nepal:

Part Two, I A(e).

Nigeria:

Part One, General Report, paras. 129, 132, 141.
Part Two, I A(b).
Part Two, I B, No. 87.

Pakistan:

Part Two, I B, Nos. 87, 111.

Panama:

Part Two, I A(e).
Part Two, I B, No. 29.

Papua New Guinea:

Part One, General Report, paras. 126, 128, 131, 132, 146, 149.
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Part Two, III(a).

Paraguay:

Part One, General Report, paras. 126, 146, 149.
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Part One, General Report, paras. 126, 128, 131, 146, 150.
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Part Two, III(a).

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Part One, General Report, paras. 128, 131, 149.
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Part One, General Report, paras. 126, 149.
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Part One, General Report, paras. 146, 149.
Part Two, I A(d).

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Part One, General Report, paras. 126, 128, 131, 146, 150.
Part Two, I A(a), (c) and (d).
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Somalia:

Part One, General Report, paras. 128, 131, 146, 150.
Part Two, I A(a), (c) and (d).

Spain:

Part Two, I B, No. 122.

Swaziland:

Part One, General Report, para. 124.

United Republic of Tanzania:

Part One, General Report, paras. 126, 149.
Part Two, III(a).

Thailand:

Part Two, I B, No. 29.

Trinidad and Tobago:

Part One, General Report, paras. 126, 132.
Part Two, I A(e).
Part Two, III(a).

Turkey:

Part Two, I B, Nos. 26, 98.

Uganda:

Part Two, I A(e).

United Kingdom:

Part Two, I B, No. 87.

Venezuela:

Part One, General Report, paras. 146, 149.
Part Two, I A(d).
Part Two, I B, No. 87.

Yemen:

Part One, General Report, paras. 129, 131, 146, 149.
Part Two, I A(b), (c) and (d).

Zaire:

Part One, General Report, paras. 126, 128, 131, 149.
Part Two, I A(a) and (c).
Part Two, III(a).

Zambia:

Part Two, I B, No. 122.

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Fifth item on the agenda: Home work

Report of the Committee on Home Work

1. The Committee on Home Work was set up by the International Labour Conference at its first sitting on 6 June 1995. It was originally composed of 194 members (71 Government members, 56 Employers' members and 67 Workers' members). To achieve equality of voting strength, each Government member with the right to vote was allotted 268 votes, each Employers' member 335 votes and each Workers' member 280 votes. The composition of the Committee was modified ten times during the session and the number of votes attributed to each member was adjusted accordingly.¹

2. The Committee elected its Officers as follows:

Chairperson: Mrs. L. Samuel (Government member, Cyprus);

Vice-Chairpersons: Mr. A. Wild (Employers' member, United Kingdom),
and Mrs. I. Van den Burg (Workers' member, the Netherlands).

Reporter: Mr. F.V. La Ruffa (Government member, United States).

¹ The following adjustments were made:

- (a) 7 June: 193 members (70 Government members with 268 votes each, 56 Employers' members with 335 votes each and 67 Workers' members with 280 votes each);
- (b) 8 June: 191 members (74 Government members with 570 votes each, 57 Employers' members with 740 votes each and 60 Workers' members with 703 votes each);
- (c) 9 June: 183 members (77 Government members with 53 votes each, 53 Employers' members with 77 votes each and 53 Workers' members with 77 votes each);
- (d) 10 June: 181 members (79 Government members with 51 votes each, 51 Employers' members with 79 votes each and 51 Workers' members with 79 votes each);
- (e) 12 June: 184 members (80 Government members with 135 votes each, 50 Employers' members with 216 votes each and 54 Workers' members with 200 votes each);
- (f) 13 June: 172 members (80 Government members with 13 votes each, 40 Employers' members with 26 votes each and 52 Workers' members with 20 votes each);
- (g) 14 June: 163 members (83 Government members with 782 votes each, 34 Employers' members with 1,909 votes each and 46 Workers' members with 1,411 votes each);
- (h) 15 June: 164 members (84 Government members with 391 votes each, 34 Employers' members with 966 votes each and 46 Workers' members with 714 votes each);
- (i) 16 June: 154 members (84 Government members with 10 votes each, 30 Employers' members with 28 votes each and 40 Workers' members with 21 votes each);
- (j) 21 June: 136 members (84 Government members with 225 votes each, 27 Employers' members with 700 votes each and 25 Workers' members with 756 votes each).

3. At its 14th sitting the Committee appointed a Drafting Committee composed of the following members: Mrs. L. Caron (Government member, Canada), Mr. A. Wild (Employers' member, United Kingdom), Mrs. I. Van den Burg (Workers' member, the Netherlands) and the Reporter of the Committee.

4. The Committee held 15 sittings. The Committee had before it Reports V(1) and V(2), prepared by the Office on the fifth item of the agenda of the Conference: "Home Work".

Introduction

5. The representative of the Secretary-General presented Reports V(1) and V(2), which had been prepared by the Office as a basis for the Committee's discussions, and in particular the Proposed Conclusions at the end of Report V(2). He emphasized the importance of the subject. Home work was a primary means of earning an income for a great number of workers throughout the world, it was on the increase in many countries, it took many forms ranging from industrial work to telework, and, in most countries, most homeworkers were women. He reviewed the advantages that home work offered to employers, workers and national economies: flexibility and reduced labour costs for employers, an opportunity to balance gainful employment and family responsibilities for workers (particularly women), its role in combating unemployment and, in some countries, its significant contribution to gross national product and export earnings. But there were also problems. Because of the isolation and weak bargaining position of homeworkers, home work often led to abuse. The most critical problems for homeworkers were low remuneration, often long hours of work, inadequate social protection and uncertain legal status. The proposed instruments reflected the ILO's long-standing concern for this often "invisible workforce". A Meeting of Experts on the Social Protection of Homeworkers had been convened by the ILO in October 1990, and its conclusions had stated the importance of national policies to improve the conditions of employment of homeworkers and afford them legal protection. The Governing Body of the ILO had endorsed the conclusions of the Meeting of Experts, and subsequently in November 1993 had placed the question of home work on the agenda of the Conference, with a view to adopting new international labour standards.

6. In commenting on the Proposed Conclusions, the representative of the Secretary-General pointed out that very few ILO instruments made any specific reference to home work. While some covered all workers without exception, thus including homeworkers, others permitted the exclusion of certain categories of workers or limited their scope to workers in enterprises or establishments. For this reason, it seemed appropriate for the Conference to address the problems of homeworkers systematically, by setting specific standards for their protection that would take account of their special characteristics. It was very important to combat the different causes of the vulnerability of homeworkers, while at the same time safeguarding the economic advantages of those who relied on home work for their livelihood.

7. To achieve these aims, the Office had drafted a short Convention made up of a few basic principles that would provide a framework for protecting

homeworkers. It offered significant flexibility for member States to define and implement particular measures. Care had been taken to find formulations that were sufficiently flexible to be accepted by the Committee and by the Conference in view of comments by ILO constituents in recent discussions on international labour standards at the Conference and in the Governing Body that Conventions should establish general principles in terms sufficiently flexible to facilitate wide ratification.

8. At the time that the Proposed Conclusions in Report V(2) had been prepared, replies to the questionnaire included in Report V(1) had been received from 76 governments, and eight more had responded too late to be included. In addition, the Office had received separate replies from 29 employers' organizations and 36 workers' organizations. Concerning the form which the standards should take, the form of a Convention had been endorsed by 56 per cent of the replies from Governments, most of which supported a Convention supplemented by a Recommendation. A strong minority of government replies had favoured a Recommendation only, and the employers' organizations had likewise indicated that, if there were to be new standards, they should take the form of a Recommendation. The final decision would of course lie with the Conference.

9. In addition to the form of the standards, a second important matter was the definition of "home work", which would determine the categories of workers for whom the proposed new standards were intended. This would be difficult because the definition would have to be sufficiently precise to clearly distinguish homeworkers from independent artisans or professional freelance consultants while being global in its approach and covering all homeworkers in need of protection. Having received many conflicting replies to its questionnaire, the Office had redrafted the definition to be as brief as possible, stating only the basic elements which characterized all types of home work: work that was carried out for remuneration in the home or other premises chosen by the homemaker and that resulted in a product or service specified by the employer, as long as the person performing the work did not have the degree of autonomy and did not fulfil other conditions necessary to be considered an independent worker under national laws, regulations and court decisions. This definition conformed to the majority of views expressed that the instruments should provide the basic definition of home work, but allow flexibility to take account of other criteria under national law which would distinguish homeworkers from truly independent workers. It also reflected the view that the definition should be as inclusive as possible.

10. A third important point concerned the focus of the proposed Convention, which was the obligation of member States to adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers. The policy was to promote equality of treatment between homeworkers and other wage-earners, taking into account the special characteristics of home work, with reference to freedom of association, protection against discrimination in employment, occupational safety and health, remuneration, social security and access to training. Once that objective was clearly established, the nature of the measures adopted to attain it and the pace of their adoption would rest with each member State. It went without saying that

governments would have to consult with the employers' and workers' organizations concerned, including those of homeworkers.

11. The representative of the Secretary-General called attention to the fact that two new Points had been introduced into the proposed Convention in response to the comments received. One required national laws and regulations to specify the types of work which should be prohibited from being given out to homeworkers for reasons of health and safety. It had been brought forward from the proposed Recommendation because it was considered important to protect homeworkers from clearly dangerous work that should not be carried out in the home. The other Point concerned the use of intermediaries between the employer and the homeworker, as many of the replies had emphasized that the use of intermediaries was one of the major sources of problems for homeworkers and that in several countries the use of intermediaries had been prohibited by law. While leaving governments flexibility as to specific provisions, the Point required them to address the issue through national laws and regulations.

12. Finally, the representative of the Secretary-General noted that the proposed Recommendation included provisions that were intended either to facilitate the implementation of the proposed Convention or to provide protection in areas not covered by the Convention. It was hoped that the Proposed Conclusions adequately reflected the diverse views expressed during their formulation, and that they successfully combined recognition of the different forms of home work that existed in member States with the global relevance necessary for their successful adoption.

General discussion

13. Introducing the position of the Workers' members on the Proposed Conclusions, the Workers' Vice-Chairperson recalled the work of the Committee on Part-Time Work at the two preceding Conferences, as well as its very positive results, and likened its objectives to that of this Committee's work: to respond to the evolution in forms of employment that had left a growing number of workers outside existing means of protection. This demonstrated the topical nature of the Committee's work. The ILO was trying to provide a global matrix of social protection in harmony with the globalization of economic activity. The Workers' members believed that the setting of standards for otherwise neglected forms of employment fit well with the conclusions of the World Summit for Social Development held in Copenhagen from 6 to 12 March 1995.

14. The Workers' Vice-Chairperson expressed surprise at assertions that had been made that standard setting was premature, given the situation that there were large numbers of homeworkers in the world. Whole industries, for instance, textile and clothing, were transferring into home work and a rapidly evolving "information society" was leading to new forms of home work, such as telework. For the Workers this subject was very topical, and the ILO very up to date in handling this phenomenon. She recalled that the discussion of the instruments on part-time work had begun with resistance from the Employers' members and a hesitant stance on the part of several Government members, but that consensus had been achieved in the end. She saw the same situation at the outset of the

present deliberations, and assured the Committee that the Workers' members had no more interest in drafting unratifiable instruments than did the Government members. She emphasized the advantages of adopting a Convention. ILO procedures for supervision of implementation and follow-up would apply, there would be tripartite participation in monitoring of compliance, and ILO technical cooperation and assistance would be available to member States to facilitate implementation. The Workers' members thus supported both a Convention and Recommendation. She declared that blocking consideration of the Proposed Conclusions which contained formal instruments would serve no one's interest, and expressed confidence that a balance would be achieved between the positions of the Government, Employers' and Workers' members of the Committee.

15. The Workers' member of India stated that the number of homeworkers was increasing in the industrialized as well as in the developing world. Homeworkers often suffered from bad working conditions and the vulnerability that came from falling outside the scope of protective legislation. The sometimes invisible link between the employer and the employee was another source of vulnerability. Home-based workers were rarely covered by statistical services. None the less, information did exist on the extent of home work and showed that this form of employment concerned a considerable number of workers. He noted that home work was found in both traditional and modern industries, such as the garment, textile, leather, food and electronics sectors, and that women made up 80 per cent of homeworkers. He underlined the problems of repugnant working conditions, low pay, lack of legal protection, inaccessibility of medical treatment and child care, and lack of the right to organize and thus to be recognized. A Convention supplemented by a Recommendation was needed to adequately address these problems. Such instruments would have to be different from those covering factory workers. They should concentrate on social protection, have tripartite mechanisms of implementation and promote employment.

16. The Workers' member of Canada added that although home work was considered to be especially associated with the manufacturing and service sectors, its conditions and terms were often those of the informal sector. For example, many garment workers in her country earned less than the minimum wage. She cited telework as an example of a form of home work in industrialized countries which could lead to poor working conditions and exploitation, especially when the employment relationship was severed. Resorting to home work as a measure to assist workers in balancing work and family should not be seen as a substitute for lack of a national child-care strategy. She pointed out that the homeworker was the smallest unit of production, and frequently the last stage of a subcontracting chain. Whether a telecommuter in an industrialized country or a seamstress in a developing country, the homeworker was alone and in need of protection. She emphasized that telework must be part of the discussion, thus the definition needed to be broad enough to encompass it.

17. The Employers' Vice-Chairperson expressed the strong opposition of the Employers' members to the adoption of new standards on home work. They doubted whether this was the correct response by the ILO to what was indeed an important issue. It was not an appropriate time to take formal action on home work, which was fast changing. Data did not exist to adequately describe and

analyse home work. He outlined six main themes he would discuss to explain their objection: the variety of home work and situations in which it was carried out; the inadequacy of relevant data; the adequacy of the existing legislative framework, nationally and internationally; the importance of home work to both employers and employees and the problems that would be created if premature and inappropriate regulations were adopted; initiatives which have worked in improving the situation of homeworkers; and implications of ILO activity to date and the 1990 Meeting of Experts on the Social Protection of Homeworkers.² On the first Point, he asserted that there were four distinct types of home work — “pre-industrial” home work, home work in industrialized societies, and newer forms, including telework and the work of mobile professionals — work which not only differed significantly in content but was done by different people, in different circumstances and with very different motivations. Though telework was much studied, the available data suggested that it was not yet widely practised. The Employers’ members were reluctant to see an ILO instrument enshrine a definition of home work which included evolving forms of work when such forms were not sufficiently understood and when the potential impact on society was not known. It could easily become irrelevant and cripple appropriate action in the future.

18. Expanding on the second Point, the issue of adequate data, the Employers’ Vice-Chairperson quoted from Report V(1) that better statistics on the number and characteristics of homeworkers could become available over the next five to ten years, provided national statistical agencies were informed of the need for such data. He questioned how home work could be regulated when there were no reliable statistics. He recalled that the Meeting of Experts in 1990 had not called for international instruments, but rather that the ILO should collect statistics, study ongoing changes in home work in depth, assess changing trends in international trade and its impact on homeworkers, and carry out other research, dissemination of information and technical cooperation activities. He stated that the compilers of the background paper submitted to this Meeting had been able to obtain data from only five of the 70 countries polled, and the present Report V(1) had only been able to add one survey from Algeria. In addition, the recent Fourth Tripartite Technical Meeting for the Clothing Industry (1-9 February 1995) had passed a resolution calling for more data to establish the true extent and nature of home work in the industry. Even the Statistical Office of the European Communities (EUROSTAT) was on record as saying that its own data on home work were not particularly accurate. Even in view of this lack of sufficient data from the ILO, there had been new data and publications issued since 1990. For example, a publication by the United States Agency for International Development (USAID) on Africa and an Organization of Economic Cooperation and Development (OECD) publication on micro-enterprises within the institutional framework of African countries showed the difficulty of embracing different types of informal sector workers and homeworkers in one category. According to the latter study, micro-enterprises in the informal sector in Africa provided opportunities for employment, including home work, especially

² ILO: *Social protection of homeworkers*, documents of the Meeting of Experts on the Social Protection of Homeworkers (Geneva, 1990), MEHW/1990/7.

for the young, unskilled and those in rural areas, and thus home work was a matter of integration, not marginalization. Such emerging businesses should not be impeded or be driven underground with regulation.

19. Concerning his third Point on the existing legal framework, the Employers' Vice-Chairperson added that homeworkers were already covered by other Conventions. He referred to Report V(1), which had identified Conventions applying to home work, including the instruments on basic human rights. He questioned which issues outside this list needed to be covered (i.e. Conventions on freedom of association, forced labour, equality of opportunity and treatment, minimum age, minimum wage fixing, maternity protection and old-age insurance in industry, and Recommendations on vocational rehabilitation for the disabled and workers with family responsibilities), and wondered how many countries would be ready to ratify a broad Convention. The only purpose for a Convention on home work would be either to grant additional protection to homeworkers above those awarded to other workers or to broaden the scope of the Convention beyond those listed. He doubted that the Committee wanted to take either of these courses of action.

20. Referring to the experience of countries which had adopted legislation covering home work, the Employers' Vice-Chairperson argued that application of the legislation was difficult and, in fact, was counterproductive. The more home work had been regulated, the more underground and informal it had become. He drew attention to a statement by the Commission of the European Union, which noted that there was no evidence that distinct legislative instruments to control home work had effectively regulated home work. He added that, in Europe, where differences in economic maturity and industrial organization were least pronounced, the governments of the European Union were considering guidelines only. The situation at the ILO was more difficult, where the contrasts in member States were much more marked in forms of economic organization and evolution. In the opinion of the Employers' members, a Convention would not only be unratifiable but, if ratified and implemented, would drive home work underground and impede its development.

21. The Employers' Vice-Chairperson turned to his fourth theme and referred to the positive aspects of homeworking outlined in Report V(1): for many people, home work was the only realistic opportunity to earn a living and often provided the only employment opportunities for women with family responsibilities, recent immigrants, and for the rural and urban poor. The Employers' members acknowledged that some homeworkers might be employed in unacceptable circumstances and conditions, but since regulation did not work, the Committee should be discussing what would help to improve the lot of homeworkers. Paraphrasing the conclusions of the report of the Meeting of Experts on the Social Protection of Homeworkers (1990), he noted five areas for action: (a) understanding better who homeworkers were and where they worked; (b) developing a strategy and taking action at the local level to promote existing regulations and deal with complaints; (c) raising awareness amongst homeworkers of their rights and the services available to them, and providing them with training and support; (d) facilitating exchange of information on policies which worked; and (e) studying the evolution of telework and best practices. The Employers' Vice-

Chairperson referred to the ILO regional project on home work covering Indonesia, the Philippines and Thailand described in Report V(1). He noted the positive experience of this project, launched in 1988 and funded by the Government of Denmark, which showed the concrete progress which could be made through means other than a regulatory framework.

22. Commenting again on Report V(1), the Employers' Vice-Chairperson stated that it painted a negative picture of home work and that the conclusions were not based on evidence. Data were particularly lacking for Africa. More importantly, the Report did not make an attempt to provide a cost-benefit analysis or impact analysis of the effects of regulating home work on job losses, on costs to the exchequer and on fiscal liabilities required. For these reasons, the Employers' members opposed the adoption of a Convention on home work, which they considered as inappropriate and premature. The adoption of a Convention would drive home work deeper into the informal sector and would be counterproductive. Positive steps, such as those underlined in the report of the Meeting of Experts on the Social Protection of Homeworkers, could be taken outside a regulatory framework.

23. The Government member of Australia stated that homeworkers, due to their vulnerability, required special attention and considered it important that the ILO aimed at adopting a Convention and a Recommendation. The adoption of new standards on home work was not premature. A Convention would ensure protection on a legally binding basis. She said that the Convention should be flexible enough to allow for differences in situations and to be widely ratified.

24. The Government member of Japan considered it important to adopt new standards on home work. He referred to the experience of Japan, where there were specific regulations and various measures applying to homeworkers. He noted that basic labour law was not sufficient. He added, however, that in view of the wide variations in home work and national circumstances, the instrument had to be flexible. The Committee should not aim at adopting a detailed Convention, but rather the appropriate instrument could take the form of a Recommendation.

25. The Government member of Sweden noted that home work represented an important part of the working population in many developed and developing countries, and existed in a wide variety of job situations. Industrial-type home work still predominated especially in the developing countries. In many industrialized countries, too, home work was on the increase, including telework, which covered a vast range of different occupations, from professional staff to low-skilled workers. She added that while home work could be an acceptable and useful type of work, it could also lead to abuses in terms of employment and working conditions and to exploitation of vulnerable groups. Furthermore, historically, many types of home work had been undervalued. The lack of legislation or other instruments concerning homeworkers in many countries called for action. For these reasons, the Government member of Sweden agreed that international instruments in the form of a Convention and a Recommendation could contribute to rectifying the situation. She added that the Swedish tripartite ILO Committee, in its reply to the Office questionnaire, had expressed concern that a Convention with the suggested content might duplicate existing instruments,

and, in practice, turn out to work to the detriment of homeworkers by excluding them from, or neglecting them in the implementation of the general ILO Conventions. She thus welcomed the inclusion of Point 11 in the Proposed Conclusions which stipulated that the Convention should not affect more favourable provisions applicable to homeworkers under other international labour Conventions. She stressed that if the Committee decided to adopt two instruments, i.e. a Convention and a Recommendation, the Convention should be limited to general basic provisions, while detailed guidelines could be included in the Recommendation, as suggested in the draft texts. She agreed with the key principle in the Proposed Conclusions that homeworkers should have the same protection and rights as those employed in enterprises.

26. The Government member of India reported that homeworkers constituted a sizeable portion of the workforce in India. He agreed that homeworkers were not getting social protection, and welcomed the discussion on home work, which would contribute to the understanding of the problem and of solutions. He emphasized, however, that home work occurred in the context of growing unemployment in many countries and therefore the regulatory framework should not diminish employment opportunities for homeworkers. He agreed with the views expressed that over-regulation of home work should be avoided as this was likely to drive home work to the underground economy. He added that it might be difficult to define the employer-employee relationship in the context of present arrangements for home work. In the present circumstances, flexibility was needed and the Government of India, therefore, supported the adoption of a Recommendation only.

27. The Government member of China thought Report V(1) was a thorough and practical report which gave a good summary of different views of developed and developing countries and of governments, employers and trade unions, and provided a good basis for the discussion of international standards on home work. The analysis of the advantages and disadvantages in Report V(1) were consistent with reality and should help in obtaining consensus on the adoption of international standards. Referring to the situation in China, he noted that since the 1980s, China had experienced a continuous expansion of employment in the context of economic restructuring and home work had made a major contribution to that expansion. Although precise statistics were not available, it was estimated that out of 120 million workers in rural China, more than 20 million were engaged in home-based processing and service industries. Home work provided employment opportunities, especially in the rural and poverty-stricken areas, and made a valuable contribution to satisfying the needs of society. For these reasons, the Government of China encouraged and supported home work. It was expected that home work in China would further expand, hence legal protection of homeworkers had become more and more urgent. However, the implementation of standards should not affect the expansion of employment opportunities. He also stated that low levels of remuneration were an important issue for research; international standards on health and safety should specify the types of work prohibited for homeworkers and the awareness of governments, employers and workers should be raised in this respect; the issue of social security for homeworkers deserved further study; and training and support programmes should be promoted according to national circumstances. In conclusion, the Government

member of China supported the adoption of new international standards on home work, but in view of differences in the conditions of countries, believed that they should take the form of a Recommendation. He added, however, that if a flexible Convention acceptable by most member States were worked out by the Committee, his Government could give it further consideration.

28. The Government member of Morocco noted that home work was a widespread and expanding phenomenon in many countries. In view of the opposing positions presented, especially with regard to the form of the proposed new standards, the Committee should take due account of all positions expressed and of specific characteristics of home work in different countries. On the basis of the conclusions of Report V(2), the Committee should determine criteria to address the issue of home work, which would constitute the basis for the elaboration of flexible and clear standards that all member States could adopt in the second discussion in 1996.

29. The Government member of the United Kingdom considered that working arrangements were best left to employers and workers to determine. Accordingly, the United Kingdom had a wide range of different working patterns which best suited individual employers' and workers' needs. One of these patterns was home work. However, in view of the diversity of tasks and work, it was not possible to refer to homeworkers as a single group. He noted that many homeworkers were highly skilled, well paid and well trained. In 1994 in the United Kingdom, some 640,000 people were working from home, of which 51 per cent were in managerial, professional or technical occupations. Over the years, the proportion of homeworkers in manufacturing jobs had decreased from 21 per cent in 1981 to 13 per cent in 1994. One reason for this change was the expansion of teleworking. The Government of the United Kingdom agreed that homeworkers should have protection in areas such as occupational safety and health, but that this should be achieved through general legislation. He reported that, in the United Kingdom, homeworkers were covered by occupational health and safety legislation, enjoyed the same employment protection as other workers, and had equality of treatment for social security. If the Proposed Conclusions in the Office text were adopted, they would be difficult to apply. He agreed with the Employers' members that many of the provisions were already covered by existing international Conventions. For these reasons, the United Kingdom considered it premature and inappropriate to adopt new standards on home work.

30. The Government member of Mexico stated that home work was a real and expanding phenomenon, regardless of the inadequacy of available information, and argued that the need for further research did not replace the need for social protection for homeworkers nor for new international standards. He considered that these standards should be flexible, take the form of a Recommendation and provide guidance for each country to act consistent with its general policies and particular conditions.

31. Replying to the concerns expressed by the Employers' members on the inadequacy of data on home work, the Workers' Vice-Chairperson maintained that, on the contrary, there was considerable information, data and documentation on experiences with home work. She referred to a list of literature which included over 100 studies on home work, and quoted statistics available on the extent of

home work and telework in a large number of countries. Due to the inadequacy of statistical instruments used to collect data, the number of homeworkers was underestimated. She emphasized that a crucial factor underlying the difficulties in data collection was lack of proper registration of homeworkers, which, in turn, was a result of the absence of legislation. She quoted a conclusion in a report of the Council of Europe that legislation was a precondition for registration and better data.

32. Referring to other points made by the Employers' Vice-Chairperson concerning standards, she believed that there was a misunderstanding of the conclusions of the report of the Meeting of Experts on the Social Protection of Homeworkers (1990). She quoted the last conclusion, which said that the Governing Body should weigh the importance of the issues involved to decide on appropriate action. This did not mean that the ILO should not attempt standard setting. The Governing Body had, in fact, decided to put home work on the agenda in view of adopting standards. Regarding the existence and applicability of other ILO standards to homeworkers, she agreed that these standards applied to home work, and welcomed the same interpretation from the Employers' members. Existing standards would be the starting point, but new standards would recognize the need for specific measures on home work. This did not necessarily mean preferential treatment, but rather meant taking account of gaps that might exist because an existing standard did not take due account of the possibility that work might be done at home. For example, the regulation of hazardous substances might be sufficient to protect their use in an enterprise, but their use at home would be too dangerous. She reminded the Committee that the same Point on existing Conventions had been discussed in the Committee on Part-Time Work. About the assertion that regulation was ineffective, the Workers' Vice-Chairperson argued that, just because a regulation was not completely effective, it was no reason to reject all regulation. She referred to the Director-General's Report to the Conference in 1995, *Promoting Employment*, which gave a nuanced view of regulation. She agreed that over-regulation might not be effective, but that some regulations actually created favourable conditions for social and economic progress.

33. As to the issue of flexibility raised by the Employers' members, the Workers' Vice-Chairperson asserted that the proposed Convention provided optimum flexibility and was more promotional than regulatory. The main thrust was adoption of a national policy by governments according to national law and practice, taking account of national circumstances. Only some specific points, such as on occupational safety and health and inspections, entailed specific obligations. She concluded that it was important that the Committee took the time to discuss the contents of a Convention.

34. The Employers' Vice-Chairperson reiterated some of his points to clarify what he believed to be misunderstandings. First, about statistics: although something was known about the quantity of home work, it was not well understood, and there was no consistent definition. As stated in Report V(1), better statistics would only become available over the next five to ten years. Governments knew the data they had, and could judge what additional data were needed. Second, there was no correlation between real and effective protection of

homeworkers and its regulation. Detailed regulation would only drive home work underground. Third, given the many kinds of home work and the differences among countries, a proper definition and appropriate international regulation could not be devised on which to base national laws. The Employers' members were not saying that nothing should be done, but efforts should be focused on promotion, education, training and the provision of information. Referring once again to the report of the Meeting of Experts on the Social Protection of Homeworkers in 1990, he stated that there had not been agreement on the need for the international regulation of home work. The Employers' members had not supported the agenda item on home work in the Governing Body, but now that the decision was with the Committee, it was premature to adopt standards in view of inadequate data and the diversity of situations, and an attempt at a "one-size-fits-all" definition of home work was inappropriate.

Consideration of the Proposed Conclusions contained in Report V(2)

A. Form of the instruments

Point 1

35. On advice of the Legal Advisor that this amendment was not receivable, the Employers' members withdrew an amendment to replace Point 1 by the following text:

The International Labour Conference, noting the conclusions of the Meeting of Experts on the Social Protection of Homeworkers in 1990, calls upon the Governing Body of the ILO to request the Office to carry out the full work programme and analysis contained in the conclusions of that Meeting under "Future ILO Action". Following this the Governing Body of the ILO should reassess the need for action by the ILO in respect of home work.

36. Point 1 was adopted without change.

Point 2

37. The Employers' members withdrew an amendment to delete Point 2.

38. The Government members of Canada, the Czech Republic, Hungary, Japan, the Russian Federation, Swaziland and the United Kingdom, the Government member of Egypt and the Government member of Mexico submitted amendments to delete the words "a Convention supplemented by", so that the new proposed standards would take the form of a Recommendation only.

39. The Government member of Canada recalled that when home work as a possible agenda item was discussed in the Governing Body, Canada and other member States had expressed reservations because they did not like sectoral Conventions that referred to particular categories of workers, unless there were clear reasons why such categories could not be dealt with by general and universally applicable legislation. Moreover, the discussion was premature, because of the diversity and complexity of home work, the rapid evolution of new forms and the lack of reliable data on homeworkers. But since the Governing Body had placed the item on the agenda, Canada would support new standards, but preferred a Recommendation only. The Government member of Mexico supported the statement of the Government member of Canada, as it reflected the

position of Mexico. The Government member of Egypt added that if an instrument were desired by the majority of members, it should be in the form of a Recommendation, which should be extremely flexible and take account of the diversity of national situations and the different characteristics of home work.

40. The Government member of France, speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden, supported a Convention supplemented by a Recommendation, and thus opposed the amendment. Home work was increasing and homeworkers did not have the same protection as other workers, in part because they belonged to the informal sector. He rejected the argument against regulation based on the lack of information about homeworkers. Since homeworkers were in an unregulated area, not enough was known about them. Without regulation, the lack of information would be reinforced. The Government member of Norway also opposed the amendment and supported a Convention supplemented by a Recommendation. Since a Convention was binding, it would provide better protection. None the less, it should be sufficiently flexible to allow the greatest number of countries to ratify.

41. The Workers' members opposed the amendment. The Workers' Vice-Chairperson was not convinced by the argument against a sectoral approach. Home work as a category of employment had a universal character even though there were different types and means. She stressed the importance of investigating the possibility of a Convention and a Recommendation, and noted that the Committee was not making a final decision this year on the form which the new standards should take. She reiterated the advantages of a Convention, including the supervisory and monitoring procedures in the ILO, the active measures that were linked to technical cooperation for developing countries and countries in transition, and the involvement of the social partners. She called on the Employers' and Government members to reject this amendment, and not to block the possibility of designing a flexible Convention. The proposed Convention created an obligation to have a national policy and to report on it, but did not describe the content of the policy in detail. Contrary to an implication by the Employers' Vice-Chairperson characterizing the definition of home work as a rigid box containing all sorts of homeworkers, the definition did not give obligations but described who came within the Convention. A definition was also useful for statistical purposes.

42. The Employers' members supported the amendment. The Employers' Vice-Chairperson explained that they disliked a matrix approach to Conventions which mixed sectors and different categories of workers. Home work was covered by existing Conventions. Conventions were not flexible instruments in the sense that they were legally binding and must be specific enough to be implemented in national law. Therefore the definition was crucial, since it determined who fell within all terms of the Convention. If the instrument were a Recommendation, the Employers' members could be more relaxed about the definition of home work. In a Recommendation, the definition could be the basis for an examination of the incidence of home work around the world, for example.

43. Put to the vote, the amendment was rejected by 53,580 votes in favour and 57,000 votes against, with 2,280 abstentions. The Employers' members then

requested a record vote. The amendment was rejected by 51,190 votes in favour and 58,140 votes against, with 1,140 abstentions.³

44. Point 2 was adopted without change.

B. Definitions and scope of application

Point 3

Clause (a)

45. The Employers' members submitted an amendment to insert the word "similar" between the words "other" and "premises" in sub-clause (i), to limit the types of premises where work could be done and still be considered home work since the Office text, for example, would incorrectly cover workers on their employers' premises if they freely chose to work there. The other part of the amendment was a drafting change. The Workers' members opposed the amendment because it would exclude such typical workplaces for homeworkers as garages, the streets and places in the open air where work, such as *bidi* rolling, was done in India.

46. In response to questions from the Employers' and Workers' Vice-Chairpersons on the meaning of home and premises, the representative of the Secretary-General stated that, in drafting the proposed text, the Office had taken "home" to mean the place where the worker lived, ate and slept, while "other premises" was anywhere else other than the premises of the employer. The Employers' Vice-Chairperson asked if a person would be a homeworker if he or she freely chose to work on the employers' premises. The representative of the Secretary-General indicated that the clause was not meant to cover that situation, that workers on the employer's premises were generally employees and, as such, the employer's premises were not chosen by them in the sense of the clause. The Employers' Vice-Chairperson believed that the Point did not express that intent.

47. The Government member of Canada remarked that the discussion had brought to the surface an important fact: that the organization of work and the employer-employee relationship were much different in home work than in work in an enterprise. The issue was one of the place of work being under the control of the employer. "Other premises" did not seem to exclude places under the employer's control, but the Office might be able to clarify the meaning of the text. The representative of the Secretary-General replied that it was intended to exclude the premises of the employer.

³ The Employers' members voted unanimously for the amendments. The Workers' members voted unanimously against the amendment. The Government members of the following States voted in favour of the amendment: Brazil, Canada, China, Colombia, the Czech Republic, Egypt, Germany, Honduras, Indonesia, Japan, Lebanon, Malaysia, Mexico, Morocco, Nicaragua, the Russian Federation, Thailand, Saudi Arabia, United Arab Emirates, the United Kingdom, the United States. The Government members of the following States voted against the amendment: Algeria, Australia, Austria, Belgium, Benin, Central African Republic, Chile, Denmark, Estonia, Finland, France, Greece, Italy, Kuwait, Luxembourg, Malta, the Netherlands, Norway, Oman, Philippines, Poland, Portugal, Slovakia, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia. The Government members of the following States abstained: Argentina, Cyprus.

48. The Government member of the United States suggested language which would refer to similar premises of the worker's choice, not under the control and management of the employer. The Government member of Swaziland expressed concern that such an alternative risked making the proposed Convention too restrictive for many developing countries. He pointed out that tens of thousands of families lived in compounds provided by employers; while the husbands worked in the employers' enterprises, their wives might engage in remunerative work in homes that were actually the employers' property. These women should be covered by the proposed instruments. The Workers' Vice-Chairperson objected to the word "similar" in the amendment as originally submitted by the Employers' members and also in the version suggested by the Government member of the United States, but suggested excluding the workplace of the employer. After some discussion, the Government member of Canada proposed a subamendment so that sub-clause (i) would read: "in his or her home or in other premises of his or her own choice other than the workplace of the employer". The Workers' members supported it, while the Employers' Vice-Chairperson stated that the Employers' members still had concerns but could live with it if the Government and Workers' members accepted it. The amendment as subamended was adopted.

49. The Employers' members submitted an amendment to strike the reference to service in sub-clause (iii) and to designate that "product" would be "defined by national law or practice". The Employers' Vice-Chairperson explained that "product" did not refer only to material objects, but could refer to other outputs of home work. Since services were more likely to be performed by independent workers, inclusion of the term could extend the definition of "homeworker" to consultants and others who should not be covered. The amendment would place on national governments the obligation to define the term "product", with the possibility that services which were legitimately home work could come within the definition. The amendment was opposed by the Government member of France, who agreed with the principle of distinguishing homeworkers from independent workers, but felt that this distinction was not the same as the distinction between products and services. He gave examples in France of services that were provided by homeworkers, such as proofreading and secretarial work. The Workers' members also opposed the amendment, and believed that the amendment would leave the Point structurally flawed since national law and practice did not define products. The Government member of Canada was not inclined to support the amendment. Although in a generic sense "product" could be read broadly, the word "service" was useful as a reminder of the two kinds of home work, especially in view of the new types of home work. This amendment did not achieve the objective of distinguishing home work from independent work and would add unnecessary government regulation. The Government member of Germany supported the amendment, not because it was a question of independent versus dependent work, but because some governments had a problem with considering the provision of services as home work; thus it should be left to governments to define what "product" would include. The Government members of Algeria, Portugal and the United States stated their opposition to the amendment. In view of the opposition, the Employers' members withdrew the amendment.

50. The Government member of Egypt introduced an amendment to sub-clause (iii) to add that home work would be without the direct supervision of the employer. She explained that the definition should contain this phrase because it was the main criterion that characterized home work. The Employers' members supported the intent of the amendment, which was what they had been trying to do earlier in making a distinction between homeworkers and independent workers. Some homeworkers might have a high degree of supervision and others very little. However, he preferred to address the issue in a later amendment. The Workers' Vice-Chairperson also stated that the Workers' members did not oppose the intention of the amendment, but found it superfluous and out of place in the provision on work resulting in a product or service. She asked the Office for clarification of the intention. The Government member of Germany supported the amendment, noting that her country had a long tradition of home work and specific home work legislation. She believed it was important to specify that there was no supervision because, otherwise, under German legislation, these workers would be considered employees. The representative of the Secretary-General stated that the Office had decided not to include such a phrase in the definition, because in the more modern forms of home work, for example, telework, the employer could have direct control of the work done at home. In view of this possibility, the Government member of Canada opposed the amendment. The Government members of Australia, Norway and the United States also opposed the amendment. The amendment was withdrawn.

51. Amendments were introduced by the Employers' members and the Government members of Australia and the United States to delete the phrase referring to equipment, materials and other inputs in sub-clause (iii). The Employers' Vice-Chairperson justified this deletion by stating that whether the worker provided equipment, materials and other inputs was a factor in determining the degree of autonomy referred to in the last three lines of clause (a). In agreement, the Government member of the United States believed that the definition stood without the additional phrase, as did the Government member of Australia.

52. While agreeing that they did not want to complicate the definition too much, the Workers' members preferred to retain the phrase and thus opposed the amendment. In many countries, the question of equipment was crucial, since some workers were not considered homeworkers because they used their own equipment. This fact, however, did not make them independent. The Government member of Canada stated that it was important to minimize ambiguity in the definition so that a ratifying country would know what actions to take. Without the phrase, a question about the effect of which party provided equipment could arise in implementation, thus it was better to retain it. If the amendment had strong support, she would not oppose it, but otherwise agreed with the Workers' members.

53. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom opposed the amendment. The Employers' members withdrew the amendment.

54. The Government members of Austria, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom presented an amendment to modify the reference to "intermediary", by adding the words "if such intermediary is foreseen under national legislation or practice" at the end of sub-clause (iii). In response to a question about the intended meaning of "intermediary" in the text, the representative of the Secretary-General replied that the term referred to a person who acted between the worker and the employer, which was the common understanding of the term. The Government member of Italy then introduced the amendment, noting that legislation in Italy, as well as in some other countries, prohibited the use of intermediaries. The addition of this phrase would provide the appropriate safeguards for countries that had such legislation, as well as for the adoption of mechanisms of flexibility in the labour market. On this latter point, she noted that there was a vast debate in Italy and the topic had also been addressed by the International Labour Conference last year during its general discussion on private employment agencies. Though a sponsor of the amendment, the Government member of the United Kingdom had reservations about the drafting. While it had been the intention to take due account of the situation of countries which prohibited intermediaries, it was not meant to justify the use of intermediaries, or to imply that countries that did not have legislation on intermediaries should have it. The Government member of Italy interjected that there was no intent to require legislation; the amendment referred to legislation or practice.

55. The Government members of Mexico and the Syrian Arab Republic supported the amendment. The Government member of Mexico explained that the use of intermediaries was also prohibited in Mexico. Though this issue was also addressed in Point 9, it should be included here, too. The Government member of the Syrian Arab Republic added that the amendment would facilitate ratification by taking account of national legislation. The Employers' members also supported the amendment and suggested "permitted" might be a better word than "foreseen". The sponsors did not accept the suggestion. The Government member of Canada opposed the amendment and thought that there had been some confusion between the illustrative and the operational requirements of the clause. Her interpretation of Point 3(a)(iii) was that it was illustrative to cover a range of cases, but that it did not create an operational requirement. The amendment could be restrictive and create an operational requirement and, thus, be an obstacle to ratification for certain countries.

56. The Workers' Vice-Chairperson argued against the amendment since it would not cover the situation where there were illegal intermediaries. The use of the term intermediary in this part of the definition was not intended to define or justify the use of intermediaries, but merely to acknowledge that they did exist and might provide equipment or materials to homeworkers. She suggested adding at the end of clause (iii) the words "if any" instead of those proposed in the amendment. The Employers' Vice-Chairperson said the suggested change would not meet the concern of the sponsors since it did not include a reference to legal status. The Government members of Japan and the United States also opposed the amendment since the issue was covered by Point 9 of the Proposed Conclusions.

The Government member of Norway stated that if the amendment introduced an obligation for governments to have legislation on intermediaries, she would not support it. The Government member of Italy insisted that it could not be predicted what would happen to Point 9, or whether it would clarify the use of the term intermediary within the definition of home work.

57. In response to a request for clarification, the representative of the Secretary-General stated that the Office shared the interpretation that had been presented by the Government member of Canada on the use of the term intermediary in this Point. It would not affect countries that prohibited intermediaries. The amendment was put to a vote and rejected with 5,011 votes in favour and 5,088 against, with 713 abstentions.

58. The Workers' members introduced an amendment to delete the last three lines of paragraph 3(a) and an amendment to add a new sub-clause to 3(a), which would provide another criterion for determining home work, that it be by a person: "in a position of economic dependence on one or more employers as defined by national laws, regulations or court decisions". The Workers' Vice-Chairperson requested that these two amendments be considered together as they aimed at clarifying the distinction between homeworkers and independent workers. The Chairperson ruled that they could be discussed at the same time, but would be voted on separately. The Workers' Vice-Chairperson explained that the Workers' members did not intend that the Convention cover all workers in the informal sector, but believed that the borderline between homeworkers and independent workers should be clearly drawn and realistic. Only truly autonomous work not done in economic dependence on employers should be considered independent. Thus, the purpose of the amendment was to ensure that persons working at home and in a situation of economic dependency on one or more employers would not be considered as independent workers and thus excluded from the scope of the proposed new standards. With that addition, the last three lines of clause (a) would not be needed. It was feared that the last three lines could lead to confusion and act as an escape clause where homeworkers would not be considered as such if national laws and regulations considered them as independent workers. In some countries for example, national legislation considered workers who used their own equipment or who had registered with the Chamber of Commerce as independent workers, while, in reality, they were homeworkers. The amendment text nevertheless could allow national law to define economic dependence or independence and thus distinguished freelance writers, journalists and the like, from homeworkers.

59. The Employers' Vice-Chairperson, speaking against the amendments, considered that the Office text provided a very broad definition of home work in sub-clauses (i), (ii) and (iii), which was then limited by the last three lines. Such a limit was necessary as it was essential to draw a distinction between homeworkers and independent workers. The Office text had left the definition of independent worker to national laws and regulations. The amendments proposed by the Workers' members, however, would make this distinction based on economic dependence. Persons such as freelance journalists, writers and consultants would fit all the criteria in sub-clauses (i), (ii) and (iii) and the criteria of economic dependence. There was no independent worker who was not

economically dependent on employers except those who were independently wealthy.

60. The Government member of Canada considered that the main issue was to provide a practical definition that could be put into operation at the national level. It should designate what constitutes home work, as was done in sub-clauses (i)-(iii) in the Office text, and what does not constitute home work found in the last three lines of clause (a). Having considered the concerns of Workers' members, Employers' members and other Government members, the Government member of Canada said that she opposed the amendment to delete the last three lines in clause (a). She was prepared to support the other amendment to add a new sub-clause with some modifications, if the Workers' members withdrew the first amendment. The subamendment suggested by the Government member of Canada consisted of deleting the words "as defined by national laws, regulations or court decisions" from the proposed new sub-clause (iv).

61. The Government member of France considered that this Point was fundamental for the rest of the Convention. The scope of the proposed new standards should be defined in such a way that it clearly excluded real independent workers from its coverage, and, at the same time, found a solution to the problem of "fake" independent workers who should be covered. He recognized that it was difficult to address these two objectives simultaneously, and agreed with the Employers' members that the concept of economic dependence was too broad. He considered that the two amendments submitted by the Workers' members were vague and, therefore, opposed them.

62. The Government members of Australia, the Czech Republic, Japan, Norway, Switzerland and the United States supported the proposal by the Government member of Canada to consider the amendment to add a new sub-clause (iv) with some modification. They opposed the amendment to delete the last three lines of clause (a). The Government member of Swaziland similarly opposed the amendment on the deletion of the last three lines of clause (a), as this weakened the definition of home work, but supported the amendment to add a new sub-clause (iv).

63. In reply to the observations by the Employers' and Government members, the Workers' Vice-Chairperson emphasized the linkage between and the cumulative effect of the two amendments submitted by the Workers' members, which aimed at strengthening the definition of home work. Referring to the concern of the Employers' members about the concept of economic dependence, she agreed that everybody in its broadest sense could be considered as economically dependent. What mattered, however, was the combination of all the criteria specified in clause (a) with the concept of economic dependence which, she believed, would establish a clear distinction between independent workers and homeworkers. Regarding concerns expressed by Government members, the Workers' Vice-Chairperson said that she was ready to consider the modifications suggested by the Government member of Canada and supported by other Government members. She suggested that all amendments referring to this Point could be considered as a package.

64. The Employers' Vice-Chairperson opposed the suggestion of merging all amendments relating to this Point. He added that the Employers' members could

consider the suggestion by the Government member of Canada, but shared the concern that the concept of economic dependence was too broad and meaningless in legal language. The Employers' members were opposed to the amendment to add a new sub-clause (iv) to clause (a) unless it was clear that it referred only to persons working at home who had employee status. In view of emerging support for a possible alternative wording of the last three lines, the Workers' members withdrew both amendments but announced that they would subamend an upcoming amendment.

65. An amendment was introduced by the Government members of Australia and the United States to make it clear that independent contractors were not included in the definition of homeworkers by including only those with status of employee. The Government member of Australia presented a subamendment so that only the words "does not fulfil other conditions" in the Office text would be replaced by the words "economic independence". This meant that persons meeting the conditions in sub-clauses (i)-(iii) would be covered as long as they did not have the degree of autonomy and economic independence necessary to be considered independent workers under national laws, regulations or court decisions. The Employers' Vice-Chairperson, noting that it was important to define who was not a homeworker because of the expansiveness of sub-clauses (i)-(iii), opposed the subamendment, stating that the Employers' members preferred the original amendment. The last three lines of clause (a) were extremely important as a basis for distinguishing customers and employers of persons working at home, for example. He believed that the two criteria of autonomy and economic independence were not sufficient indicators of an independent worker. He gave examples to illustrate that any number of factors were unreliable when applied in a specific situation; for instance, autonomy or control over work, the number of customers or employers, time for completion of work, and prices were not necessarily determinative as to whether someone was a homeworker or an independent worker. Countries should therefore make their own decisions, under their respective national laws and regulations.

66. The Workers' members supported the subamendment, as did the Government members of Austria, Belgium, Canada, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Portugal, the Russian Federation, South Africa, Spain, Swaziland, Sweden, Switzerland and the United Kingdom. The Government member of Canada pointed out that it was traditional in legal texts to have parameters on which to base legal interpretation. These two criteria were indicative of at least two factors — autonomy and economic independence — to analyse when determining whether a person was a homeworker or an independent worker.

67. The Employers' members introduced a subamendment to the subamendment to add the phrase "and relationship with the final customer" so that degree of autonomy, economic independence, and relationship with the final customer would be considered. The first two factors alone would not minimize confusion. This subamendment to the subamendment was opposed by the Government members of Canada, South Africa and the United States, as well as the Workers' members, who felt it was not practicable. The Employers' members

withdrew the subamendment to the subamendment, but voiced grave concerns about whether the degree of autonomy and the degree of economic independence were the key indicators of whether or not a worker was independent. The amendment as subamended by the Government member of Australia was adopted. As a result of this decision, an amendment by the Employers' members to delete the reference to degree of autonomy was dropped.

68. The Employers' members submitted an amendment to insert the words "self-employed person, contractor, subcontractor or supplier" after "independent worker" to give examples of independent workers that were clearly not homeworkers. They wanted to make it clear that there were commercial and labour relationships, and a commercial one should not be considered a labour one. The Government member of Canada was prepared to support the amendment since it illustrated kinds of independent workers and did not affect the essence of the text. However, the Workers' Vice-Chairperson stated that the terms would only complicate the definition, and would create more problems by introducing other words that would need to be defined. The amendment was not supported by the Government members of Australia, South Africa, Swaziland and the United States, since it could cause new definitional problems, or narrow the definition too much. In view of the opposition, the Employers' members withdrew the amendment.

69. The Employers' members introduced an amendment to delete clause (b), the definition of employer. The Employers' Vice-Chairperson argued that this was not the normal definition of employer, which was one side to an employment contract, and could cause confusion between employers and customers, and between labour disputes and commercial disputes. He also questioned the role of the intermediary and when an intermediary would become an employer. In strongly opposing this amendment, the Workers' Vice-Chairperson considered that it was important to have a clear definition of employer in the text, otherwise the text would be unbalanced. If homeworkers were already employees in all national laws and regulations, the concept of employer in relation to a homeworker would not be problematic and, therefore, standard setting would not be necessary. Since this was not the case everywhere, this part of the definition was also crucial. The problem of labour contracts versus commercial contracts was already addressed in clause (a). On the question of intermediaries, she referred to Point 9. In this definition of employer, it was only important to acknowledge that home work might be given out through an intermediary. However, the Employers' Vice-Chairperson asked the Office to clarify the term. The representative of the Secretary-General stated that an intermediary was someone between the employer and the homeworker and thus would never be considered the employer of the homeworker.

70. Opposition to the amendment was voiced by the Government member of France, on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, and joined by Italy. He insisted that one of the most important problems in connection with home work was that it was hidden, and that some employers sought to evade their obligations by declaring a homeworker to be independent, or by hiding behind intermediaries. The

Government member of Kuwait also opposed the amendment since it was important to mention the intermediary and omitting the definition might lead an employer to evade responsibility. Government members of Canada, Egypt, Japan, South Africa, the Syrian Arab Republic, Swaziland and Turkey also opposed the amendment. The Government member of Canada believed that the Convention should not attempt to define intermediary, which should be left to national laws and regulations. In any case, some reference should be made to employer and clause (b) was only descriptive with no operational effect. The Government member of Swaziland would have preferred that the Employers' members put forth an alternative definition if they did not like the Office text, rather than propose to delete it. The Employers' Vice-Chairperson agreed that perhaps a definition of employer was necessary but he voiced grave concerns for the possibility of ratification with the definition as proposed in the Office text. He withdrew the amendment.

71. The Government member of Egypt introduced an amendment to add language to make it clear that the employer bore the risks of economic activity. This was seconded by the Government member of Portugal on the basis that it showed how the homeworker fit into the economic context, which was dominated by the employer. The Government member of Egypt explained that when the employer supplied materials and equipment, the homeworker did not run the economic risk. Who had autonomy to make decisions and face the risk of failure was a basic distinction between homeworkers and independent workers. The Government member of Italy also supported the amendment, but asked the Office to clarify the use of the term "intermediary". The representative of the Secretary-General replied that the amendment went only to clarify the concept of employer and added nothing to the meaning of intermediary. He repeated the reason for the decision by the Office to delete the definition of intermediary suggested in the questionnaire. It had not added much given that the common meaning was someone acting between the parties. Since responsibility was placed on the employer as the giver of work, it did not seem necessary to be more specific on the range of persons who might act as intermediaries.

72. The Government members of Australia, Canada, the Czech Republic, Malta, the Russian Federation, Swaziland, Switzerland, the United Kingdom and the United States opposed the amendment. The Employers' members also opposed it, while the Workers' Vice-Chairperson thought it was superfluous. The amendment was withdrawn.

73. A further amendment submitted by the Government member of Egypt proposed to provide that an employer was a person who gave out work "on the basis of a contract". The intention of the amendment was to see that homeworkers had a work contract that would spell out the working relationship and conditions of work from the outset since homeworkers generally were not covered by collective bargaining. The Workers' Vice-Chairperson directed the Government member of Egypt to other parts of the proposed Convention and Recommendation concerned with providing homeworkers with information. The definition was not the right place to insert the reference to a contract. To do so would restrict who was an employer. The Government member of Canada opposed the amendment, along with the Government members of Australia, the Czech Republic, Malta, the

Russian Federation, Swaziland, Switzerland, the United Kingdom and the United States, noting that a contract was more the exception than the rule when allocating home work, and agreed that its insertion would restrict the definition. Referring to the comment by the Workers' Vice-Chairperson, the Government member of Egypt agreed to withdraw the amendment, but indicated that she would place it somewhere else, since her goal was to provide the same protection as other workers had and to ensure that homeworkers were aware of their rights and obligations.

74. Point 3 was adopted as amended.

Point 4

75. Two equivalent amendments were submitted, one by the Employers' members, and the other by the Government members of Austria, Denmark, Finland, France, Germany, Greece, Ireland, Italy, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, to explicitly link Point 4 on the scope of the proposed new standards, to the definition of homeworkers in Point 3. The amendment by the above Government members, hereinafter under this Point referred to as the Government amendment, sought to add only that homeworkers were those "as defined under clause 3(a)". In contrast, the Employers' members offered a subamendment so that the standards would apply to homeworkers as defined in Point 3 above "for the primary part of their working time". The Workers' members objected to this subamendment on the grounds that it would exclude part-time homeworkers. The proposed new standards should apply to all homeworkers as defined in Point 3, irrespective of the number of hours a person carried it out. The Workers' Vice-Chairperson did not oppose the Government amendment, though it should have been evident that when the term "homeworker" was used, it had the meaning given it in the adopted definition. The Employers' Vice-Chairperson denied that the intent of the subamendment was to exclude part-time workers, since it referred to the proportion of time spent in home work, not its duration. The Employers' members were concerned about the impact of the instrument on persons who were primarily employees or independent contractors when part of their work fell within the definition of home work. He called attention to the fact that the Proposed Conclusions with a view to a Recommendation called for the establishment of registers of employers of homeworkers, and that they objected to a possible obligation to register regular employees who chose to work at home on an occasional basis. The Workers' Vice-Chairperson replied that society was too complicated to permit the assignment of a person to a single work category, and that the Office text took account of the fact that a person might be an employee working in the workplace of the employer at some times and a homeworker for another employer at others. Without giving preferential treatment to homeworkers, the proposed instruments did not prevent individuals from being covered by employee-oriented Conventions when they were acting in that role.

76. The Government member of Canada supported the Government amendment, but opposed the subamendment of the Employers' members. She pointed out the difficulties that her Government would have in implementing an instrument with the suggested wording, and believed that national law and practice in member States was capable of dealing with any problems posed by an

individual's having different forms of employment at different times. The Government member of Austria added her support for the Government amendment, remarking that it was important to make an explicit link between Points 3 and 4. The Government member of Switzerland opposed both the Government amendment and the subamendment, while the Government members of Algeria, the Czech Republic, Norway, South Africa, Swaziland, Turkey and the United States supported the Government amendment and opposed the subamendment by the Employers' members. The Employers' members withdrew their subamendment. The Government amendment was adopted.

77. Point 4 was adopted as amended.

C. Proposed Conclusions with a view to a Convention

Point 5

78. After withdrawing an amendment to delete Point 5 entirely, the Employers' members submitted one to replace it with text that they explained differed from the Office text in three significant ways: the policy on home work would be within the framework of a larger national employment policy, the aim of the national policy would not be "improving the situation of homeworkers" but "maximizing job creation and eradicating poverty", and consultation would be with the most representative employers' and workers' organizations, rather than including consultations with organizations concerned with homeworkers and employers of homeworkers.

79. The Workers' Vice-Chairperson, in opposing the amendment, asserted that the amendment involved a fourth change, which was to reduce the formulation and implementation of a national policy to a mere review of the situation of homeworkers. This would seriously weaken the text. Referring also to the amendment that had been submitted by the Government member of Italy, she argued that a policy toward a given issue, such as home work, could, of course, form part of a broader policy. The Workers' members believed that the Office text was adequate, using as it did the flexibility of the word "policy" to permit implementation by local action, collective bargaining or other means that did not necessarily involve direct intervention by national governments. Likewise, the concept of improving the situation of homeworkers included elements, such as the protection of their health and safety, that were missing from the amendment's focus on job creation and poverty elimination. By using "where these exist" to qualify "most representative employer and worker organizations", the proposed amendment contradicted a fundamental assumption of ILO practice, that there were "most representative" workers' and employers' organizations in member States. The use of "where they exist" to refer to organizations concerned with homeworkers was appropriate because they might not exist and it made sense to include them because the most representative organizations were not always concerned with homeworkers.

80. In response to a question from the Workers' Vice-Chairperson on the meaning of "policy", the representative of the Legal Adviser said that there was no general definition in ILO Conventions, and that the phrase "national policy" was defined by the context within which it occurred in a given instrument. She noted that, in the Office text, there were references to "national policy" under

Points 5, 6 and 7 of the Proposed Conclusions with a view to a Convention and Point 12 of the Proposed Conclusions with a view to a Recommendation, and that the expression would have to be understood in terms of its use in these proposed instruments. She added that Recommendations might contain more precise indications of what a national policy should include, but in any case the meaning of the expression was flexible. In an occupational safety and health instrument, for example, it would be within the context of promoting safer and healthier conditions; in an instrument on employment policy, it would be within the context of promoting employment, and so on. The Government member of Canada asked two questions. First, did the policy have to be a separate sectoral policy or could it be part of an existing policy, such as a larger labour policy; and second, in a federal State was it the case that the policy could be developed and implemented by the authority at whatever level who had the legal competence to act. To the first question, the representative of the Legal Adviser said that the text did not predetermine this, thus it was possible to have a policy on home work within the context of other policies. To the second question, she confirmed that the ILO used "national" in contrast to "international" and did not intend it to refer exclusively to the highest level of government in member States.

81. With the clarification provided by the representative of the Legal Adviser, the Government member of Canada, speaking for the Government members of Canada, the Czech Republic, Egypt, Hungary, Japan, Switzerland, the Russian Federation, Swaziland, Sweden, the United Kingdom and the United States, opposed the amendment and preferred the Office text.

82. The Government member of France agreed that employment creation was important, and asserted that the Committee was working not only to protect homeworkers but to organize home work. He felt, however, that the Employers' formulation was perhaps too extreme in emphasizing the need to maximize job creation and eliminate poverty, and proposed the wording "with a view to creating jobs and eradicating poverty". The Workers' Vice-Chairperson considered that the expression "improving the situation of homeworkers" already included the idea of eradicating poverty, and that if more specification were needed they would like to add such other goals as raising the status of homeworkers. The Employers' members withdrew the amendment.

83. The Government member of Italy submitted an amendment to replace, in the second line, the words "a national policy on home work" by "within the framework of a general national employment policy, appropriate strategies". She asserted that the Office text seemed to call for the adoption of a sectoral policy that did not accord with the situation and with concrete measures addressing the labour market in Italy, as well as in many other countries.

84. The Workers' Vice-Chairperson observed that there was in fact nothing in the Office text that would force a particular policy on member States, and declared that "appropriate strategies" was too vague for a Convention, given the obligation of ratifying countries to report on their implementation of its provisions. It seemed questionable to link policy on home work exclusively to employment policy. As the Government member of Italy herself had noted, not all countries had employment policies, and there were many aspects of the protection of homeworkers that fell outside employment policy, such as equal

rights between men and women and occupational safety and health. While she agreed that a policy on home work should be related to the employment policy, she stated that the Workers' members strongly opposed the proposed amendment as too restrictive.

85. The Government member of France agreed that the proposed amendment might be too restrictive, and offered a subamendment to insert the word "notably" before "within the framework" to indicate that there were other frameworks in which to place the adoption and implementation of strategies on home work. The Employers' members supported the subamendment, but suggested a subamendment to the subamendment to add the protection of homeworkers as a policy goal. This did not meet with the approval of the Workers' members. The Workers' Vice-Chairperson pointed out that the enumeration of elements of policy could include a large number of other items, and drew the conclusion that it was better to leave such definition to governments and retain the Office text on a national policy on home work without subordinating it to other policies.

86. The Government members of Canada, Japan, Norway, South Africa, Spain, Swaziland and Sweden all preferred the Office text. The amendment and subamendments proposed would obscure the thrust of the proposal and there was sufficient flexibility in the Office text to place home work in the policy contexts deemed appropriate. Although the Government member of Algeria supported the subamendment of the Government member of France, he found the Office text acceptable. The Government member of Italy withdrew the amendment.

87. The Employers' members reintroduced the same amendment and the subamendment that had been proposed by the Government member of France on the grounds that an explicit statement on the goals of job creation and poverty elimination provided the ILO the opportunity to give effect to the conclusions of the recent World Summit for Social Development held in Copenhagen from 6 to 12 March 1995. However, the Government member of France hoped to see his concerns addressed in a reformulation of the Proposed Conclusions before the second discussion in 1996. In view of the lack of support expressed by the Committee, the Employers' members withdrew the amendment.

88. Point 5 was adopted without change.

Point 6

89. The Employers' members withdrew the amendment to delete this Point.

Paragraph (1)

90. The Employers' members submitted an amendment to replace paragraph (1) by the following:

Any measures should, bearing in mind the special characteristics of home work, emphasize the education, training and protection of homeworkers within the national employment policies and practices.

When introducing the amendment, the Employers' Vice-Chairperson considered that it was difficult to put the two concepts of "equality of treatment between homeworkers and other wage-earners" and "taking into account the special characteristics of home work" together. Home work, which presented special characteristics, did not lend itself to the application of the principle of equality.

The amendment, rather, emphasized the kinds of action which would help homeworkers. Such measures as education, training and protection of homeworkers would be addressed in national employment policies and practices which could be adapted to national circumstances.

91. The Workers' Vice-Chairperson observed that the Office text in Point 6(1) had a promotional character and did not entail direct obligations for governments, but rather elements that could be taken into account. It provided the opportunity and the necessary flexibility for governments to promote the principle of equality of treatment, while the amendment submitted by the Employers' members took away the principle of promoting equality of opportunity. She considered that the principle of equality of treatment and the comparison between homeworkers and other workers was an important element of the Convention, as reflected in the answers provided to the Office questionnaire. She reminded the Committee that the wording of the text was changed to take into account the answers received from governments. It established the same principle as that in the Part-Time Work Convention, 1994 (No. 175), which sets the principle of equality between part-time workers with comparable full-time workers. For these reasons, the Workers' members considered it fundamental to keep the concept of equal treatment, and were strongly opposed to the amendment submitted by the Employers' members. She further added that the proactive approach to promoting education and training for homeworkers was already included in sub-clause (f) of paragraph (2).

92. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Norway, the Russian Federation, South Africa, Swaziland, Switzerland, Turkey and the United States expressed their preference for the Office text, as did the Government members of Finland and Sweden, who opposed removing the concept of equality of treatment.

93. The Employers' Vice-Chairperson explained that, in view of the special characteristics of home work, there would be problems in applying the principle of equality of treatment. The types of activities to be undertaken for home workers, such as, for example, training, would be entirely different as compared to regular workers. What was required were fair conditions for homeworkers. He therefore suggested a subamendment to replace the word "equality" by "equity", which in his view conveyed better this concept of fairness.

94. In response, the Workers' Vice-Chairperson maintained that the Office text provided sufficient opportunity and flexibility to take into account the special characteristics of home work. She considered that fairness and equity were vague concepts. Referring to the amendment and subamendment proposed by the Employers' members, the Government member of Canada expanded on the reasons why the Government members listed above had opposed the amendment. She said that equality of treatment would not mean "identical" treatment. There were sufficient safeguards in the Office text with the expressions "to take into account special characteristics of home work" and "where appropriate" to allow for flexibility and for recognition of special circumstances of homeworkers. In addition, the amendment introduced specific requirements which would be difficult to make operational. For these reasons, she also opposed the subamendment and preferred the Office text. The Government members of

Algeria, Australia, Austria, France, Poland and the United States agreed with the views of the Government member of Canada and preferred the Office text of paragraph (1). The Employers' members withdrew their amendment.

95. The Workers' members submitted an amendment to delete the words "where appropriate" from paragraph (1), considering them to be unnecessary as the text was sufficiently flexible without them. The Government members of Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Swaziland, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment, as did the Employers' members, who believed that especially with the requirement for equality of treatment and in view of the many conditions that could apply, "where appropriate" should be kept. After not getting support for a suggestion to replace "where appropriate" by "if any", the Workers' members withdrew the amendment.

Paragraph (2)

96. The Employers' members withdrew an amendment to delete in the first line of paragraph (2) the words "Equality of treatment should apply".

97. An amendment submitted by the Workers' members to replace in the first line of clause (a) in paragraph (2) the word "and" by "or" was referred to the Drafting Committee.

98. The Workers' members submitted an amendment to add at the end of clause (a) the following: "in particular, the right to bargain collectively and the right to act as workers' representatives". These were fundamental rights which were also recognized in the Part-Time Work Convention, 1994 (No. 175). The Government member of France said that he had been convinced by the argument of the Workers' members. The equality of treatment referred to in the proposed Convention should also apply to collective bargaining. A similar Point had been included in the Convention on Part-Time Work, 1994 (No. 175), thus it would be advisable to do the same in this Convention. The Government member of Portugal also supported the amendment.

99. The Employers' members opposed this addition which they thought would be more appropriate in the proposed Recommendation. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, the Russian Federation, Swaziland, Switzerland, Turkey and the United Kingdom also opposed the amendment. The Government member of Australia explained that they were not opposed to the principle of the amendment, but their opposition was purely in the spirit of having a Convention which would be broad enough and suited to different national conditions. The Office text would help in obtaining wider ratification.

100. The Workers' Vice-Chairperson stated that there was a difference between joining organizations and participating in activities and undertaking collective bargaining or acting as workers' representatives. It was not sufficient to have the right to establish and join organizations. The Government member of Australia said that the Office text was sufficiently flexible but implicitly recognized the concerns of the Workers' members. The Government member of Canada added that the opposition expressed was not to the principle, but was of a pragmatic nature. In Canada, for example, the right of freedom of association

was a fundamental right and a constitutional right. However, the system of collective bargaining was part of another body of legislation. Therefore, the amendment implied an absolute right over and above what was already included in clause (a) of paragraph (2). The right to join organizations did not give automatically the right to bargain collectively. She therefore considered that the amendment shifted from freedom of association, which was a general principle and a basic human right, to specific requirements and an absolute right where national law might impose conditions, such as recognition requirements for exclusive collective bargaining agents. This therefore could inadvertently lead to an obstacle to ratification. Besides, the Office text presupposed that homeworkers could participate in all activities, including collective bargaining, according to the collective bargaining system in a country.

101. In reply, the Workers' Vice-Chairperson said that this was not an absolute right, but a right within the principle of equality of treatment between homeworkers and other workers who had such rights. In response to a request for a clarification, the representative of the Secretary-General explained that the phrase "to participate in the activities" was sufficiently broad to include the concerns of the Workers' members. The Workers' members withdrew their amendment on the understanding that their concerns were implicitly covered by the Office text.

102. The Government members of Norway and Sweden submitted an amendment to delete clause (d), "remuneration", in paragraph (2). The Government member of Norway explained that equality of treatment between homeworkers and other wage-earners should be promoted and thus they did not disagree with the principle in paragraph (1). However, paragraph (2) could be understood as an obligation for competent authorities to ensure that equality of remuneration between homeworkers and other wage-earners was implemented by government actions. In countries such as Norway and Sweden, the questions of remuneration and wage determination were left to the social partners to be determined by collective bargaining or individual agreement. This was a well-established tradition and government interference in this system was not desirable. They feared that they would be required to change their system to ensure such control. It seemed the principle of equality was taken care of in paragraph (1) and the question of remuneration was duly addressed in the Recommendation. She asked for confirmation by the representative of the Legal Adviser, that clause (d) in paragraph (2) should be considered in conjunction with Points 5, 6(1) and 7, and that it did not imply an obligation on governments to control or interfere with established collective bargaining systems for remuneration nor with the autonomy of the social partners. She added that, if the Office confirmed that the provision would not be incompatible with the collective bargaining system in their countries, they were prepared to withdraw the amendment.

103. The representative of the Legal Adviser confirmed this interpretation. Point 6 was to be analysed in view of Points 5 and 7. The national policy was to promote equality of treatment and Point 6(2) made it clear that it applied in particular to remuneration, among other subjects. Both Points 5 and 7 foresaw roles for workers' and employers' organizations as well as governments in developing and implementing policy. Therefore, the government could promote

equality of treatment in relation to remuneration in a manner consistent with the normal role it played in its labour relations system in relation to remuneration. In view of this, the Government members of Norway and Sweden withdrew the amendment.

104. The Employers' Vice-Chairperson introduced an amendment to insert the word "statutory" at the beginning of clause (e) in paragraph (2) so that the reference would be to statutory social security protection. He said that, in view of different systems of home work and pay and award packages and the fact that homeworkers might not work for a fixed period or might work during the same period for more than one employer, it would be difficult to allocate responsibility and thus it was inappropriate to include occupational social security benefits not provided by statute. Furthermore, it could damage job creation by increasing the cost and the complexity of creating new jobs, inhibit flexibility and restrict the freedom of employers as well as homeworkers. The Workers' Vice-Chairperson said that the explanation of the Legal Adviser in relation to remuneration was also relevant here. She emphasized that clauses (a) to (f) in paragraph (2) should be considered under the general heading of promoting the principle of equality of treatment. Promotion was the key word. Especially in countries where there was no statutory social security protection, promotion of occupational social security schemes should be made possible. The Government member of Canada said that she could support either the Office text or the proposed amendment. The Government members of Algeria, Egypt, Germany, Swaziland and the United States supported the proposed amendment. The amendment was adopted.

105. The Workers' members submitted an amendment to add a new clause (g) in paragraph (2) on minimum age for admission to employment or work. Since the principle of promoting equality of treatment did not mean direct obligations, there were other important areas that should be included. Minimum age was one. The Employers' Vice-Chairperson stated that the Employers' members adamantly opposed child labour, therefore they supported this amendment. However, if particular areas were to be highlighted in paragraph (2), it was preferable to confine them to a small number. The Government member of France supported the amendment. The amendment was adopted.

106. The Workers' members submitted an amendment to add a new clause (h) to include maternity protection. In view of the fact that homeworkers might have different employers and thus it would be difficult to identify who should bear the responsibility for maternity protection, the Employers' Vice-Chairperson, suggested that at least this amendment should refer only to statutory maternity protection and suggested a subamendment to that effect. The Workers' members opposed the subamendment. They observed that statutory maternity protection referred only to the social security part of maternity protection, while other aspects, such as safety and health, should also be considered. Further, employers should also provide equality of treatment for homeworkers with respect to other workers. She reminded the Committee that when discussing the Convention on Part-Time Work, the same Point had been raised, and the Committee on Part-Time Work had decided to include maternity protection without limiting it to statutory maternity protection.

107. The Chairperson sought an explanation from the Office on the meaning of statutory maternity protection. The representative of the Secretary-General said that it included what was in laws and regulations and could be more than social security benefits, such as laws on paid leave. Put to the vote, the subamendment to insert "statutory" was rejected by 8,586 votes in favour and 12,825 against, with 1,620 abstentions. The amendment was then adopted.

108. The Workers' members submitted an amendment to add a new clause to extend the principle of equal treatment to protection against unfair termination of employment. The Employers' Vice-Chairperson said that the Employers' members would not support such a provision in the Convention, asserting that the definition of home work adopted earlier went beyond the normal employer-employee relationship. The amendment therefore had serious consequences for countries where national law and practice on termination covered only employees.

109. The Government member of Japan called for clarification of the scope of the Termination of Employment Convention, 1982 (No.158), asking if it protected homeworkers. The representative of the Secretary-General responded that Convention No. 158 applied only to employed persons. Concluding that this meant that the proposed amendment would indeed entail a broadening of national legislation designed to implement Convention No.158, the Government member of Japan opposed the amendment, as did the Government members of Germany and the United States. The Government member of France favoured the principle of equality of treatment in this field too, but had problems with the term "unfair" and thought that the proposed amendment was too broad and ill-defined. He suggested reworking the idea before the Conference's second discussion.

110. The Workers' Vice-Chairperson acknowledged the broad scope of the amendment, and asked if subamending it to specify statutory protection would allay the Government members' concerns. The Employers' Vice-Chairperson said that the concern was not about the provisions of Convention No. 158 where protection against unfair termination applied to people in an employment relationship, but the fact that the definition of this Convention extended to persons outside the employment relationship. The Government member of Germany stressed the need to distinguish between statutory termination and statutory notice of termination. Given the existence in her country of a substantial body of law on termination, she could agree to the application of law concerning the period of notice to homeworkers, but not to a call for legislation on termination that would be extended to homeworkers.

111. The Government member of Switzerland favoured a wording of the French version of the amendment that would render the word "unfair" of the original English as "abusive" rather than "sans juste cause". The Workers' Vice-Chairperson agreed with a possible re-formulation. However, the Government member of Canada said that there could be unjust dismissal without it being abusive. In any case, she could not support the amendment because unjust dismissal provisions of termination of employment legislation were still evolving and there were variations within the various jurisdictions in Canada. In addition, there was a provision in the proposed Recommendation on termination of employment. The Workers' members withdrew the amendment.

112. Point 6 was adopted as amended.

New Point after Point 6

113. The Workers' members submitted an amendment to add a new Point after Point 6 so that the national policy would ensure that homeworkers were included in basic national labour statistics. The Workers' Vice-Chairperson referred to the general discussion of the Committee which had noted the invisibility of homeworkers in statistics. The replies to the questionnaire used as the basis for Report V(2) had indicated that a large majority of countries were in favour of improving statistics on homeworkers. The Committee's discussions had also demonstrated the importance of statistics. Further, homeworkers were not explicitly mentioned in the relevant ILO Convention, the Labour Statistics Convention, 1985 (No. 160). The text of the proposed new Point was sufficiently flexible so that each country could specify the aspects that were important for national statistics. The Government members of Algeria, South Africa and Turkey also supported the amendment. The Employers' Vice-Chairperson supported the amendment. To effectively enforce the provisions in the Convention, it was indeed necessary to know the nature and extent of home work.

114. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, opposed the amendment. The Government member of Belgium stated on their behalf that although they fully understood the need for statistics, they thought that the proposed new Point, which was not directly protecting homeworkers, would be better in the Recommendation. Some countries did not have the means to produce statistics on homeworkers, thus they would not be able to ratify the Convention even though they wished to protect homeworkers. The Government member of the United States also believed that this Point could be included in the Recommendation, for instance under the present Point 13. This view was shared by the Government members of Australia, Canada, the Czech Republic, Hungary, Japan, Norway, the Russian Federation, Swaziland, Switzerland and the United Kingdom.

115. The Workers' Vice-Chairperson asked the Government members to clarify the problems they had with putting the proposed new Point in a Convention. She did not want the formulation of this Point to be a barrier to ratification and was prepared to find another formulation that was more suitable. The Government member of India stated that it would be very difficult to collect and update statistics on home work since the costs would be very high. His Government did not have the resources and was already overburdened. Noting that even though her country already collected statistics that would meet the provision if included in a Convention, the Government member of Australia considered that given the wide variety of practices around the world, the Convention should be as flexible as possible to allow for as many ratifications as possible. Details should be left in the Recommendation.

116. Since both the Workers' and Employers' members supported the original amendment, it was adopted. In view of the opposition from various governments, the Workers' Vice-Chairperson announced that she would try to meet their concerns in the second discussion.

117. The new Point was adopted.

Point 7

118. Point 7 was adopted without change.

Point 8

119. The Employers' members withdrew an amendment to replace the Office text, which they felt was too strict, with the text of Point 29 of the Recommendation. They would instead favour two amendments to come on this Point. They noted that, with regard to health and safety issues, the problem was not the types of work done by homeworkers, but the circumstances and conditions under which work was carried out.

120. An amendment submitted by the Government members of Belgium, Denmark, Finland, France, Germany, Greece, Luxembourg, the Netherlands, Portugal, Spain and Sweden, and an amendment submitted by the Government members of Australia, Canada, the Czech Republic, Malta, Norway, the Russian Federation, Swaziland, Switzerland and the United States proposed to replace Point 8 by the following:

National laws and regulations should establish conditions under which for reasons of safety and health certain types of home work may be prohibited.

The Government member of France explained that the amendment was aimed at the concerns of a number of countries that did not have a practice of establishing lists of work prohibited for safety reasons. They fully supported the principle in the Office text, but preferred more general language. Agreeing with the previous speaker, the Government member of Canada added that a listing would soon be out of date, and a broader-based approach was more appropriate.

121. In an attempt to understand better why the Governments had introduced the amendment, the Workers' Vice-Chairperson suggested that there might be a problem with the word "specify" in the Office text. She knew from European experience that there were lists of dangerous substances specified in regulations, not necessarily in laws, with procedures for updating, which were less onerous than amending legislation. The Government member of France argued that if the Office text were maintained, it would be difficult to ratify. There was already a reference to safety and health under clause (c) of Point 6(2). The amendment referred to the establishment of prior conditions under which certain types of home work might be prohibited. This was more consistent with the approach of countries which preferred to proceed step by step, rather than to establish such lists. The Employers' Vice-Chairperson agreed, emphasizing that health and safety concerns were very important, but it was the conditions under which work was carried out, not necessarily the type of work, which would cause a safety and health concern.

122. The Government member of Italy preferred the Office text. She sought an explanation on the implications of Point 8. The representative of the Secretary-General explained that when this Point was included, the aim was to cover the situation where work could be done in a factory but where it would be too dangerous to be done in a home. For example, work involving explosives might be safe at a factory, subject to factory regulations, but should not be done at home. Therefore, some types of home work should be prohibited. The Workers' Vice-Chairperson then queried whether, according to the formulation in the

present Office text, this could only be done through legislation or whether there were other methods of establishing such lists. The representative of the Secretary-General stated that there were several possibilities, such as by regulation, in an annex which could be easily amendable, or in a law itself.

123. The Workers' members proposed a subamendment so that "determine" would replace "specify", and so that in addition to determining conditions, national laws and regulations would also determine certain types of work which should be prohibited as home work. After some discussion, the representative of the Secretary-General pointed out the difference between the amendment and the proposed subamendment. The subamendment reintroduced the idea of a list of the types of home work that should be prohibited for safety and health reasons, an idea which the amendment proposed to delete. Put to a vote, the subamendment was rejected by 1,118 votes in favour and 1,547 against with 13 abstentions. The amendment was then adopted.

124. The Workers' members submitted an amendment to insert a reference to "substances" which should be prohibited in home work. It was not only work but the use of certain substances which could be too dangerous for home work, such as lead and explosive chemicals. The Government member of France supported this amendment. The Employers' Vice-Chairperson agreed with the intent of the amendment, but thought that it was already implicit in the concept of conditions that would make work unsafe and thus adequately covered by the amendment that had just been adopted. The Government member of Australia subamended the amendment, to read as follows: "certain types of work and the use of certain substances may be prohibited in home work". The amendment as subamended was adopted.

125. Point 8 was adopted as amended.

New Point after Point 8

126. The Workers' members withdrew an amendment to insert a new Point referring to a minimum age for home work, as it had already been added to Point 6(2).

Point 9

127. The Employers' members submitted an amendment to delete Point 9 because intermediary had not been defined in the text and there was not a clear understanding of its meaning. Such uncertainty could drive homeworkers underground as a consequence of driving intermediaries underground. There was no reason to have this requirement.

128. The Workers' Vice-Chairperson opposed deleting this Point from the Convention. It was known that intermediaries existed, there was considerable variation in national practice, and it was up to national governments to determine how they should be treated. In opposing the amendment, the Government member of France, speaking on behalf of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal and Sweden, thought that the occasional abusive use of intermediaries by employers to evade their relationship to homeworkers justified mentioning them. The Employers' members withdrew the amendment.

129. The Government members of Australia and Canada withdrew an amendment to provide that national laws and regulations should “specify the responsibilities of employers and their intermediaries” rather than determine whether and under what conditions intermediaries could be used. They, instead, favoured an amendment submitted by the Government member of Germany meant to make the text more flexible. The Workers’ members asked for clarification on how the amendment submitted by the Government member of Germany would change the Office text. The representative of the Secretary-General replied that the Office text stated clearly who should determine whether and under what conditions intermediaries could be used, i.e. the competent authority in each country through national laws and regulations, while the amendment said “it would be determined” in accordance with national laws and regulations which made it difficult to know whom would be requested to take action. The Employers’ Vice-Chairperson agreed with the interpretation just given, and opposed the amendment. However, the Government member of Germany asked the Office to confirm that national law would not necessarily be required. The representative of the Legal Advisor explained that under Point 9 a country would have to have some legal provision that determined whether intermediaries could operate and, if so, under which conditions. The Office text presupposed that there would be intermediaries actually operating in a country, whether legally or not, before there would be such a requirement. The Chairperson then asked if a country that had a legal provision prohibiting intermediaries could ratify the Convention and be in compliance with this provision. Given the affirmative reply from the representative of the Legal Advisor, the Government member of Germany withdrew the amendment.

130. The Government members of Finland, Norway and Sweden submitted an amendment to indicate that laws and regulations on intermediaries would be required “where appropriate”. The Government member of Sweden explained that, like Germany, the legislation in their countries did not include the concept of intermediaries. She asked the Office to clarify whether the Office text of Point 9 entailed an obligation for governments to determine the concept of intermediaries through legislation. The representative of the Secretary-General explained that in any country where intermediaries existed, *de jure* or *de facto*, legislation was necessary to determine the cases and conditions under which the employer could use them. If intermediaries did not exist or were prohibited, legislation was not required. The Employers’ members supported the amendment, while the Workers’ members considered the Office text to be satisfactory and the amendment unnecessary. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Italy, Japan, Norway, Poland, the Russian Federation, Swaziland, Switzerland, Turkey, the United Kingdom and the United States, supported the amendment. The amendment was adopted.

131. The Government members of Austria, Belgium, Denmark, Finland, France, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom withdrew an amendment to add at the end of Point 9 the following words: “if such intermediaries are foreseen under national legislation and practice”. In view of the adoption of the previous amendment, this amendment was irrelevant.

132. The Workers' members submitted an amendment to add a new paragraph (2) as follows:

National laws and regulations should ensure that the employer and the intermediary, if any, are jointly and severally liable for payment of remuneration and other pecuniary obligations due to homeworkers.

In introducing the amendment, the Workers' Vice-Chairperson explained that the concept of intermediary was extremely important in relation to remuneration and to pecuniary obligations. Homeworkers often knew only the intermediaries and not the final employers. If homeworkers were not paid, it was very difficult for them to find the ultimate person responsible, hence the amendment proposed joint and several liability for payment. She added that this Point was based on Point 28 of the Recommendation. Its importance was also reflected in the replies to the Office questionnaire, thus it was proposed to include it in the Convention.

133. The Employers' members opposed the amendment for two reasons: since intermediary was not well defined, governments would have to define it to make the provision effective and it would create difficulties in the case of disputes where there needed to be one responsible person. The problem of establishing responsibility and liability would be compounded where there were multiple intermediaries or more than one employer.

134. The Workers' Vice-Chairperson pointed out that the words "if any" were included in the amendment to address different situations with respect to intermediaries in the national law and practice. She emphasized again that the main reason for the amendment was to ensure that homeworkers got paid. If there were a question of liability for payment between the employer and intermediary, the problem should be resolved between them, and the homeworker should not be made the victim.

135. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Turkey, South Africa, Swaziland, Switzerland, the United Kingdom and the United States opposed the amendment and preferred the issue to be in the Recommendation. The Government member of France, speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, opposed the amendment. He explained that these members were not opposed to the principle contained in the amendment, but considered that the amendment might impose major changes in national legislation, which would create difficulties for some countries and pose an obstacle to ratification. He therefore suggested that this Point be retained in the Recommendation and recommended that, before the second discussion, the Office ask governments if legislative changes would be required and whether they would pose a problem. Although the Workers' Vice-Chairperson was not entirely convinced about the problems raised, she agreed that the Committee should return to the issue in the second discussion. In the meantime, the Office could investigate the nature of these problems, if any. The amendment was withdrawn.

136. Point 9 was adopted as amended.

New Point after Point 9

137. The Workers' members submitted an amendment to add a new Point after Point 9:

National laws and regulations should require that homeworkers, when given work, should be informed of their specific conditions of employment in writing or by any other means consistent with national law and practice.

In introducing the amendment, the Workers' Vice-Chairperson explained that it was important that homeworkers be provided with information on their conditions of employment. To allow flexibility for governments, the proposed text did not make detailed prescriptions.

138. The Employers' Vice-Chairperson said that this amendment was in fact a modified version of Point 14 of the Recommendation. While the Employers' members had no difficulty with it in principle, it should be left in the Recommendation. The Government member of Canada, speaking on behalf of Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Malta, the Russian Federation, Swaziland, Turkey, the United Kingdom and the United States, also thought that this type of provision was more appropriate in the Recommendation and therefore opposed the amendment. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom also opposed the amendment. They supported the idea, but a similar provision had been included for part-time workers in the Part-Time Work Recommendation, 1994 (No. 182), thus it should also be in a Recommendation for homeworkers. The Workers' Vice-Chairperson regretted that, since the provision was so widely supported, it could not be integrated into the proposed Convention. The Workers' members withdrew the amendment.

Point 10

Paragraph (1)

139. An amendment was withdrawn by the Government members of Australia, Canada, the Czech Republic, Malta, Norway, the Russian Federation, Swaziland, Switzerland, the United Kingdom and the United States to replace paragraph (1) by the text of Point 17 of the Recommendation concerning inspections of parts of homes or private premises where work was carried out, since subsequent amendments acceptable to them were to be considered.

140. The Government member of the United States submitted an amendment to replace the words "respect for" by the words "compliance with", since it was compliance with the law that was being sought. The Workers' and Employers' members supported the amendment and it was adopted.

141. The Chairperson suggested examining two similar amendments together which proposed to add at the end of paragraph (1) the phrase "in accordance with national law and practice". The amendment submitted by the Government members of Australia, Canada, the Czech Republic, Malta, Norway, the Russian Federation, Swaziland, Switzerland, the United Kingdom and the United States sought only to add this phrase. The amendment submitted by the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Spain and Sweden made a second change to

replace the phrase "by a system of inspection" with "by a system of labour inspection". The discussion focused first on this second change. The Government member of Portugal supported this amendment. The Government member of Italy explained that, in Italy, reference should always be made to labour inspection to avoid confusion with other types of inspection undertaken by responsible authorities, such as the police. The Government member of Egypt supported the views expressed by the Government member of Italy and considered that the term "labour inspection" covered a wide range of issues, such as health and safety, conditions of work, and so on. Without specifying labour inspection, other systems having nothing to do with home work would be implicated.

142. The Government member of Spain also agreed with the statement by the Government member of Italy that it was necessary to refer to labour inspection only. She took labour inspection to mean the kinds of inspections provided for under the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129), which included health and safety inspection. She requested the Office to confirm this point. The representative of the Secretary-General explained that Conventions Nos. 81 and 129 spoke about labour inspection. However, in a number of countries, other types of inspection for home work were foreseen in national legislation. Furthermore, there should be coherence with Point 17 of the Recommendation, which foresaw other types of inspection. For example, in some countries social security was monitored by social security inspectors. The Government member of Canada said that different types of inspection existed in member States. Labour inspection might, or might not, include safety and health inspection, for example, and thus she preferred the broader reference to a system of inspection. The Government member of Swaziland also opposed the reference to labour inspection. He observed that there was a problem in qualifying the type of inspection. National legislation and practices varied in this respect and, in some countries, labour inspection was limited to a narrow range of issues, such as wages and hours of work, while health and safety issues were within the competence of other authorities. The Employers' Vice-Chairperson said that the Employers' members would not support any amendment which diluted the enforcement mechanism of the Convention.

143. The Workers' Vice-Chairperson said that, on the one hand, it was important not to restrict inspection systems to labour inspection only, given the variety of practice, but, on the other hand, there were fears that inspection would involve police and immigration services. The Workers' members preferred a terminology which conveyed a broad concept of inspection, but excluded the types of inspection which were not meant to protect homeworkers.

144. The Government member of Norway opposed the amendment. She explained that responsibilities were divided amongst various authorities under their system of internal control, such as environment, for example, and therefore inspection should not be restricted to labour inspection.

145. The representative of the Secretary-General emphasized that the matters to be supervised were all working conditions of homeworkers. He explained that, in some countries, the meaning of labour inspection was very narrow. For instance, in a number of English-speaking African countries, labour inspection

was concerned only with those conditions of work other than safety and health issues, which were controlled by the factory inspectorate. Sometimes there was a special inspection service for home work. For these reasons, the Office had proposed the term "system of inspection" which was a broader concept and covered all situations, including labour inspection. The Government member of Turkey agreed with the explanation provided by the representative of the Secretary-General and preferred a broader concept of inspection.

146. The Workers' Vice-Chairperson suggested a subamendment to add after the words "a system of inspection" the words "enforcing provisions concerning the protection of homeworkers". She observed that this subamendment allowed a broader concept of inspection, but also ensured that inspection did not refer to other types of inspection, such as by the police or by immigration authorities.

147. The Employers' Vice-Chairperson opposed the subamendment; the Office text was clear. Employers' members agreed with the explanation of the representative of the Secretary-General. The types of inspections were thus for the protection of homeworkers. The Government member of Spain reiterated that the function of labour inspections had been set out in Article 3 of the Labour Inspection Convention, 1947 (No. 81). The proposed amendment made it clear that the reference was to the areas covered by the system of guarantees contained in Convention No. 81.

148. The Government member of Austria said that she understood the concerns about the narrowness of the concept of labour inspection and could support the subamendment proposed by the Workers' members. The Government member of Norway wondered whether this Point implied the introduction of a system of inspection for homeworkers if this was not already in the national practice. In view of the opposition from many Government members to the subamendment and to the amendment, they were withdrawn.

149. Debate then ensued on the amendment which proposed to add "in accordance with national law and practice". The Government members of Italy and Sweden supported the amendment. The Government member of Sweden did so because, according to some systems, it was the parties to a contract which had the responsibility for taking legal action against breaches, not necessarily the competent authority. The Employers' Vice-Chairperson repeated that the Employers' members did not support any amendment that diluted the enforcement of the provisions of the Convention and, accordingly, did not support the proposed addition to the text. The Workers' members supported the amendment to take account of the different approaches to inspection, thus providing needed flexibility. The Employers' Vice-Chairperson sought a clarification from the Office on the implications of the amendment. The representative of the Secretary-General explained that, when a Convention was ratified, it had to be strictly applied. If there was an obstacle in the national legislation to the strict compliance of a specific provision of this Convention, the above-mentioned expression did not provide a safeguard and the national legislation would have to be modified accordingly.

150. The Government member of Australia agreed with the point of view of the Employers' members as to not to dilute inspection. She added, however, that the sponsors of the amendment wanted to ensure that there would be compliance

with privacy laws. The Employers' Vice-Chairperson asked the representative of the Secretary-General whether privacy laws could stand in the way of inspections where home work presented a public danger. For example, could homeworkers who posed a danger to themselves and their neighbours refuse entry to a safety inspector. The representative of the Secretary-General replied that the Point under discussion was about the general principle of an inspection system, not about the limitations that might be imposed on it. Also, as explained in the intervention of the representative of the Secretary-General on Point 17, the right to privacy could be subordinated to public safety.

151. The Workers' Vice-Chairperson observed that the Committee did not have to examine particular hypothetical cases, as had been brought forward by the Employers' Vice-Chairperson. In many instances, there could be conflicting provisions in the legislation and it was up to the governments and courts to decide which one would prevail. The proposed amendment, in fact, referred this decision to national authorities and to judges for decision. The representative of the Legal Adviser called the attention of the Committee to Article 2(1) of the Labour Inspection Convention, 1947 (No. 81), which specified that labour inspectors had power to inspect workplaces in respect of which legal provisions were enforceable for them; this would also take into account the privacy laws in the countries concerned.

152. The Workers' members supported the amendment and observed that it provided good protection for homeworkers and flexibility for governments. In view of the additional broad support from most Government members, the amendment was adopted. The Employers' Vice-Chairperson emphasized that if the addition of "in accordance with national law and practice" was an attempt to be evasive in the implementation of the Convention, it would be ineffective.

Paragraph (2)

153. The Government members of the United Kingdom and the United States submitted an amendment to replace the word "penalties" by the word "remedies". The Government member of the United States explained that the proposed amendment did not imply only a semantic difference. There were a variety of remedies which could be envisaged as a result of the violations of laws and regulations, such as fines, orders for payment of back wages and job reinstatement. Penalties were only one type of remedy. The Employers' members supported the amendment, but the Workers' Vice-Chairperson considered that it weakened the text and suggested that "sanctions" also needed to be included. In view of the discussion, the Chairperson suggested a subamendment to add "including penalties". The amendment as subamended was adopted.

154. The Government member of Spain submitted an amendment to change the order of paragraphs (1) and (2) in Point 10. She believed it to be more logical to put the paragraph on penalties first and then the paragraph referring to the inspection system, which would be entrusted with verifying breaches to the law and if these were the case, proposing the remedies or penalties that should be applied. The Committee referred the amendment to the Drafting Committee.

155. Point 10 was adopted as amended.

Point 11

156. Point 11 was adopted without change.

D. Proposed Conclusions with a view to a Recommendation

I. GENERAL PROVISIONS

Point 12

Paragraph (1)

157. The Employers' members withdrew an amendment to refer to "review" instead of "national policy" since it was no longer relevant.

158. The Government members of Austria and Germany submitted an amendment to add the words "according to national legislation or practice" after the words "each Member should", as a reflection of their concern that the original text could be taken to require the designation of an authority at the level of the central government, which would not necessarily be compatible with the federal structures which exist in several countries. The Workers' and Employers' members supported the amendment. Although the Government member of Canada thought the addition superfluous, she had no objection. Also with the support of the Government members of Spain and the United States, the amendment was adopted.

159. On receiving confirmation from the representative of the Secretary-General that "an authority" could be designated at any level of a federal State, in conformity with the principle enunciated during the discussion of Point 5, i.e. that the word "national" was a collective term referring to a member State and that its use made no assumptions about the internal distribution of authority, the Government members of Austria and Germany withdrew another amendment to specify the possible levels at which a competent authority could be designated.

160. The Workers' members submitted an amendment to add the words "making use, as far as possible, of bodies of a tripartite nature" at the end of the paragraph. The Workers' Vice-Chairperson stated that they wanted to take account of the fact that several countries had already instituted tripartite structures for the protection of homeworkers. Such collaboration of the social partners would greatly facilitate the acquisition of the data on home work that all parties had stated they lacked. The Employers' Vice-Chairperson pointed out that Point 5 had already stipulated consultation of workers' and employers' organizations by the competent authority. The proposed amendment was superfluous; if it were to be retained, it should use the same wording as Point 5. The Government member of Canada agreed with the Employers' Vice-Chairperson. She noted that "tripartite" meant only "consisting of three parts" and did not intrinsically imply that there were governments, workers and employers. This was relevant to countries such as Canada where the word "tripartite" referred to different groups in different legal texts.

161. The representative of the Secretary-General called attention to the fact that Point 12 was intended to be read together with Point 5. After consultation with the designated organizations, it was the government who was responsible for the formulation and implementation of the national policy on home work.

162. The Workers' Vice-Chairperson responded to the remarks of the Government member of Canada by observing that, in the ILO context, the meaning of "tripartite" was unambiguous: governments, employers and workers. He also disagreed with the assertion of the Employers' Vice-Chairperson and the Government member of Canada that the proposed amendment was superfluous. The fundamental responsibility of governments was clear, but the Workers' members wished to make it possible to go beyond mere consultation set out in Point 5, along the lines of the tripartite structures already mentioned.

163. The Government member of the United Kingdom agreed with the Government member of Canada and the Employers' Vice-Chairperson, noting that the Office text did not exclude tripartism, but the proposed amendment could be interpreted as meaning that the decisions would have to be agreed upon by the workers' and employers' organizations, when policy formulation was the government's role. The Government member of Denmark, speaking also on behalf of the Government members of Austria, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal and Sweden, supported the amendment. As many Government members supported the amendment, the amendment was adopted.

Paragraph (2)

164. The Employers' members withdrew an amendment no longer relevant as it referred to review rather than policy.

165. The Employers' members submitted an amendment to replace the first phrase of paragraph (2) with the words "In the absence of representative employers' or workers' organizations concerned with homeworkers". They felt that the intent of this paragraph was to provide for the case when no formal employers' or workers' organizations existed, and that the Office text opened up the scope of consultation beyond that defined by Point 5. The Workers' members asserted that the spokesperson of the Employers' members had not done justice to Point 5, which also mentioned homeworkers' organizations where these existed. The Government member of Canada did not formally object to the amendment, but did question its rationale. In view of the lack of support, the Employers' members withdrew the amendment.

166. The Employers' members submitted an amendment to replace "or" by "and" in the phrase "to permit these homeworkers or employers to express their opinions", on the grounds that there was an implicit "either" associated with "or" when it was both parties which should be permitted to express their opinion. The representative of the Secretary-General stated that "or" was not exclusive, that both the homeworkers and their employers would be given the possibility to express themselves in the absence of both the organizations concerned with homeworkers and the organizations of employers of homeworkers. However, the Government member of France indicated that the choice of "or" versus "and" still posed problems in French. The Workers' members preferred the Office text, whereupon the Employers' Vice-Chairperson suggested "and/or" might be the proper formulation. It was decided that the question would be dealt with by the Drafting Committee.

167. Point 12 was adopted as amended.

Point 13

168. The Employers' members withdrew an amendment referring to a review rather than national policy.

169. The Government members of Australia, Canada, Japan, Malta, the Russian Federation, Swaziland, Switzerland, the United Kingdom and the United States submitted an amendment to insert the words "to the extent possible" at the beginning of the Point. In introducing the amendment, the Government member of Canada explained that the discussion had made clear the importance of adequate data for defining and regulating home work. However, without this amendment, the proposed Recommendation would put a heavy administrative burden on governments. The Workers' members opposed the amendment. The Workers' Vice-Chairperson pointed out that, as part of a Recommendation, Point 13 would not be binding in any event, even on countries that would have ratified the Convention. Data gathering was such an essential activity that this Point should not be weakened. With no support forthcoming, the amendment was withdrawn.

170. The Employers' members submitted an amendment to add the word "factual" to qualify the "detailed information" called for in this Point. The Employers' Vice-Chairperson recalled that much of the available data on home work were anecdotal or estimated. He noted that the quality of data was as important as its quantity, and explained that this amendment was intended to stress that fact. The Workers' Vice-Chairperson offered no objection. He thought in any case that the kind of information to be gathered was self-evident. The Employers' Vice-Chairperson explained that the word "factual" had been taken from the Conclusions of the report of the 1990 Meeting of Experts on the Social Protection of Homeworkers, which spoke of the collection of detailed factual information. The Government members of Swaziland and the United States supported the amendment, but the Government member of Australia expressed concern that the amended Point would prohibit the use of statistically sound estimation. She pointed out that even anecdotal information could be useful, if it were clearly identified as such. The Workers' Vice-Chairperson agreed with this point of view and preferred the Office text. The Government member of the United Kingdom suggested that "meaningful" might be preferable to "factual" if a qualifying word were necessary. This suggestion was accepted by the Employers' members but not by the Workers' members. Since no further support was forthcoming from the Government members, the Employers' members withdrew the amendment.

171. The Workers' members submitted an amendment to add the words "by gender" after the words "detailed information". The Workers' Vice-Chairperson noted that many governments were already accustomed to breaking down their statistical data by sex, and often by other factors, such as age. The Employers' Vice-Chairperson agreed with the principle of the amendment, but felt that it should be redrafted to ensure that the grammatical position of "by gender" was clear. He proposed a subamendment to insert the words "which includes data" between "detailed information" and "by gender", and to add "and where possible by ethnicity and/or national origin and disability". The Workers' members originally supported this subamendment, but in view of subsequent reservations

made by Government members on the possible negative implication of such categorization, opposed it.

172. The Government member of Canada reported that several Government members had been prepared to support the original version of this amendment, and expressed the expectation that they could support the subamendment as well. The Government member of France did not object, but suggested that there could be serious ethical problems connected with the collection of this kind of information. The Government member of Germany opposed the amendment and subamendment, as it conflicted with German regulations on the collection of data. The Government members of Algeria and South Africa objected to the mention of ethnicity or national origin in the subamendment.

173. The Employers' Vice-Chairperson offered to modify the subamendment from "when possible" to "where appropriate". He asserted that data on ethnicity or disability would be important for monitoring progress in the improvement of the situation of homeworkers, because these characteristics were often the ones on which discrimination was based. He hoped that the change in wording would remove any implicit obligation from those countries which had sound reasons for avoiding the collection of such data, while justifying the gathering of relevant information in those countries where it was necessary. In view of the objections, the Employers' members withdrew the mention of ethnicity, national origin and disability from the subamendment, leaving the wording "which includes data by gender", but noted that it was to the detriment of equal opportunity. The amendment was adopted as subamended.

174. The Employers' members withdrew an amendment regarding the drafting of this Point, which proposed to move the phrase about keeping information up to date to a second sentence to emphasize that information should be collected and then should be kept up to date. The Workers' members and the majority of the Government members preferred the Office text.

175. The Workers' Vice-Chairperson introduced an amendment to add a sentence to the Point, which would provide that the information should be published, made publicly available and translated into the relevant community languages. He explained that in countries with several official languages, it was important that workers be informed of their rights. The Employers' Vice-Chairperson remarked that it would pose a monetary burden on governments and the Employers' members would prefer that the resources be spent on job creation.

176. The Government member of Italy, speaking also on behalf of Austria, Belgium, France, Luxembourg, Portugal and Sweden, supported the amendment. In supporting the amendment, the Government member of South Africa noted that, in the past, two official languages had been imposed, but the Constitution of South Africa now provided for equality of all languages. The Government member of the United Kingdom pointed out that the explanation of the Workers' Vice-Chairperson referred to "official" languages, when the amendment used the term "community" languages. He could support the former but not the latter, which could place a great burden on governments. The Workers' Vice-Chairperson explained that they wanted to cover both official languages and different languages when a country had a large group of foreigners.

177. A lengthy discussion took place around the drafting of the Point. The Government member of Brazil suggested a change in the sequencing of the phrases in the sentence so that the translation of the information preceded publication and dissemination, which seemed more logical and consistent. The Government member of the United States proposed a subamendment to add the phrase "to the extent possible" at the beginning of the sentence; the Employers' Vice-Chairperson suggested "practicable" instead of "possible". The Chairperson summarized the various suggestions and proposed that the Point read, as follows: "This information should be published and made publicly available. Where possible, it should be translated into the relevant community languages." This was accepted by the Workers' members and supported by the Government member of Canada. The amendment as subamended was adopted.

178. Point 13 was adopted as amended.

Point 14

179. The Employers' members submitted an amendment to provide that instead of informing the homeworker of "his or her specific conditions of employment in writing or in any other appropriate manner", the homeworker would be informed of "the terms of the home work arrangements in an appropriate manner". The Employers' Vice-Chairperson referred back to the definition of home work that had been decided on by the Committee for the proposed instruments. One definition that had been rejected, wrongly in their view, had been based on the employee/employer relationship. The definition now extended to homeworkers who were not employees in national legislation, and for whom the use of the term "conditions of employment" would be inappropriate. Furthermore, a number of items of importance to homeworkers, such as delivery of materials and standards on output, would not be expressed in a statement on conditions of employment, but would be part of the arrangement for home work.

180. The Workers' members opposed this amendment which proposed to delete the reference to "in writing". The Office text, which had been taken from the Part-Time Work Recommendation, 1994 (No. 182), was acceptable. He questioned why part-time workers, but not homeworkers, should be entitled to written information. He did not understand the Employers' interpretation of conditions of employment, and asked the Office for clarification.

181. The representative of the Secretary-General replied that, in using the term "specific conditions of employment", the Office had tried to cover not only traditional conditions of employment, such as remuneration, paid holidays and social security, but also conditions specifically relevant to homeworkers, such as how to deal with homeworkers who use their own equipment or who provide the materials. In a broad or generic sense, the phrase referred to all conditions that applied to this type of work.

182. The Employers' Vice-Chairperson understood why the Committee on Part-Time Work had talked about conditions of employment, because all part-time workers were employees. According to the definition of home work that had been adopted, this was not the case. He asked the Office to confirm whether all homeworkers were employees as defined in Point 3. In reply, the representative of the Secretary-General considered that the definition as adopted by the

Committee would cover not only persons who were employees, but also those whose status was unclear, but none the less more closely resembled an employee rather than an independent worker. In response, the Employers' Vice-Chairperson mentioned that conditions of "engagement" or conditions of the home work "arrangement", was more accurate.

183. Finding the Office text acceptable, the Government member of Canada also considered that the proposed Convention would apply not only to homeworkers in a regular employer/employee relationship, but also to those whose status was in a "grey zone". The term should be understood in the context of the Convention. In that context, its use was generic and referred to conditions of employment in a broad sense.

184. While he understood the argument that it should be read in the context of Point 3, the Employers' Vice-Chairperson emphasized that the meaning being given was not commonly held by most people, in particular those who had not had the benefit of hearing the debate of the Committee. This would pose a problem for those who had to implement the Convention. The Government member of Japan agreed with the change proposed by the amendment, confirming that, in Japan, homeworkers did not have employee status; however, he believed that the part of the Office text referring to written information should be maintained. Consequently, the Employers' Vice-Chairperson acknowledged that there were two issues: the change from "conditions of employment" to "terms of the home work arrangements" and the question of providing information in writing. He proposed a subamendment to add that the homeworker should be informed "in writing or" in an appropriate manner. The Government member of the United States supported the amendment. Several Government members requested from the Office an explanation of what was meant by the word "employment". The representative of the Secretary-General stated that, in ILO instruments, the term "employment" had been used not only to refer to employees, but also to the self-employed, depending on the context in which it was used. The term "employment" was not synonymous with wage employment and did not apply solely to wage-earners. Despite expressing grave doubts about the correct understanding of the terms "employment" and "conditions of employment", the Employers' members withdrew the amendment.

185. The Workers' members submitted an amendment which had two components: to delete the reference to the "first" time that a homeworker was given work, and to add a list of the conditions of employment that should be provided to the homeworker. They explained that, unlike in a usual workplace, homeworkers were isolated and their conditions of work could be subject to frequent changes. The Employers' Vice-Chairperson doubted how this requirement could work in practice, since many homeworkers got work on a daily basis or every few days. The amendment was too prescriptive and detailed, since conditions would vary by the nature of home work and the country. Some of the items listed were already addressed in the Recommendation, and what was not already addressed could lead to homeworkers having access to more detailed information than regular employees.

186. In reply, the Workers' Vice-Chairperson stated that the first time work was given to a homeworker, the employer should provide all information listed

and, again, any time that there was a change of conditions. He also emphasized that it was the first three conditions on the list that were essential: the name and address of the employer, the scale or rate of payment and the methods to calculate these, and the type and description of the work. Furthermore, he remarked that it was not appropriate to compare homeworkers with regular employees. The latter had access to the employer and trade unions, for example, and thus better access to information.

187. The Government member of Swaziland suggested a different drafting of the amendment that would leave the Office text as paragraph (1) of Point 14, with the amendment becoming paragraph (2). The Workers' Vice-Chairperson proposed a subamendment to insert the phrase "or each time conditions change" after "first", instead of deleting "first"; and to create a new paragraph (2) that would begin with "This information must include, in particular", followed by the list in the original amendment. The Employers' Vice-Chairperson reiterated that the items were covered in other parts of the proposed Recommendation, for example in Point 16, paragraph (2), and Point 32. The Workers' members modified their subamendment so that only the first three items on the list were retained. For reasons of style, the representative of the Secretary-General proposed that the Office text be retained and a second sentence added, as follows: "In the case of changes in these conditions, the employer should keep the homeworker informed", which was accepted. The Government members of Germany, Ireland, Italy, the United Kingdom and the United States opposed the second part of the subamendment, while the Government members of Japan and South Africa supported it. Put to a vote, the subamendment was adopted by 82,238 votes in favour and 78,200 votes against, with 1,564 abstentions. Thus, the Office text of Point 14 became paragraph (1) with the addition of "In the case of changes in these conditions, the employer should keep the homeworker informed". The following new paragraph (2) was added:

"This information should include, in particular:

- the name and address of the employer,
- the scale or rate of payment and the methods to calculate these, and
- the type and description of the work."

188. Point 14 was adopted as amended.

II. SUPERVISION OF HOME WORK

Point 15

189. The Employers' members submitted an amendment to delete this Point for conceptual and practical reasons. The Employers' Vice-Chairperson stated that legislation on registration of homeworkers and employers of homeworkers had posed problems in European countries, and referred to the example of Hungary, where this legislation had resulted in most homeworkers now operating underground. What was important was to encourage job creation, but, in fact, Point 15 imposed a permit for creating jobs and would result in unneeded bureaucracy.

190. The Workers' members opposed the amendment. Numerous countries had legislation on home work and registration systems. Registration was a useful

mechanism for knowing where homeworkers were and would ease implementation. The Workers' Vice-Chairperson emphasized that the register referred to in Point 15 concerned employers of homeworkers and their intermediaries, not the homeworkers.

191. The Government member of India supported the amendment. He observed that the total number of the workforce in India was around 315 million, the majority of whom were engaged in the informal sector. It would be impossible to register all workers concerned due to a lack of resources. In short, in a country like India, with millions of homeworkers, the implementation of this provision would be unrealistic, costly and cumbersome. Finally, it did not allow flexibility to governments. Points 14 and 16 already provided for sufficient procedure for data collection and compilation. The Government member of the United States agreed and supported the amendment. In any country with a large workforce, the registration referred to in Point 15 would be a budgetary nightmare.

192. The Government member of Switzerland, however, opposed the amendment. He reported that Switzerland had a system of registering employers of homeworkers. Point 15 similarly required only the registration of employers. Such registration would serve the collection of data which was necessary for the implementation of the Convention, especially in view of the fact that inspections on home work were generally not systematic.

193. The Government member of France, also speaking on behalf of Austria, Belgium, Finland, Germany, Greece, Italy, Luxembourg, Portugal and Sweden, opposed the amendment. He argued that Governments had managed to find the means to require registration of employers when the matter was important to them, for example for the purpose of taxing companies. So, he did not see why registering employers of homeworkers needed to be seen as such a burden. He understood, however, the apprehension of the Employers' members about the bureaucratic implications, and wondered whether a less bureaucratic-sounding word than "registry" could be found. The Government member of the Netherlands also opposed the amendment.

194. The Employers' Vice-Chairperson expressed interest in hearing the views of other Government members from developing countries. Referring to the observations made by the Government member of France, he noted that registers of employers, of course, existed, but in the case of home work, an employer could be just one person who gave out home work to one or two persons. The definition of home work also complicated the matter for large enterprises, for example, which would not be registered as employers of homeworkers but which might have some employees who worked at home some of the time.

195. The Workers' members maintained that registration could be a simple matter. Employers who were already registered could just indicate that they also gave out home work. There might be problems in developing countries in view of the large numbers of small employers, but it was important to be able to reach them to provide information about regulations on home work. In India, homeworkers were already counted in the census. Furthermore, the Beedi and Cigar Workers (Conditions of Employment) Act 1966, which applied to homeworkers engaged in rolling *bidi* cigarettes, contained a provision for

registering employers which had worked well. The Employers' members withdrew the amendment.

196. Point 15 was adopted without change.

Point 16

New paragraph

197. The Workers' members submitted an amendment to insert before paragraph (1) a new paragraph as follows:

Employers should be required to notify the competent authority before they give out work, directly or through an intermediary, to homeworkers, for the first time.

The Workers' Vice-Chairperson, referring to the concerns expressed earlier by the Employers' members, emphasized that the obligation to notify the competent authority did not amount to a permit to employ homeworkers.

198. The Employers' members opposed the amendment. They argued that it would amount to a requirement for a permit. In addition, each time a different homeworker was engaged or an employee wanted to work at home, another notification would be required. Further confusion was created by the amendment where it appeared that there would first have to be a list kept of all potential employers, because the amendment said notification would be "before" home work was given out, and then a list of those who actually gave out work to homeworkers. Another problem was that in many countries the competent authority could be far away and thus make notification difficult. The only positive effect of such a bureaucratic approach would be job creation for civil servants.

199. The Workers' members believed that the amendment was not being interpreted correctly. Employers would give notice only the first time that they gave out home work. In addition, the competent authority would not necessarily be at the national level; it could very well be at the local or district levels, close to the location where home work was carried out. The amendment was also meant to assist in the provision of information on regulations on home work to employers of homeworkers.

200. The Government member of the United Kingdom opposed the amendment because it was an unacceptable interference in the functioning of the labour market. While the Government member of Swaziland agreed with the intent of the amendment to require employers to communicate their intention to engage homeworkers, the formulation was too rigid.

201. The Government member of Switzerland supported the amendment. Notifying the competent authority the first time home work was given out would not be an additional burden on employers. It would facilitate informing employers of the regulations which applied to homeworkers and the updating of the register required in Point 15. Such a requirement existed in Switzerland's national legislation. The Government members of Algeria, Australia, Canada, the Czech Republic, France and Germany supported the amendment.

202. The Government member of Uruguay emphasized the need for a more flexible formulation of the amendment. She observed that, in some countries, it was difficult for employers to register prior to giving out work. It would be easier if a time-limit for the registration was envisaged. The Employers' members

supported this suggestion, and proposed a subamendment to replace the word “before” by the word “when”, so that notification could be required when, not before, home work was given out for the first time. The Workers’ members supported this subamendment for practical reasons; the national authority would decide the exact time. The amendment as subamended was adopted.

203. The Workers’ members submitted an amendment to insert before paragraph (1) a new paragraph, as follows:

Only registered employers and intermediaries should be authorized to give out work to homeworkers.

The Workers’ Vice-Chairperson said that this stated the general principle and that practical details would be left to governments.

204. The Employers’ members opposed this amendment. It went way too far and was another in a series of amendments to increase bureaucracy and restrict the autonomy of employers. In response to the statement by the Workers’ Vice-Chairperson that, with the amendment just adopted, notification was when home work was given out, not before, the Employers’ Vice-Chairperson said that if an employer had to be registered to give out home work, that meant prior to giving out home work. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom opposed the amendment. They agreed that it went beyond registration and thus went too far. The Workers’ members withdrew the amendment.

Paragraph (1)

205. The Employers’ members submitted an amendment to replace the word “register” by “list”. It had less bureaucratic implications and sounded less “high-faluting”. The Workers’ members opposed the amendment and preferred the word “register” because it was more of a legal term. The Government members of Algeria, Egypt, South Africa and Swaziland also opposed the amendment. The Government member of the Netherlands, speaking on behalf of the Government members of Austria, Belgium, Denmark, Germany, Ireland, the Netherlands and the United Kingdom, supported the amendment, as did the Government member of the United States, who thought “list” was less formal.

206. The representative of the Secretary-General read the definition of the two terms from the *Concise Oxford Dictionary*. There seemed to be little real difference between these two terms. The Employers’ members withdrew the amendment. They were just trying to avoid a more complex word.

207. The Workers’ members submitted an amendment to provide that registers of homeworkers would be kept “by gender” for similar reasons that a change had been introduced earlier to provide that statistics on home work would be collected by gender. The Employers’ members opposed the amendment. It had been appropriate in relation to statistics, but not in relation to registers. The Government members of Algeria, Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, South Africa, Swaziland, the United Republic of Tanzania, Turkey, the United Kingdom and the United States supported the amendment. The amendment was adopted.

208. The Employers' members submitted an amendment aimed at obtaining that only homeworkers "who primarily work at home" would have to be covered by the register kept by the employers. Having failed to limit the definition of home work to those who solely or primarily worked at home, they wanted to make the distinction in this Point. Otherwise, employers would be required to keep a register of those who may occasionally take work home.

209. The Workers' members opposed the amendment. They understood the concern about having to register workers who normally worked in an office or enterprise, but who could at times take work home. However, these were normally supposed to be employees and thus covered by the provisions for employees, whereas the proposed amendment would exclude, for instance, regular part-time workers who were also engaged in home work for the same or another employer. They suggested a better formulation be found. A few possibilities were discussed along the line of "except for those who were regular workers of the employer who sometimes carried out work at home". But this was not satisfactory to the Employers' members either, because there would be a problem when there were several employers.

210. The Government member of France, speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, said that the word "primarily" was not acceptable because it went beyond the definition of home work which the Committee had agreed upon. Because the issue was a problem of definition, it should be taken up in the second discussion related to the definition of home work. It was inappropriate in this Point. The Employers' members agreed with the analysis of the Government member of France. The definition should be reconsidered next year.

211. The Workers' members viewed the situation differently. The relevance of how much time a person spent on home work was different for the purpose of definition than for the purpose of keeping a register. The previous discussion showed that there was agreement on avoiding too much bureaucracy for the purposes of keeping registers of homeworkers. This did not mean that the scope of the definition would have to be changed. The amendment was withdrawn by the Employers' members.

212. The Employers' members submitted an amendment to add at the end of paragraph (1) the following text: "The information required should be specified in national law and practice". They wanted it to be clear which information employers were required to keep in a register. The Workers' members opposed this amendment since it seemed to be linked to a subsequent amendment proposed by the Employers' members to delete paragraph (2), which outlined what should be in records to be kept by employers. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, opposed the amendment. The Employers' members withdrew the amendment.

Paragraph (2)

213. The Employers' members submitted an amendment to delete paragraph (2), which listed what information employers had to record, because the list was

only relevant to industrial home work. It referred to terms, such as “batch of work”, which was not relevant to much of telework, or to services, such as child care. Therefore, if paragraph (2) were to be retained, it needed rewording.

214. The Workers’ members opposed the amendment. They wanted an opportunity to have an amendment to this paragraph considered. They basically wanted the kind of information comparable to what was normally included in a payslip to be in a record given out to the homeworker.

215. The Government member of the United Kingdom supported the amendment because he considered that paragraph (2) went beyond what would normally be included in the pay slip. The Government member of the United States agreed with the point made by the Employers’ members that paragraph (2) was in the context of industrial home work, and therefore it had to be deleted or completely rewritten. The Government member of Ireland stated that, while he was not opposed to the principle of paragraph (2), he supported the amendment for the reasons that had already been stated and because the clauses were not in line with common law practice. He could support paragraph (2) without clauses (a) through (e) detailing what should be in the record.

216. The Government member of Egypt, speaking on behalf of the Government members of Canada, the Czech Republic, Egypt, Hungary, Norway, Poland, South Africa, Swaziland, Switzerland, the United Republic of Tanzania and Turkey, opposed the amendment. The Office text indicated clearly what should be included in the record. Such information was very important for safeguarding the rights of homeworkers in the event employers failed to fulfil their obligations. The Government members of France and Hungary also opposed the amendment. The Government member of France insisted that the Committee had to be consistent. When the topic of registration had been discussed, two issues had been considered. First, not authorizing employers to give out home work unless they were registered. This had been rejected. Secondly, recognizing the usefulness of registration of employers of homeworkers for informing them about the regulations on home work. The Committee had accepted this and therefore the provision on records should be as specific as possible. The details were not superfluous. The Workers’ members pointed out that the record would be kept by employers and would not need to be given to the competent authority. The record would also serve in the interest of employers. The Employers’ members withdrew this amendment, but still considered that the text of paragraph (2) should be entirely rewritten.

217. The Workers’ members submitted an amendment to replace the introductory part of paragraph (2), and clauses (a) and (b) by the following:

Employers should be required to keep a record which shows for each homeworker:

- (a) each batch of work given out;
- (b) the rate of remuneration and, in the case of piece-rates, the time allowed for each piece or batch.

Records given to homeworkers should include information on each batch of work, thus the reference should be placed within the list of clauses. They suggested a subamendment to add in clause (a) of the amendment “and the time allocated”, and suggested substituting “quantity of work” or “unit of work” for “batch”.

218. The Employers' members opposed the amendment and subamendment. Both still reflected a purely industrial view of home work, whereas the Committee had agreed at the outset of its deliberations that the concept of home work was much broader. He asked that the Office record the objections and observations made during the discussion so that it could propose alternatives for the second discussion. It was necessary either to narrow the definition of home work or to broaden the measures in the Recommendation to achieve consistency. Although the Employers' members were not comfortable with the Office text, they tried to make it more satisfactory by proposing a subamendment so that paragraph (2) would read as follows: "(2) Employers should also be required to keep a record of the work allocated to a homeworker which shows:". This would be followed by clauses (a) through (e) as in the Office text.

219. The first part of this subamendment, not including clauses (a) through (e), was considered first. The Government members of Canada, Norway, the United Kingdom and the United States supported this part of the subamendment, as did the Workers' members. It was adopted.

220. The Government member of Germany asked for the Office's interpretation of the expression "the time allocated". The representative of the Secretary-General explained that it was intended to signify both the time per unit in piece-work as well as the total length of time allocated to complete a given order or batch of work.

221. The Workers' members still wanted to retain the part of their subamendment which revised clause (b) to read as follows: "The rate of remuneration and, in the case of piece-rates, the time allocated for each unit of work". The Government members of Austria, Portugal, South Africa, Turkey and the United States supported the subamendment, while the Government members of Algeria, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Poland, the Russian Federation, the United Kingdom and Uruguay preferred the Office text. The Workers' members withdrew their subamendment. The amendment as subamended by the Employers' members was adopted, including the retention of clauses (a) through (e) of the Office text.

222. The Government member of Swaziland submitted an amendment to the effect that each batch of work given out by the employer should be acknowledged by the homeworker. This was intended to protect both the homeworker and the employer if there were a disagreement about the amount of work given out and returned. The worker would have had the chance to check that the work given corresponded to the declaration of the employer. The Employers' members opposed the amendment. This added a third concept to Point 16, the worker's acknowledgement, whereas paragraphs (1) and (3) already obliged the employer to keep a record and give a copy to the homeworker. The issue of giving information to workers had been adequately dealt with under paragraph (3) of Point 14. The present amendment was superfluous. The Workers' Vice-Chairperson observed that Point 14 concerned conditions of employment, while Point 16 focused on additional issues and was intended for inspection purposes. While the Workers' members agreed with the principle of the amendment, they preferred an alternative which they were proposing in a subsequent amendment. The Government member of Swaziland withdrew the amendment.

223. The Government member of Lesotho submitted an amendment to delete clause (c), which specified that amounts reimbursed for costs assumed by the homeworker be included in the employer's records. He argued that paragraph (2) referred to data to be recorded when work was given out, whereas the costs in question would be unknown until the work had been completed. He also noted that reimbursement of costs was not necessarily part of remuneration or wages, and could expose the worker to income tax on the sum in certain countries. He was open to the idea that his concern could be addressed by Point 26. The Employers' members supported the amendment, but the Workers' members opposed it. The Government members of Canada and France also opposed the amendment. The amendment was withdrawn.

224. The Workers' members submitted an amendment to replace clause (c) with the stipulation that the "costs assumed by the worker, if any, and the amount reimbursed in respect of them" be included in the record provided by the employer. It made sense to mention both so that the real net costs were clear. It could also be important for tax purposes to indicate costs as well as reimbursements.

225. The Employers' members opposed the amendment. Clauses (a) through (e) of the Office text made a neat formula that corresponded to the calculations on a typical pay slip: $a \times b + c - d = e$. The amendment disrupted this relationship. While costs were easy to identify in the case of raw materials, it would be very difficult to determine what fraction of such indivisible costs as domestic heating, lighting or water could be imputed to the employer. The problem would be even more acute when one person worked for several employers. The Government member of Canada reminded the Committee that Point 16 had to do with the record to be kept by the employer and given to the worker and wondered if the proposed amendment were germane. However, the Government member of Portugal, speaking on behalf of the Government members of Austria, Belgium, Germany, Finland, France, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and Sweden, supported the amendment. Their support reflected the conviction that costs should not always be borne by the homeworker. The Government member of the United States agreed that it was a good idea to clearly record costs incurred and what was reimbursed by the employer, and suggested a subamendment to replace the word "assumed" by the word "incurred". This subamendment was adopted, and the amendment as subamended was adopted.

226. The Workers' members submitted an amendment to replace clause (e) with the language from the Office text preceded by "the gross remuneration due, and", thus both gross and net remuneration would be included. The Employers' members did not object, but stated that the original logic of the paragraph had been lost and serious reconsideration would need to be given to this Point in the second discussion. The amendment was adopted with the support of the Government members of Australia, Austria, Belgium, the Czech Republic, Denmark, Egypt, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, Poland, Portugal, the Russian Federation, South Africa, Spain, Sweden, Switzerland, the United Republic of Tanzania, Turkey, the United Kingdom and the United States.

Paragraph (3)

227. The Employers' members withdrew an amendment to delete paragraph (3) which required the employer to give the homeworker a copy of the record described in paragraph (2), but announced that they planned to seek revision of the text in the second discussion.

228. The Workers' members submitted an amendment to provide that a copy of the record referred to in clauses (a), (b) and (c) should be handed to homeworkers in advance, while the copy of the record referred to in clauses (d) and (e) should be given upon the completion of the work. It was hoped that this might address the concerns expressed earlier by the Government member of Swaziland about the fact that some information was not available until after the work had been completed. Although clause (c) might be appropriate at either time.

229. The Employers' members opposed the amendment in that it doubled the work for employers. A practical solution would be to allow employers to show both remuneration and deductions for past work and the terms of future work on the same sheet. Requiring separate records was too much. In addition, calculations of costs incurred by workers would require estimates followed by reconciliation. Although there were elements of Point 16 that were worth retaining, the proposed amendment was excessive.

230. The Workers' Vice-Chairperson claimed that the Employers' members were exaggerating the complexity of the record that would be required. One salary slip could contain both advance information and reports for previous work. The Government member of the United States believed that the amendment was too burdensome and preferred the Office text. However, he suggested that the word "furnished" was more appropriate than "handed", since the record could be furnished to the worker without it being in person. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Norway, Poland, the Russian Federation, Swaziland, Spain, Switzerland, the United Republic of Tanzania, Turkey and the United Kingdom all preferred the Office text with the suggested change of the word "handed" to "furnished". The amendment was withdrawn. The Committee agreed to accept the change from "handed" to "furnished" in paragraph (3).

231. Point 16 was adopted as amended.

Point 17

232. The Workers' members submitted an amendment to list in detail the conditions under which an inspection could be carried out in the homeworker's home and private premises. The Workers' Vice-Chairperson recalled that the issue of privacy had already come up during the discussion of the proposed Convention. The additional precision of the present amendment was intended to prevent conflicts between the instruments on home work and national privacy legislation, and to indicate specific restrictions on inspections to protect homeworkers. She asked for clarification of the Office's interpretation of the Office text and of the treatment of privacy in existing Conventions on labour inspection.

233. The representative of the Secretary-General responded that Point 17 provided that entry by labour inspectors into private homes or premises must be

compatible with national law and practice concerning respect for privacy. The consent of the worker might or might not be required, depending on national law. The inviolability of the home might be expressed in the Constitution of the country or be among more general privacy rights. There was always a balance to be struck between competing interests and rights. For example, if a person threatened a whole neighbourhood by working with explosives at home, that person's right to privacy would certainly be subordinated to public safety. It should also be clear that the inspectors referred to in this provision would be enforcing regulations applicable to home work, the kinds of provisions contained in the present instruments, and would not have authority to enter homes for other kinds of inspections or investigations or, once inside, to inspect anywhere and for any purposes other than for the enforcement of the provisions on home work. Concerning ILO Conventions on labour inspection, the Labour Inspection Convention, 1947 (No. 81), spoke only of "workplaces", while the Labour Inspection (Agriculture) Convention, 1969 (No. 129), said specifically that an inspector could not enter a private home without the consent of the person or a special authorization issued by the competent authority.

234. The Workers' members found that the explanations were consistent with how they had interpreted the relationship of the Office text to other laws, and that it was appropriate to insert in this Point conditions under which inspections could be conducted, as had been done in Convention No. 129. The Employers' Vice-Chairperson remarked that the Office's explanation would also have been very helpful during the previous discussion on privacy in relation to the Convention. He expected difficulty from the conditions set out in the amendment, such as that inspections only take place within defined hours, because homeworkers tended to define their own working hours, for example. There was also a drafting problem with the amendment in that the inspection could take place without the presence of the homeworker. Finally, in view of the explanation from the representative of the Secretary-General, the Employers' members opposed the amendment as unnecessary. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Poland, the Russian Federation, Swaziland, the United Republic of Tanzania, Turkey and the United States opposed the amendment. The Office text was clear, concise, wellbalanced, and flexible enough to recognize the different circumstances in various countries. The Workers' members withdrew the amendment.

235. The Workers' members submitted an amendment to the effect that inspection in the parts of the home or other private premises in which home work is carried out would be allowed "when no other appropriate means of enforcement is available, or on the request of a homeworker or of the homeworker's organization". It was important to explicitly restrict the inspectors' power of entry with well-defined conditions. Although the possibility for a homeworker to request an inspection was not excluded by the Office text, it was better to state it.

236. The Employers' members opposed the amendment. The right of the homeworker to request an inspection was indeed implicit in the Office text, though there was no objection to that part of the amendment. However, the first part required the inspector to demonstrate in every case that there was no other

appropriate alternative to inspection as a means of enforcement. This was too restrictive, and would mean that inspectors would have to devote inordinate amounts of time in justifying their interventions rather than actually carrying out inspections.

237. The Government member of Canada, also speaking for the Government members of the Czech Republic, Egypt, Hungary, Japan, Norway, Poland, the Russian Federation, Swaziland, Switzerland, the United Republic of Tanzania, Turkey and the United States, also preferred the Office text. She noted that the second part of the amendment was implicit in the Office text, especially in light of the foregoing discussion of privacy, while the first part seemed to oblige the inspector to seek other methods of enforcement. These members had difficulty in visualizing enforcement without the possibility of inspection. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom opposed the amendment. Its implementation would pose legal problems for many member States. The Workers' Vice-Chairperson suggested that examination of an employer's records would be one means of enforcement besides inspection of the homeworker's premises. If the Workers' members could assume that both parts of the amendment were implicit in the Office text, the amendment would not be necessary. The representative of the Secretary-General said it depended on national law and practice. The amendment was withdrawn for lack of support.

238. Point 17 was adopted without change.

Point 18

239. The Employers' members submitted an amendment to replace the phrase "the continuation of home work should be prohibited" with "appropriate measures should be taken to remedy this situation". In some cases prohibition was appropriate, but the amendment referred to a whole series of measures that might be taken by the authorities to remedy the situation, either by a resolution of the problem or prohibition. The Government member of Canada proposed a subamendment, since there was no harm in keeping the reference to prohibition, to add at the end of the Office text "until appropriate measures are taken to remedy the situation". This was acceptable to the Employers' and Workers' members, and the amendment as subamended was adopted.

240. The Workers' members submitted an amendment to provide for the right of a homeworker to refuse dangerous work. To make it simpler, they suggested a subamendment so it would read as follows: "A homeworker should have the right to refuse or cease work without sanctions if there is, in the opinion of the homeworker, such an imminent danger". This was similar to a clause in Article 13 of the Occupational Safety and Health Convention, 1981 (No. 155), and was also in the Chemicals Convention, 1990 (No. 170).

241. The Employers' members agreed with the sentiment, but suggested an alternative subamendment derived from Articles 13 and 19(f) of Convention No. 155, which could be the basis for continued consideration of the issue in the second discussion. The Office text as already amended would become paragraph (1). A new paragraph (2) would read as follows:

(2) A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her life or health shall be protected from undue consequences in accordance with national conditions and practice. The homeworker should report this situation, in the first instance, to the employer.

The Workers' members agreed with the substance of the subamendment. The Government members of Australia, Canada and the United States also supported this subamendment, which was adopted. The amendment as subamended was adopted.

242. The Workers' members submitted an amendment to provide that "In the case of suspension of home work or of the giving out of home work, the homeworker should be compensated for lack of earnings". Since the situation covered in this Point would not be the fault of the homeworker, the burden should be borne by the employer or intermediary. The Employers' members opposed the amendment, and argued that homeworkers could sometimes be at fault, for example, because of the way the person chose to go about the work. In such cases, compensation would be inappropriate. The amendment also introduced a new area that had not been touched by the Office text. In his view, it was already covered in existing laws relating to contracts, a point echoed by the Government member of Algeria. The Government members of Canada, France, Norway, Swaziland, the United Kingdom and the United States opposed the amendment. It went beyond some of their laws or would raise legal questions, and it was not necessarily limited to the situations covered by Point 18. The amendment was withdrawn by the Workers' members, who stated that it would be brought up again in the second discussion in relation to types of contracts and the information that should be given to homeworkers.

243. Point 18 was adopted as amended.

Point 19

244. Two identical amendments to delete this point were submitted by the Employers' members and by the Government members of Canada, Japan, Norway, Swaziland and the United Kingdom. The Employers' Vice-Chairperson stated that the two previous Points provided adequate remedies and penalties to deal with health and safety issues. This Point was too broad-brushed, and crossed over laws and regulations of member States, some of which had such provisions and others not. The Government member of Canada agreed that it went too far and was too rigid, making it almost a principle. Point 10, paragraph (2), in the proposed Convention spoke of remedies, including penalties, which meant that prohibition of home work could be used. In contrast, the Workers' members opposed the amendment and thought that the Point elaborated further on the Convention text and made sense in a Recommendation, where severe penalties for such actions could be provided. While agreeing with the Government member of Canada that it was too rigid, the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom opposed the amendment because they wanted the opportunity to amend the Point but did not wish its deletion. Put to the vote, the amendment was defeated by 39,491 votes in favour, 42,228 votes against and 3,519 abstentions.

245. The Employers' members submitted an amendment to replace the text which prohibited an employer or an intermediary from giving out home work by the phrase "appropriate measures should be taken in accordance with national law and practice". The effect was to remove what they termed a single blunt instrument, and to leave a range of options open to suit the specific needs of each case. However, the Workers' members opposed the amendment because it would have the same effect as deleting the Point.

246. The Government member of France proposed a subamendment to reinsert a phrase which would add after "appropriate measures" language something like: "concerning, in particular, the possible prohibition on giving out home work". He reported that, in discussing the amendment, the Government members of the countries which belonged to the European Union had wanted to ask the Legal Adviser if it would have the effect of creating new obligations on member States. He also wondered, in view of what the representative of the Secretary-General had said earlier about the use of the phrase "in accordance with national law and practice", whether the phrase had any meaning any more. The representative of the Secretary-General recalled that a Convention imposed obligations, while a Recommendation did not, thus the phrase could not be used in a Convention to avoid obligations. Point 19 was intended to be included in a Recommendation. If a country had legislation covering the case of repeated violations, which did not include such a prohibition, it could be influenced by this Point to amend its legislation or could choose to ignore it.

247. The Government member of Canada added that the phrase should be considered in the context of either form of instrument. Depending on the wording of the provision, the phrase could mean that the decision to take the proposed action or not would depend on the compatibility of that action with national practice and legislation. In the case where the obligation was more precise and the phrase were added, it would not lessen the obligation but would give flexibility in the way in which the member State could apply this obligation. Anything in a Recommendation was not binding. She supported the subamendment suggested by the Government member of France. After considerable discussion over alternative drafting of the subamendment, a subamendment was adopted, which would make Point 19 read as follows:

In cases of serious or repeated violations of the laws and regulations applicable to home work appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

As a result, the Workers' members withdrew an amendment which sought to add "in addition to other appropriate penalties" at the end of the Point and the Employers' members withdrew an amendment to include "homeworkers" as possible violators.

248. Point 19 was adopted as amended.

New Point after Point 19

249. The Workers' members submitted an amendment, which read as follows:

In the case of suspension or termination of home work for one of the reasons referred to in Points 18 and 19, the homemaker should be properly compensated for loss of earnings, and receive protection against victimization.

The amendment was subamended to read as follows:

In the case of suspension or termination of home work for one of the reasons referred to in Points 18 and 19, the homeworker should receive protection against victimization. The Employers' members opposed the amendment, as its reference to "victimization" was particularly inappropriate and troublesome. The Government member of Algeria also opposed it and said the issue should be in the contract between the employer and homeworker.

250. The Government members of Austria, Belgium, Finland, France, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, and Sweden opposed the amendment. The term "victimization" was too subjective. They proposed a subamendment so that the new Point would read as follows:

In the case of suspension or termination of home work due to serious violation due to the employer, the homeworker should be compensated in accordance with the modalities envisaged by legislation and national practice.

The Workers' members proposed a subamendment to this subamendment to insert "and protected" after "compensated", but later withdrew it. While they at first opposed this subamendment because they wanted to retain the reference to Points 18 and 19, after discussion they said they could support it.

251. On behalf of the Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Norway, Poland, the Russian Federation, Swaziland, Switzerland, Turkey and the United States, the Government member of Canada expressed a firm preference for the Office text. Speaking on behalf of Canada, she opposed the subamendment offered by the Government member of France and others. While there might be legislation in some countries to provide for such compensation, this was not the case in every member State of the ILO. Although the sentiment was good, it could amount to a sectoral provision for homeworkers only, where such a provision did not exist for workers in general.

252. The Employers' members opposed the subamendment as well. If support for it were forthcoming, they would bring in another subamendment to refer to violations due not only to the employer, but also to the intermediary and the homeworker. The Government members of Ireland and Sweden also opposed the subamendment. The subamendment was rejected. The Workers' members then withdrew the amendment.

III. MINIMUM WAGE

Point 20

253. The Employers' members submitted an amendment to delete the words "where this is not already the case" which they considered superfluous. The Government member of Germany noted that perhaps Point 20 could even be deleted because minimum age for admission to employment or work was already covered in Point 6(2).

254. In response to a request for clarification from the Workers' Vice-Chairperson, the representative of the Secretary-General admitted that the phrase "where this is not already the case" was not necessary. As to the distinction between Point 6(2) and Point 20, Point 6(2) provided that minimum age for admission to employment or work should be among those priority areas to be

considered in promoting equality of treatment between homeworkers and other categories of workers. In Point 20, a recommendation was made to member States which had laws and regulations concerning minimum age for admission to employment or work to expand the scope of such laws and regulations so as to cover also home work. Member States which did not have such laws and regulations would not be affected. The amendment was withdrawn.

255. The Workers' members submitted an amendment to add a new paragraph to Point 20:

With a view to progressively reducing the use of child labour, programmes should be devised and directed to children and their families aimed at diminishing the families' dependence on child labour. Such programmes should include information on nutrition, education and vocational skill training.

The Employers' members opposed the amendment and emphasized that, while the sentiments contained in the amendment were laudable, they were not germane to the proposed Recommendation. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Poland, the Russian Federation, Swaziland, Switzerland, the United Republic of Tanzania and the United States also opposed the amendment.

256. The Government member of Spain, speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain and Sweden, introduced a subamendment so that the amendment would read as follows: "Special programmes should be drawn up to reduce progressively child labour in connection with home work." They believed that the need to sensitize countries about child labour remained a priority. The Workers' members supported the proposed subamendment.

257. The Government members of Algeria and the United Kingdom noted that the amendment and subamendment were not appropriate in this instrument because the problem of child labour was not confined to home work. The Government member of Germany, citing the statement on child labour of the Minister of Labour of Germany to the Conference, thought it would highlight that children were engaged in home work in many countries. The Government member of Canada appreciated the assistance provided by the German Government to the ILO's International Programme for the Elimination of Child Labour, but reiterated that the amendment did not belong in this instrument. Child labour was a serious problem, the Governing Body was continuing to discuss it in various committees, and it was found in all sectors of the economy. Points 6(2) and 20 already reflected the Committee's commitment against child labour in home work.

258. The representative of the Secretary-General expressed strong reservations about the phrase "to reduce progressively". International labour standards should clearly reflect the ILO's principal objective to eliminate child labour and there should be no ambiguity created about the ILO's position. The Government member of Spain then suggested to delete the word "progressively". As there was no agreement, the amendment and subamendment were withdrawn. However, the Workers' members considered that it was important that the

Committee had recognized child labour as a serious problem in home work and that there was a commitment to eliminate it.

259. Point 20 was adopted without change.

IV. THE RIGHTS TO ORGANIZE AND TO BARGAIN COLLECTIVELY

Point 21

260. The Employers' members submitted an amendment to replace this Point by the following:

Homeworkers should have the right to establish their own organizations or to join organizations of their choice. Organizations of homeworkers should have the right to join trade union federations or confederations.

They believed that this was essentially a positive reformulation of the Office's text, in line with the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

261. The Workers' members opposed the amendment. Point 21 brought into sharp focus the restrictions or other obstacles that existed to making effective the rights to organize and to bargain collectively. These restrictions and obstacles were a reality in several countries. The Government member of Canada also opposed the amendment. She had similar concerns to those of the Employers' members; that the objective of the Office text was good, but that it could impose an administrative burden. But, the Workers' members also had a valid point. Since the principle of freedom of association was already in Point 6 of the Convention, it was appropriate that the Recommendation amplified on it and drew attention to obstacles that might exist, thus she preferred the orientation in the Office text.

262. The Government member of the United States supported the amendment. It was a clear, crisp, policy statement. The Government member of Swaziland also supported the amendment, but felt that it dealt with only one aspect. It did not convey the specific idea that was in the Office text of identification and elimination of obstacles. He introduced a subamendment to retain the text of the amendment, which would become paragraph (1) and to add a new paragraph (2), as follows:

(2) Any obstacles that have been identified as impeding the process under paragraph (1) above should be eliminated.

The Workers' members opposed this subamendment. The nature of the obstacles were more clearly identified in the Office text. The subamendment was withdrawn, as was the amendment.

263. The Workers' members submitted an amendment to insert, after the word "choice", the phrase "and to participate in the activities of such organizations". It was to bring the text in the proposed Recommendation into line with Point 6(2)(a) of the proposed Convention. The Employers' members had no serious objection, but queried whether the phrase would have implications for employers in terms of financing certain activities. The Workers' Vice-Chairperson said that would depend on national law and practice. The representative of the Secretary-General agreed. For example, in some countries, workers could take paid leave while on trade union business. The Government of Nigeria saw no

need to insert the phrase, since allowing homeworkers to join organizations entailed their participation in the activities of the organizations. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Poland, Norway, the Russian Federation, South Africa, Swaziland, Switzerland, the United Republic of Tanzania, Turkey and the United States supported the amendment. The amendment was adopted.

264. Point 21 was adopted as amended.

Point 22

265. The Workers' members withdrew an amendment to add "promote" after "encourage", so that measures would be taken both to encourage and promote collective bargaining.

266. The Employers' members withdrew an amendment to insert after "collective bargaining" the words "or any other methods in accordance with national law and practice".

267. Point 22 was adopted without change.

V. REMUNERATION

Point 23

268. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Malta, Norway, the Russian Federation, South Africa, Swaziland, Switzerland and the United States submitted an amendment to replace this Point by the following: "Minimum wage legislation should apply to home work." The Government member of Japan supported the amendment, since the new text would only affect countries having minimum wage legislation. He added that it had been difficult to implement Japan's home work legislation. The Government member of Germany opposed the amendment.

269. The Workers' members proposed a subamendment, which attempted to merge elements of various subsequent amendments and the Office text, to read as follows:

Minimum wage legislation, where it exists, should apply to home work and, where absent, minimum rates of wages on a time or piece basis should be fixed, in accordance with national law and practice.

270. The Employers' members opposed both the amendment and the subamendment. The Office text addressed one concern, that there should be minimum rates of wages for homeworkers. It did not specify by whom, or at what level, they should be fixed, thus leaving open the possibilities. The amendment, however, would apply minimum wage legislation to home work. Since the Committee had adopted a definition of home work which encompassed categories of persons who were not employees, an extra legislative obligation and burden of implementing the existing legislation on minimum wages would be created. In certain countries, like Japan, minimum wage legislation was restricted to employees.

271. The Government member of the United Kingdom shared the concerns of the sponsors of the amendment. The part of the subamendment which referred

to legislation "where it exists" might prevent a new obligation on governments, but the entire formulation encompassed too many issues.

272. The Government member of Canada opposed the subamendment. The principle of not excluding homeworkers from minimum wage legislation was a good one, but not the provision relating to fixing minimum wage rates by sector. The Workers' Vice-Chairperson did not think that the subamendment meant that the fixing of minimum wages would be by sector and sought clarification. The Government member of Canada replied that, in the context of an ILO instrument for one sector of the labour market — home work — the subamendment could lead to the situation where there would be minimum wages for homeworkers, but not necessarily for other categories of workers.

273. The Government member of France thought that, whereas the Office text might have said too little, the subamendment submitted by the Workers' members went too far. The Office text signified either that minimum rates of wages would be for all types of home work, in which case it meant the same thing as the subamendment, or that rates could be set for different types of home work, depending on the product, etc. In that case, the amendment was much clearer.

274. The Employers' Vice-Chairperson remarked that he had not interpreted the Office text to mean that there could be minimum wages for homeworkers fixed by sector. If that were the case, the Employers' members were more comfortable with the amendment. The Workers' members repeated that it seemed to them that the Office text had left open the level at which rates would be fixed, incorporating the possibilities of collective bargaining, wage councils, etc., but that it did not imply that rates would be fixed for a specific sector of homeworkers. In the amendment and subamendment, where minimum wage legislation existed, the idea was to have it apply to homeworkers. They asked the Office to explain the meaning of its text in Point 23. The representative of the Secretary-General stated that the Office text did not identify at which level minimum rates of wages for home work should be fixed. Nor did it identify how the minimum rates of wages were to be fixed: it could be through legislation, collective bargaining or any other means consistent with national law and practice. The Office text was also different than the amendment on another aspect. The recommendation contained in Point 23 was directed to all countries, irrespective of whether or not they had minimum wage legislation, whereas the recommendation in the amendment was intended only for countries which had such legislation. The Workers' members maintained their subamendment and emphasized that it included the phrase "in accordance with national law and practice". Finally, in view of insufficient support from the Government members, the subamendment was withdrawn. The Employers' members stated their preference for the Office text in view of the explanation of the representative of the Secretary-General. The amendment was rejected.

275. The Government members of Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, Portugal, Spain and Sweden submitted an amendment to insert at the beginning of the Point the words "Within the framework of equality of treatment". In introducing this amendment, the Government member of France recalled the earlier discussions on Point 6. He said that two issues should be clearly set out. First, minimum rates of wages for

home work should be fixed in reference to other types of work. Second, this provision should not be understood as applying only to countries which already had a legal system for fixing minimum wages, but also as a commitment for other countries to promote the establishment of such systems. He proposed a subamendment to add the words “provided for in the Convention” at the end of the amendment so that the reference was to the framework of equality of treatment in the Convention.

276. The Workers’ members supported the amendment and subamendment. The Employers’ members, however, opposed both. The principle that equality of treatment applied to remuneration was already in the Convention. Inserting the amendment here implied putting in the principle of equal pay for equal work. It also interfered with the operative parts of the provisions on remuneration included in Points 24 to 28. In reply, the Government member of France noted that Point 23 was the only Point which covered the issue of minimum rates of wages, thus the amendment did not affect the rest of the Points on remuneration. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, the Russian Federation, Swaziland, Switzerland, Turkey and the United States opposed the amendment. The amendment, while well-meaning, did not add much and could lead to confusion. The amendment was withdrawn.

277. The Employers’ members submitted an amendment to insert after “wages” the words “on a time, piece or other basis”, but were willing to withdraw it if the Workers’ members were opposed to it. The Workers’ members could accept only time and piece, but not “other basis”. Though the Employers’ Vice-Chairperson observed that there were other bases for fixing wages, the amendment was withdrawn.

278. The Employers’ members and the Government members of Austria, Belgium, Finland, France, Germany, Greece, Italy, Luxembourg, Portugal, Spain and Sweden submitted an identical amendment to add, at the end of Point 23, the words “in accordance with national law and practice”. It was to take account of the wide variety of national law and practice and allow the minimum rates of wages to be set in accordance with the way it was done in each country. The Workers’ members supported the amendment, but with the understanding that the minimum wage rates would be fixed. The amendment indicated only that the way of doing it would be in accordance with national law and practice. The latter phrase did not mean that, if national law and practice did not provide for any minimum wage fixing for home work, there would be none. The amendment was adopted.

279. Point 23 was adopted as amended.

Point 24

280. The Government members of Australia, Canada, the Czech Republic, Hungary, Norway, South Africa, Swaziland, Turkey and the United States submitted an amendment to replace in the first paragraph the words “actually payable to” by the word “of”. The term “actually payable” was confusing. It included elements of gross and net remuneration. Deductions at the source varied, for example, for the purposes of taxation and social security and statutory

deductions from remuneration were outside the framework of collective agreements. The Employers' members supported the amendment.

281. The Workers' members read Point 24 as making a distinction between minimum wages, which were covered in Point 23, and real wages, and not between the concepts of gross and net remuneration. The Workers' members sought clarification from the Office on the term "actually payable". The Government members of Austria, Belgium and Germany had a similar understanding and did not want to impede the ability of homeworkers to agree to remuneration above the minimum wage rate. The representative of the Secretary-General explained that the minimum rates of wages mentioned in Point 23 meant the amount of basic remuneration below which no homeworker could be paid, whereas the rates of remuneration actually payable mentioned in Point 24 meant the amount of basic remuneration which homeworkers actually got or were supposed to get and which could be superior to the minimum rates of wages.

282. The Government member of the United Kingdom supported the amendment, as it took away the confusion in the Office text. The Workers' members also supported the amendment. The amendment was adopted.

283. The Workers' members submitted an amendment to delete in the introductory part of the Point all the text following the words "fixed by", and to insert a new clause (a): "collective bargaining". They noted that the formulation of this Point had been changed from that in the Office questionnaire. They were concerned that the new formulation might be interpreted in a restrictive way to mean that only if collective bargaining existed in a member State, whether or not collective bargaining agreements were actually reached which applied to homeworkers, existing clauses (a) and (b) would not come into play. The representative of the Secretary-General explained that the change in the formulation was based on replies to the questionnaire, in which many governments had emphasized the importance of fixing rates of remuneration by collective bargaining. "In the absence of such bargaining" had to be read in conjunction with the first sentence of Point 24. "Such bargaining" referred to the collective bargaining which fixed the rates of remuneration payable to homeworkers. Where these rates had not been fixed by collective bargaining, then other methods in clauses (a) and (b) would be used.

284. The Employers' members submitted a subamendment to add the words "individual or" before "collective bargaining". This was to take account of the reality that often there was no collective bargaining and rates of remuneration were fixed in individual agreements between the employer and the homeworker. The Point therefore should recognize all three ways of fixing rates of remuneration: individual or collective bargaining, decisions of the competent authority or other appropriate wage-fixing machinery. Since the definition of home work was broad and encompassed many persons working at home who were not real employees under national law, it was very likely that the rates of remuneration of these persons would be in individual agreements with the employer and not in collective agreements. In view of the nature of home work, recognition of individual bargaining was important.

285. The Government member of Canada supported the amendment but not the subamendment. Based on the replies to the Office questionnaire, the Point

now flagged a preference for collective bargaining. Individual bargaining was a reality, but the present clause (b) in Point 24 could be interpreted to cover it. The Workers' members fully agreed with the comments of the Government member of Canada. The idea was not to promote individual bargaining, but to promote collective bargaining. Individual bargaining existed and would continue to exist, but this fact was not explicit in any part of the Convention or Recommendation. While they wished to withdraw the amendment based on the discussion, they asked for clarification from the Office on the interpretation of clause (b), since it was not clear whether individual bargaining was covered by it.

286. The representative of the Secretary-General replied that clause (b) was not meant to include bargaining between the employer and the individual homemaker. If that was what the Committee wished, it would have to be implicitly included. The Employers' members maintained their subamendment. The Government member of the United Kingdom supported the subamendment, which reflected reality, but did not preclude collective bargaining. The Government member of Japan also supported the subamendment.

287. The Government member of France, also speaking on behalf of the Government members of Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Luxembourg, the Netherlands, Portugal, Spain, Sweden and the United Kingdom, opposed the subamendment. He observed that individual bargaining was one modality among others for fixing rates of remuneration and therefore understood the concern of the Employers' members. However, there was a problem in putting individual bargaining on the same level as collective bargaining, which conflicted with the substance of the ILO's work which related to collective relations.

288. The Workers' members, too, strongly opposed the subamendment. In this Recommendation, which specified measures to be promoted within the framework of the national policy on home work, it made no sense to promote individual bargaining. However, if the Committee wanted to mention the existence of individual agreements, it would be better to say that: "Realizing that rates of remuneration are often fixed by individual agreements, it is preferable to determine them by collective bargaining, or ...".

289. The Government member of Canada proposed a subamendment to the subamendment so that the amendment would read as follows: "collective bargaining or by agreement between the homemaker and the employer". This would become new clause (a), rather than be inserted after clause (a).

290. The Workers' members opposed this proposal as it still placed individual bargaining on a par with collective bargaining. The concept of collective bargaining should not be weakened within the framework of this Recommendation, since it was such an essential element of the principles of the ILO. The Employers' members insisted that if the ILO wanted to begin setting standards on new and non-industrial forms of employment, it was important to recognize the existence of individual agreements and the preference that many of the workers in these forms of employment had for individual agreements. The Recommendation did not allow this flexibility, especially considering the broad definition of home work. They could support the subamendment to the subamendment proposed by the Government member of Canada.

291. Referring to the Workers' members observations, the Government member of Japan said that the issue of promoting collective bargaining was already covered by Point 22, and there was no need to repeat the same in Point 24, which dealt with wage fixing. It was right to recognize the various ways in which wages were fixed. The Government member of the United States said that individual bargaining had to be recognized as a reality, despite what wording was finally agreed.

292. The Government member of France reiterated the two main objections that the Government members on behalf of whom he spoke had to the subamendments being discussed; the use of the term "bargaining" was inappropriate when referring to individual relations. First, it entailed a connotation of comparability to collective bargaining which was not acceptable. Second, the subamendments did not establish any hierarchy between individual and collective bargaining. Taking into account the new realities in the world did not imply abandoning the key principles of the ILO.

293. Referring to the concerns expressed by the Workers' members, the Employers' members and some Government members, the Government member of Canada withdrew her subamendment to the subamendment of the Employers' members, and proposed the following, which would make Point 24 read as follows:

Rates of remuneration of homeworkers should be fixed by collective bargaining. In the absence of such bargaining, they should be determined by:

- (a) decisions of the competent authority, after consulting the most representative organizations of employers and workers, the organizations concerned with homeworkers and those of employers of homeworkers, or where the latter do not exist, representatives of homeworkers and of employers of homeworkers;
- (b) other appropriate wage-fixing machinery at the national, sectoral or local levels; or
- (c) by agreement between the homeworker and the employer.

The Employers' members agreed. The Workers' members agreed, but only for this year, and with strong reservations. This subamendment was considered as replacing the earlier subamendment. The amendment as subamended was adopted.

294. The Workers' members submitted an amendment to insert the word "preferably" in the first line of the Point after the word "fixed". It seemed clear from the discussion that there was agreement on giving priority to collective bargaining, and thus "preferably" was already read into the text. If that interpretation were confirmed, the amendment could be withdrawn. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Norway, Poland, South Africa, Swaziland, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The Employers' members also opposed the amendment, and considered that the issue was already covered in Point 22, which stated that measures should be taken to encourage collective bargaining as a means of regulating the terms and conditions of work of homeworkers. The Workers' members withdrew the amendment, and accepted the reference to Point 22 as being consistent with what they were trying to do with the amendment.

295. The Employers' and Workers' members agreed to withdraw several pending amendments in view of the amendments that had already been adopted

to Point 24. The withdrawn amendment of the Workers' members would have inserted, after "In the absence of such bargaining", the phrase "or in so far as homeworkers are not sufficiently covered by such bargaining". They emphasized that their interpretation of the Office text was that the intent of the amendment was already there. There was thus the possibility of applying wage-fixing machinery, other than collective bargaining, if the latter provided insufficient coverage of homeworkers.

296. Point 24 was adopted as amended.

Point 25

297. The Employers' members withdrew an amendment to delete the Point.

298. The Government members of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, the Netherlands, Spain and Sweden submitted an amendment to make, in case of specified work paid by the piece, the rate of remuneration of a homeworker "comparable to" the rate received by a worker in the enterprise of the employer, rather than "the same as". The Government member of Ireland explained that this added flexibility. The Employers' members supported the amendment, as the Office text was too rigid. The Workers' members offered a subamendment to add "and at least equivalent to". The Employers' members opposed this. It could result in augmentation of salaries to match the highest in the region, since the comparison, when there were no workers in the enterprise of the employer, extended to other enterprises in the region. The Government member of Ireland also opposed the subamendment, noting that it was a contradiction in terms to speak of "comparable to" and "at least equivalent to" at the same time. The Government members of Germany, Swaziland and the United States also opposed the subamendment. The subamendment was rejected. The amendment to replace "the same as" by "comparable to" was adopted.

299. The Workers' members withdrew an amendment to specify that the worker in the enterprise of the employer, with whom the rate of remuneration would be compared, should be "engaged in the same or similar type of work or occupation" as the homeworker, it being considered already in the Office text.

300. The Workers' members submitted an amendment to add a new paragraph to Point 25, as follows:

Where homeworkers are paid by the piece, their remuneration should:

- (a) be established after an impartial assessment of the time needed to complete the piece;
- (b) take into account the amount that workers in the enterprise who are paid on a time basis would receive for the time fixed in this assessment.

They wanted to ensure equal treatment between homeworkers and enterprise-based workers and to indicate how piece-based rates could be translated into time-based rates. This was not to say that the remuneration had to be the same. Sometimes a homeworker would take longer to complete a task than a worker in the enterprise due to the absence of sophisticated equipment, for example.

301. The Employers' members opposed the amendment. The proposed assessment seemed to be a job-creation scheme for job assessors. The differences in working techniques and levels of investment in the factory and in the home,

and other factors like location of the work, rendered it impossible to make a meaningful correlation between piece-based and time-based remuneration. The Government member of Canada shared the concerns of the Employers' members, and offered a subamendment to delete clause (a) of the amendment and to modify clause (b) to read as follows: "take into account the amount that workers in the enterprise who are paid on a time basis would receive for the time established for the completion of that piece". The Workers' members agreed. The Employers' members and a substantial number of Government members opposed the subamendment. The amendment and subamendment were withdrawn.

302. Point 25 was adopted as amended.

Point 26

303. The Employers' members submitted an amendment to replace the first line by the following: "The terms of employment for homeworkers should take into account reimbursement of legitimate expenses and/or remuneration for:", to distinguish reimbursement for expenses from remuneration for work. They recalled the previous discussion of the possible disadvantages for homeworkers of mixing reimbursement and remuneration. The Workers' members acknowledged that the amendment addressed a problem that had troubled them, too. They considered the word "reimbursement" to be a better formulation than "compensation" or "direct compensation" as they had proposed in another amendment. Nevertheless, they preferred a stronger statement than "take into account". The Employers' Vice-Chairperson explained that the wording reflected the potential complexity of the situation of a homeworker with more than one employer, especially concerning the difficulty of dividing costs, such as for heat, light and water. The Government member of Canada asked for clarification of the word "compensation" used in the Office text. In her view, it need not be the employer who compensated the homeworker for certain expenses, such as those listed in clause (a). The representative of the Secretary-General responded that the phrase "homeworkers should receive compensation" was not limited to compensation from employers, though it was anticipated that more often than not it would be from the employer. It corroborated the view of the Government members of Australia, Canada, the Czech Republic, Hungary, Norway, Poland, the Russian Federation, Turkey, the United Kingdom and the United States, who opposed the amendment and announced that they opposed all subsequent amendments to the Office text on Point 26. The Employers' members withdrew the amendment and similarly opposed subsequent amendments. The Workers' members withdrew the following four amendments: (1) to replace "compensation" in the first line by "direct compensation from the employer"; (2) in clause (a) to replace the words "maintenance of machinery and equipment" by "maintenance and installation of machinery and computer and other equipment and workstations"; (3) to add at the end of clause (a) "transport, rent and provision of space, insurance and materials"; and (4) add a new clause after (b): "capital costs for the purchase of tools and machinery".

304. Point 26 was adopted without change.

Point 27

Paragraph (1)

305. The Workers' members withdrew an amendment to add the words "and should be properly enforced" at the end of the sentence.

Paragraph (2)

306. The Government members of Denmark and Germany submitted an amendment to delete paragraph (2). They thought it was too detailed for the Recommendation, went beyond what applied to other workers and could limit the liability of homeworkers, even when they produced useless work. The Government members of the Republic of Korea and the United Kingdom supported the amendment. However, the Government members of Canada and Turkey opposed it; the former noted that the Point was appropriate in the Recommendation given the reality that abuses occurred in deductions from homeworkers' pay. The Employers' members supported the amendment, while the Workers' members opposed it. As little further support was forthcoming from Government members, the amendment was withdrawn.

307. The Workers' members submitted an amendment to further restrict deductions from the remuneration of homeworkers. It sought to replace paragraph (2) by the following:

Deductions from the homeworker's remuneration to cover the cost of spoilt materials or defective work should not be allowed, unless on specific grounds and after written specification by the employer, and should not exceed pre-established limits.

They then proposed a subamendment to delete "and after written specification by the employer". The Employers' members and the Government members of Australia, Canada, the Czech Republic, Hungary, Norway, Poland, the Russian Federation, Turkey and the United Kingdom opposed both the amendment and the subamendment. The amendment and subamendment were withdrawn.

308. The Employers' members submitted an amendment to add the words "in accordance with national law and practice" at the end of the paragraph, to reflect the fact that many countries already had laws in this area, and that new procedures should not be required. The Government member of Canada stated that this phrase was superfluous in this context. The Government members of Australia, the Czech Republic, Egypt, Hungary, Norway, Poland, Switzerland and Turkey opposed the amendment, as did the Workers' members. The amendment was withdrawn.

309. Point 27 was adopted without change.

Point 28

310. The Employers' members submitted an amendment to delete this Point. Given that the meaning of intermediaries was unclear and that there was the possibility that a long chain of intermediaries could exist between a homeworker and the ultimate customer for the homeworker's product or service, establishing liability would be a nightmare. This should be left to national law on the resolution of contractual disputes. The Workers' members opposed the amendment. They had tried, but failed, to introduce this Point into the proposed Convention. At that time, many Governments had argued that the provision would

be better placed in the proposed Recommendation. The aim of this Point was to ensure that homeworkers had someone against whom they could claim their remuneration if it went unpaid. The Government members of Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Japan, Luxembourg, the Netherlands, Norway, Poland, Portugal, the Russian Federation, Spain, South Africa, Swaziland, Sweden, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. They preferred to amend the Point rather than to delete it. The amendment was withdrawn.

311. The Government members of Australia, Canada, South Africa and the United States submitted an amendment to replace “and the intermediary, if any” with “and any other person jointly responsible under national legislation,”. They were sensitive to the fact that abuses could occur when there was no clear responsibility and when employers could hide behind intermediaries, but the Office text went too far. It did not take account of the differences in how this problem was dealt with in various countries.

312. The Workers’ Vice-Chairperson interpreted the Office text of Point 28 as a recommendation directed to all member States, irrespective of whether or not they had legislation that fixed responsibility for the payment of the remuneration due to homeworkers. If the existence of relevant national laws was a precondition for the application of this Point, it would be too limited. The Government member of Canada explained that the object of the amendment was to fix responsibility on persons who were responsible under national law. This needed to be read in relation to Point 9 of the Convention concerning national laws and regulations on intermediaries. The Workers’ Vice-Chairperson replied that this Point of the proposed Convention did not say how responsibility for remuneration was to be fixed, however, and so it did not cover the same issues as Point 28.

313. The representative of the Secretary-General stated that the Office text said that intermediaries were to share responsibility for payment of remuneration which was due to homeworkers even if such responsibility were not prescribed by national legislation, whereas the text proposed by the amendment would only apply in countries where there was legislation defining the responsibility of intermediaries or other persons jointly responsible. The Government member of the United States explained that the amendment was intended to remove responsibility from employees acting as intermediaries under the orders of the employer. The Workers’ members preferred the Office text. The Employers’ members also opposed the amendment. The Government member of Canada stressed that “intermediary”, whose common meaning was anyone coming between the parties, could refer to a person simply transporting materials from the employer to the homeworker. Joint and several liability in such cases was too far-reaching.

314. The Chairperson observed that the Point was especially concerned with the case of intermediaries who had been given money by employers to pay homeworkers but had not in fact done so; the employers should not be excused from their responsibilities just for having disbursed the money. The Employers’ members observed that, in this scenario, the homeworker had recourse against the employer, and the employer against the intermediary.

315. The Workers' members asserted that the Point responded to the situation described in Report V(1): many homeworkers knew only intermediaries and had no idea who their real employer was. To meet some of the concern which had been expressed, they submitted a subamendment to replace "intermediary" by "any person acting on behalf of the employer". The Employers' members objected; it still went too far. The Government member of Switzerland opposed the subamendment and interpreted it to mean that an employee who concluded a contract with a homeworker in an employer's name would be liable, while a subcontractor who concluded a contract in his own name would not be liable, which was contrary to the desired result.

316. Put to the vote, the Workers' subamendment was rejected by 130 votes in favour and 1,130 votes against, with 930 abstentions. Put to the vote, the amendment was rejected by 980 votes in favour and 1,050 votes against, with 110 abstentions.

317. On the understanding that the Committee would return to the question of liability for remuneration during the second discussion, the Workers' members withdrew an amendment to insert the words "and other pecuniary obligations" after the word "remuneration".

318. The Government member of Germany submitted an amendment to add the words "in accordance with national law and practice" at the end of the Point. She noted that many countries already had well-developed systems of liability law that defined the recourse of homeworkers against employers and intermediaries in different cases, and that these should be recognized. The Government member of Portugal supported the amendment and gave the example of the embroidery workers of Madeira: some of them acted as intermediaries between their fellow workers and their employers, but they should not be subject to the same liability as employers. The Workers' and Employers' members supported the amendment. The amendment was adopted.

319. Point 28 was adopted as amended.

VI. OCCUPATIONAL SAFETY AND HEALTH

Point 29

320. The Government members of Australia, Canada, Switzerland, Turkey, the United Kingdom and the United States, and the Employers' members, submitted identical amendments to replace the words "should draw up, publish and disseminate guidelines" by the words "should ensure the dissemination of guidelines". This would take into account new technologies for transmitting information and, while leaving the responsibility on the competent authority, would allow it to ensure dissemination of guidelines without having to bear full administrative burden. The Workers' members supported it. The amendment was adopted.

321. The Workers' members withdrew an amendment to insert, in the first line after "authority should", the following: "in consultation with the most representative organizations of employers and workers and organizations of homeworkers". Their other amendment to add, at the end of the Point, "to ensure

the same level of safety and health as for comparable workers in the enterprise” was also withdrawn, being contained already in the provisions of the Convention.

322. The Employers’ members withdrew an amendment to replace the words “that should be observed by” by “applicable to”.

323. Point 29 was adopted as amended.

Point 30

324. The Workers’ members submitted an amendment providing that the employers should, in addition to those things required in clauses (a), (b) and (c), “ensure that the work given out to a homeworker, or the work process used by a homeworker, does not cause risk to the safety and health of the homeworker, or his or her family or the environment”. The intention was to expand on the coverage in the Recommendation of safety and health issues, but they withdrew this amendment, as well as their other amendment to add a new clause after clause (c), as follows: “to provide homeworkers with a list of dangerous or non-authorized substances and products and specifications on how to handle these”. They preferred to have a text that better linked this Point to the Points on supervision of home work, such as Points 17, 18 and 19. They asked the Office to prepare such a text before the second discussion.

325. The Employers’ members introduced an amendment to insert the phrase “so far as is reasonably practicable” after “required” in the first line. They agreed wholeheartedly with the principle involved. However, there were two sides to the safety and health issue: the responsibility of the employer and that of the employee. Homeworkers were distant from the employer and without direct supervision most of the time. Although employers would do everything they could to ensure these provisions, there were limitations given the special characteristics of home work. The Workers’ members opposed the amendment, as did the Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Poland, Norway, the Russian Federation, Slovakia, South Africa, Swaziland, Switzerland, Turkey and the United States. The amendment was withdrawn.

Clause (a)

326. The Employers’ members submitted an amendment to refer to “specific” hazards, rather than “any”, which was too broad in this context. An employer might not even be aware of all the hazards due to the homeworker’s environment or methods of working. The Workers’ members, as well as the Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Slovakia, South Africa, Swaziland, Turkey, the United Kingdom and the United States, opposed the amendment. The amendment was withdrawn.

327. The Employers’ members introduced an amendment to refer to those hazards “directly” associated with the work given to homeworkers. The requirements on employers would be way too extensive otherwise. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Poland, Norway, the Russian Federation, Slovakia, South Africa,

Swaziland, Switzerland, the United Kingdom and the United States opposed the amendment. The amendment was withdrawn.

Clause (b)

328. The Workers' members introduced an amendment to refer to machinery, tools and other equipment "used by" homeworkers, rather than to those "provided to" homeworkers. There were many situations in which homeworkers owned their equipment and it was also useful in those cases, too, for the employers to ensure the safety of the equipment. The Employers' members opposed the amendment. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Poland, Norway, the Russian Federation, Slovakia, South Africa, Swaziland, Switzerland, the United Republic of Tanzania, Turkey, the United Kingdom and the United States also opposed the amendment. The Government member of France opposed the amendment and remarked that the situation of a homeworker was in between that of a regular worker and an independent worker. This was an example of where the employer could not be asked to have responsibility for the equipment supplied by the homeworker. The amendment was withdrawn.

329. The Employers' members withdrew an amendment to insert "where appropriate" in the second line after "devices and".

Clause (c)

330. The Employers' members submitted an amendment to delete the clause on providing protective equipment free of charge to homeworkers. Although the principle was appropriate, it was not so in the case of homeworkers where there was the possibility of multiple employers. The requirement would be extremely burdensome. The Workers' members opposed the amendment. They argued that in most cases, only simple protective equipment was involved, such as ear plugs. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, the Netherlands, Norway, Poland, the Russian Federation, Slovakia, South Africa, Swaziland, Switzerland and the United States preferred the Office text. The amendment was withdrawn.

331. Point 30 was adopted without change.

New Point after Point 30

332. The Employers' members introduced an amendment to insert a new Point after Point 30 that would refer to the homeworker's responsibility for safety and health, as follows:

The homeworker should be required to:

- (a) comply with prescribed health and safety 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, including the proper use of facilities and equipment placed at their disposal.

The Employers' Vice-Chairperson commented that the Office text was not balanced: the responsibilities of employers were mentioned but not those of workers. Homeworkers had to take personal responsibility for safety and health as they were not supervised and often had more autonomy than employees in an

enterprise. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Swaziland, Switzerland, Turkey, the United Kingdom and the United States supported the amendment. The Government member of Norway affirmed that countries already had such legislation, and agreed with the point about the balance of responsibilities between employers and workers. The Workers' members opposed the amendment, on the basis that the recommendation made therein was not a priority. The Government member of Austria agreed that the personal responsibility of the homeworker was important, but since this had not been fully discussed, especially with regard to sanctions, they could not support the amendment. After many Government members indicated their support, the amendment was adopted.

333. The new Point was adopted.

VII. HOURS OF WORK, REST PERIODS AND LEAVE

Point 31

334. The Employers' members withdrew the following two amendments: to insert, at the beginning of the Point, "So far as is reasonably practicable" and to add, at the end of the Point, the words "taking into account national law and practice".

335. Point 31 was adopted without change.

Point 32

336. The Workers' members submitted an amendment to provide homeworkers with the same entitlements, and at least the statutory minimum, as those for comparable workers in the enterprise concerning paid public holidays, annual holidays with pay and sick leave. As no support was indicated, the amendment was withdrawn.

337. The Employers' members introduced an amendment to delete the reference to paid sick leave. This was a social security issue and not like the other items in this Point. The Government member of Swaziland commented that this might be the case in industrialized countries, but was not the same for developing countries. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Malta, Norway, Poland, the Russian Federation, Slovakia, South Africa, Switzerland, Turkey and the United States opposed the amendment. The amendment was withdrawn. Two other amendments submitted by the Employers' members were also withdrawn: insert, at the beginning of the Point, "Taking into account the specific conditions of home work"; and insert the words "where appropriate" after the word "should".

338. Point 32 was adopted without change.

VIII. SOCIAL SECURITY AND MATERNITY PROTECTION

Point 33

339. The Employers' members submitted an amendment to delete this Point, because statutory social security schemes were already covered in the proposed Convention. Moreover, the problems related to occupational social security, the

effect on job creation and the complexity of administration had been discussed. This amendment was opposed by the Workers' members, who recalled that they had themselves submitted two amendments in order to clarify and reinforce the Office text. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, the Russian Federation, South Africa, Swaziland, Switzerland, Turkey, the United Kingdom and the United States wanted to retain the Office text, and thus opposed the amendment. The Employers' members withdrew the amendment.

340. The Workers' members then presented an amendment so that the text would read as follows: "Homeworkers should have access to and should benefit from adequate social security protection." This Point went beyond what was in the proposed Convention so that homeworkers would have protection even where no statutory schemes existed. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Slovakia, South Africa, Swaziland, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The Government member of France was perplexed by the word "adequate" which could lead to different interpretations and was a value judgement. He indicated that his Government had had a problem with ratifying the Convention on Part-Time Work, 1994 (No. 175), specifically because of the provisions on social security. The Government member of Ireland questioned whether the amendment added anything: "access" was implicit in "should benefit", and "adequate" was subjective. The Government member of Portugal also preferred the Office text, as it was unrealistic to think that social security protection could be extended to homeworkers when it was not even available to all employees. The Workers' members withdrew the amendment.

341. The Workers' members submitted an amendment to add the following to the Office text:

(2) Social security schemes should be adapted so that homeworkers enjoy conditions equivalent to comparable workers in an enterprise.

(3) Where such schemes are not available or applicable, special schemes or funds should be developed for homeworkers.

The purpose of the amendment was to fortify the Office text. Noting the problems of Government members with words like "adequate" and "equivalent", the Workers' members proposed a subamendment to remove the reference to conditions equivalent to comparable workers in an enterprise, and said that they were also willing to add a phrase "according to national law and practice".

342. The Employers' members opposed the amendment and subamendment. The Office text was burdensome enough, and this went even further. The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Slovakia, Swaziland, Switzerland, Turkey, the United Kingdom and the United States preferred the Office text. In contrast, the Government member of South Africa supported the amendment as subamended, noting that homeworkers tended to be left out of most social security schemes. This was especially true in developing countries, but was also true in industrialized countries.

343. The Government member of France recognized that the subamendment was clearly different and that everyone had agreed that homeworkers should benefit from social security protection. It was important to mention not only the principle, but also the means by which it could be implemented. Each member State would follow the course that best suited them. He proposed a subamendment to combine all paragraphs in a single sentence, and to change the final paragraph to read "either by adapting existing schemes or by the creation of special schemes". The Government member of India did not support the idea of adapting existing social security schemes to cover homeworkers, but supported the suggestion for special schemes or funds. The experience in India had illustrated that special funds could be successful, especially where the employer was easily identifiable. This had been the case with the welfare fund for *bidi* workers, where funds had come from a levy on the product. Experience with a plan for handloom and coir workers, however, had not been encouraging because employers had failed to contribute.

344. The Government member of Canada proposed to add a second sentence to the Office text, which read as follows:

This could be done by:

- (a) extending existing social security provisions to homeworkers;
- (b) adapting social security schemes to cover homeworkers; or
- (c) developing special schemes or funds for homeworkers.

This proposal was supported by the Government members of France and India and the Workers' members, and was adopted.

345. Point 33 was adopted as amended.

Point 34

346. The Employers' members withdrew an amendment to delete this Point.

347. Point 34 was adopted without change.

New Point after Point 34

348. The Workers' members withdrew an amendment to add a new Point, as follows:

Where homeworkers work on many separate contracts, their total hours of work, contributions or earnings should be taken into account in determining whether they meet threshold requirements in social security schemes and other employment benefits.

The Workers' Vice-Chairperson emphasized that the aim was to address the issue of homeworkers who worked for multiple employers, and hoped that the provisions on social security would be expanded in the second discussion.

IX. PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

New Point before Point 35

349. The Workers' members withdrew an amendment to add a new Point, as follows:

Homeworkers should enjoy equal protection concerning termination of employment with workers in enterprises performing the same or similar type of work.

Point 35

350. The Government members of Australia, Canada, Egypt, Norway, Switzerland, Turkey, the United Kingdom and the United States submitted an amendment to replace the entire Point by the following:

Homeworkers should benefit from the same protection as that provided to other workers with respect to termination of employment legislation.

In introducing the amendment, the Government member of the United States stated that the amendment was a positive policy statement without unnecessary detail. The Employers' members supported the amendment.

351. The Workers' members introduced a subamendment to add the following sentence: "A homeworker whose employment is to be terminated should be entitled to a reasonable period of notice."

352. The Employers' members stated that reasonable periods of notice were generally covered in legislation on termination of employment. If they were not, the subamendment could be interpreted as offering a better condition for homeworkers than for other categories of workers. The Workers' members said that they were concerned about when notice was not in legislation, because notice could also be provided in collective agreements, for example, and without the amendment, such a possibility was not recognized. The Government member of Germany indicated that she had difficulty with the subamendment. If it meant extending legislation on employment termination beyond what was available for other workers, she could not agree.

353. The Government member of the United States proposed a subamendment to delete the word "legislation" from the amendment.

354. The Government member of the United Kingdom opposed the subamendment introduced by the Workers' members, but supported the subamendment of the Government member of the United States.

355. The Government member of France agreed with the principle of the subamendment of the Workers' members, but not the wording, since the term "reasonable" was too subjective. He proposed a subamendment to the subamendment of the Government member of the United States, which would add at the end of the amendment "particularly in regard to the matter of notice". The Government member of Algeria preferred the Office text because the amendment went beyond notice requirements to include other aspects of protection in the case of termination of employment. He, however, could support the suggestion of the Government member of France.

356. The Workers' members withdrew their subamendment. The Government member of France withdrew his subamendment to the subamendment of the Government member of the United States. The amendment of the Workers' members, as subamended by the Government member of the United States, to delete the word "legislation", was adopted.

357. Point 35 was adopted as amended.

X. RESOLUTION OF DISPUTES

Point 36

358. The Workers' members withdrew an amendment to insert, before the word "mechanisms, the word "appropriate".

359. The Workers' members withdrew an amendment to add, in the first line after the word "should", the words "in consultation with workers' organizations".

360. The Employers' members withdrew an amendment to add, at the end of the Point, the words "within existing national laws and practices".

361. The Workers' members withdrew an amendment to add, at the end of the Point, the sentence: "Homeworkers should be informed of the establishment and procedures of such mechanisms".

362. Point 36 was adopted without change.

XI. PROGRAMMES TO ASSIST HOMEWORKERS

Point 37

Clause (b)

363. The Government members of Australia, Canada, Norway and the United States submitted an amendment to replace the word "educate" by "inform". The amendment was adopted.

Clause (c)

364. An amendment submitted by the Workers' members to add, at the end of clause (c), the words "in organizations of their own choice" was adopted.

New clause after clause (d)

365. The Workers' members submitted an amendment to insert, after clause (d), a new clause, as follows: "prevent or remedy possible negative effects of changes in production and technology on the employment opportunities of homeworkers". The Employers' members opposed this amendment, as did the Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Slovakia, South Africa, Swaziland, Switzerland, the United Republic of Tanzania, Turkey, the United Kingdom and the United States. The amendment was withdrawn.

366. The Workers' members submitted an amendment to insert, after clause (d), the following new clause: "increase and improve access of homeworkers to qualitatively good and safe equipment and tools, raw materials and other essential materials". The Employers' members supported the amendment. The amendment was adopted.

Clause (e)

367. The Workers' members submitted an amendment to insert, at the beginning of clause (e), the words "where possible in cooperation with workers' organizations". The Employers' members opposed it. If it were to be supported by a majority, it should also refer to employers' organizations. The Government

members of the United Kingdom and the United States opposed the amendment. The amendment was withdrawn.

New clause after clause (e)

368. The Government member of the Philippines submitted an amendment to add a new clause after clause (e), as follows: "provide developmental and technical assistance in order to improve the safety, health and productivity of homeworkers". The Employers' members and Workers' members supported the amendment. The amendment was adopted.

369. Point 37 was adopted as amended.

Proposed new Points after Point 37

370. The Employers' members submitted an amendment to add a new Point, as follows:

Members should adopt programmes, where appropriate, which encourage the growth of home work in order to eradicate poverty by the creation of new jobs.

This amendment recognized that, in certain places, home work had a key role to play in the eradication of poverty and in job creation. It was also an opportunity for an ILO instrument to reflect the concerns raised and commitments made at the World Summit for Social Development (Copenhagen, March 1995). The Government members of Australia, Canada, the Czech Republic, Egypt, Hungary, Japan, Malta, Norway, Poland, the Russian Federation, Slovakia, South Africa, Switzerland, Turkey, the United Kingdom and the United States opposed the amendment. The Workers' members also opposed the amendment.

371. The Employers' members emphasized that the amendment was their attempt to align the active work of the Committee with the statements made during the World Summit for Social Development. The Workers' members had a different interpretation of the commitments made in Copenhagen. They were not meant to encourage poorly remunerated and protected forms of labour like home work. The Government member of the United Kingdom agreed with the sentiment behind the amendment, but believed that the proposed Recommendation was not the appropriate instrument for implementing the outcome of the World Summit for Social Development. There were other opportunities within the ILO for follow-up action. The Government member of Norway echoed these views. The Government member of France commented that, had the amendment been introduced earlier in the Committee's deliberations, it would certainly have provoked a lengthy discussion. He was fully aware of the attempt made by the Employers' members to find some link between job creation and home work. The amendment, however, was the wrong formulation because it made an automatic link between the growth of home work and the creation of jobs. The Employers' members withdrew the amendment and asked note to be made on the record of the Employers' members' disappointment with the views of the Governments' and Workers' members.

372. The Workers' members withdrew an amendment to add a new Point as follows:

All communications with homeworkers provided to implement this Convention and Recommendation should be made available in languages spoken by affected homeworkers.

Adoption of the report, Proposed Conclusions and a resolution

373. At its 15th sitting, the Committee adopted its report, subject to the changes requested by its members. At the same sitting, the Committee adopted the Proposed Conclusions as presented at the end of the report.

374. Before adoption of the report, the Reporter informed the Committee that, according to its mandate, the Drafting Committee had considered drafting questions that had been raised by the Committee and had dealt with other purely linguistic and stylistic issues in the Proposed Conclusions that did not affect their substance. He emphasized a few of the changes. A sentence in Point 4 relating to homeworkers had been amended by the Committee to add "as defined under clause 3(a)", when clause 3(a) in fact defined home work rather than homeworkers, thus the sentence had been redrafted to read: "These standards should apply to all persons carrying out home work as defined under paragraph 3(a)." Two phrases, which had been thought to be unclear, had been left unchanged, to permit further reflection and clarification during the second discussion of the proposed instruments: "bodies of a tripartite nature" in Point 13(1), and "relevant community languages" in Point 14. Also in Point 14, the words "which includes data by gender" had been changed to "including data classified according to sex" for consistency with other ILO instruments; similarly, "gender" had been changed to "sex" in paragraph 17(2). The sentence that the Committee had added at the end of Point 15(1) had been simplified to read as follows: "The employer should also inform the homeworker of changes in these conditions." The most important change had been the transfer of Point 19, concerning the right of homeworkers to refuse to carry out work that presented an imminent and serious danger to their life or health, from Part II of the proposed Recommendation to Part VI. Part II dealt with the supervision of home work, while Part VI dealt with occupational safety and health. As Point 19 had related only to safety and health, it seemed better placed under the latter heading. It became Point 32. Finally, the wording of Point 39(e) had been improved to read "increase and improve homeworkers' access to equipment, tools, raw materials and other essential materials that are safe and of good quality".

375. The Workers' Vice-Chairperson felt that the report of the Drafting Committee overemphasized the difficulty posed by the expression "relevant community languages".

376. Commenting on the adoption of the report, the Employers' Vice-Chairperson acknowledged that the report reflected accurately the debate and the resulting texts, but reiterated that the Employers' members had grave reservations about the nature and content of the proposed instruments.

377. The Committee also adopted a resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Home work" for a second discussion regarding the proposed adoption of a Convention and a Recommendation concerning home work.

378. In closing remarks, the Government member of Canada thanked the Chairperson for having guided the Committee through its work and procedural problems with fairness and firmness, and expressed the gratitude of all the Government members for her willingness to assume the Chair on very short

notice. She also appreciated the contributions of the Employers' and Workers' Vice-Chairpersons and thanked the secretariat for an accurate report, which allowed it to be adopted without delay. Her sentiments were echoed by the Government member of France, on behalf of many Government members, and by the Government members of Italy and Australia. The Workers' Vice-Chairperson associated herself with the foregoing expressions of appreciation. She hoped that the Government members would come to the next Conference with a willingness to debate amendments fully since it was such an important part of the process, and not automatically to align themselves with the Office text. She noted that the Workers' members had submitted many amendments with a view to improving and clarifying the wording of the proposed instruments and not necessarily to change their substance, and hoped that the second discussion would be approached with a constructive spirit. The Employers' Vice-Chairperson likewise thanked the Officers of the Committee and the Office staff for the efficiency with which the work had been carried out. The content of the Office text, as he had stated throughout the debate, had not been to the liking of the Employers' members, but they appreciated the work of the Office. Finally, the Government members of France and Australia stressed the importance of the double-discussion procedure in the elaboration of high-quality standards for the protection of this vulnerable group of workers.

379. In reply, the Chairperson thanked the members of the Committee for their kind words, and for their role in making the Committee's work successful. She was also grateful for the work of the Reporter, the representative of the Secretary-General and his staff, the Legal Adviser and the interpreters for their unwavering support.

380. The report of the Committee, the Proposed Conclusions and the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Home work" are submitted for consideration.

Geneva, 21 June 1995.

(Signed) L. Samuel,
Chairperson.

F.V. La Ruffa,
Reporter.

PROPOSED CONCLUSIONS

A. Form of the instruments

1. The International Labour Conference should adopt standards on home work.
2. These standards should take the form of a Convention supplemented by a Recommendation.

B. Definitions and scope of application

3. For the purposes of these standards:
 - (a) the term "home work" should mean work carried out by a person, to be referred to as a homemaker,
 - (i) in his or her home or in other premises of his or her own choice, other than the workplace of the employer;
 - (ii) for remuneration;
 - (iii) which results in a product or service as specified by the employer, whether the equipment, materials or other inputs used are provided by this person, the employer, or the intermediary,as long as this person does not have the degree of autonomy and of economic independence necessary to be considered an independent worker under national laws, regulations or court decisions;
 - (b) the term "employer" should mean a person, natural or legal, who, either directly or through an intermediary, gives out home work.
4. These standards should apply to all persons carrying out home work as defined under paragraph 3(a).

C. Proposed Conclusions with a view to a Convention

5. Each Member which has ratified the Convention should undertake to adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers in consultation with the most representative organizations of employers and workers and, where they exist, with organizations concerned with homeworkers and those of employers of homeworkers.

6. (1) This national policy should promote equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work and, where appropriate, conditions applicable to the same or a similar type of work carried out in an enterprise.

(2) Equality of treatment should apply, in particular, to:

- (a) the homeworkers' right to establish or join organizations of their own choosing and to participate in the activities of such organizations;
- (b) protection against discrimination in employment and occupation;
- (c) protection in the field of occupational safety and health;
- (d) remuneration;
- (e) statutory social security protection;
- (f) access to training;

-
- (g) minimum age for admission to employment or work; and
 - (h) maternity protection.

7. The national policy referred to above should ensure that homeworkers are included in national basic labour statistics.

8. This national policy should be implemented by means of laws and regulations, collective agreements, arbitration awards or in any other appropriate manner consistent with national practice.

9. National laws and regulations should establish conditions under which, for reasons of safety and health, certain types of work and the use of certain substances may be prohibited in home work.

10. National laws and regulations should, where appropriate, determine whether and under which conditions the employer may use intermediaries.

11. (1) Compliance with the laws and regulations applicable to home work should be ensured by a system of inspection in accordance with national law and practice.

(2) Adequate remedies, including penalties, for violation of these laws and regulations should be provided for and effectively applied.

12. The Convention should not affect more favourable provisions applicable to homeworkers under other international labour Conventions.

D. Proposed Conclusions with a view to a Recommendation

I. GENERAL PROVISIONS

13. (1) Each Member should, according to national legislation or practice, designate an authority entrusted with the formulation and implementation of the national policy referred to in Point 5, making use, as far as possible, of bodies of a tripartite nature.

(2) In the absence of organizations concerned with homeworkers or organizations of employers of homeworkers, the authority referred to in paragraph (1) should make suitable arrangements to permit these homeworkers and employers to express their opinions on this national policy and on the measures adopted to implement it.

14. Detailed information, including data classified according to sex, on the extent and characteristics of home work should be compiled and kept up to date to serve as a basis for the national policy referred to in Point 5 and for the measures adopted to implement it. This information should be published and made publicly available. Where possible, it should be translated into the relevant community languages.

15. (1) When a homeworker is first given work, the employer or the intermediary should inform the homeworker of his or her specific conditions of employment in writing or in any other appropriate manner consistent with national law or practice. The employer should also inform the homeworker of changes in these conditions.

(2) This information should include, in particular:

- (a) the name and address of the employer;
- (b) the scale or rate of payment and the methods of calculation; and
- (c) the type and description of the work.

II. SUPERVISION OF HOME WORK

16. The competent authority at the national level and, where appropriate, at the regional, sectoral or local levels, should maintain a register of employers of homeworkers and of intermediaries used by such employers. For this purpose, such authority should specify the information employers should submit or keep at the authority's disposal.

17. (1) Employers should be required to notify the competent authority when they give out work, directly or through an intermediary, to homeworkers for the first time.

(2) Employers should be required to keep a register of all homeworkers, by sex, to whom they give work.

(3) Employers should also be required to keep a record of work allocated to a homeworker which shows:

(a) the time allocated;

(b) the rate of remuneration;

(c) costs incurred, if any, by the homeworker and the amount reimbursed in respect of them;

(d) any deductions made in accordance with national laws and regulations; and

(e) the gross remuneration due and the net remuneration paid, together with the date of payment.

(4) A copy of the record referred to in paragraph (3) should be provided to the homeworker.

18. In so far as it is compatible with national law or practice concerning respect for privacy, labour inspectors or other officials entrusted with enforcing provisions applicable to home work should be allowed to enter the parts of the home or other private premises in which the work is carried out.

19. In cases of serious or repeated violations of the laws and regulations applicable to home work, appropriate measures should be taken, including the possible prohibition of giving out home work, in accordance with national law and practice.

III. MINIMUM AGE

20. Where this is not already the case, national laws and regulations concerning minimum age for admission to employment or work should apply to home work.

IV. THE RIGHTS TO ORGANIZE AND TO BARGAIN COLLECTIVELY

21. Legislative or administrative restrictions or other obstacles to the right of homeworkers to establish their own organizations or to join the workers' organizations of their choice and to participate in the activities of such organizations, as well as to the right of organizations of homeworkers to join trade union federations or confederations, should be identified and eliminated.

22. Measures should be taken to encourage collective bargaining as a means of determining the terms and conditions of work of homeworkers.

V. REMUNERATION

23. Minimum rates of wages should be fixed for home work, in accordance with national law and practice.

24. Rates of remuneration of homeworkers should be fixed by collective bargaining. In the absence of such bargaining, they should be determined by:

- (a) decisions of the competent authority, after consulting the most representative organizations of employers and of workers, the organizations concerned with homeworkers and those of employers of homeworkers, or where the latter do not exist, representatives of homeworkers and of employers of homeworkers;
- (b) other appropriate wage-fixing machinery at the national, sectoral or local levels; or
- (c) agreement between the homemaker and the employer.

25. For specified work paid by the piece, the rate of remuneration of a homemaker should be comparable to that received by a worker in the enterprise of the employer, or if there is no such worker, in another enterprise in the branch of activity and region concerned.

26. Homeworkers should receive compensation for:

- (a) costs incurred in connection with their work, such as those relating to heating, lighting, water, maintenance of machinery and equipment, postal, telephone and facsimile communications; and
- (b) time spent in maintaining machinery, changing tools, sorting, unpacking and packing, and other such operations.

27. (1) National laws and regulations concerning the protection of wages should be applicable to homeworkers.

(2) Deductions which may be made from a homemaker's remuneration to cover the cost of spoilt materials or defective work should not exceed pre-established limits.

(3) Homeworkers should be paid either on delivery of each batch of completed work or at regular intervals of not more than one month.

28. The employer and the intermediary, if any, should be made jointly and severally liable for payment of the remuneration due to homeworkers, in accordance with national law and practice.

VI. OCCUPATIONAL SAFETY AND HEALTH

29. The competent authority should ensure the dissemination of guidelines concerning the safety and health precautions that should be observed by employers and homeworkers.

30. Employers should be required to:

- (a) inform homeworkers of any hazards associated with the work given to them and of the precautions to be taken, and provide them, where appropriate, with the necessary training;
- (b) ensure that machinery, tools or other equipment provided to homeworkers are equipped with appropriate safety devices and properly maintained; and
- (c) provide homeworkers free of charge with any necessary personal protective equipment.

31. Homeworkers should be required to:

- (a) comply with 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, including the proper use of facilities and equipment placed at their disposal.

32. (1) In the event of an imminent danger to the safety or health of a homeworker, his or her family or the public, as determined by a labour inspector or other official entrusted with enforcing provisions applicable to home work, the continuation of home work should be prohibited until appropriate measures are taken to remedy the situation.

(2) A homeworker who refuses to carry out work which he or she has reasonable justification to believe presents an imminent and serious danger to his or her life or health should be protected from undue consequences in accordance with national conditions and practice. The homeworker should report the situation, in the first instance, to the employer.

VII. HOURS OF WORK, REST PERIODS AND LEAVE

33. A deadline to deliver a batch of work should not deprive a homeworker of the possibility to have daily and weekly rest comparable to that enjoyed by other workers.

34. National laws and regulations should establish the conditions under which homeworkers should be entitled to benefit, as other workers, from paid public holidays, annual holidays with pay and paid sick leave.

VIII. SOCIAL SECURITY AND MATERNITY PROTECTION

35. Homeworkers should benefit from social security protection. This could be done by:

- (a) extending existing social security provisions to homeworkers;
- (b) adapting social security schemes to cover homeworkers; or
- (c) developing special schemes or funds for homeworkers.

36. National laws and regulations in the field of maternity protection should be applicable to homeworkers.

IX. PROTECTION IN CASE OF TERMINATION OF EMPLOYMENT

37. Homeworkers should benefit from the same protection as that provided to other workers with respect to termination of employment.

X. RESOLUTION OF DISPUTES

38. The competent authority should ensure that there are mechanisms for the resolution of disputes between a homeworker and an employer or an intermediary used by the employer.

XI. PROGRAMMES TO ASSIST HOMEWORKERS

39. Members should promote and support programmes which:

- (a) raise awareness of home-work-related issues among employers' and workers' organizations, other non-governmental organizations and the public at large;
- (b) inform homeworkers of their rights and the kinds of assistance available to them;
- (c) facilitate the organization of homeworkers in organizations of their own choosing;
- (d) provide training to improve homeworkers' skills and expand their employment opportunities and income-earning capacity;
- (e) increase and improve homeworkers' access to equipment, tools, raw materials and other essential materials that are safe and of good quality;
- (f) facilitate the creation of centres and networks for homeworkers in order to provide them with information and services and reduce their isolation; and
- (g) provide developmental and technical assistance in order to improve the safety, health and productivity of homeworkers.

**Resolution to place on the agenda of the next
ordinary session of the Conference an item entitled
“Home work”**

The General Conference of the International Labour Organization,
Having adopted the report of the Committee appointed to consider the fifth
item on the agenda,

Having in particular approved as general conclusions, with a view to the
consultation of Governments, proposals for a Convention and a Recommendation
concerning home work,

Decides that an item entitled “Home work” shall be included in the agenda
of its next ordinary session for a second discussion regarding the proposed
adoption of a Convention and a Recommendation concerning home work.

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Provisional Record

Eighty-second Session, Geneva, 1995

Twenty-sixth sitting

Thursday, 22 June 1995, 10.15 a.m.

President: Mr. Rosales Argüello

SECOND AND THIRD REPORTS OF THE CREDENTIALS COMMITTEE: SUBMISSION AND NOTING

Original Spanish: The PRESIDENT – The first item on the agenda this morning is the noting of the second and third reports of the Credentials Committee, which you will find in *Provisional Record* No. 18, page 33, and *Provisional Record* No. 22, page 40, respectively. I give the floor to Mr. Jonzon, Government delegate of Sweden and Chairman of the Credentials Committee, so that he can present the reports to the Conference.

Mr. JONZON (*Government delegate, Sweden; Chairman of the Credentials Committee*) – I have the honour to present the second and third reports of the Credentials Committee, appearing in *Provisional Records* Nos. 18 and 22, respectively.

Because of the heavy workload of the Conference, I shall highlight only two issues. In the second report the Committee concluded in the case of two countries that the nomination of the delegates or advisers had not been made in accordance with the provisions of the ILO Constitution. The cases were similar. In both of them the Committee found that the Government had without notice departed from the system of rotation agreed between the most representative organizations in the country concerned. An agreement of this kind relieves the Government of the headache of having to persuade several different organizations each year to reach agreement on the nomination of the Employers' or Workers' delegation in accordance with article 3, paragraph 5, of the ILO Constitution.

Of course, after some years the rotation system may no longer reflect reality. The parties to the original agreement may become less representative while other organizations may become more representative. Two problems were identified by the Committee in the present cases: first, the governments concerned concluded that the agreements were no longer valid without a sufficient factual basis for doing so. Second, the governments simply took a decision without sitting down with the organizations involved and trying to see if an agreement could be reached on an alternative arrangement.

The other issue concerns what the Committee felt to be a loophole in the constitutional protection of tripartism in the composition of delegations. In accordance with the Constitution, governments should not only nominate the tripartite delegation on paper, but should also provide the necessary financial means for the Members nominated actually

to take part in the Conference. Neither the Constitution nor the Standing Orders provide for a remedy if the government does not respect this obligation. Credentials Committees have been faced with this problem over a number of years, mainly in response to protests from the Employers' group. Three years ago it suggested that a mechanism should be devised to deal with the problem but the procedure adopted has not worked well. The present Credentials Committee recommends in its third report that the time has now come to consider an appropriate amendment or clarification of the Standing Orders.

The work on the Credentials Committee has been a very rewarding experience and I am very grateful to the Committee's very competent experts. They are, of course, as you know, my Employer colleague, Mr. Daniel Funes de Rioja, my Worker colleague, Mr. Charles Gray and indeed from the Secretariat, Mr. Dominick Devlin and his team. I would like to thank all of them.

Original French: Mr. TIXIER *Workers' adviser, France* – As regards the third report of the Credentials Committee, in *Provisional Record* No. 22, the Workers' delegation of France has strong reservations about the conclusion contained in paragraph 4. It is based on a declaration by the Government representative mentioned in paragraph 3, which does not correspond to the actual facts. We therefore reserve the right to follow up our protest with all appropriate measures, within the ILO and nationally.

We believe that the question of the number of Worker technical advisers is not a subsidiary issue, particularly in countries such as France where trade union pluralism does exist.

Original Spanish: The PRESIDENT – Since the reports were unanimously adopted by the Credentials Committee, the Conference is simply required to take note of them.

I would like to express my thanks to the Chairman and the Officers of the Committee for the excellent quality of the work they have done.

(The reports are noted.)

RECORD VOTE ON THE PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947

Original Spanish: The PRESIDENT – I would now like to move on to the second vote on the Protocol of 1995 to the Labour Inspection Convention,

1947, the text of which can be found in *Provisional Record No. 20A*.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the record vote is as follows: 330 votes in favour, 7 against, with 62 abstentions. The quorum is 253.

As we have reached the quorum and the required two-thirds majority, the Protocol of 1995 to the Labour Inspection Convention, 1947, is adopted.

(The Protocol is adopted.)

RECORD VOTE ON THE RESOLUTION CONCERNING THE ADOPTION OF THE PROGRAMME AND BUDGET FOR 1996-97 AND THE ALLOCATION OF THE BUDGET OF INCOME AMONG MEMBER STATES

Original Spanish: The PRESIDENT – As was announced yesterday when we examined the second and third reports of the Finance Committee of Government Representatives, we will now take a record vote on the resolution concerning the adoption of the Programme and Budget for 1996-97 and the allocation of the income of budget among member States, which you will find in *Provisional Record No. 21*.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the voting is as follows: 383 votes in favour, 8 against, with 18 abstentions. The quorum is 253.

As we have reached the quorum and the two-thirds majority, the resolution is adopted.

(The resolution is adopted.)

I give the floor to Mr Benitez, Government delegate, Argentina, for an explanation of the vote.

Original Spanish: Mr. BENITEZ (*Government delegate, Argentina*) – Based on our statement to the Governing Body and the Finance Committee of this Conference, my delegation voted against the resolution concerning the adoption of the Programme and Budget for 1996-97.

We welcome the programmes submitted by the ILO Office, which in general receive our full support. We are in favour of increasing the strength and prestige of the ILO. We believe that its services to the international community are extremely important at the moment, as has been the case since it was founded.

Our country, which has always been an active and enthusiastic Member of this Organization, reiterates its faith in the principles of tripartism, solidarity and social justice which are the driving force for the ILO. It is specifically for these reasons that my delegation finds it impossible to vote in favour of this resolution, particularly paragraph (a).

My delegation considers that a budget represents a balance between foreseeable income and corresponding expenditures for specific purposes.

Therefore a budget has to be realistic, balanced and in line with its objectives. That is how the national budget of my country is drawn up, and it must conform to limits determined by the actual amount of state revenues obtained, in order to balance the budget and create a surplus to be used in servicing our foreign debt.

Therefore you should not be surprised that we do not wish to give our support to a budget that fails to respect these same principles, with increases that would be unacceptable for our own budget. We are pleased to see that the Group of 7 meeting in Halifax has endorsed these same principles for administering the budgets of international organizations.

We have listened carefully to the arguments in favour of approving this budget, essentially, the formal need to adopt a budget, the technical and procedural impossibility of totally reviewing what has been submitted to us by the Office, and finally the alleged difficulty of quantifying the deficit, which is unavoidably bound to occur.

We are conscious of the formal need of the Organization to have a budget adopted on time and in accordance with the procedural rules of the Financial Regulations. In short, we believe that this principle should not contradict the principles of realism, balance and transparency that I referred to above, without which we would not just be approving a budget but also would be engaging in a bit of wishful thinking, our hopes for the Organization, the impossibility of complying with which would become immediately evident. This is exactly what we have just done by creating a budget in the amount shown in paragraph (a) of the resolution, at the same time being aware that estimated income does not tally with foreseeable income. We informed the Governing Body of this previously and it was recognized in one way or another by the majority of the delegations that participated in the Finance Committee, where these differences were in fact quantified.

In that respect, we firmly believe that the uncertainty reflected by this contradictory resolution does not stem from the actual facts on hand, but instead comes from our difficulties in determining the principles of administration and adjustment called for in these circumstances. I would not be surprised if the Office had already envisaged some cuts in spending, which the Director-General will announce shortly. I regret that he did not do so at the beginning of the Conference. In the light of a realistic budget and for the benefit of delegations that do not belong to the Governing Body, we would have liked to have had a broader and more democratic discussion on the priorities and guidelines for adjustments that will have to be made.

The Director-General has told us that the cuts would have to involve variable expenditure, in other words, cooperation programmes and technical assistance in the field. We disagree entirely. As many other delegations have stated at this Conference, we are convinced that the Office still has a broad margin for absorbing cost increases without affecting these programmes and assistance, which have been defined as the main priorities by the constituents of this Organization.

We do not want a bureaucratic ILO, but rather one that reflects solidarity and cooperation. Accordingly, we give our full support to paragraph (b) of this resolution, which provides for the need for an adjustment of the budget under the guidance of a tripartite group within the Governing Body, respecting the priorities universally recognized at this Conference.

We hope that this will be an interactive group which will orientate, and not merely analyse, proposals presented by the Office.

We would also like to place on record our support for paragraph (c) of this resolution, which is aimed at solving a recurrent problem in drawing up ILO budgets.

RECORD VOTE ON THE CONVENTION CONCERNING SAFETY AND HEALTH IN MINES

Original Spanish: The PRESIDENT – We will proceed to the record vote on the Convention on Safety and Health in Mines, the text of which appears in *Provisional Record No. 19A*.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the vote is as follows: 378 votes in favour, 9 against, with 34 abstentions. The quorum is 253.

Since we have reached the quorum and the two-thirds majority, the Convention concerning Safety and Health in Mines is adopted.

(The Convention is adopted.)

RECORD VOTE ON THE RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES

Original Spanish: The PRESIDENT – We will now move on to the record vote on the Recommendation concerning Safety and Health in Mines, the text of which appears in *Provisional Record No. 19B*.

(A record vote is taken.)

(The detailed results of the vote will be found at the end of the record of this sitting.)

The result of the record vote is as follows: 377 in favour, 6 against, with 26 abstentions. The quorum is 253.

Since we have reached the quorum and the two-thirds majority, the Recommendation concerning Safety and Health in Mines is adopted.

(The Recommendation is adopted.)

REPLY BY THE DIRECTOR-GENERAL TO THE DISCUSSION OF HIS REPORT

Original Spanish: The PRESIDENT – I now have the honour of inviting Mr. Michel Hansenne, Secretary-General of the Conference and Director-Gen-

eral of the International Labour Organization, to respond to the general discussion of his Report.

Original French: The DIRECTOR-GENERAL – In my opinion, two aspects of this session of the Conference which is now drawing to a close stand out above the rest. The first is the debate on employment which took place both in plenary and at the Informal Tripartite Meeting at the Ministerial Level. It was an opportunity to try and define the future approach of the work of our Organization following our anniversary session of the Conference and the World Summit for Social Development in Copenhagen. The second was the debate that accompanied the vote on the Programme and Budget for the 1996-97 biennium and the financial problems that are going to have to be faced by this Organization.

These two aspects taken together make us aware firstly of the magnitude of the task before us and secondly of the very strict limits on our actions. I venture to hope that in the near future we will be able to overcome this contradiction and that our task will not turn out to be an impossible one.

I do not, however, wish to begin my statement without welcoming some positive events. Firstly, the accession of two new countries: the Republic of the Gambia and Saint Vincent and the Grenadines; the presence of 120 Ministers as well as many eminent people representing employers and trade unions which shows their keen interest in the work of our Organization; and the resounding vote in favour of the Programme and Budget for the 1996-97 biennium. I would like, finally, to recall that we have had the honour of welcoming Mr. Ben Ali, President of the Republic of Tunisia. His presence and his statement illustrated his support for our action in favour of social justice.

As you know, our action is based mainly on promoting international labour standards. As in previous years, we have heard a certain amount of criticism of these standards and heard, at least some of them, labelled as out of tune with the modern world. I think we need to remember that substantial work has been undertaken including by the Governing Body, to overhaul our standard-setting machinery to make it more attractive and more relevant. Nevertheless, standard-setting activities are part of our *raison-d'être* and the overhauling process should not, in my opinion, be carried out to the detriment of our basic values and their universal nature.

With this in mind, the Committee on Home Work laid down the foundations for the adoption next year of a Convention and a Recommendation. This new Convention will take into account your comments on the need to promote wider ratification in accordance with our continued efforts to modernize our standard-setting system.

This session of the Conference has also seen the adoption of new Convention and Recommendation concerning safety and health in mines, which are particularly welcome when you consider the number of tragic accidents that occur in this sector. I note with satisfaction that this Convention promotes tripartite consultation for the drafting and implementation at the national level of policies to improve safety and health in mines.

Lastly, this year we have also been able to finalize a Protocol to the Labour Inspection Convention, 1947 (No. 81), which will help to improve the labour

inspection system and for workers in non-commercial services.

I am also happy with your very positive response to the Report on the situation of workers in the occupied Arab territories. The Governing Body, as you know, has decided that there will be no more special sittings on this subject. Nevertheless, we shall continue our efforts to bring about peace and improve the situation of Palestinian workers, including through technical cooperation.

I would also like to announce that, at the invitation of both the delegations of Palestine and Israel, I shall soon be visiting the region. This dual invitation in my opinion is a very eloquent symbol of the obvious change in favour of peace that has taken place in those countries despite the many remaining difficulties. Last year, the 75th anniversary of this Organization provided an opportunity for an in-depth debate on reforms undertaken, those to be undertaken, and those which still need to be put into practice, to ensure that the ILO is in a position to respond effectively to the major transformations which are taking place in economic and social spheres.

The major conclusion reached was undoubtedly to refocus the activities of our Organization on an essential plan, on a fundamental ambition, namely the protection of employment and the dignity it implies. The French Minister of Labour, Mr. Barrot, said from this very rostrum, that employment was a categorical imperative, it was not only an individual right, it was also a collective duty. Everyone had an interest in others also being employed.

In order to carry out this task properly, I have asked our multidisciplinary teams, our field offices and the services at headquarters to mobilize their efforts for our constituents around this common objective.

Internationally speaking, the major stages which have already been undertaken were the drafting by the ILO of the report entitled *World Employment 1995* which was widely circulated and discussed, particularly at the World Summit for Social Development held in Copenhagen. The Summit was the second stage. It gave the ILO, and I think we all welcomed the fact, a major role in employment promotion. Finally, the third stage is this very Conference which has made it possible to evaluate the activities undertaken in this area and to compare experiences.

First and foremost I would like to thank you for the positive response you gave to the Report and I welcome the fact that it was a useful working tool for you. I hope that the wealth of your comments and suggestions on this complex issue of employment promotion is, at least in part, the result of the strengths of the Report.

Many of you reiterated the message of the Copenhagen Summit, namely that free trade is not an end in itself but a way of improving the well-being of mankind. This is something that we have forgotten far too frequently in recent years. Apart from the reiteration of principle, you have emphasized that it is urgent to draw the relevant consequences in terms of specific action to be taken. The unprecedented increase in unemployment and in low-quality employment leads us inevitably, or will if nothing is done, to what some people have called societies based on segregation or divided societies. It is therefore reassuring to note that many countries have endorsed ILO

policy by placing employment policy on an equal footing with financial and budgetary policy, or even at the core of their economic policy, so as not to promote a type of growth which will simply accentuate the differences between social groups, as Mr. Arrate Mac Niven, the Chilean Minister of Labour, stated.

However, some people put the question of whether keeping employment as the prime objective of economic development did not mean returning to a Keynesian policy of which Mr. Katz, Employers' delegate to the Governing Body, has spoken and which we know to be difficult to apply nowadays in a context of economic globalization, and at a time when the level of autonomy of national policies has fallen.

There are two answers to this paradox and they have emerged very clearly from your discussions.

First of all, in each nation, you highlighted the existence of procedures and reforms based on micro-economic and micro-social mechanisms of a sectoral and local nature which ensure development of employment despite a restrictive macroeconomic context. In this you have shouldered your responsibilities, as Mr. Brett, Workers' delegate of the United Kingdom, urged us to do.

Furthermore, international action can make it possible better to manage budgetary and financial restrictions which, individually, are a burden on national policy.

For each of your countries you have of course all come to the same conclusion as Mr. Tan, Employers' delegate of the Philippines, and Mr. Shmakov, Workers' delegate of the Russian Federation, who stated that economic growth was a prerequisite for increased employment. Even favourable macroeconomic conditions, however, are not enough in themselves to maximize job creation. That can only be achieved by taking active, innovative measures. Your comments were extremely valuable in your analysis of the procedures likely to lead to solutions to this problem.

In this connection, you emphasized the effectiveness of tripartism. Encouraging the contributions of each of the social partners provides the greatest opportunities to achieve realistic results adapted to local situations.

Employment solutions usually require particularly delicate compromises and a great amount of solidarity, for example when discussing job-sharing, wage costs, and the development of the informal sector with the problem of social protection that goes hand in hand with it, as Mr. Edström, Workers' delegate of Sweden, reminded us. This is why the participation of all the social partners is a *sine qua non* for success. This was emphasized by Mrs. Kovács Kósa, Hungarian Labour Minister, who said that "In the world of work as elsewhere, the development of democratic institutions is the key to all forms of progress".

The role that the ILO should play is thus quite clear. We should follow the recommendation of Mr. Mboweni, the Minister of Labour of the Republic of South Africa. He said that as far as employment is concerned, "tripartism is one of the major comparative advantages of the ILO and its power should be used to the maximum".

Many speakers raised the basic question of the role of the State. No one doubts today, faced as we are with an economy which requires permanent ad-

justment, that the labour market should be in a position to respond flexibly and quickly to changes. Thus, as Mr. Rosales Argüello, the President at this session of the Conference indicated in his opening statement, the State cannot be just a spectator on the sidelines. Given the scope of employment problems, the majority of you insisted on the need for implementing active labour market policies which, according to Mr. Blanco Villegas, Employers' delegate of Argentina, and Mr. Parrot, Workers' delegate of Canada, the State must initiate.

In a nutshell, everyone involved in social matters and economic activity must be mobilized in an approach which, as Mr Blüm, the Minister of Labour and Social Affairs of Germany said, reconciles economic progress and social progress, competition and social justice.

But your discussion was not simply limited to a study of principles. There were very many specific examples which illustrated, and breathed life into, such an approach. State assistance in several countries takes the form of measures aimed at promoting employment in new sectors, such as community work, or aimed at creating jobs through the relocation of productive investment, as emphasized *inter alia* by Ms. Simpson, the Minister of Labour, Social Security and Sports of Jamaica. There are also measures to promote self-employment and others which are intended to set up active employment placement services, etc. Of course, the responsibility of the State together with social partners is all too clear in areas such as training, and particularly in providing training for the long-term unemployed. Over and above the cases of the countries I have already referred to, the signature of employment promotion agreements in Australia, the Netherlands and Ireland illustrated the importance of tripartism. These examples demonstrate that the campaign for employment can, and indeed should, take many forms which should be adapted to the actual situation in each individual country; in a word, that approach is, and must remain, a practical one.

In this area, the ILO can make a considerable contribution to strengthening and increasing understanding of the experiences of each country. Mr. Elamawy and Mr. Mramba, respectively the Minister of Manpower and Employment of Egypt and the Minister of Labour and Youth Development of Tanzania, and indeed many other speakers, emphasized the need for *World Employment* to present more factual data to show, as Mr. Ito, Workers' delegate of Japan suggested, the progress made by countries in implementing the conclusions of the Copenhagen Summit. These observations will of course be taken into account in the next issue of the report. Similarly, as Mr. Alemany, Employers' delegate of the Dominican Republic had hoped, the multidisciplinary teams will, by comparing their experiences, be able to provide their technical assistance to those countries which request it for the preparation of employment programmes.

Lastly, many of you and particularly Mr. Jordan, the General Secretary of the ICFTU – and Mr. Aagaard Jakobsen, Workers' delegate of Brazil, said that job creation should not take place in a way that leads to the deterioration of the quality of employment. As Mr. Owuor, Employers' delegate of Kenya said, the ILO should not be an organization which promotes the sharing of poverty. We should

bear this in mind when conducting our standard-setting activities for fundamental rights. As Ms. Widdecombe, the Minister of State for Employment of the United Kingdom, said “the ILO exists to promote improved standards and conditions of work and to encourage productive employment throughout the world”.

Mr. Moorhead, Employers' delegate of the United States, seemed to consider that standards tend to prevent change. I find it somewhat difficult to agree with him on this point, but I do feel that we should adopt a less dogmatic approach in this area – one which is more effective. Although we cannot claim that all of our standards are relevant and properly adapted, it is not time to say that they prevent any economic growth and job-creation. Here again, we should adopt a pragmatic approach, particularly as regards the consolidation and improvement of our standards supervisory machinery. The Office should continue with its efforts to carry out a systematic analysis – in the field and at headquarters – of the impact of certain standards on the quality and quantity of jobs created. This activity should be undertaken with the assistance of our partners on the spot which, as Mr. Sangma, the Indian Minister of Labour said, might prompt the trade unions and employers to develop a new solidarity between themselves. As you are aware, I have sent a letter to all Labour Ministers on behalf of the Governing Body, urging them to ratify the seven basic ILO Conventions. We are therefore forging ahead with our work in this area.

And what about the international level? You have all stressed the need for the ILO to respond to the challenge of the Copenhagen Summit and be fully worthy of the responsibility it entrusted in us. Some action has already been carried out but we still have a long way to go.

Our informal meeting on the follow-up to the Social Summit clearly indicated that one of the essential ways of promoting employment is to strengthen the ILO's work with international organizations which work out economic and monetary policy, particularly the International Monetary Fund and the World Bank. Indeed, as pointed out by Mr. Oechslin, the Employers' delegate from France, they should not be allowed to lose sight of the social consequences of their recommendation.

And for this, the ILO must build up its credibility which consists, not so much in following the proposals of others, but in firmly stating its own values. Our credibility is also contingent upon the quality of our analyses and the relevance and innovation of the solutions we propose. Finally, our credibility depends on our ability to convince everyone that social development constitutes the most fertile soil for economic development.

But this will doubtless not be enough. New forms of cooperation, between the international institutions – those of the United Nations and the Bretton Woods – are vital. In a few days, in Geneva, there will be a meeting of ECOSOC. Perhaps, on that occasion, a few voices might be raised, inspired by the 50th anniversary of the United Nations, to make new proposals to lay the foundations for the sort of international system we need today. We shall try to make our contribution.

The fact that the next meeting of the Group of 7 will be devoted to the question of employment is another sign of the increased interest that is being

shown in this issue. I hope that, in one way or another, we can be linked with this initiative.

But will we have the financial resources we need to implement our policy? Here I come, of course, to the delicate and contradictory discussions which have this year been the key feature of the debate on the budget for the next biennium.

An important decision taken with an overwhelming majority by this Conference was to adopt the proposed Programme and Budget for 1996-97 that had been recommended by the Governing Body. This is a strong political signal that it was important for us to broadcast today, and I must thank you for having done so.

As in earlier years, the proposals submitted to you were, as requested by the Governing Body, based on zero real growth. However, because of the level of the Swiss franc, the total amount of contributions requested for 1996 and 1997, will in fact, be about 4.2 million Swiss francs, lower than the corresponding figure for the present biennium.

I am, of course, fully aware of the position taken by certain governments which consider that the drop in the value of their currencies against the Swiss franc will impose on them additional efforts that may be difficult for them to make. I understand perfectly their position. I think that it is appropriate for me, on your behalf, to thank them all the more warmly, for their positive vote in spite of these difficulties. Unfortunately, this position was not a unanimous one, and some of them had already told me a few months ago that they were not going to be able to pay their contributions, in full, even in the event of a reduced budget.

We must, therefore, expect serious financial difficulties starting this year and continuing during the next biennium. That is why, in accordance with the resolution that accompanies the budget, I will be proposing to the Governing Body tomorrow that it take the measures needed, during the next biennium, to make savings of US\$34 million. During this financial period I will do my best to protect technical cooperation, the ILO field programmes, and the capacity of the headquarters' technical departments. The adjustment measures will be duly examined by your Governing Body – a tripartite body, which is the essential basis of our legitimacy. I think that you should bear in mind that, over the last four years, we have been able to agree on a large programme of savings to be made here in Geneva, aimed at financing increased services in the different regions for the benefit of our constituents. Today forced as we are to go even further, we will be compelled to review the whole series of reforms on which no consensus proved possible between the members of the Governing Body. Let us hope that tomorrow we will be able to overcome our personal interests and antagonisms in order to preserve the essential components and guarantee the relevance and effectiveness of our Organization.

The Office will cooperate actively and fairly in preparing and implementing the austerity measures asked for. Here I would like to address all the ILO officials who have been working so hard and have spared no effort to meet the challenge of modernizing our Organization. I would like publicly to thank

them. Additional efforts will still be necessary. Unfortunately for some it will mean the loss of their jobs. I would like this to be borne in mind by those who only too often refuse to put forward the slightest positive proposal and do no more than make unfounded accusations against what they call international bureaucracy. More than ever, confronted with such a serious situation, we will all need to summon up our strength to meet the task ahead. This is the price that must be paid if we are to maintain the world action for social justice that the ILO has been pursuing for 76 years now.

Original Spanish: The PRESIDENT – Thank you very much, Mr. Director-General, for what you have said. We would all like to thank you very sincerely for your statement.

It is true that, in the light of recent world events, it seems contradictory to be asking the International Labour Organization to play its role, to transform itself and to adjust to world circumstances, on the one hand, while at the same time listening to speeches calling for cuts in the budget.

Quite obviously, on many occasions people think, like Mandel, that, within a vision of the dialectics of the partial achievements of bureaucracy, some organizations in fact accentuate the bureaucratic process.

One does indeed hear the kind of observations to which you referred at the end of your intervention. We in the developing countries, the Third World countries, the Non-Aligned, believe that the only way in which the ILO can play its role is precisely with resources, and that only within the framework of a positive conception, looking forward to the twenty-first century, in the pursuit of social justice will the ILO really be able to find its proper calling. That is why the Non-Aligned always vote in favour of the budget for this Organization.

We would like to say to you, Mr. Director-General, on behalf of the countries present here, that we will always support the Organization and although it may be true that within the Organization's democratic framework, we have had abstentions and votes against, that does not mean that the governments present here are going to abandon the International Labour Organization.

We have but to recall the statement made by the Group of 7 which in the relevant section appeals to their own governments to pay their contributions in good time to United Nations bodies, to see that the Group of 7 itself is setting an example to be followed by each Member of this Organization within the near future with respect to their participation.

Once again on behalf of all the governments present here and on behalf of the whole of this gathering of Employers and Workers who elected me to the presidency, I would like to thank you for your words and to say that you will always be able to count on the support of those of us who believe that social justice is the best way of preventing war, and of those who believe that poverty and deprivation lead only to violence and that the only way forward is to have a vision of a twenty-first century with a human face.

(The Conference adjourned at 11.45 p.m.)

Record vote on the Protocol of 1995 to the Labour Inspection Convention, 1947

Pour/For/En Pro: 330

République sud-africaine/Republic of South Africa/República de Sudáfrica:

JOHANNES, Mr. (G)
VAN HEERDEN, Mr. (G)
MOSHAPALO, Mr. (E)
SIFINGO, Mr. (T/W)

Albanie/Albania:

MUCO, Mr. (T/W)

Algérie/Algeria/Argelia:

BELHOCINE, M. (G)
BELLAHSENE, M. (G)
MEGATELI, M. (E)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
WILLERS, Mr. (G)
THÜSING, Mr. (E)
ENGELN-KEFER, Mrs. (T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:

JUMA'A, Mr. (T/W)

Argentine/Argentina:

FUNES DE RIOJA, Sr. (E)
BALDASSINI, Sr. (T/W)

Australie/Australia:

DEEGAN, Ms. (G)
DEJONG, Mr. (G)
NOAKES, Mr. (E)
BENNETT, Ms. (T/W)

Autriche/Austria:

MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
ARBESSER-RASTBURG, Mr. (E)
FRIEHS, Mr. (T/W)

Bahamas:

DEAN, Mr. (G)
BASTIAN, Mr. (T/W)

Bahreïn/Bahrain/Bahrein:

AL-HADDAD, Mr. (G)

Bangladesh:

ALI, Mr. (T/W)

Barbade/Barbados:

CLARKE, Mr. (G)
TROTMAN, Mr. (T/W)

Bélarus/Belarus/Belarus:

SASNOW, Mr. (G)
SEMERIKOV, Mr. (G)
PLIATCHENKO, Mr. (E)
BULGAK, Mr. (T/W)

Belgique/Belgium/Bélgica:

VAN DEPOELE, M. (G)
VANDAMME, M. (G)
MINNE, M. (E)

PEIRENS, M. (T/W)

Bénin/Benin:

ZANOU, M. (G)
POSSET, Mme (G)
IBRAHIMA, M. (T/W)

Bolivie/Bolivia:

ESPAÑA-SMITH, Sr. (E)

Botswana:

PALAI, Mr. (G)
MOJAFI, Mr. (G)
MBONINI, Mr. (T/W)

Brésil/Brazil/Brasil:

FERRAZ DOS PASSOS, Mr. (G)
GOMES DOS SANTOS, Mrs. (G)
DONATO, Mr. (E)
AAGAARD JAKOBSEN, Mr. (T/W)

Bulgarie/Bulgaria:

BALTOV, Mr. (G)
ROUYNEKOV, Mr. (E)
DIMOV, Mr. (T/W)

Burundi:

NZEYIMANA, M. (G)
BUSHAHU, M. (G)
KUBWIMANA, M. (T/W)

Cambodge/Cambodia/Camboy:

THACH, M. (G)
LONG, M. (T/W)

Cameroun/Cameroon/Camerún:

MOUKOKO KINGUE, M. (E)
BAKOT-NDJOCK, M. (T/W)

Canada/Canadá:

CARON, Mrs. (G)
PERLIN, Ms. (G)
HARLEY, Ms. (E)
PARROT, Mr. (T/W)

République centrafricaine/Central African Republic/República Centroafricana:

YANGO-SINDO, M. (G)
PENNONE, Mme (E)

Chili/Chile:

ILABACA ORPHANOPOULOS, Sr. (G)
MIRANDA ROJAS, Sr. (G)
CORTES MUÑOZ, Sr. (T/W)

Chine/China:

ZHU, Mr. (G)
LIN, Mr. (G)
PAN, Mr. (E)
LI, Mr. (T/W)

Chypre/Cyprus/Chipre:

SAMUEL, Mrs. (G)
CHRISTOFI, Mr. (T/W)

Colombie/Colombia:

ALVAREZ POSADA, Sr. (E)

Costa Rica:

BROWN YOUNG, Sr. (T/W)

Côte d'Ivoire:

N'DRI KONAN, M. (G)
AKA-ANGHUI, M. (E)
ADIKO NIAMKEY, M. (T/W)

Croatie/Croatia/Croacia:

MAROVIC, Mr. (G)
RIBIC, Mr. (T/W)

Cuba:

DELGADO GONZALEZ, Sr. (G)
GONZALEZ RODRIGUEZ, Sr. (E)
BERNAL CAMERO, Sr. (T/W)

Danemark/Denmark/Dinamarca:

ADLER, Ms. (G)
ESPERSEN, Ms. (G)
RONNEST, Mr. (E)
SVENNINGSEN, Mr. (T/W)

El Salvador:

MENDOZA, Sr. (G)
RAMÍREZ, Sr. (E)

Equateur/Ecuador:

RIOFRIO, Sr. (G)
DIAZ GARAYCOA, Sr. (E)

Espagne/Spain/España:

ALBALATE, Sr. (G)
FERRER, Sr. (E)
FRADES, Sr. (T/W)

Estonie/Estonia:

EINASTO, Mr. (G)
HINDOV, Mrs. (G)
ROOS, Mrs. (E)
KAADU, Mr. (T/W)

Etats-Unis/United States/Estados Unidos:

HILBURN, Mr. (G)
PETERSON, Mr. (G)
MOORHEAD, Mr. (E)
GRAY, Mr. (T/W)

Fidji/Fiji:

ROKODURU, Mr. (G)
RAMAGIMAGI, Mr. (G)

Finlande/Finland/Finlandia:

SALMENPERA, Mr. (G)
KAITTOLA, Ms. (G)
RISKI, Mr. (E)
REUNA, Mr. (T/W)

France/Francia:

OECHSLIN, M. (E)
TIXIER, M. (T/W)

Gabon/Gabón:

NDONG NANG, M. (G)
NDONG MVIE, M. (G)
ABOUGHAE-OBAME, M. (E)

MAYOMBO, M. (T/W)

Ghana:

GODWYLL, Mr. (G)
BEBAAKO-MENSAH, Mr. (G)
STANLEY-PIERRE, Mr. (E)
AGYEI, Mr. (T/W)

Grèce/Greece/Grecia:

YANTAIS, M. (G)
LAIOU, Mme (G)
KOUTSIVITOU, Mme (E)
DASSIS, M. (T/W)

Guatemala:

OLIVERO GARCIA, Sr. (G)

Guinée/Guinea:

DIALLO, M. (G)
SIDIBE, M. (G)
DABO, M. (E)
KEBE, M. (T/W)

Honduras:

ACEITUNO, Sra. (G)
MARTINEZ, Sr. (E)
GUERRERO, Sr. (T/W)

Hongrie/Hungary/Hungria:

VARGA, Mr. (G)
SZÜCS, Mr. (E)
PALKOVICS, Mr. (T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SITUMORANG, Mrs. (G)
THAMRIN, Mr. (E)
SOEDARWO, Mr. (T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

ALI HOSSEINI, Mr. (G)
FANIZADEH, Mr. (G)
AMINI TAME, Mr. (T/W)

Irlande/Ireland/Irlanda:

ENGLISH, Mr. (G)
DUNNE, Mr. (E)

Islande/Iceland/Islandia:

GUNNARSSON, Mr. (G)
KRISTINSSON, Mr. (G)
MAGNÚSSON, Mr. (E)
GUNNARSSON, Mr. (T/W)

Israël/Israel:

LAMDAN, Mr. (G)
LEVY-FURMAN, Mrs. (G)
ZILONY, Mr. (T/W)

Italie/Italy/Italia:

CAVAGLIERI, M. (G)
CARLA, Mme (G)
SASSO MAZZUFFERI, Mme (E)
CAL, M. (T/W)

<i>Japon/Japan/Japón:</i>			<i>Suède/Sweden/Suecia:</i>
ITO, Mr.(T/W)	HILL, Mr. (E)	HENCZEL, Mr. (G)	JONZON, Mr. (G)
<i>Jordanie/Jordan/Jordania:</i>	HAIKALI, Mr.(T/W)	WILK, Mr. (E)	WIKLUND, Ms. (G)
SHAREEM, Mr.(T/W)	<i>Népal/Nepal:</i>	WOJCIK, Mr.(T/W)	MYRDAL, Mr. (E)
<i>République dém. populaire du Lao/Lao People's Dem. Rep./República Dem. Pop. Lao:</i>	JHA, Mr. (G)	<i>Portugal:</i>	EDSTRÖM, Mr.(T/W)
VISISOMBAT, M. (G)	MANANDHAR, Ms. (G)	DA ROCHA NOVO, M. (E)	<i>Suisse/Switzerland/Suiza:</i>
<i>Lesotho:</i>	RIMAL, Mr.(T/W)	ANTÓNIO DE CARVALHO, M.(T/W)	CRIDAZZI, Mme(T/W)
THAMAE, Mr. (G)	<i>Niger/Niger:</i>	<i>Qatar:</i>	<i>Swaziland/Swazilandia:</i>
FANANA, Mr. (G)	MAMADOU, M. (G)	AL MAHMOUD, Mr. (G)	CEKO, Mr. (G)
MAKEKA, Mr. (E)	DEMBELE, Mme (G)	DAHAM, Mr. (G)	MNDZEBELE, Mr. (G)
MAKHETHA, Mr.(T/W)	ISSOUFOU, M. (E)	AL-THANI, Mr. (E)	HLOPHE, Mr. (E)
<i>Lituanie/Lithuania/Lituania:</i>	IBRAHIM, M.(T/W)	AL-BUAINAIN, Mr.(T/W)	<i>République arabe syrienne/Syrian Arab Republic/República Árabe Siria:</i>
KAIRELIS, Mr. (G)	<i>Nigéria/Nigeria:</i>	<i>Roumanie/Romania/Rumania:</i>	YASER, M. (G)
BALTUTYTE, Ms. (G)	HENRY, Mr. (G)	POPESCU, M. (G)	KASSAB, M. (G)
KUZMINSKAS, Mr.(T/W)	OKPANACHI, Mr. (G)	MIRCEA, M. (G)	JAWISH, M. (E)
<i>Luxembourg/Luxemburgo:</i>	IMOISILI, Mr. (E)	HIDOS, M. (E)	ISSA, M.(T/W)
HOFFMANN, M. (G)	JACK, Mr.(T/W)	SIMION, M.(T/W)	<i>République-Unie de Tanzanie/Unite Republic of Tanzania/República Unida de Tanzania:</i>
FABER, M. (G)	<i>Norvège/Norway/Noruega:</i>	<i>Royaume-Uni/United Kingdom/Reino Unido:</i>	BILAL, Mr. (G)
BEFFORT, M. (E)	VIDNES, Mr. (G)	MORGAN, Ms. (G)	RUTABANZIBWA, Mr. (G)
PIZZAFERRI, M.(T/W)	BRUAAS, Mr. (G)	ANDREWS, Mr. (G)	NYAMUHOKYA, Mr.(T/W)
<i>Malaisie/Malay-ia/Malasia:</i>	BAKKA, Mr. (E)	MACKIE, Ms. (E)	
DATUK MOKHZANI, Mr. (E)	PEDERSEN, Mrs.(T/W)	BRETT, Mr.(T/W)	<i>Tchad/Chad:</i>
ZAINAL, Mr.(T/W)	<i>Nouvelle-Zélande/New Zealand/Nueva Zelandia:</i>	<i>Fédération de Russie/Russian Federation/Federación de Rusia:</i>	KEYTERO MWABANYOL, M. (G)
<i>Mali/Mali:</i>	STOCKDILL, Mr. (G)	EVLUKHIN, Mr. (G)	KADE NDILGUEM, Mme (G)
SIDIBE, Mme (G)	TOWNSEND, Ms. (G)	GERBOV, Mr. (G)	<i>République tchèque/Czech Republic/República Checa:</i>
TOURE, M. (E)	FOULKES, Ms.(T/W)	KOLMOGOROV, Mr. (E)	BERÁNEK, Mr. (G)
BATHILY, M.(T/W)	<i>Ouganda/Uganda:</i>	SHMAKOV, Mr.(T/W)	FUCHS, Mr. (G)
<i>Malte/Malta:</i>	OGERA-OCHABAL, Mr. (G)	<i>Saint-Marin/San Marino:</i>	KUBÍCKOVÁ, Ms. (E)
CILIA DEBONO, Mr. (G)	OLWENY, Mr. (G)	CECCHETTI, M. (G)	BERAN, Mr.(T/W)
PULLICINO, Mr. (G)	KASWARRA, Mr. (E)	MANUZZI, M. (G)	<i>Thaïlande/Thailand/Tailandia:</i>
MALLIA MILANES, Mr. (E)	MUKASA, Mr.(T/W)	VAGNINI, M. (E)	NELAYOTHIN, Mr. (G)
CALAMATTA, Mr.(T/W)	<i>Pakistan/Pakistán:</i>	GIARDI, M.(T/W)	INDRASUKHSRI, Mr. (G)
<i>Maroc/Morocco/Marruecos:</i>	SHERDIL, Mr. (G)	<i>Sénégal/Senegal:</i>	KLAEWKLARD, Mr.(T/W)
BENJELLOUN-TOUIMI, M. (G)	KHAN, Mr. (G)	DIA, M. (G)	<i>Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:</i>
BELOUED, M. (G)	TABANI, Mr. (E)	BEYE, M. (E)	MC SHINE, Mr. (G)
<i>Maurice/Mauritius/Mauricio:</i>	SHAHEEN, Mr.(T/W)	MBAYE, M.(T/W)	ASHMAN, Mr. (G)
TOOFANY, Mr. (G)	<i>Panama/Panamá:</i>	<i>Seychelles:</i>	HILTON-CLARKE, Mr. (E)
BOLAKY, Mr. (G)	DURLING, Sr. (E)	TIRANT, Mr. (G)	<i>Tunisie/Tunisia/Túnez:</i>
JEETUN, Mr. (E)	<i>Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:</i>	KWAST, Mr. (E)	KCHAOU, M. (G)
LUCHMUN ROY, Mr.(T/W)	JOEL, Mr. (G)	CHARLES, Mr.(T/W)	CHOUBA, Mme (G)
<i>Mexique/Mexico/México:</i>	ARUA, Mr. (G)	<i>Singapour/Singapore/Singapur:</i>	M'KAISSI, M. (E)
SANCHEZ MADARIAGA, Sr.(T/W)	KEP, Mr. (E)	YACOB, Mrs.(T/W)	SAHBANI, M.(T/W)
<i>Mongolie/Mongolia:</i>	PASKA, Mr.(T/W)	<i>Slovaquie/Slovakia/Eslovaquia:</i>	<i>Turquie/Turkey/Turquia:</i>
YUMJAV, Mr. (G)	<i>Pays-Bas/Netherlands/Países Bajos:</i>	KRÁSNOHORSKÁ, Mrs. (G)	TURKER, Mr. (G)
JARGALSAIKHAN, Mr. (G)	VAN DER HEIJDEN, Mr. (G)	ALEXYOVÁ, Mrs. (G)	CANKOREL, Mr. (G)
JANTSAN, Mr. (E)	HAGEN, Mr. (G)	LACH, Mr. (E)	CIFTER, Mr. (E)
NARMANDAKH, Mr.(T/W)	HUNTJENS, Mr. (E)	ENGLIS, Mr.(T/W)	<i>Ukraine/Ucrania:</i>
<i>Mozambique:</i>	VAN DEN BURG, Mrs.(T/W)	<i>Slovénie/Slovenia/Eslovenia:</i>	VINOKOUROV, M. (G)
FRANCISCO, Mrs. (G)	<i>Pérou/Peru/Perú:</i>	KOMEL, Mrs. (G)	REVA, M. (G)
MANDLAZE, Mr.(T/W)	URRUTIA, Sr. (G)	PENKO NATLACEN, Mrs. (E)	MAYKO, M. (E)
<i>Myanmar:</i>	<i>Philippines/Filipinas:</i>	TOMSIC, Mr.(T/W)	CHILOV, M.(T/W)
WIN, Mr.(T/W)	LAGUESMA, Mr. (G)	<i>Soudan/Sudan/Sudán:</i>	<i>Uruguay:</i>
<i>Namibie/Namibia:</i>	TAN, Mr. (E)	HAIDOUB, Mr. (G)	GARCIA SEGOVIA, Sr.(T/W)
DAX, Mr. (G)	TAN, Mr.(T/W)	BAKHEIT, Mr. (E)	
SHINGUADJA, Mr. (G)	<i>Pologne/Poland/Polonia:</i>	ABDOUN, Mr.(T/W)	
	DEMBINSKI, Mr. (G)		

Venezuela:

SUÁREZ, Sr. (G)
DE ARBELOA, Sr. (E)
RAMÍREZ LEÓN, Sr.(T/W)

Viet Nam:

NGUYEN VAN TAM, M.(T/W)

Yémen/Yemen:

TABET, Mr. (E)

Zaire/Zaire:

TADY BULAMATADI, M. (G)
KATALAY MULELI SANGOL,
M.(T/W)

Zambie/Zambia:

NYIRENDA, Mr. (G)
NYIRENDA, Mr. (G)
SANYAMBE, Mr. (E)
SHAMENDA, Mr.(T/W)

Zimbabwe:

DZVITI, Mr. (G)
CHIKOROWONDO, Mr. (G)
JOHNSON, Mr. (E)
SIBANDA, Mr.(T/W)

**Contre/Against/En
contra: 7**

Fidji/Fiji:

ROBERTS, Mr. (E)

*République islamique d'Iran/Islamic
Republic of Iran/República Islámica
del Irán:*

MOHAMMAD HOSEIN FALLAH,
Mr. (E)

Kenya:

NGARE, Mr. (G)
CHEPSIROR, Mr. (G)

Uruguay:

MENDEZ ARECO, Sr. (G)
MANGADO, Sr. (G)
VARELA, Sr. (E)

**Abstentions/Abstentions/
Abstenciones: 62**

*Arabie saoudite/Saudi
Arabia/Arabia Saudita:*

KENTAB, Mr. (G)
AL-KHALIDI, Mr. (G)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Sra. (G)

Bangladesh:

HASHIM, Mr. (G)
TALUKDER, Mr. (G)

Burkina Faso:

OUEDRAOGO, M. (G)
OUEDRAOGO, M. (G)
KABORE, M. (E)

Colombie/Colombia:

ARIAS CASTANO, Sra. (G)

DEVIA VALDERRAMA, Sra. (G)

*République de Corée/Republic of
Korea/República de Corea:*

CHOI, Mr. (G)
KIM, Mr. (G)
LEE, Mr. (E)

Costa Rica:

DENGO BENAVIDES, Sr. (G)
THOMPSON CHACON, Sra. (G)

Croatie/Croatia/Croacia:

MUSULIN, Mrs. (G)

Egypte/Egypt/Egipto:

EL-ASSAR, Mr. (G)
EL-SAAID, Mr. (G)
EL-HERRAWI, Mr. (E)
MONGI, Mr.(T/W)

*Emirats arabes unis/United Arab
Emirates/Emiratos Arabes Unidos:*

AL-MUHAIRI, Mr. (G)
HUSAIN, Mr. (G)
MATTAR, Mr. (E)
AL-ABDOOLI, Mr.(T/W)

France/Francia:

CHOTARD, M. (G)
RAMOND, M. (G)

Japon/Japan/Japón:

SHIYA, Mr. (G)
TSUNEKAWA, Mr. (G)
SUZUKI, Mr. (E)

Jordanie/Jordan/Jordania:

QUTISHAT, Mr. (G)
SHAHATIT, Mr. (G)
DAJANI, Mr. (E)

Koweït/Kuwait:

AL-SALLAL, Mr. (G)
AL MEDHADI, Mr. (G)
ALRABAH, Mr. (E)
ALAJMI, Mr.(T/W)

Malaisie/Malaysia/Malasia:

SAEDON DAUD, Mr. (G)
AHMAD, Mr. (G)

Mexique/Mexico/México:

VARGAS CAMPOS, Sr. (G)
NOVELO VON GLUMER, Sr. (G)
GUTIERREZ GARCIA, Sr. (E)

Myanmar:

AYE, Mr. (G)
OHN, Mr. (G)
MAUNG, Mr. (E)

Nicaragua:

MEJÍA SOLÍS, Sr. (G)
ROSALES DÍAZ, Sr. (G)

Oman/Omán:

AL-KIYUMI, Mr. (G)
KUFAN, Mr. (G)
AL-SHANFARY, Mr.(T/W)

Panama/Panamá:

DUCREUX, Sr. (G)
AGUILAR, Sr. (G)
CANO DE JAEN, Sra.(T/W)

Portugal:

RIBEIRO LOPES, M. (G)
TOMÉ DE ALMEIDA, M. (G)

Suisse/Switzerland/Suiza:

ELMIGER, M. (G)
ENZ, Mme (G)
PLASSARD, M. (E)

Thaïlande/Thailand/Tailandia:

MUHUMAD, Mr. (E)

Viet Nam:

NGUYEN LUONG, M. (G)
NGUYEN KIM PHUONG, M. (G)
NGUYEN TIEN QUAN, M. (E)

Quorum

253

Record vote on the resolution concerning the adoption of the Programme and Budget for 1996-97 and the allocation of the budget of income among member States

Pour/For/En Pro: 383

République sud-africaine/Republic of South Africa/República de Sudáfrica:

JOHANNES, Mr. (G)
VAN HEERDEN, Mr. (G)
MOSHAPALO, Mr. (E)
SIFINGO, Mr.(T/W)

Albanie/Albania:

MUCO, Mr.(T/W)

Algérie/Algeria/Argelia:

BELHOCINE, M. (G)
GRINE, M. (G)
MEGATELI, M. (E)

Allemagne/Germany/Alemania:

MAASSEN, Mr. (G)
WILLERS, Mr. (G)
THÜSING, Mr. (E)
ENGELN-KEFER, Mrs.(T/W)

Arabie saoudite/Saudi Arabia/Arabia Saudita:

KENTAB, Mr. (G)
AL-KHALIDI, Mr. (G)
DAHLAN, Mr. (E)
JUMA'A, Mr.(T/W)

Argentine/Argentina:

BALDASSINI, Sr.(T/W)

Australie/Australia:

DEEGAN, Ms. (G)
DEJONG, Mr. (G)
NOAKES, Mr. (E)
MAITLAND, Mr.(T/W)

Autriche/Austria:

MELAS, Mr. (G)
LANGHAMMER, Mr. (G)
ARBESSER-RASTBURG, Mr. (E)
FRIEHS, Mr.(T/W)

Bahamas:

DEAN, Mr. (G)
BASTIAN, Mr.(T/W)

Bahreïn/Bahrain/Bahrein:

AL-HADDAD, Mr. (G)

Bangladesh:

HASHIM, Mr. (G)
TALUKDER, Mr. (G)
ALI, Mr.(T/W)

Barbade/Barbados:

CLARKE, Mr. (G)
TROTMAN, Mr.(T/W)

Belarus/Belarus/Belarus:

SASNOW, Mr. (G)
SEMERIKOV, Mr. (G)
BULGAK, Mr.(T/W)

Belgique/Belgium/Bélgica:

VAN DEPOELE, M. (G)
VANDAMME, M. (G)
MINNE, M. (E)
PEIRENS, M.(T/W)

Bénin/Benin:

ZANOU, M. (G)
POSSET, Mme (G)
IBRAHIMA, M.(T/W)

Bolivie/Bolivia:

ESPAÑA-SMITH, Sr. (E)

Botswana:

WILLIAMS, Mr. (G)
MOJAFI, Mr. (G)
MBONINI, Mr.(T/W)

Brésil/Brazil/Brasil:

AAGAARD JAKOBSEN, Mr.(T/W)

Bulgarie/Bulgaria:

BALTOV, Mr. (G)
ROUYNEKOV, Mr. (E)
DIMOV, Mr.(T/W)

Burkina Faso:

OUEDRAOGO, M. (G)
OUEDRAOGO, M. (G)
KABORE, M. (E)

Burundi:

BUSHAHU, M. (G)
NZISABIRA, M. (E)
KUBWIMANA, M.(T/W)

Cambodge/Cambodia/Camboya:

THACH, M. (G)
LONG, M.(T/W)

Cameroun/Cameroon/Camerún:

MOUKOKO KINGUE, M. (E)
BAKOT-NDJOCK, M.(T/W)

Canada/Canadá:

HARLEY, Ms. (E)
PARROT, Mr.(T/W)

République centrafricaine/Central African Republic/República Centroafricana:

YANGO-SINDO, M. (G)
PENNONE, Mme (E)

Chili/Chile:

CORTES MUÑOZ, Sr.(T/W)

Chine/China:

ZHU, Mr. (G)
LIN, Mr. (G)
PAN, Mr. (E)
LI, Mr.(T/W)

Chypre/Cyprus/Chipre:

MACRIS, Mr. (G)
CHRISTOFI, Mr.(T/W)

Colombie/Colombia:

ARIAS CASTANO, Sra. (G)
DEVIA VALDERRAMA, Sra. (G)
ALVAREZ POSADA, Sr. (E)

République de Corée/Republic of Korea/República de Corea:

CHOI, Mr. (G)
KIM, Mr. (G)
LEE, Mr. (E)

Costa Rica:

DENGO BENAVIDES, Sr. (G)
THOMPSON CHACON, Sra. (G)
BROWN YOUNG, Sr.(T/W)

Côte d'Ivoire:

N'DRI KONAN, M. (G)
AKA-ANGHUI, M. (E)
ADIKO NIAMKEY, M.(T/W)

Croatie/Croatia/Croacia:

MUSULIN, Mrs. (G)
MAROVIC, Mr. (G)
IVANCEVIC, Mr. (E)

Cuba:

DELGADO GONZALEZ, Sr. (G)
GONZALEZ RODRIGUEZ, Sr. (E)
BERNAL CAMERO, Sr.(T/W)

Danemark/Denmark/Dinamarca:

ADLER, Ms. (G)
ESPERSEN, Ms. (G)
RONNEST, Mr. (E)
SVENNINGSSEN, Mr.(T/W)

Egypte/Egypt/Egipto:

EL-SAAID, Mr. (G)
EL-HERRAWI, Mr. (E)
MONGI, Mr.(T/W)

El Salvador:

MENDOZA, Sr. (G)
RAMÍREZ, Sr. (E)

Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:

AL-MUHAIRI, Mr. (G)
HUSAIN, Mr. (G)
MATTAR, Mr. (E)
AL-ABDOOLI, Mr.(T/W)

Equateur/Ecuador:

RIOFRIO, Sr. (G)
DÍAZ GARAYCOA, Sr. (E)

Espagne/Spain/España:

ALBALATE, Sr. (G)
FERRER, Sr. (E)
FRADES, Sr.(T/W)

Estonie/Estonia:

EINASTO, Mr. (G)
HINDOV, Mrs. (G)
ROOS, Mrs. (E)

KAADU, Mr.(T/W)

Etats-Unis/United States/Estados Unidos:

GRAY, Mr.(T/W)

Ethiopie/Ethiopia/Etiopia:

ALEMU GETAHUN, Mr. (G)

Fidji/Fiji:

ROKODURU, Mr. (G)
RAMAGIMAGI, Mr. (G)
ROBERTS, Mr. (E)

Finlande/Finland/Finlandia:

SALMENPERA, Mr. (G)
KAITTOLA, Ms. (G)
RISKI, Mr. (E)
TAPIOLA, Mr.(T/W)

France/Francia:

CHOTARD, M. (G)
RAMOND, M. (G)
OECHSLIN, M. (E)

Gabon/Gabón:

NDONG NANG, M. (G)
NDONG MVIE, M. (G)
ABOUGHAE-OBAME, M. (E)
MAYOMBO, M.(T/W)

Ghana:

GODWYLL, Mr. (G)
BEBAAKO-MENSAH, Mr. (G)
STANLEY-PIERRE, Mr. (E)
AGYEI, Mr.(T/W)

Grèce/Greece/Grecia:

YANTAIS, M. (G)
LAIOU, Mme (G)
KOUTSIVITOU, Mme (E)
DASSIS, M.(T/W)

Guatemala:

MENENDEZ CASTEJON, Sr. (E)
HERNANDEZ FABIAN, Sr.(T/W)

Guinée/Guinea:

DIALLO, M. (G)
SIDIBE, M. (G)
DABO, M. (E)
KEBE, M.(T/W)

Honduras:

MARTINEZ, Sr. (E)
GUERRERO, Sr.(T/W)

Hongrie/Hungary/Hungria:

VARGA, Mr. (G)
PALKOVICS, Mr.(T/W)

Indonésie/Indonesia:

SIMANJUNTAK, Mr. (G)
SITUMORANG, Mrs. (G)
THAMRIN, Mr. (E)
SOEDARWO, Mr.(T/W)

<i>République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:</i>	NAJDE, M.(T/W)	<i>Népal/Nepal:</i>	<i>Pérou/Peru/Perú:</i>
ALI HOSSEINI, Mr. (G)	<i>Lituanie/Lithuania/Lituania:</i>	JHA, Mr. (G)	URRUTIA, Sr. (G)
FANIZADEH, Mr. (G)	KAIRELIS, Mr. (G)	MANANDHAR, Ms. (G)	TINCOPA, Sra. (G)
MOHAMMAD HOSEIN FALLAH, Mr. (E)	BALTUTYTE, Ms. (G)	RIMAL, Mr.(T/W)	<i>Philippines/Filipinas:</i>
AMINI TAME, Mr.(T/W)	KUZMINSKAS, Mr.(T/W)	<i>Nicaragua:</i>	LAGUESMA, Mr. (G)
<i>Irlande/Ireland/Irlanda:</i>	<i>Luxembourg/Luxemburgo:</i>	MEJÍA SOLÍS, Sr. (G)	TAN, Mr. (E)
MCCAFFERTY, Mr. (G)	HOFFMANN, M. (G)	ROSALES DÍAZ, Sr. (G)	TAN; Mr.(T/W)
ENGLISH, Mr. (G)	FABER, M. (G)	<i>Niger/Niger:</i>	<i>Pologne/Poland/Polonia:</i>
DUNNE, Mr. (E)	BEFFORT, M. (E)	MAMADOU, M. (G)	DEMBINSKI, Mr. (G)
<i>Islande/Iceland/Islandia:</i>	PIZZAFERRI, M.(T/W)	DEMBELE, Mme (G)	HENCZEL, Mr. (G)
GUNNARSSON, Mr. (G)	<i>Malaisie/Malaysia/Malasia:</i>	ISSOUFOU, M. (E)	WILK, Mr. (E)
KRISTINSSON, Mr. (G)	SAEDON DAUD, Mr. (G)	IBRAHIM, M.(T/W)	SPYCHALSKA, Mrs.(T/W)
MAGNÜSSON, Mr. (E)	AHMAD, Mr. (G)	<i>Nigéria/Nigeria:</i>	<i>Portugal:</i>
GUNNARSSON, Mr.(T/W)	ZAINAL, Mr.(T/W)	HENRY, Mr. (G)	RIBEIRO LOPES, M. (G)
<i>Israël/Israel:</i>	<i>Malawi:</i>	OKPANACHI, Mr. (G)	TOMÉ DE ALMEIDA, M. (G)
ZILONY, Mr.(T/W)	MGOMEZULU, Mr. (G)	IMOISILI, Mr. (E)	DA ROCHA NOVO, M. (E)
<i>Italie/Italy/Italia:</i>	KAMBAUWA, Mr. (E)	JACK, Mr.(T/W)	ANTÓNIO DE CARVALHO, M.(T/W)
CAVAGLIERI, M. (G)	MHANGO, Mr.(T/W)	<i>Norvège/Norway/Noruega:</i>	<i>Qatar:</i>
CARLA, Mme (G)	<i>Mali/Mali:</i>	VIDNES, Mr. (G)	AL MAHMOUD, Mr. (G)
SASSO MAZZUFFERI, Mme (E)	SIDIBE, Mme (G)	BRUAAS, Mr. (G)	DAHAM, Mr. (G)
CAL, M.(T/W)	TOURE, M. (E)	BAKKA, Mr. (E)	AL-THANI, Mr. (E)
<i>Jamaïque/Jamaica:</i>	BATHILY, M.(T/W)	PEDERSEN, Mrs.(T/W)	AL-BUAINAIN, Mr.(T/W)
SMITH, Mr. (G)	<i>Malte/Malta:</i>	<i>Nouvelle-Zélande/New Zealand/Nueva Zelandia:</i>	<i>Roumanie/Romania/Rumania:</i>
THOMAS, Ms. (G)	CILIA DEBONO, Mr. (G)	STOCKDILL, Mr. (G)	POPESCU, M. (G)
<i>Japon/Japan/Japón:</i>	PULLICINO, Mr. (G)	TOWNSEND, Ms. (G)	MIRCEA, M. (G)
SHIYYA, Mr. (G)	MALLIA MILANES, Mr. (E)	FOULKES, Ms.(T/W)	HIDOS, M. (E)
TSUNEKAWA, Mr. (G)	CALAMATTA, Mr.(T/W)	<i>Oman/Omán:</i>	SIMION, M.(T/W)
SUZUKI, Mr. (E)	<i>Maroc/Morocco/Marruecos:</i>	AL-KIYUMI, Mr. (G)	<i>Royaume-Uni/United Kingdom/Reino Unido:</i>
ITO, Mr.(T/W)	BENJELLOUN-TOUIMI, M. (G)	KUFAN, Mr. (G)	MORGAN, Ms. (G)
<i>Jordanie/Jordan/Jordania:</i>	BELOUED, M. (G)	AL-SHANFARY, Mr.(T/W)	ANDREWS, Mr. (G)
QUTISHAT, Mr. (G)	<i>Maurice/Mauritius/Mauricio:</i>	<i>Ouganda/Uganda:</i>	MACKIE, Ms. (E)
SHAHATIT, Mr. (G)	TOOFANY, Mr. (G)	OGERA-OCHABAL, Mr. (G)*	BRETT, Mr.(T/W)
DAJANI, Mr. (E)	BOLAKY, Mr. (G)	OLWENY, Mr. (G)	<i>Fédération de Russie/Russian Federation/Federación de Rusia:</i>
SHAREEM, Mr.(T/W)	JEETUN, Mr. (E)	KASWARRA, Mr. (E)	EVLUKHIN, Mr. (G)
<i>Kenya:</i>	LUCHMUN ROY, Mr.(T/W)	MUKASA, Mr.(T/W)	BORSCHEVSKY, Mr. (G)
NGARE, Mr. (G)	<i>Mexique/Mexico/México:</i>	<i>Pakistan/Pakistán:</i>	KOLMOGOROV, Mr. (E)
CHEPSIROR, Mr. (G)	SANCHEZ MADARIAGA, Sr.(T/W)	SHERDIL, Mr. (G)	SHMAKOV, Mr.(T/W)
<i>Koweït/Kuwait:</i>	<i>Mongolie/Mongolia:</i>	KHAN, Mr. (G)	<i>Saint-Marin/San Marino:</i>
AL-SALLAL, Mr. (G)	YUMJAV, Mr. (G)	TABANI, Mr. (E)	CECCHETTI, M. (G)
AL MEDHADI, Mr. (G)	JARGALSAIKHAN, Mr. (G)	SHAHEEN, Mr.(T/W)	ZEILER-WERBROUCK, Mme (G)
ALRABAH, Mr. (E)	JANTSAN, Mr. (E)	<i>Panama/Panamá:</i>	VAGNINI, M. (E)
ALAJMI, Mr.(T/W)	NARMANDAKH, Mr.(T/W)	DUCREUX, Sr. (G)	GIARDI, M.(T/W)
<i>République dém. populaire du Lao/Lao People's Dem. Rep./República Dem. Pop. Lao:</i>	<i>Mozambique:</i>	AGUILAR, Sr. (G)	<i>Sénégal/Senegal:</i>
VISISOMBAT, M. (G)	FRANCISCO, Mrs. (G)	DURLING, Sr. (E)	DIONGUE, M. (G)
<i>Lesotho:</i>	MANDLAZE, Mr.(T/W)	CANO DE JAEN, Sra.(T/W)	DIA, M. (G)
THAMAE, Mr. (G)	<i>Myanmar:</i>	<i>Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:</i>	BEYE, M. (E)
FANANA, Mr. (G)	AYE, Mr. (G)	JOEL, Mr. (G)	MBAYE, M.(T/W)
MAKEKA, Mr. (E)	OHN, Mr. (G)	ARUA, Mr. (G)	<i>Seychelles:</i>
MAKHETHA, Mr.(T/W)	MAUNG, Mr. (E)	KEP, Mr. (E)	TIRANT, Mr. (G)
<i>Liban/Lebanon/Libano:</i>	WIN, Mr.(T/W)	PASKA, Mr.(T/W)	KWAST, Mr. (E)
GHOREIB, M. (G)	<i>Namibie/Namibia:</i>	<i>Pays-Bas/Netherlands/Países Bajos:</i>	CHARLES, Mr.(T/W)
SAAB, Mme (G)	DAX, Mr. (G)	VAN DER HEIJDEN, Mr. (G)	<i>Singapour/Singapore/Singapur:</i>
BEYDOUN, M. (E)	SHINGUADJA, Mr. (G)	HAGEN, Mr. (G)	YACOB, Mrs.(T/W)
	HILL, Mr. (E)	HUNTJENS, Mr. (E)	<i>Slovaquie/Slovakia/Eslovaquia:</i>
	HAIKALI, Mr.(T/W)	VAN DEN BURG, Mrs.(T/W)	KRÁSNOHORSKÁ, Mrs. (G)

Slovaquie/Slovakia/Eslovaquia:

ALEXYOVÁ, Mrs. (G)

LACH, Mr. (E)

ENGLIS, Mr.(T/W)

Slovénie/Slovenia/Eslovenia:

BEBLER, Mr. (G)

KOMEL, Mrs. (G)

Soudan/Sudan/Sudán:

HAIDOUN, Mr. (G)

HASSAN, Mr. (G)

BAKHEIT, Mr. (E)

ABDOUN, Mr.(T/W)

Suède/Sweden/Suecia:

JONZON, Mr. (G)

WIKLUND, Ms. (G)

MYRDAL, Mr. (E)

EDSTRÖM, Mr.(T/W)

Suisse/Switzerland/Suiza:

ELMIGER, M. (G)

ENZ, Mme (G)

BARDE, M. (E)

MEIER, Mme(T/W)

Swaziland/Swazilandia:

CEKO, Mr. (G)

MNDZEBELE, Mr. (G)

HLOPHE, Mr. (E)

*République arabe syrienne/Syrian
Arab Republic/República Árabe
Siria:*

YASER, M. (G)

KASSAB, M. (G)

ISSA, M.(T/W)

*République-Unie de Tanzanie/United
Republic of Tanzania/República
Unida de Tanzania:*

BILAL, Mr. (G)

RUTABANZIBWA, Mr. (G)

NYAMUHOKYA, Mr.(T/W)

Tchad/Chad:

KEYTERO MWABANYOL, M. (G)

KADE NDILGUEM, Mme (G)

*République tchèque/Czech
Republic/República Checa:*

BERÁNEK, Mr. (G)

FUCHS, Mr. (G)

KUBÍCKOVÁ, Ms. (E)

BERAN, Mr.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)

INDRASUKHSRI, Mr. (G)

MUHUMAD, Mr. (E)

*Trinité-et-Tobago/Trinidad and
Tobago/Trinidad y Tabago:*

MC SHINE, Mr. (G)

ASHMAN, Mr. (G)

HILTON-CLARKE, Mr. (E)

Tunisie/Tunisia/Túnez:

KCHIAOU, M. (G)

CHIOUBA, Mme (G)

M'KAISSI, M. (E)

SAHBANI, M.(T/W)

Turquie/Turkey/Turquia:

TURKER, Mr. (G)

CANKOREL, Mr. (G)

CIFTER, Mr. (E)

Ukraine/Ucrania:

VINOKOUROV, M. (G)

REVA, M. (G)

MAYKO, M. (E)

CHILOV, M.(T/W)

Uruguay:

GARCIA SEGOVIA, Sr.(T/W)

Venezuela:

RAMÍREZ LEÓN, Sr.(T/W)

Viet Nam:

NGUYEN LUONG, M. (G)

NGUYEN KIM PHUONG, M. (G)

NGUYEN TIEN QUAN, M. (E)

NGUYEN VAN TAM, M.(T/W)

Yémen/Yemen:

HAJAR, Mr. (G)

TABET, Mr. (E)

Zaïre/Zaire:

TADY BULAMATADI, M. (G)

KATALAY MULELI SANGOL,
M.(T/W)

Zambie/Zambia:

NYIRENDA, Mr. (G)

NYIRENDA, Mr. (G)

SANYAMBE, Mr. (E)

SHAMENDA, Mr.(T/W)

Zimbabwe:

DZVITI, Mr. (G)

CHIKOROWONDO, Mr. (G)

JOHNSON, Mr. (E)

**Contre/Against/En
contra: 8**

Argentine/Argentina:

BENITEZ, Sr. (G)

TOSONOTTI, Sra. (G)

Canada/Canadá:

CARON, Mrs. (G)

PERLIN, Ms. (G)

*Etats-Unis/United States/Estados
Unidos:*

HILBURN, Mr. (G)

PETERSON, Mr. (G)

Israël/Israel:

LAMDAN, Mr. (G)

LEVY-FURMAN, Mrs. (G)

**Abstentions/Abstentions/
Abstenciones: 18**

Argentine/Argentina:

FUNES DE RIOJA, Sr. (E)

Bélarus/Belarus/Belarus:

PLIATCHENKO, Mr. (E)

Brésil/Brazil/Brasil:

FERRAZ DOS PASSOS, Mr. (G)

DONATO, Mr. (E)

Chili/Chile:

ILABACA ORPHANOPOULOS, Sr.
(G)

MIRANDA ROJAS, Sr. (G)

Croatie/Croatia/Croacia:

RIJIC, Mr.(T/W)

*Etats-Unis/United States/Estados
Unidos:*

MOORHEAD, Mr. (E)

Guatemala:

OLIVERO GARCIA, Sr. (G)

Honduras:

ACEITUNO, Sra. (G)

Malaisie/Malaysia/Malasia:

DATUK MOKHZANI, Mr. (E)

Mexique/Mexico/México:

VARGAS CAMPOS, Sr. (G)

NOVELO VON GLUMER, Sr. (G)

GUTIERREZ GARCIA, Sr. (E)

Uruguay:

MÉNDEZ ARECO, Sr. (G)

MANGADO, Sr. (G)

VARELA, Sr. (E)

Venezuela:

SUÁREZ, Sr. (G)

Quorum

253

Record vote on the Convention concerning Safety and Health in Mines

Pour/For/En Pro: 378

<i>République sud-africaine/Republic of South Africa/República de Sudáfrica:</i>	MINNE, M. (E)	<i>Chypre/Cyprus/Chipre:</i>	<i>Etats-Unis/United States/Estados Unidos:</i>
JOHANNES, Mr. (G)	PEIRENS, M.(T/W)	SAMUEL, Mrs. (G)	HILBURN, Mr. (G)
VAN HEERDEN, Mr. (G)	<i>Bénin/Benin:</i>	CHRISTOFI, Mr.(T/W)	PETERSON, Mr. (G)
MOSHAPALO, Mr. (E)	ZANOÛ, M. (G)	<i>République de Corée/Republic of Korea/República de Corea:</i>	MOORHEAD, Mr.(E)
SIFINGO, Mr.(T/W)	POSSET, Mme (G)	CHOI, Mr. (G)	GRAY, Mr.(T/W)
<i>Albanie/Albania:</i>	IBRAHIMA, M.(T/W)	KIM, Mr. (G)	<i>Fidji/Fiji:</i>
MUCO, Mr.(T/W)	<i>Botswana:</i>	<i>Costa Rica:</i>	ROKODURU, Mr. (G)
<i>Algérie/Algeria/Argelia:</i>	PALAI, Mr. (G)	BROWN YOUNG, Sr.(T/W)	RAMAGIMAGI, Mr. (G)
BELHOCINE, M. (G)	MOJAFI, Mr. (G)	<i>Côte d'Ivoire:</i>	ROBERTS, Mr. (E)
GRINE, M. (G)	MBONINI, Mr.(T/W)	N'DRI KONAN, M. (G)	<i>Finlande/Finland/Finlandia:</i>
MEGATELI, M. (E)	<i>Brésil/Brazil/Brasil:</i>	AKA-ANGHUI, M. (E)	SALMENPERA, Mr. (G)
<i>Allemagne/Germany/Alemania:</i>	FERRAZ DOS PASSOS, Mr. (G)	ADIKO NIAMKEY, M.(T/W)	REINIKKA, Mr. (G)
MAASSEN, Mr. (G)	GOMES DOS SANTOS, Mrs. (G)	<i>Croatie/Croatia/Croacia:</i>	RISKI, Mr. (E)
WILLERS, Mr. (G)	AAGAARD JAKOBSEN, Mr.(T/W)	MUSULIN, Mrs. (G)	REUNA, Mr.(T/W)
ENGELLEN-KEFER, Mrs.(T/W)	<i>Bulgarie/Bulgaria:</i>	MAROVIC, Mr. (G)	<i>France/Francia:</i>
<i>Arabie saoudite/Saudi Arabia/Arabia Saudita:</i>	DOBREV, Mr. (G)	IVANCEVIC, Mr. (E)	CHOTARD, M. (G)
KENTAB, Mr. (G)	BALTOV, Mr. (G)	RIBIC, Mr.(T/W)	RAMOND, M. (G)
AL-KHALIDI, Mr. (G)	ROUYNEKOV, Mr. (E)	<i>Cuba:</i>	OECHSLIN, M. (E)
DAHLAN, Mr. (E)	DIMOV, Mr.(T/W)	DELGADO GONZALEZ, Sr. (G)	TIXIER, M.(T/W)
JUMA'A, Mr.(T/W)	<i>Burkina Faso:</i>	GONZALEZ RODRIGUEZ, Sr. (E)	<i>Gabon/Gabón:</i>
<i>Argentine/Argentina:</i>	OUEDRAOGO, M. (G)	BERNAL CAMERO, Sr.(T/W)	NDONG NANG, M. (G)
BALDASSINI, Sr.(T/W)	OUEDRAOGO, M. (G)	<i>Danemark/Denmark/Dinamarca:</i>	NDONG MVIE, M. (G)
<i>Australie/Australia:</i>	<i>Burundi:</i>	ADLER, Ms. (G)	ABOUGHAE-OBAME, M. (E)
DEEGAN, Ms. (G)	NZEYIMANA, M. (G)	ESPERSEN, Ms. (G)	MAYOMBO, M.(T/W)
DEJONG, Mr. (G)	BUSHAHU, M. (G)	RONNEST, Mr. (E)	<i>Ghana:</i>
NOAKES, Mr. (E)	NZISABIRA, M.(E)	SVENNINGSEN, Mr.(T/W)	BOATENG, Mr. (G)
MAITLAND, Mr.(T/W)	KUBWIMANA, M.(T/W)	<i>Egypte/Egypt/Egipto:</i>	BEBAAKO-MENSAH, Mr. (G)
<i>Autriche/Austria:</i>	<i>Cambodge/Cambodia/Camboya:</i>	EL-ASSAR, Mr. (G)	STANLEY-PIERRE, Mr. (E)
MELAS, Mr. (G)	THACH, M. (G)	EL-SAAID, Mr. (G)	AGYEI, Mr.(T/W)
LANGHAMMER, Mr. (G)	LONG, M.(T/W)	EL-HERRAWI, Mr. (E)	<i>Grèce/Greece/Grecia:</i>
ARBESSER-RASTBURG, Mr. (E)	<i>Cameroon/Cameroun/Camerún:</i>	MONGI, Mr.(T/W)	YANTAIS, M. (G)
FRIEHS, Mr.(T/W)	NYANGANG, Mme (G)	<i>El Salvador:</i>	LAIYOU, Mme (G)
<i>Bahamas:</i>	MOUKOKO KINGUE, M. (E)	MENDOZA, Sr. (G)	KOUTSIVITOU, Mme (E)
DEAN, Mr. (G)	BAKOT-NDJOCK, M.(T/W)	RAMÍREZ, Sr. (E)	DELIGIANNAKIS, M.(T/W)
BASTIAN, Mr.(T/W)	<i>Canada/Canadá:</i>	<i>Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:</i>	<i>Guatemala:</i>
<i>Bahreïn/Bahrain/Bahrein:</i>	CARON, Mrs. (G)	AL-MUHAIRI, Mr. (G)	HERNANDEZ FABIAN, Sr.(T/W)
AL-HADDAD, Mr. (G)	PERLIN, Ms. (G)	HUSAIN, Mr. (G)	<i>Guinée/Guinea:</i>
<i>Bangladesh:</i>	HARLEY, Ms. (E)	AL-ABDOOLI, Mr.(T/W)	DIALLO, M. (G)
ALI, Mr.(T/W)	PERQUIN, Mr.(T/W)	<i>Equateur/Ecuador:</i>	SIDIBE, M. (G)
<i>Barbade/Barbados:</i>	<i>République centrafricaine/Central African Republic/República Centroafricana:</i>	RIOFRIO, Sr. (G)	DABO, M. (E)
CLARKE, Mr. (G)	YANGO-SINDO, M. (G)	DIAZ GARAYCOA, Sr. (E)	KEBE, M.(T/W)
TROTMAN, Mr.(T/W)	PENNONE, Mme (E)	<i>Espagne/Spain/España:</i>	<i>Honduras:</i>
<i>Biélorus/Belarus/Belarus:</i>	<i>Chili/Chile:</i>	DE SEGOVIA, Sr. (G)	ACEITUNO, Sra. (G)
SASNOW, Mr. (G)	ILABACA ORPHANOPOULOS, Sr. (G)	ALBALATE, Sr. (G)	MARTINEZ, Sr. (E)
SEMERIKOV, Mr. (G)	MIRANDA ROJAS, Sr. (G)	FERRER, Sr. (E)	GUERRERO, Sr.(T/W)
PLIATCHENKO, Mr. (E)	CORTES MUÑOZ, Sr.(T/W)	FRADES, Sr.(T/W)	<i>Hongrie/Hungary/Hungria:</i>
BULGAK, Mr.(T/W)	<i>Chine/China:</i>	<i>Estonie/Estonia:</i>	VARGA, Mr. (G)
<i>Belgique/Belgium/Bélgica:</i>	ZHU, Mr. (G)	EINASTO, Mr. (G)	PALKOVICS, Mr.(T/W)
VAN DEPOELE, M. (G)	LIN, Mr. (G)	HINDOV, Mrs. (G)	<i>Inde/India:</i>
VANDAMME, M. (G)	PAN, Mr. (E)	ROOS, Mrs. (E)	GOPALAN, Mr. (G)
	LI, Mr.(T/W)	KAADU, Mr.(T/W)	<i>Indonésie/Indonesia:</i>
			SIMANJUNTAK, Mr. (G)
			SITUMORANG, Mrs. (G)
			THAMRIN, Mr. (E)

Indonésie/Indonesia:

SOEDARWO, Mr.(T/W)

République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:

ALI HOSSEINI, Mr. (G)

FANIZADEH, Mr. (G)

MOHAMMAD HOSEIN FALLAH, Mr. (E)

AMINI TAME, Mr.(T/W)

Irlande/Ireland/Irlanda:

MCCAFFERTY, Mr. (G)

ENGLISH, Mr. (G)

DUNNE, Mr. (E)

Islande/Iceland/Islandia:

GUÑNARSSON, Mr. (G)

KRISTINSSON, Mr. (G)

MAGNÜSSON, Mr. (E)

GUNNARSSON, Mr.(T/W)

Israël/Israel:

LAMDAN, Mr. (G)

LEVY-FURMAN, Mrs. (G)

ZILONY, Mr.(T/W)

Italie/Italy/Italia:

CAVAGLIERI, M. (G)

CARLA, Mme (G)

SASSO MAZZUFFERI, Mme (E)

CAL, M.(T/W)

Japon/Japan/Japón:

ITO, Mr.(T/W)

Jordanie/Jordan/Jordania:

SHAREEM, Mr.(T/W)

République dém. populaire du Lao/Lao People's Dem. Rep./República Dem. Pop. Lao:

VISISOMBAT, M. (G)

Lesotho:

THAMAE, Mr. (G)

FANANA, Mr. (G)

MAKEKA, Mr. (E)

MAKHETHA, Mr.(T/W)

Liban/Lebanon/Libano:

BEYDOUN, M. (E)

NAJDE, M.(T/W)

Lituanie/Lithuania/Lituania:

KAIRELIS, Mr. (G)

BALTUTYTE, Ms. (G)

KUZMINSKAS, Mr.(T/W)

Luxembourg/Luxemburgo:

HOFFMANN, M. (G)

FABER, M. (G)

BEFFORT, M. (E)

PIZZAFERRI, M.(T/W)

Malaisie/Malaysia/Malasia:

DATUK MOKHZANI, Mr. (E)

ZAINAL, Mr.(T/W)

Malawi:

MGOMEZULU, Mr. (G)

KAMBAUWA, Mr. (E)

MHANGO, Mr.(T/W)

Mali/Mali:

SIDIBE, Mme (G)

TOURE, M. (E)

BATHILY, M.(T/W)

Malte/Malta:

CILIA DEBONO, Mr. (G)

PULLICINO, Mr. (G)

MALLIA MILANES, Mr. (E)

CALAMATTA, Mr.(T/W)

Maroc/Morocco/Marruecos:

BENJELLOUN-TOUIMI, M. (G)

BELOUED, M. (G)

Maurice/Mauritius/Mauricio:

TOOFANY, Mr. (G)

BOLAKY, Mr. (G)

JEETUN, Mr. (E)

LUCHMUN ROY, Mr.(T/W)

Mexique/Mexico/México:

VARGAS CAMPOS, Sr. (G)

NOVELO VON GLUMER, Sr. (G)

GUTIERREZ GARCIA, Sr. (E)

SANCHEZ MADARIAGA, Sr.(T/W)

Mongolie/Mongolia:

YUMJAV, Mr. (G)

JARGALSAIKHAN, Mr. (G)

JANTSAN, Mr. (E)

NARMANDAKH, Mr.(T/W)

Mozambique:

FRANCISCO, Mrs. (G)

MANDLAZE, Mr.(T/W)

Myanmar:

MAUNG, Mr. (E)

WIN, Mr.(T/W)

Namibie/Namibia:

DAX, Mr. (G)

SHINGUADJA, Mr. (G)

HILL, Mr. (E)

HAIKALI, Mr.(T/W)

Népal/Nepal:

JHA, Mr. (G)

MANANDHAR, Ms. (G)

RIMAL, Mr.(T/W)

Nicaragua:

MEJÍA SOLÍS, Sr. (G)

ROSALES DÍAZ, Sr. (G)

Niger/Niger:

MAMADOU, M. (G)

DEMBELE, Mme (G)

ISSOUFOU, M. (E)

IBRAHIM, M.(T/W)

Nigéria/Nigeria:

HENRY, Mr. (G)

OKPANACHI, Mr. (G)

OLANIYI, Mr. (E)

JACK, Mr.(T/W)

Norvège/Norway/Noruega:

VIDNES, Mr. (G)

BRUAAS, Mr. (G)

BAKKA, Mr. (E)

PEDERSEN, Mrs.(T/W)

Nouvelle-Zélande/New Zealand/Nueva Zelandia:

STOCKDILL, Mr. (G)

TOWNSEND, Ms. (G)

FOULKES, Ms.(T/W)

Oman/Omán:

AL-KIYUMI, Mr. (G)

KUFAN, Mr. (G)

AL-SHANFARY, Mr.(T/W)

Ouganda/Uganda:

OGERA-OCHABAL, Mr. (G)

OLWENY, Mr. (G)

KASWARRA, Mr. (E)

MUKASA, Mr.(T/W)

Pakistan/Pakistán:

SHERDIL, Mr. (G)

SULTAN, Mr. (G)

TABANI, Mr. (E)

SHAHEEN, Mr.(T/W)

Panama/Panamá:

DUCREUX, Sr. (G)

AGUILAR, Sr. (G)

DURLING, Sr. (E)

CANO DE JAEN, Sra.(T/W)

Papouasie-Nouvelle Guinée/Papua New Guinea/Papua Nueva Guinea:

JOEL, Mr. (G)

ARUA, Mr. (G)

KEP, Mr. (E)

PASKA, Mr.(T/W)

Pays-Bas/Netherlands/Paises Bajos:

VAN DER HEIJDEN, Mr. (G)

HAGEN, Mr. (G)

VAN DEN BURG, Mrs.(T/W)

Pérou/Peru/Perú:

URRUTIA, Sr. (G)

TINCOPA, Sra. (G)

DIEZ-CANSECO ROOSE, Sr. (E)

Philippines/Filipinas:

LAGUESMA, Mr. (G)

TAN, Mr. (E)

TAN, Mr.(T/W)

Pologne/Poland/Polonia:

DEMBINSKI, Mr. (G)

HIENCZEL, Mr. (G)

WILK, Mr. (E)

WOJCIK, Mr.(T/W)

Portugal:

RIBEIRO LOPES, M. (G)

TOMÉ DE ALMEIDA, M. (G)

DA ROCHA NOVO, M. (E)

ANTÓNIO DE CARVALHO, M.(T/W)

Qatar:

AL MAHMOUD, Mr. (G)

DAHAM, Mr. (G)

AL-THANI, Mr. (E)

AL-BUAINAIN, Mr.(T/W)

Roumanie/Romania/Rumania:

POPESCU, M. (G)

MIRCEA, M. (G)

HIDOS, M. (E)

SIMION, M.(T/W)

Royaume-Uni/United Kingdom/Reino Unido:

MORGAN, Ms. (G)

ANDREWS, Mr. (G)

MACKIE, Ms. (E)

BRETT, Mr.(T/W)

Fédération de Russie/Russian Federation/Federación de Rusia:

EVLUKHIN, Mr. (G)

GERBOV, Mr. (G)

KOLMOGOROV, Mr. (E)

SHMAKOV, Mr.(T/W)

Saint-Marin/San Marino:

ZEILER-WERBROUCK, Mme (G)

MANUZZI, M. (G)

VAGNINI, M. (E)

GIARDI, M.(T/W)

Sénégal/Senegal:

DIONGUE, M. (G)

DIA, M. (G)

BEYE, M. (E)

MBAYE, M.(T/W)

Seychelles:

TIRANT, Mr. (G)

KWAST, Mr. (E)

CHARLES, Mr.(T/W)

Singapour/Singapore/Singapur:

YACOB, Mrs.(T/W)

Slovaquie/Slovakia/Eslovaquia:

KRÁSNOHORSKÁ, Mrs. (G)

VAVRO, Mr. (G)

LACH, Mr. (E)

ENGLIS, Mr.(T/W)

Slovénie/Slovenia/Eslovenia:

BEBLER, Mr. (G)

KOMEL, Mrs. (G)

TOMSIK, Mr.(T/W)

Soudan/Sudan/Sudán:

HAIDOUN, Mr. (G)

HASSAN, Mr. (G)

BAKHEIT, Mr. (E)

ABDOUN, Mr.(T/W)

Suède/Sweden/Suecia:

JONZON, Mr. (G)

WIKLUND, Ms. (G)

Suède/Sweden/Suecia:

MYRDAI., Mr. (E)
EDSTRÖM, Mr.(T/W)

Suisse/Switzerland/Suiza:

MEIER, Mme(T/W)

Suriname:
DAAL-VOGELLAND, Mrs. (G)
KARG, Mr. (G)
SOUPRAYEN-YORKS, Mrs.(T/W)

Swaziland/Swazilandia:

CEKO, Mr. (G)
MNDZEBELE, Mr. (G)
HLOPHE, Mr. (E)

République arabe syrienne/Syrian Arab Republic/República Árabe Siria:

YASER, M. (G)
KASSAB, M. (G)
JAWISH, M. (E)
ISSA, M.(T/W)

République-Unie de Tanzanie/United Republic of Tanzania/República Unida de Tanzania:

BIL'IL, Mr. (G)
RUTABANZIBWA, Mr. (G)
NYAMUHOKYA, Mr.(T/W)

Tchad/Chad:

KEYTERO MWABANYOL, M. (G)
KADE NDILGUEM, Mme (G)

République tchèque/Czech Republic/República Checa:

BERÁNEK, Mr. (G)
FUCHS, Mr. (G)
KUBICKOVÁ, Ms. (E)
BERAN, Mr.(T/W)

Thaïlande/Thailand/Tailandia:

NELAYOTHIN, Mr. (G)
INDRASUKHSRI, Mr. (G)
KLAEWKLARD, Mr.(T/W)

Trinité-et-Tobago/Trinidad and Tobago/Trinidad y Tabago:

MC SHINE, Mr. (G)
ASHMAN, Mr. (G)
HILTON-CLARKE, Mr. (E)

Tunisie/Tunisia/Túnez:

KCHIAOU, M. (G)
CHOUBA, Mme (G)
M'KAISSI, M. (E)
SAHBANI, M.(T/W)

Turquie/Turkey/Turquia:

TURKER, Mr. (G)
CANKOREL, Mr. (G)

Ukraine/Ucrania:

VINOKOUROV, M. (G)
REVA, M. (G)
MAYKO, M. (E)
CHILOV, M.(T/W)

Uruguay:

MENDEZ ARECO, Sr. (G)
MANGADO, Sr. (G)
GARCIA SEGOVIA, Sr.(T/W)

Venezuela:

SUÁREZ, Sr. (G)
RAMÍREZ LEÓN, Sr.(T/W)

Viet Nam:

NGUYEN LUONG, M. (G)
NGUYEN KIM PHUONG, M. (G)
NGUYEN TIEN QUAN, M. (E)
NGUYEN VAN TAM, M.(T/W)

Yémen/Yemen:

HAJAR, Mr. (G)

Zaïre/Zaire:

TADY BULAMATADI, M. (G)
KATALAY MULELI SANGOL, M.(T/W)

Zambie/Zambia:

NYIRENDA, Mr. (G)
NYIRENDA, Mr. (G)
SANYAMBE, Mr. (E)
SHAMENDA, Mr.(T/W)

Zimbabwe:

DZVITI, Mr. (G)
CHIKOROWONDO, Mr. (G)
CHIWESHE, Mr. (E)
SIBANDA, Mr.(T/W)

Contre/Against/En contra: 9

Argentine/Argentina:

FUNES DE RIOJA, Sr. (E)

Bangladesh:

HASHIM, Mr. (G)
TALUKDER, Mr. (G)

Brésil/Brazil/Brasil:

DONATO, Mr. (E)

Burkina Faso:

KABORE, M. (E)

Colombie/Colombia:

ALVAREZ POSADA, Sr. (E)

Guatemala:

MENENDEZ CASTEJON, Sr. (E)

Uruguay:

VARELA, Sr. (E)

Venezuela:

DE ARBELOA, Sr. (E)

Abstentions/Abstentions/ Abstenciones: 34

Allemagne/Germany/Alemania:

THÜSING, Mr. (E)

Argentine/Argentina:

BENITEZ, Sr. (G)
TOSONOTTI, Sra. (G)

Bolivie/Bolivia:

ESPAÑA-SMITH, Sr. (E)

Colombie/Colombia:

ARIAS CASTANO, Sra. (G)
DEVIA VALDERRAMA, Sra. (G)

République de Corée/Republic of Korea/República de Corea:

LEE, Mr. (E)

Costa Rica:

DENGO BENAVIDES, Sr. (G)
THOMPSON CHACON, Sra. (G)

Emirats arabes unis/United Arab Emirates/Emiratos Árabes Unidos:

MATTAR, Mr. (E)

Guatemala:

OLIVERO GARCIA, Sr. (G)

Japon/Japan/Japón:

SHIYA, Mr. (G)
TSUNEKAWA, Mr. (G)
SUZUKI, Mr. (E)

Jordanie/Jordan/Jordania:

QUTISHAT, Mr. (G)
SHAHATIT, Mr. (G)
DAJANI, Mr. (E)

Kenya:

NGARE, Mr. (G)
CHEPSIROR, Mr. (G)

Koweït/Kuwait:

AL-SALLAL, Mr. (G)
AL MEDHADI, Mr. (G)
ALRABAH, Mr. (E)
ALAJMI, Mr.(T/W)

Liban/Lebanon/Libano:

GHOUREIB, M. (G)
SAAB, Mme (G)

Malaisie/Malaysia/Malasia:

SAEDON DAUD, Mr. (G)
AHMAD, Mr. (G)

Pays-Bas/Netherlands/Paises Bajos:

HUNTJENS, Mr. (E)

Suisse/Switzerland/Suiza:

ELMIGER, M. (G)
ENZ, Mme (G)
BARDE, M. (E)

Thaïlande/Thailand/Tailandia:

MUHUMAD, Mr. (E)

Turquie/Turkey/Turquia:

CIFTER, Mr. (E)

Yémen/Yemen:

TABET, Mr. (E)

Quorum

Record vote on the Recommendation concerning Safety and Health in Mines

Pour/For/En Pro: 377	PEIRENS, M.(T/W)	<i>Chypre/Cyprus/Chipre:</i>	KAADU, Mr.(T/W)
<i>République sud-africaine/Republic of South Africa/República de Sudáfrica:</i>	<i>Bénin/Benin:</i>	MAGRIS, Mr. (G)	<i>Etats-Unis/United States/Estados Unidos:</i>
JOHANNES, Mr. (G)	ZANOUE, M. (G)	CHRISTOFI, Mr.(T/W)	HILBURN, Mr. (G)
VAN HEERDEN, Mr. (G)	POSSET, Mme (G)	<i>Congo:</i>	PETERSON, Mr. (G)
MOSHAPALO, Mr. (E)	IBRAHIMA, M.(T/W)	LOUDI, M. (G)	GRAY, Mr.(T/W)
SIFINGO, Mr.(T/W)	<i>Botswana:</i>	KIBANGADI, M. (G)	<i>Fidji/Fiji:</i>
<i>Albanie/Albania:</i>	PALAI, Mr. (G)	<i>République de Corée/Republic of Korea/República de Corea:</i>	ROKODURU, Mr. (G)
MUCO, Mr.(T/W)	MOJAFI, Mr. (G)	CHOI, Mr. (G)	RAMAGIMAGI, Mr. (G)
<i>Algérie/Algeria/Argelia:</i>	MBONINI, Mr.(T/W)	KIM, Mr. (G)	ROBERTS, Mr. (E)
BELHOCINE, M. (G)	<i>Brésil/Brazil/Brasil:</i>	<i>Costa Rica:</i>	<i>Finlande/Finland/Finlandia:</i>
GRINE, M. (G)	FERRAZ DOS PASSOS, Mr. (G)	BROWN YOUNG, Sr.(T/W)	SALMENPERA, Mr. (G)
MEGATELI, M. (E)	GOMES DOS SANTOS, Mrs. (G)	<i>Côte d'Ivoire:</i>	REINIKKA, Mr. (G)
<i>Allemagne/Germany/Alemania:</i>	AAGAARD JAKOBSEN, Mr.(T/W)	N'DRI KONAN, M. (G)	RISKI, Mr. (E)
MAASSEN, Mr. (G)	<i>Bulgarie/Bulgaria:</i>	AKA-ANGHUI, M. (E)	REUNA, Mr.(T/W)
WILLERS, Mr. (G)	DOBREV, Mr. (G)	ADIKO NIAMKEY, M.(T/W)	<i>France/Francia:</i>
<i>Arabie saoudite/Saudi Arabia/Arabia Saudita:</i>	MIROSLAVOV, Mr. (G)	<i>Croatie/Croatia/Croacia:</i>	CHOTARD, M. (G)
KENTAB, Mr. (G)	ROUYNEKOV, Mr. (E)	MUSULIN, Mrs. (G)	RAMOND, M. (G)
AL-KHALIDI, Mr. (G)	DIMOV, Mr.(T/W)	MAROVIC, Mr. (G)	OECHSLIN, M. (E)
DAHLAN, Mr. (E)	<i>Burkina Faso:</i>	IVANCEVIC, Mr. (E)	TIXIER, M.(T/W)
JUMA'A, Mr.(T/W)	OUEDRAOGO, M. (G)	RIBIC, Mr.(T/W)	<i>Gabon/Gabón:</i>
<i>Argentine/Argentina:</i>	OUEDRAOGO, M. (G)	<i>Cuba:</i>	NDONG NANG, M. (G)
BALDASSINI, Sr.(T/W)	<i>Burundi:</i>	DELGADO GONZALEZ, Sr. (G)	NDONG MVIE, M. (G)
<i>Australie/Australia:</i>	NZEYIMANA, M. (G)	GONZALEZ RODRIGUEZ, Sr. (E)	ABOUGHAE-OBAME, M. (E)
DEEGAN, Ms. (G)	BUSHAHU, M. (G)	BERNAL CAMERO, Sr.(T/W)	MAYOMBO, M.(T/W)
DEJONG, Mr. (G)	NZISABIRA, M. (E)	<i>Danemark/Denmark/Dinamarca:</i>	<i>Ghana:</i>
NOAKES, Mr. (E)	KUBWIMANA, M.(T/W)	ADLER, Ms. (G)	BOATENG, Mr. (G)
MAITLAND, Mr.(T/W)	<i>Cambodge/Cambodia/Camboya:</i>	ESPERSEN, Ms. (G)	BEBAAKO-MENSAH, Mr. (G)
<i>Autriche/Austria:</i>	THACH, M. (G)	RONNEST, Mr. (E)	STANLEY-PIERRE, Mr. (E)
MELAS, Mr. (G)	LONG, M.(T/W)	SVENNINGSSEN, Mr.(T/W)	AGYEI, Mr.(T/W)
LANGHAMMER, Mr. (G)	<i>Cameroun/Cameroon/Camerún:</i>	<i>Egypte/Egypt/Egipto:</i>	<i>Grèce/Greece/Grecia:</i>
ARBESSER-RASTBURG, Mr. (E)	NGOUBEYOU, M. (G)	EL-ASSAR, Mr. (G)	YANTAIS, M. (G)
FRIEHS, Mr.(T/W)	NYANGANG, Mme (G)	EL-SAAID, Mr. (G)	LAIYOU, Mme (G)
<i>Bahamas:</i>	MOUKOKO KINGUE, M. (E)	EL-HERRAWI, Mr. (E)	KOUTSIVITOU, Mme (E)
DEAN, Mr. (G)	BAKOT-NDJOCK, M.(T/W)	MONGI, Mr.(T/W)	DELIGIANNAKIS, M.(T/W)
BASTIAN, Mr.(T/W)	<i>Canada/Canadá:</i>	<i>El Salvador:</i>	<i>Guatemala:</i>
<i>Bahreïn/Bahrain/Bahrein:</i>	CARON, Mrs. (G)	MENDOZA, Sr. (G)	HERNANDEZ FABIAN, Sr.(T/W)
AL-HADDAD, Mr. (G)	PERLIN, Ms. (G)	RAMÍREZ, Sr. (E)	<i>Guinée/Guinea:</i>
<i>Bangladesh:</i>	HARLEY, Ms. (E)	<i>Emirats arabes unis/United Arab Emirates/Emiratos Arabes Unidos:</i>	DIALLO, M. (G)
ALI, Mr.(T/W)	PERQUIN, Mr.(T/W)	AL-MUHAIIRI, Mr. (G)	SIDIBE, M. (G)
<i>Barbade/Barbados:</i>	<i>République centrafricaine/Central African Republic/República Centroafricana:</i>	HUSAIN, Mr. (G)	DABO, M. (E)
CLARKE, Mr. (G)	YANGO-SINDO, M. (G)	MATTAR, Mr. (E)	KEBE, M.(T/W)
TROTMAN, Mr.(T/W)	PENNONE, Mme (E)	AL-ABDOOLI, Mr.(T/W)	<i>Hongrie/Hungary/Hungria:</i>
<i>Biélorus/Belarus/Belarus:</i>	<i>Chili/Chile:</i>	<i>Equateur/Ecuador:</i>	VARGA, Mr. (G)
SASNOW, Mr. (G)	ILABACA ORPHANOPOULOS, Sr. (G)	RIOFRIO, Sr. (G)	SZÜCS, Mr. (E)
SEMERIKOV, Mr. (G)	MIRANDA ROJAS, Sr. (G)	<i>Espagne/Spain/España:</i>	PALKOVICS, Mr.(T/W)
PLIATCHENKO, Mr. (E)	CORTES MUÑOZ, Sr.(T/W)	DE SEGOVIA, Sr. (G)	<i>Indonésie/Indonesia:</i>
BULGAK, Mr.(T/W)	<i>Chine/China:</i>	ALBALATE, Sr. (G)	SIMANJUNTAK, Mr. (G)
<i>Belgique/Belgium/Bélgica:</i>	ZHANG, Mr. (G)	FERRER, Sr. (E)	SITUMORANG, Mrs. (G)
VAN DEPOELE, M. (G)	LIN, Mr. (G)	FRADES, Sr.(T/W)	THAMRIN, Mr. (E)
VANDAMME, M. (G)	PAN, Mr. (E)	<i>Estonie/Estonia:</i>	SOEDARWO, Mr.(T/W)
MINNE, M. (E)	LI, Mr.(T/W)	EINASTO, Mr. (G)	<i>République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:</i>
		HIINDOV, Mrs. (G)	ALI HOSSEINI, Mr. (G)
		ROOS, Mrs. (E)	

<i>République islamique d'Iran/Islamic Republic of Iran/República Islámica del Irán:</i>	<i>Mali/Mali:</i>	<i>Norvège/Norway/Noruega:</i>	<i>AL-THANI, Mr. (E)</i>
FANIZADEH, Mr. (G)	SIDIBE, Mme (G)	VIDNES, Mr. (G)	<i>AL-BUAINAIN, Mr.(T/W)</i>
MOHAMMAD HOSEIN FALLAH, Mr. (E)	TOURE, M. (E)	BRUAAS, Mr. (G)	<i>Roumanie/Romania/Rumania:</i>
AMINI TAME, Mr.(T/W)	BATHILY, M.(T/W)	BAKKA, Mr. (E)	POPESCU, M. (G)
<i>Irlande/Ireland/Irlanda:</i>	<i>Malte/Malta:</i>	PEDERSEN, Mrs.(T/W)	MIRCEA, M. (G)
MCCAFFERTY, Mr. (G)	CILIA DEBONO, Mr. (G)	<i>Nouvelle-Zélande/New Zealand/Nueva Zelandia:</i>	HIDOS, M. (E)
ENGLISH, Mr. (G)	PULLICINO, Mr. (G)	STOCKDILL, Mr. (G)	SIMIÖN, M.(T/W)
DUNNE, Mr. (E)	MALLIA MILANES, Mr. (E)	TOWNSEND, Ms. (G)	<i>Royaume-Uni/United Kingdom/Reino Unido:</i>
<i>Islande/Iceland/Islandia:</i>	CALAMATTA, Mr.(T/W)	FOULKES, Ms.(T/W)	MORGAN, Ms. (G)
GUNNARSSON, Mr. (G)	<i>Maroc/Morocco/Marruecos:</i>	<i>Oman/Omán:</i>	ANDREWS, Mr. (G)
KRISTINSSON, Mr. (G)	BENJELLOUN-TOUIMI, M. (G)	AL-KIYUMI, Mr. (G)	MACKIE, Ms. (E)
MAGNÚSSON, Mr. (E)	BELOUED, M. (G)	KUFAN, Mr. (G)	<i>Fédération de Russie/Russian Federation/Federación de Rusia:</i>
GUNNARSSON, Mr.(T/W)	<i>Maurice/Mauritius/Mauricio:</i>	AL-SHANFARY, Mr.(T/W)	EVLUKHIN, Mr. (G)
<i>Italie/Italy/Italia:</i>	TOOFANY, Mr. (G)	<i>Ouganda/Uganda:</i>	GERBOV, Mr. (G)
CAVAGLIERI, M. (G)	BOLAKY, Mr. (G)	OGERA-OCHABAL, Mr. (G)	KOLMOGOROV, Mr. (E)
CARLA, Mme (G)	JEETUN, Mr. (E)	OLWENY, Mr. (G)	SHMAKOV, Mr.(T/W)
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	OLANIYI, Mr. (E)	DAHAM, Mr. (G)	
	JACK, Mr.(T/W)		

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KARG, Mr. (G)
SOUPRAYEN-YORKS, Mrs. (T/W)

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RUTABANZIBWA, Mr. (G)
NYAMUHOKYA, Mr. (T/W)

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KEYTERO MWABANYOL, M. (G)
KADE NDILGUEM, Mme (G)

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FUCHS, Mr. (G)
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BERAN, Mr. (T/W)

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HILTON-CLARKE, Mr. (E)

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Venezuela:
SUÁREZ, Sr. (G)

DE ARBELOA, Sr. (E)
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Viet Nam:
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TADY BULAMATADI, M. (G)
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NYIRENDA, Mr. (G)
NYIRENDA, Mr. (G)
SANYAMBE, Mr. (E)
SHAMENDA, Mr. (T/W)

Zimbabwe:
DZVITI, Mr. (G)
CHIKOROWONDO, Mr. (G)
CHIWESHE, Mr. (E)
SIBANDA, Mr. (T/W)

Contre/Against/En contra: 6

Argentine/Argentina:
FUNES DE RIOJA, Sr. (E)

Bangladesh:
HASHIM, Mr. (G)

Burkina Faso:
KABORE, M. (E)

Etats-Unis/United States/Estados Unidos:
MOORHEAD, Mr. (E)

Guatemala:
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ESPAÑA-SMITH, Sr. (E)

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AL MEDHADI, Mr. (G)
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HUNTJENS, Mr. (E)

Suisse/Switzerland/Suiza:
PLASSARD, M. (E)

Thaïlande/Thailand/Tailandia:
MUHUMAD, Mr. (E)

Quorum

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Twenty-seventh sitting

Thursday, 22 June 1995, 3.15 p.m.

Presidents: Mr. Rosales Argüello, Mr. Popescu

**Report of the Committee on the Application of Standards:
Submission, discussion and adoption**

Original Spanish: The PRESIDENT — Our first item this afternoon is the adoption of the report of the Committee on the Application of Standards, which you will find in *Provisional Record* No. 24.

I therefore invite the Officers of the Committee to take their place on the rostrum: the Chairman, Mr. Gopalan, Government delegate, India; the Vice-Chairmen, Mr. Wisskirchen, Employers' adviser, Germany, and Mr. Peirens, Workers' adviser, Belgium; and the Reporter, Mr. Van Blankenstein, Government adviser, Netherlands.

I call on Mr. Van Blankenstein to present the report.

Mr. VAN BLANKENSTEIN (*Government adviser, Netherlands; Reporter of the Committee on the Application of Standards*) — This is going to be a report by a reluctant Reporter. When at school I saw a movie "Reluctant heroes" which was far from edifying. I assure you; no heroes and much reluctance. I found much reluctance when looking for a candidate for the post of Reporter; I never found a hero so I had to volunteer myself.

I present to the Conference the report of the Committee on the Application of Standards. This Committee was set up under article 7 of the Standing Orders of the International Labour Conference to consider a report on item 3 of its agenda. The Committee unanimously paid tribute to two distinguished members of the Committee of Experts who have died since the last session of the Conference — Judge José María Ruda and Judge Roberto Ago. The former attended the last few sessions of our Committee and we will miss him. Judge Ago of course was well-known for his recent chairmanship of the Governing Body Committee on the Freedom of Association. Moreover it gave the Committee great pleasure to welcome the new Chairman of the Committee of Experts, Sir William Douglas, in its midst during the general discussion of the Committee.

As in previous years the Committee found the report of the Committee of Experts to be an invaluable ingredient for its discussions. In accordance with tradition the Committee started its work with the general debate on the state of the world concerning labour standards. I do not intend to go into all aspects of discussion, but it might be useful to mention some salient features.

In the first place it is interesting to note that there was no explicit discussion about the Committee of Experts and our Committee. Whether this means that the relationship between the respective committees has stabilized remains to be seen. Dialogue should also be possible in the future to contribute to the effectiveness of the supervisory system. In this context it is encouraging to note that general support was expressed for the existing supervisory system. The Committee has very much in mind the fact that this year's session of the International Labour Conference takes place in the wake of the World Summit for Social Development held in Copenhagen. For us the whole question of the ILO's role in the follow-up to that Conference led to consideration of general economic and social policy issues arising especially in relation to the Employment Policy Convention, 1964 (No. 122).

Although there may be differences in emphasis between those who underline the need to create employment and those who are preoccupied by the conditions of such employment, I think the ILO will in the future play a positive role in this discussion.

Another feature which received attention was the Migration for Employment Convention (Revised), 1949 (No. 97), and the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143). As we know the ILO Conventions on this subject have not been widely ratified. This I must add also goes for the United Nations Convention on this subject which would seem to demonstrate the complexity of the issue. There was also some discussion on human rights including the scourge of child labour. Tribute was paid to the ILO's work through the International Programme on the Elimination of Child Labour, IPEC. I think it is right to say that there was indeed strong consensus on the importance of the ILO's work in the area of human rights, including the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Equal Remuneration Convention, 1951 (No. 100), and the Forced Labour Convention, 1930 (No. 29).

Considerable attention was paid to the revision of standards. And I think I represent the opinion of the Committee in wishing the members of the Governing Body Committee concerned wisdom and fortitude. Apart from these subjects the Committee dealt with the traditional points such as ratification and denunciations, the role of employers' and workers' organizations, and standards and technical cooperation. Next followed the discussion on the report of the Sixth Ordinary Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers. The debate hinged on the priority which should be given to the status of teachers on the one hand, and to the interests of education on the other hand. If there is such a contrast, one thing was made clear, that if we are to fulfil the promise of Copenhagen to aim at full employment, the role education and teachers will play in the future is vital. This exercise also shows that it is useful and fruitful for the ILO to cooperate with other United Nations organizations.

The general survey this year dealt with the Termination of Employment Convention, 1982 (No. 158), and Termination of Employment Recommendation, 1982 (No. 166). This is a Convention only ratified by 24 countries, and it has always been controversial. The discussion on labour flexibility was highlighted, and the divided opinion on the merits of job security was one of the issues discussed, and I presume that the Vice-Chairman will have some comments here. The debate, as well as the general survey itself, should however be useful to governments which are considering ratification.

It was regrettable that a number of countries did not show up at the special session on so-called "automatic cases". In this the Committee deals with non-compliance with specific statutory obligations. The supervisory system cannot function if Conventions and Recommendations are not submitted to the competent authorities, reports are not supplied, the Committee of Experts' observations and direct requests are not answered. On the more optimistic side, Mr. Chairman, the Committee noted with satisfaction the considerable number of cases of progress. The Committee devoted much of its time to the discussion on individual cases. As it appears from the annexes to the report, it was not necessary to take a vote on any individual case. This in accordance with the consensus system of the Committee which is based on an open and positive dialogue with countries on the problems they face when implementing standards. If we had no votes this does not mean we had no discussion. Sometimes discussions were lengthy and it was too hard to fit the discussions into the 20 meetings allotted to the Committee.

Night sessions are traditional in our Committee but having to work beyond 8 p.m. last Saturday put an unreasonable strain on the Committee members, the Chairman and the Officers. It is my duty to draw attention to paragraphs 139, 140 and 141 of Part 1 of the report. In paragraph 139, special attention is given to the dialogue between the Committee and Myanmar on the question of the application of Convention No. 29 on Forced Labour. Paragraph 140 gives the conclusions of the Committee on the implementation of the Freedom of Association Convention 1948 (No. 87), also by Myanmar.

Finally, paragraph 141 gives the conclusion also in respect of Convention No. 87 for Nigeria. It must however, be clearly understood that these paragraphs should not be seen as a condemnation by a tribunal but as a part of open dialogue between the Committee and the countries concerned.

If we cannot describe our meeting as a historic occasion, we can at least describe this report as part of its historical process. History is sometimes said to be defined as the writing down of something that never happened by somebody who was never there. But this report is a wonderful primary source in which everyone will be able to read about what happened in our Committee. How else will a historian know that this Committee was chaired by a representative from the largest democracy in the world? Not only is India a populous country with around 1,000 million inhabitants but in Ghana it has a figure which has contributed enormously to the world's wisdom. Historians will be able to see what difficulties our Chairman faced in his task of chairing the Committee. So if you found my explanation too short, please read the report. I assure you it is worthwhile.

We owe this piece of primary historic evidence to the endeavours of the secretariat. But let us not forget the people behind them who worked day and

night to prepare the report, the office taking the minutes, the typists, the translators, all intent on doing a good job. I want to pay a tribute to the splendid contribution they made to work, acting as a reluctant, but unresigned Reporter.

Original German: Mr. WISSKIRCHEN (*Employers' adviser, Germany: Vice-Chairman of the Committee on the Application of Standards*) — The Committee on the Application of Standards had a very heavy workload. It had to make use of the available time to the best extent possible. The Report which is now before you highlights all the salient points; although it does not give all the details of its work, it is correct.

The Reporter, Mr. van Blankenstein has just referred to a few important findings.

At times, we still continue to discuss in our Committee the question whether our Committee is not just an insignificant appendix of the Committee of Experts. Of course such a claim cannot be taken seriously.

It goes without saying that the Committee uses the Report of the Committee of Experts as an important basis for its discussions; but it also uses much other information, especially the views of governments as well of the Employers' and Workers' groups. And it is just as normal that the experts in their subsequent report refer to and drawn upon the discussions and findings of our Committee. Consequently, it is fair to say that all bodies involved in the supervision of standards complement our activities. However, what cannot be denied is that our Committee has a specific and independent role in the highest instance of this Organization, namely the Conference, conferred upon it by article 7 of the Standing Orders.

As an indication that the Conference Committee and the Committee of Experts are trying to improve their cooperation, I should like to mention the presence here this year of Sir William Douglas, who has been appointed to the Chair of the Committee of Experts.

This year, contrary to previous years, there was no item on the agenda providing for an extraordinary discussion on the reform of the ILO especially a reform on the standard-setting procedures. But in our Committee, there were even more signs than usual that such a reform is vital. This was revealed when examining a number of specific details, of which I should like to give some examples.

We dealt with the question of the very long denunciation period of 10 years. This extremely long period prompted some member States to denounce a Convention as a precaution, because any domestic adjustment of their own legislation would otherwise be blocked for an unduly long period. The situation appears to be an anachronism in a world which is undergoing rapid change — a world in which, however, ILO standards are only adjusted with considerable delay.

In the context of the discussion on the need for reform, we also noted that detailed, demanding and sometimes highly complex standards prevent many governments from ratifying such Conventions. This has been reflected in the dramatic decline of the number of ratifications over the last two decades. The average rate of ratification per country has been stagnating for some years now, at 36 Conventions — which account for only 20 per cent of all existing

Conventions. Of particular concern is the low ratification rate of new Conventions.

The Conventions adopted during the past 15 years have only been ratified by 7.5 per cent of member States. Even the revised versions of old Conventions have been endorsed at a very low rate. And finally, those standards described by the ILO as “priority”, thus extremely important, continue to be ratified by less than a quarter of the member States of this organization.

We often extol the universal character of the ILO’s standards — but this will become a dead letter unless we are able to reverse this trend soon. Apart from the actual content of the standards, another factor contributing to the present situation is the very extensive interpretation by experts. Quite a few member States tend to be increasingly cautious. During the debate we had to discuss quite a few individual cases relating to unjustified interpretations which were not helpful in terms of acceptance. One example I would like to mention is the consistent request by the experts — which they have been making for some time now — that member States should pay severe fines if they fail to comply with obligations under the Conventions. Such a demand can be justified only in a very few exceptional cases, in which the Convention specifically provides for such sanctions. In addition, rights can be enforced only within the framework of national legislation.

Support for more realistic standards may also lie with the multi-disciplinary teams. We welcome the setting up of these teams as we feel that they afford an opportunity to provide a synergy effect of various ILO activities. However, we hope that experience gleaned in the solution of practical problems in the field will be fully utilized through a feedback system.

In short, as far as a reform of standard-setting activities is concerned, we should only draw up new standards when this is absolutely necessary — given the vast and complex catalogue of standards. Obsolete, outdated provisions should be rescinded. Preference should be given to Recommendations rather than Conventions. As a rule we should focus our standard-setting activities on the revision of old and outdated Conventions. New standards should respect the various developments, legal traditions and cultures of ILO member States and forgo complex and detailed provisions. What we need is a clearly formulated content — which would avoid the Committee having to make any excessive interpretation of the instrument in the future.

In this regard, it should be pointed out that the Committee, during its discussion of a specific individual case, called for a revision of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), which has only been ratified by 11 member States.

This year the experts did not go over the subject of employment policy, i.e. the Employment Policy Convention, 1964 (No. 122). They confined themselves to just a few remarks and referred to the so-called *World Employment 1995* report and this year’s report of the Director-General before the Conference. It is obvious that improving the employment situation is a central and priority task for all of us with responsibilities. To attain this objective we need a plethora of measures; amongst others, we need to remove institutional and statutory obstacles to make the labour market more flexible and more dynamic. Apart from indefinite contracts of employment we see that new forms of employment have emerged. It

is really not helpful to denounce this type of new employment as being "precarious" — as the experts have done. These new forms of employment indicate that there is a trend towards greater initiative and mobility. In terms of employment they often provide an opportunity to those seeking employment for the first time, helping them to bolster their confidence and efficiency; even the employers are encouraged to show greater flexibility for this type of employment without entering into any permanent statutory or financial obligations. These graduated types of integration or employment should be considered as a realistic bridge leading eventually towards other types of employment.

The aforementioned two reports, to which the experts draw attention in general terms, also analyse correctly the trend towards globalization in the world and the positive effects of foreign and direct investment; they rightly insist on the need for greater flexibility as regards the duration and distribution of work. Conversely we do not share the manifest sympathy in favour of regulated labour markets. We believe that there still continues to be an excess of faith in government intervention and state-run action and subsidies. The experience of the past few decades points clearly to the contrary and is not duly taken into account.

Every few years the Governing Body requests our Committee to examine a report prepared by the Joint ILO-UNESCO Committee of Experts. This report relates to the application of the Recommendation concerning the Status of Teachers (1966). This is the first time since 1989 that our committee had before it a comprehensive report on this subject. It is proof of the Joint Committee's many activities; but we should be aware that this is a very particular case. On the basis of a mere recommendation, a special and highly elaborate supervisory mechanism has been established. Although teachers are basically workers like everybody else, we accept that teachers receive this extraordinary special treatment for one reason — that they are agents transmitting know-how and knowledge. And in any humanistic society, this transmission of know-how and knowledge must enjoy the highest priority. We therefore find it totally incomprehensible and unacceptable that the Committee on Freedom of Association and the Committee of Experts, do not consider the activities of teachers as "essential services in the strict sense of the term" which, in keeping with their definition, means that no restrictions may be placed on their right to strike. We believe that this is a "topsy-turvy" logic. Knowledge and education are just as important as food and drink. However, anyone who feels that the social standards of teachers is more important jeopardizes the chances for the future of the next generation. A teachers' strike is therefore an extreme form of hostage-taking because the employer is hardly under pressure. The real damage is incurred by the third parties, i.e., children and young people. We trust that the ILO bodies will seriously reconsider this and other interpretations of the definition of the right to strike they have developed.

In another, separate part of our discussions we dealt with the question of Conventions and Recommendations relating to the termination of employment by the employer. Basically, this has to do with the protection of workers against dismissals in an employment relationship. There can be no question that this is a very important and vital question. The General Survey undertaken by the experts, under article 19 of the ILO Constitution, clearly shows that regulations vary widely in member States. It also points out that the obligations under the

Convention are hardly ever fulfilled. The Convention does not just contain minimum standards; on the contrary, its requirements are quite high and demanding. The experts were unable to convince us with their arguments to the contrary. These arguments were also not borne out by the fact that the number of ratifications is quite low — i.e. 24. I think all of us should accept this litmus test. The high level of protection against dismissal, provided for under the Convention, is based on the wording of the instrument because the text does not just lay down a few general and broad principles; it covers quite a few details which are sometimes interlinked. As is often the case, the impression that its provisions are demanding is considerably increased by the many extensive interpretations of the instrument by the experts. During our discussion in the Committee we drew attention to at least a dozen of these examples. Most of these examples are listed in our report. Let me just concentrate on two of them.

Article 2, paragraph 2 of Convention No. 158 stipulates that workers engaged under a contract of employment for a specified time may be excluded from its scope. In paragraph 3, there is a somewhat vague restriction of this principle. However, the experts in their interpretation extend the restriction of this principle to such an extent that it becomes virtually meaningless. This causes uncertainty from a legal standpoint and does not exactly encourage ratification. (See also under paragraph 47.)

Another example may be found in the last sentence of paragraph 203 of the General Survey, where it is stated that “in labour disputes legal provisions must be interpreted in favour of the worker”. Such a phraseology is meaningless for the ILO and the interpretation of international treaties; if it were employed, most of our discussions would be brought to a speedy conclusion because in cases of doubt — and doubts can be raised at any time — the workers would be right every time.

On balance, the prospects of further ratifications of Convention No. 158 are not favourable. Statements of principle rather than arguments do not help us along this road. It seems rather naive to claim that protection against dismissals are an advantage for the employer; in this case, we do not need regulations. And even the claim that this protection would, in the same way as other ILO standards, have a stabilizing effect on employment, is merely theoretical. In view of the low rate of ratification, it would certainly not apply to Convention No. 158.

All of those who have critically read the study will have seen once again that there is an increasing discrepancy between the rapid change in the goods and services sector and the fairly static protection of workers. The longer they are delayed, the more painful the adjustment measures will be. We believe, therefore, that Convention No. 158 should be revised as speedily as possible.

As for compliance with constitutional requirements by member States, we believe that there is still cause for considerable and grave concern. In the light of the statistical data available to the experts, we would like to focus on just two examples. For example, 43 governments have failed to comply with their obligation to report on ratified Conventions; and out of a total of 337 individual cases there was no reply to comments or requests for information by the supervisory bodies. These figures are truly frightening. The obligation to report continues to be an inalienable basis for the efficiency of the whole supervisory machinery. Part of this problem is examined in our Committee and we refer to

such cases as “automatic” — a harmless enough expression. Dealing with these cases this year, we saw quite plainly that more than half of the countries concerned did not even feel it necessary to accept the invitation extended to them to take part in the discussion. This is why we had to list these countries in the general part of our report in specific paragraphs. The situation might improve in the future. After all, the modified reporting system, which is starting this year, will be a relief for everyone — including the member States! We hope that this new system will have a positive impact.

The main task of our Committee has always been to deal with the so-called individual cases. Here we verify the extent to which member States have complied with their obligations stemming from ratified Conventions. This core function of our Committee kept us busy last week for six days — from morning until often late into the night. Unfortunately, the details of such a discussion cannot be condensed in this short report here in the plenary. However, the discussion and its findings have been correctly reported in the second part of our report. It will certainly be worth your while to have a closer look at these findings. This part of the report is a mine of information for all those who are interested in knowing more about the actual application of ILO standards.

This year we had to single out two countries in the general part of our report because of the long-standing and serious discrepancies between existing obligations and their compliance. These two cases involved Myanmar, in connection with the Forced Labour Convention, 1930 (No. 29) and the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and Nigeria, in connection with the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

To conclude, I would like to thank all those who have been instrumental in facilitating the work of the committee, thus paving the way for its positive results. This includes both the visible and less visible staff members. As customary, Mr. Bartolomei de la Cruz and Mr. Zenger were the driving forces behind the scene. There was also good cooperation between us and the Workers, especially their spokesperson, Mr. Peirens.

This cooperation is something we cannot do without if we wish to be successful on our committee. Finally, I would like to thank all Employers' delegates for their confidence and their support and I would like to mention once again, as in previous years, Mr. Ed Potter.

Original French: Mr. PEIRENS (Workers' adviser, Belgium; Vice-Chairman of the Committee on the Application of Standards) — The central focus of our general debate was the future of standards, despite the fact that the same item appeared on the agenda of the previous session of our Committee.

We have observed that there is unanimous recognition of the importance of standards. For the Workers' group, standard-setting is the priority activity in the ILO.

Moreover, we have witnessed new interest in international labour standards, due inter alia to the Copenhagen World Summit for Social Development and also to the celebration of the ILO's 75th anniversary. We welcome this and give our full support to Commitments Nos. 3 and 4 adopted by the World Summit and to

the appeal made by the Director-General, Mr. Michel Hansenne, on behalf of the Governing Body to ratify the fundamental Conventions.

The Employers' group has also announced that it is prepared to discuss the promotion of Conventions on human rights and that it will be taking an initiative in this respect over the next few weeks.

In his Report, *Promoting employment*, the Director-General emphasizes that the social and economic advantages and the advantages for society at large of judicious job-market regulation, are often underestimated.

The Director-General also warns us against deregulation which, although designed to bring about greater flexibility in the job market, may aggravate inequality and poverty. Several governments have also explicitly upheld this point of view.

Despite this new show of interest in standards, we are at the same time confronted with developments which are moving in quite the opposite direction. We would like to make several comments to illustrate this contradiction.

First of all, the number of complaints, objections, and observations submitted to the supervisory bodies is very high. This fact illustrates on the one hand the interest shown by workers and their organizations for standards and, on the other, the magnitude of the problem of application.

Secondly, we see all too often a considerable discrepancy between the formal ratification of standards on the one hand, and their practical application on the other. However, cooperation between States, the supervisory bodies and the ILO's technical assistance should make it possible to resolve a large number of application problems if the governments involved have the political will to do so.

Thirdly, many countries are in the midst of revising their social legislation and their labour codes. They are doing this, so they say, to update their social policy, to adapt to the consequences of economic globalization, or in order to implement the structural adjustment programmes imposed upon them by the Bretton Woods institutions. In reality, without any real consultation they merely impose a simplistic deregulation of the labour market. By acting this way, they run the risk of taking the real substance out of national legislation and in time, of international labour standards. We would urge governments and the Employers' group to abandon the cult of blanket deregulation.

Fourthly, the discussions on procedures for drafting new standards and the possible revision of existing standards are often difficult and ambiguous in respect of their objectives.

Consequently, it is too easy to describe the Conventions adopted over the last 15 years as rigid and complex and to say that the social objectives of ratification are just a pipe-dream.

The different general surveys including the one produced this year on the Termination of Employment Convention, (No. 158), and Recommendation, (No. 166) 1982, do however demonstrate that these standards, by defining essential principles, give considerable leeway to national systems.

As far as the Workers' group is concerned, the prerequisites for revision are approaches based on objective analyses and an atmosphere of confidence between the groups.

We have seen that during the general debate in our Committee, the spokesperson of the Employers' group in the Governing Body Committee on

Legal Issues and International Labour Standards developed a constructive and subtle position on this.

We hope that the Governing Body Working Party will make constructive progress.

As far as the Workers' group is concerned, we believe that, first and foremost, it is necessary carefully to establish the objectives of reforms, or possible revisions and to keep sight of the ILO's fundamental values.

Obviously, the Workers' group also realizes that we are facing changes, new requirements and new challenges, such as economic globalization, continued poverty and social exclusion.

But we remain convinced that it is only via respect for the fundamental rights of workers and the effective application of standards that we will be able to strengthen democracy and social justice and ensure a more even distribution of the fruits of growth and thus stimulate economic activity and international trade.

Our Committee has noted that the supervisory system has produced positive results as the success stories show. This has been done thanks to dialogue and also continuity in the follow-up action taken by the supervisory bodies and technical assistance.

However, the Workers' group is concerned at the cases where dialogue and cooperation have not produced any results. The supervisory bodies are all too often forced to go on repeating the same observations and comments.

We can no longer accept that a whole generation of workers and their organizations should be wronged in this way and that the credibility of the supervisory system should be called into question.

If dialogue and persuasion do not produce results, and if the government concerned refuses to take a constructive approach to standards, then the social clause system should guarantee effective respect for the principles of dialogue, cooperation, assistance and social justice. The social clause and dialogue are not diametrically opposed approaches as some people would lead us to believe.

The social clause, in the form we advocate, has nothing to do with protectionism. We would like to emphasize this once again.

The discussion on the social clause is by no means over, even if the discussions on sanctions are in abeyance at the moment in the Governing Body.

We have also debated international standards in relation to migrants. The Workers' group fully shares the concerns voiced by the Committee of Experts in respect of the treatment of migrant workers in host countries. First, migratory flows are continuing unabated, most particularly within South East Asia and into the Middle East.

Second, the majority of host countries have not ratified the Conventions which address the situation of migrant workers. Even the application of Conventions on fundamental human rights, such as freedom of association and prohibition of occupational discrimination give rise to serious problems in respect of migrant workers. In certain host countries, migrant workers are excluded from trade union activity. We drew attention to these issues, including several individual cases.

Third, the situation of domestic workers is also a major problem. They are often the victims of clandestine labour syndicates. They have no papers or passports and are, therefore, afraid to try to defend themselves or make any form of complaint. Moreover, the authorities of host countries are often more likely to

prosecute the victims, in other words the migrant workers, than the dishonest employers or those running the clandestine labour syndicates.

Fourth, mass dismissals resulting from the economic situation and armed conflict in certain regions are a manifest violation of human rights. Admittedly, as emphasized by the Employers' group, the problems of migration are closely linked to a shortage of jobs, economic crises and poverty. In this context, the employers referred to the Employment Policy Convention, 1964 (No. 122).

The management of migratory flows and the working and living conditions of migrant workers should be organized in keeping with fundamental rights and in consultation with workers' and employers' organizations.

We support the appeal made by the Committee of Experts on the Application of Conventions and Recommendations urging member States to consider the ratification of Conventions on migrant workers. We would also urge all member States to apply the Conventions on fundamental rights and the most important Conventions relating to aspects such as the protection of wages of migrant workers.

Employment was also a major theme of our debates. We discussed this subject at length, both in respect of the Employment Policy Convention, 1964 (No. 122), and also in respect of the general survey entitled *Protection against unjustified dismissal*.

The relationship between employment and labour regulation was at the very heart of our discussions.

The right to work and labour law are both essential elements in terms of promoting social progress. This point of view was also shared in the Director-General's Report, *Promoting employment*. The Declaration and the commitments adopted by the World Summit for Social Development also linked the priority of full employment to respect for ILO standards.

Standards on employment security such as the Termination of Employment Convention, 1982 (No. 158) do indeed have a positive impact on the functioning of enterprises and of society as a whole.

Employment security encourages enterprises to invest in the upgrading of skills and training of workers so as to enhance their adaptability within the enterprise.

In this context, workers will contribute to the development of the enterprise, as well as feeling involved and that their contribution is appreciated.

The objective of the Paid Educational Leave Convention, 1974 (No. 140), is quite similar.

On the other hand, the proliferation of temporary contracts, subcontracting and "pseudo-self-employment" threatens to destabilize the social situation for major categories of workers.

The general survey on protection against unjustified dismissals has demonstrated that the outlook is good for the ratification of Convention No. 158, and neither this Convention nor the Termination of Employment Recommendation, 1982 (No. 166), has by any means lost its relevance.

Instances of non-ratification mainly result from specific national situations and a lack of knowledge of the scope of the Conventions.

The two instruments provide for a combination of preventive measures which are designed to reduce or avoid dismissals and offer remedies involving social accompaniment.

The general survey has shown that this approach can be found in a number of national systems and that the Convention includes sufficient flexibility clauses and alternative approaches so that it is possible to take national differences into account. It is therefore by no means naive to set standards that establish as universal principles the positive practices seen in many countries.

Our committee also devoted one sitting to a discussion of the application of the 1966 Recommendation concerning the Status of Teachers. The discussion was based on the report of the Sixth Ordinary Session of the Joint ILO-UNESCO Committee of Experts.

Despite the importance that everybody appears to attach to education in order to develop human resources, to bring about economic growth and to act against social exclusion, investments in teaching have dropped considerably in a number of countries.

Teaching far too often is the first victim of a crisis in public finances and of economizing measures for implementing structural adjustment programmes.

These developments have undoubtedly had a negative impact on motivation and the working conditions of teachers, as well as in terms of respect for fundamental rights such as the freedom of association and the right to collective bargaining.

The fundamental Conventions, including the right to strike, are also applicable to teachers. This has been clearly recognized by the ILO supervisory bodies, such as the Committee on Freedom of Association.

The Recommendation supplements the fundamental rights guaranteed by ILO Conventions. The Workers' group supported the position adopted by the Joint Committee on the validity of the principles contained in the Recommendation, based on the fact that it is not necessary to envisage any revision for the time being.

Our Committee had a good discussion of individual cases as well. Both the Workers' and the Employers' groups worked together very constructively. All the conclusions were adopted with the agreement of both groups. The working methods and the decision-making machinery are different from those of other Conference committees. The position taken by the Employers' and Workers' groups is decisive when it comes to arriving at and approving the conclusions.

We are obliged to draw the Conference's attention to the specific nature of our Committee, since several of its new government members, particularly the Chairman of the Committee, were not acquainted with our working methods which have been in force for many years.

We are pleased by the publication of a new manual on procedures for Conventions and Recommendations. We are also pleased that the Office has taken into account our wish to organize an orientational seminar for new members of our Committee at the beginning of the Conference, which will be done starting with the next session.

We discussed 37 individual cases concerning 32 countries, and with reference to 14 different Conventions. The list of cases reflected a well-balanced choice, and it allowed us to cover the situation in countries all over the world in regard to various Conventions.

As in the previous session, some governments, directly or indirectly, raised questions about the way in which these cases were selected.

As pointed out in paragraph seven of our report, the choice is not determined by the wish to draw up a "blacklist". We do not limit our discussions to the most flagrant violations of fundamental rights.

We follow up new developments in the application of technical Conventions, and we also discuss the application of Conventions in industrialized countries. The draft list is therefore a proposal made by the Officers of our Committee, and we have mentioned the conclusions for three cases in separate paragraphs of our report (paragraphs 139, 140 and 141).

First is Myanmar, regarding the Forced Labour Convention 1930 (No. 29), and the absence of freedom of association (the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)) and Nigeria, for persistent violations of Convention No. 87.

These countries have not shown any constructive attitude concerning the requests and the conclusions of the supervisory bodies.

No progress has been noted and the situation has even deteriorated. In Myanmar the use of forced labour is on the rise, particularly for building a tourist infrastructure in order to accommodate tourists comfortably, since 1996 has been proclaimed the Year of Tourism in Myanmar.

In Myanmar freedom of association is non-existent.

In Nigeria, despite the observations and conclusions of supervisory bodies, direct or indirect Government intervention in the internal affairs of trade unions persists. Union leaders in the oil and gas sectors have been removed by the Government and replaced by Government-appointed administrators.

We have also had to adopt firm conclusions involving the compliance by the concerned Governments with their commitments.

We refer to certain other specific cases: the United Kingdom, for the violation of the freedom of association at the GCHQ in Cheltenham (intelligence centre); Thailand, for the exploitation of children; India, for the persistence of bonded labour and the exploitation of children; Guatemala, for flagrant violations of the freedom of association; Indonesia, for violations of the right to collective bargaining and serious shortcomings in respect of protecting workers against anti-trade union discrimination; and Pakistan, for persistent violations of the freedom of association, and employment and occupational discrimination against minorities and women.

We also held in-depth discussions on other cases. We strongly advise you to read our report carefully and focus upon the commitments called for.

Our Committee also held a sitting on countries that have failed to comply with their constitutional obligation to send reports or to submit Conventions to the competent authorities for possible ratification. More than half of the Governments concerned did not attend the discussions that concerned them.

We hope very much that the new system of reporting will improve the situation. The Governments concerned should also draw upon the possibilities afforded by ILO technical assistance.

The Workers' group also stresses the fact that the supervisory system should have appropriate means — in terms of financing as well as human resources — to carry out its tasks.

It is not consistent to emphasize the importance of standards, as was noted at the Copenhagen Social Summit and, at the same time, to limit the means of supervising compliance with them.

In conclusion, I would like to thank our Chairman, Mr. Gopalan, and the Reporter, Mr. van Blankenstein. Owing to the latter's experience, his impartiality and his firm attitude, he made a fine contribution to keeping the decision-making process of our Committee intact.

I would like to thank the Chairman of the Committee of Experts, Sir William Douglas, who attended the general debate and the discussion on the general survey as an observer.

The Committee also asked the Chairman of the Committee of Experts to join us at the next session.

We would like to thank the representative of the Director-General, Mr. Bartolomei de la Cruz, Mr. Zenger, Mr. Gernigon, and Mr. Swepston, as well as the entire Office team, Mr. Gregor of ACTRA and the interpreters. I would also like to thank all of the members of our Committee, the Government delegates, the Employers and, most particularly, their spokesman Mr. Wisskirchen for his willingness to engage in dialogue and his steadfastness, which contributed to consolidating the decision-making system of our Committee.

I also extend my heartiest thanks to the members of the Workers' group, above all, to the Officers Ken Thomas, Rosslyn Noonan, Ahmed, Joyce, Sibanda, Padalinski and Venturini.

Our report was approved unanimously by the Committee, and I would request the Conference to act likewise.

Mr. GOPALAN (*Government delegate, India; Chairman of the Committee on the Application of Standards*) — I offer my felicitations to the President on the delightful manner in which he has guided the proceedings of this session of the Conference. I have great pleasure in presenting myself before this plenary to recommend the adoption of the reports of the Committee on the Application of Standards.

The righteous and magnificent obsession of the Committee on the Application of Standards has been the Forced Labour Convention, which is more than three score years old; the Freedom of Association and Collective Bargaining Conventions, which are nearly half a century old, and the anti-discrimination Convention which is almost four decades old.

The Committee has called upon more than 20 countries to bring law and practice in line with the standards of these Conventions. In the context of certain cases concerning Convention No. 111, the Committee urged too that no scope whatever should be given for discrimination based on political opinions and religious faith. The effect of economic reforms on employment and wage protection came up for discussion in some detail. The Committee advised that we should not lose sight of the objective of full, freely chosen and productive employment in the process of economic reforms. The Committee also advised that labour and wage protection should be seen as strengthening the role of the State in a smooth economic transition. The Committee further advised that joint dialogue with the social partners should take place from time to time in the context of economic reforms. The Committee also expressed the wish that the

fruits of reform should be shared equitably, so that justice is ensured in the distribution of wealth, including for the rural poor. The *General Survey* report on protection against unjustified dismissal was discussed in the broader context of the right to work and economic advances.

In examining conformity to standards, the Committee went into underlying problems as well, apart from legal and technical aspects. The objective clearly was to treat the diseases rather than the symptoms.

In evaluating conformity to standards, the Committee also kept in view the proportionality of infractions. Drawing conclusions and recommending remedial action, the Committee laid emphasis on preemptive measures as well. For example, in the case of the elimination of child labour the Committee appreciated the preventive value of improving the quality of education. The Committee felt deeply concerned, as has been pointed out by the previous speakers, about the non-fulfilment by many member States of constitutional obligations as regards standards. There has been some failure to submit instruments to the competent authorities, to furnish reports and to make an appearance before the Committee.

This phenomenon was characterized by our Employers' Vice-Chairman, Mr. Wisskirchen, as the erosion of the existing shell of the Committee on the Application of Standards. Indeed, it erodes the existing shell of the ILO itself.

The ILO simply cannot afford to be kept in the dark about normative work within the member States. I called the names of countries in the world, in the so-called automatic cases, once, twice, thrice, wielding the wooden hammer. I found that many had not made an appearance, and I felt like an auctioneer trying to settle the final bid.

So far as the institution of final paragraphs is concerned, Mr. Van Blankenstein, our Reporter, has pointed out that they should not be seen as a condemnation by a tribunal, but rather, as the distinguished Worker member, Mr. Thomas, pointed out, as the ultimate expression of frustration on the part of the Committee of Experts and on the part of the Committee on the Application of Standards. As Mr. Thomas pointed out, these special paragraphs need only be seen as a spur to action. That is, of course, the iniquity of a system in which countries that do not furnish reports are simply urged to fulfil their constitutional obligations in future, while countries furnishing elaborate and transparent reports run the risk of being slapped with a special paragraph or two. By definition, national laws and practice should conform to norms. At the same time, the norms should be of such a nature that it is possible to conform to them. The formulation of norms should be informed by practical realities, too. This is essentially to be addressed as part of the task of the review of standards by the member States and by the social partners in the ILO, without preconceived rigid positions.

In this context, the Minister for Labour of my country, Mr. P.A. Sangma, the employers and the workers should demonstrate a new solidarity amongst themselves and strengthen the hand of the ILO.

The Employer Vice-Chairman, Mr. Wisskirchen, the Worker Vice-Chairman, Mr. Peirens, and Mr. Porter and Mr. Thomas, distinguished Employer and Worker members, respectively, who have often acted as spokespersons, extended to me their wholehearted support and understanding. I thank them. I thank too Mr. van Blankenstein, the Reporter, Mr. Bartolomei de la Cruz, Mr. Zenger,

other secretariat staff and the patient interpreters who were a tower of strength for me.

By a genuine mistake yesterday, I failed to meet the Officers of the Committee at a social event. Mr. Bartolomei hosted a post-committee luncheon for them. To atone for this serious, although unintentional breach of courtesy, I submit my apologies to Mr. Bartolomei and to the other invitees to this lunch. I thank each and every member of the Committee for the confidence they showed in me.

Now I have the honour to submit the report of the Committee on the Application of Standards for adoption by the Conference.

Original Spanish: The PRESIDENT — The discussion on the report is now open.

Mr. SALAM (*Workers' adviser, Nigeria*) — On behalf of the Nigerian Workers' delegation to this Conference, we wish to thank you for this special opportunity to address this important gathering.

We indeed appreciate the overwhelming solidarity and concern expressed by this Conference for the state of industrial relations in Nigeria.

We wish to point out that our late arrival at the Conference, just a few hours before the presentation of the Nigerian case, did not permit us to register in time. This technical problem was then used to restrain us from giving an informed opinion on the Nigerian situation, particularly in the Committee on the Application of Standards. This unjustified denial has deprived all the workers of Nigeria of the fundamental right to be heard, even though our views, we believe, would have been of importance to the Conference, especially as this specific Committee would have contributed to a more balanced and appropriate decision.

Therefore we are compelled to observe that the concept of tripartism, which is the fundamental basis ruling the ILO's goals and objectives, should not be sacrificed on the altar of bureaucratic arrangements.

We wish to underline that, whenever one of the social partners intends to contribute to an important issue affecting its community and labour movement in particular, he should not be denied the opportunity to express himself.

Mr. AHMED (*Minister of Labour and Productivity, Nigeria*) — An accusation is being made in paragraph 141 of the report of the Committee on the Application of Standards against my great country, Nigeria. The report accuses Nigeria of a number of inadequacies. Firstly, that our legal system stipulates a single trade union system. This claim is contrary to the facts which we submitted to the Committee. The labour law of Nigeria is as follows: it has 85 registered unions, of which 41 are affiliated to the Nigerian Labour Congress. The remaining ones are not national unions. These facts have been submitted to the Committee on the Application of Standards, and we are reiterating them now in case any doubts remain. Secondly, our Government has been accused of interference in the restructuring of trade unions. It was the unions themselves that invited the Government to assist them in the restructuring. And when the Committee of Experts of this great body raised objection to our assisting the unions, we complied and we issued a decree. I have here a copy of the decree cancelling the

restructuring. This copy was made available to the Committee on the Application of Standards.

My Government has been accused of running the NLC and two other unions. We wish to state that the affairs of the unions are being run by the union members themselves. We have presented documented evidence to this effect to the Committee. I have here the attendance list of all the trade unionists who attended the meeting in question and chose their own committees without a single Government representative being present.

We are asked to repeal the decrees dissolving unions. We have informed the Committee, and have transmitted copies of all our laws to it, that of the 85 registered unions in Nigeria, not a single one has been proscribed or dissolved. Not a single one. In theory, all the evidence tendered by the Government of Nigeria was taken into consideration by the Committee in its final decision. We informed the Chairman that we feared the report had been written before we were heard. Regrettably, those fears remain unallayed. We can now understand why speaker after speaker from the Committee insisted on the justification of not giving us details of information made available to them because, with the benefit of hindsight, we can now say that the revelation of some of these details, like the ones from the Nigerian Government, if put side by side with their conclusions, could have been very embarrassing to them and could have triggered indignant consternation in this great hall. It is only natural that the Committee of Experts' view of Nigeria, as contained in paragraph 141 of the final report, is totally based on prejudice of one kind or the other, on unfairness, injustice, untruth and with total disregard to the dignity of truth and justice. It is therefore our contention not to accept such a conclusion or our inclusion in that paragraph.

I do not want to quote the Reporter, and it is paradoxical that it is the Reporter of this Committee who is calling on posterity to judge, for it is a good judge. I pray that we are all judged by posterity, as we most certainly will be.

Mr. SHARMA (*Government adviser, India*) — I thank you for the opportunity given to me to make a statement on the report of the Committee on the Application of Standards. At the outset, allow me to compliment you, Mr. President, on the elegant manner in which you are conducting the proceedings of this Conference.

While generally appreciating the quality and the contents of the report of the Committee on Application of Standards, I wish to draw the attention of this august body to a legal and technical issue which has serious implications for the practices in dealing with the issue of child labour. The representatives of both the workers' and governments have made significant remarks regarding certain problems associated with the definition and concept of child labour, as well as the inadequacy of Convention No. 29 to deal with all aspects of child labour. Having expressed a similar concern during our presentation to the Committee, we wish to emphasize here in this plenary the need to have the entire issue of dealing with child labour under Convention No. 29 re-examined by the Committee of Experts.

Let me make it clear that it is not correct to treat all child labour as forced labour. Indeed, it is in recognition of this indisputable fact that the Minimum Age Convention, 1973 (No. 138), provides for the exclusion of child labour from its

ambit under certain circumstances, including family-based employment, non-commercial agriculture, and light work not injurious to health and development.

Therefore, the conclusion drawn by the Committee that “it considered the problem of child labour as the most important component of the overall problem of bonded labour and forced labour in India” is, I submit, not only patently inappropriate but also in contradiction with Convention No. 138. There is every need to distinguish between child labour that is forced and that which is not forced. The fact that many developed countries have excluded agriculture and family-based labour of children from their own laws relating to minimum age proves this point beyond doubt.

Hence, we have serious reservations about the conclusion of the Committee that brings all types of child labour within the ambit of Convention No. 29. We reiterate our submission that this issue may be referred to the Committee of Experts consisting of eminent jurists from all over the world. Unless these ground realities regarding different types of child labour are recognized and the ambiguities in the definition are removed, we feel that it will only contribute to a serious credibility gap.

Original German: Ms. ENGELN-KEFER (*Workers' delegate, Germany*) — As Workers' representative on the Committee on Freedom of Association, I have followed very attentively but also with considerable concern, the proceedings of the Committee on the Application of Conventions and Recommendations and I have read its report. I would now like to make the following remarks:

A climate hostile to trade unions has been increasingly gaining ground in the post Cold War era and has been the impetus behind unprecedented attacks against the rights of workers and trade unions.

In recent years the number of assassinations, arrests, dismissals of workers as well as the use of violence has increased against those who use their trade union rights. There has been systematic repression by governments against trade unions, they have been denied recognition, there have been more or less violent repressions of strikes and demonstrations.

Let me express my very deep concern about the fact that even during this Conference political pressure was used to prevent one of the highly-developed industrial countries from being placed on the so-called “black list” of those countries which have violated the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87).

It would be devastating indeed for the credibility and the authority of the supervisory procedure of the ILO if we were to apply a double standard through the use of political pressure, whereby developing countries would be sanctioned severely if they were to violate ILO standards, whereas influential industrial countries would be given another chance. What are we to think of the country with the longest democratic tradition if its Minister of Labour repeatedly threatens to the media that it will withdraw from the ILO if it is included in a special paragraph? The higher the degree of economic development of a country, the more demanding the social criteria should be. This applies in particular to the implementation of Convention No. 87, the very core of trade union rights.

All I can do is appeal urgently to industrialized and developing countries alike to take seriously the conclusions of the supervisory machinery of the ILO and to implement them.

This year's discussion in the Conference Committee showed once again that the independent Committee of Experts and the tripartite Conference Committee are dealing with and have to deal with various tasks and functions. Whereas the Committee of Experts is in charge of assessing objectively and impartially where obligations have been complied with, the Conference Committee makes it possible for those involved directly to take a look at the situation and to suggest solutions. This multiple layer of supervisory functions must be kept in force.

Original Spanish: The PRESIDENT — If there are no further speakers, I shall take it that the report of the Committee on the Application of Standards is adopted.

(The report is adopted.)

I would like to thank the Chairman, the Vice-Chairmen and the Reporter, as well as the other members of the Committee, for their excellent performance.

Report of the Committee on Home Work: Submission, discussion and adoption

Original Spanish: The PRESIDENT — We now move on to the adoption of the report of the Committee on Home Work, which can be found in *Provisional Record* No. 25.

I therefore invite the Officers of the Committee to come up to the rostrum: the Chairman, Mrs. Samuel, Government adviser, Cyprus; the Vice-Chairmen, Mr. Wild, Employers' adviser, United Kingdom, and Ms. Van den Burg, Workers' delegate, Netherlands; and the Reporter, Mr. La Ruffa, Government adviser, United States.

I call on Mr. La Ruffa to submit the report.

Mr. LA RUFFA (*Government adviser, United States; Reporter of the Committee on Home Work*) — I have the honour to present to this assembly the report of the Committee on Home Work and the conclusions reached by the Committee.

The Committee was assigned the difficult task of developing new international labour standards on home work, which would aim to improve social protection for homeworkers.

The discussions took place under the diligent and skilful chairmanship of Mrs. Samuel, Government adviser of Cyprus, who was assisted by wise guidance from Mr. Dumont, the representative of the Secretary-General, and the hard work of his team. Valuable assistance was also provided by the Conference's legal advisers and experts from various technical departments of the Office. I would like to thank all of them for contributing to the successful conclusion of this first discussion on home work.

The subject of home work provokes diverse opinions as to how far regulations should go, and for this reason it was not possible for the Committee to reconcile all points of view. However, once the question of the form of the instrument was decided by a record vote, in which the Workers' members and the majority of Government members voted in favour of a Convention supplemented by a Recommendation, all the members of the Committee worked together in a spirit of cooperation and the work proceeded well. I would like to pay tribute to our two Vice-Chairmen, Mr. Wild and Ms. Van den Burg, for their constructive attitudes despite their representing different points of view, and to the many Government members who contributed with well-informed, often decisive, interventions.

Members of the Committee were well aware of the fact that the subject they were discussing was of vital importance to millions of workers through the world. For many workers, mainly women, home work may be the only means of earning an income because they do not have access to regular employment, be it due to a shortage of jobs in the area where they live, or the lack of skills that make it difficult for them to compete in the labour market, or family responsibilities which prevent them from leaving the home. Whatever the reason, it is important to recognise that a large proportion of the labour force relies on home work for its livelihood.

Many interventions during the Committee meetings, particularly by the Workers' representative, emphasized the many problems that homeworkers face due to their lack of legal protection, their isolation and weak bargaining position, as well as the fact that often they are not even recognized as forming part of the labour force. The Employers' representative, on the other hand, drew attention to the advantages of home work, not only because of the flexibility it offers to employers and workers alike, but also as a means of combating unemployment. Many members of the Committee believed that home work was a widespread phenomenon and that it could be expected to increase further in the years to come, as more and more production processes are fragmented and new forms of home work, such as telework, are developing. The majority of members therefore considered that setting international labour standards on home work was important, as well as timely.

The definition of home work was the subject of intense debate and rightly so, since the scope of the proposed instruments will depend upon it. There was agreement on the core part of the definition — that it is work carried out for remuneration in the home or other premises chosen by the homeworkers but other than the workplace of the employer, and which results in a product or service as specified by the employer. However, there were divergent points of view on how wide the definition should be. One issue related to non-industrial forms of home work, such as telework and various services. No changes were made to exclude such forms. Because the definition did not exclude any particular type of home work, many members of the Committee felt that the proposed instruments would need to be re-examined with a view to modifying provisions which seem to refer primarily to industrial types of home work. Other members felt the definition needs to be restricted to homeworkers who solely or primarily carry out home work.

A key discussion took place on where the line should be drawn between homeworkers and independent workers. The Office text did not limit the definition to those persons already considered as employees, since in many countries homeworkers do not have the status of employee but are not truly independent either, or else they have a special status. Instead, the Office text had provided that homeworkers who met the requirements in the core part of the definition of home work would be considered as homeworkers unless they had the degree of autonomy or fulfilled other conditions necessary to be considered independent workers under national law. There were several attempts to clarify the criteria, ranging from giving broader discretion to national law and practice to putting more specific criteria in the instruments themselves. The Committee finally adopted a formulation which mentions additional criteria in addition to the core definition: a person working at home, for remuneration and whose work results in a product or service as specified by the employer can only be denied the status of homeworker if he or she has the degree of autonomy and economic independence necessary to be considered an independent worker under national laws, regulations or court decisions. It is clear that the issues surrounding the definition will be revisited in the second discussion.

Another problem area for many members of the Committee was the lack of a definition of intermediaries. The Office text had left this to national law and regulation, preferring to speak primarily of the employer as having responsibilities toward homeworkers. However, intermediaries were given joint responsibility with employers in the proposed Recommendation for payment of wages, and were referred to in other contexts. While a point on intermediaries is retained in the proposed Convention, which provides that national laws and regulations should determine, where appropriate, whether and under which conditions an employer may use intermediaries, this is another issue that the Committee will have to re-examine carefully during the second discussion.

As for the content of the proposed Convention, the main thrust is retained, which is the requirement of member States to adopt, implement and periodically review a national policy on home work aimed at improving the situation of homeworkers. This policy is to promote equality of treatment between homeworkers and other wage earners, taking into account the special characteristics of home work. In this regard, several items are listed for particular attention: freedom of association, protection against discrimination in employment, protection in the field of occupational safety and health, remuneration, social security and access to training. To this list, the Committee added minimum age for admission to employment or work and maternity protection. It also limited the reference to social security protection by inserting statutory social security protection.

As to the rest of the proposed Convention, the Committee modified a provision which would require national laws and regulations to prohibit certain types of home work for safety and health reasons. The Committee decided that conditions should be established for making such determinations and the provision should apply both to types of work and certain substances which might be prohibited. The issue of reliable information on home work had been raised throughout the discussion, and a point was added to the proposed Convention to reflect this concern. To this end, national policies on home work should ensure

that homeworkers are included in basic labour statistics. The means of implementing the national policy are flexible and include laws and regulations, collective agreements, arbitration awards and other national practice. To ensure compliance with laws and regulations on home work, the proposed Convention calls for systems of inspection in accordance with national law and practice, and adequate remedies, including penalties, for violations. Finally, since other international labour Conventions have application to home work, it is clearly stated that the proposed Convention will not affect the more favourable provisions applicable to homeworkers contained in these other Conventions.

The Proposed Conclusions with a view to a Recommendation provide more details as to provisions which are intended either to facilitate the implementation of the proposed Convention or to provide protection in areas not covered by the proposed Convention. Several points were discussed at length and, whereas most of the Office text was retained, some important amendments were introduced. I would like to mention them briefly.

In the General Provisions of the proposed Recommendation, reference is again made to the need to compile and keep up to date detailed information on the extent and characteristics of home work; and it was added that such information should be made publicly available and, where possible, translated into the relevant community languages. In respect of the information to be provided by the employer to the homeworker on his or her specific conditions of employment, it was decided that this should take place not only when the homeworker is first given work, but also in case of a change in these conditions.

The question of supervision of home work and remuneration were discussed at length. It was felt important to add that, in the absence of collective bargaining, the rates of remuneration of homeworkers could be fixed by decisions of the competent authority, other appropriate wage-fixing machinery and agreement between the homeworker and the employer. Another important point that resulted from the discussion was added under the heading "Occupational safety and health" because it established the right of homeworkers to refuse to carry out work which they believed presented an imminent and serious danger to their life or health.

The part dealing with social security was amplified to indicate ways in which social security protection could be extended to homeworkers. It was also decided by the Committee to recommend that homeworkers benefit from the same protection as that provided to other workers with respect to termination of employment. Finally, the last part of the Recommendation aims to promote and support programmes which assist homeworkers to improve their situation generally. Seven such programmes are listed; two of them, concerning access to safe and good quality equipment and raw materials, and technical assistance to improve safety, health and productivity of homeworkers, were added.

This then is a brief summary of the report of the Committee and the Conclusions it proposes for your consideration. I am sure that the Conclusions as adopted by the Committee will serve as a sound basis for next year's discussions. Let me take this opportunity to express my sincere appreciation to the Officers of the Committee and the Office for all the hard work and dedication to the task that faced us.

I now invite the Conference to adopt the report and Conclusions of the Committee. I also invite you to adopt the resolution to place on the agenda of the next ordinary session of the International Labour Conference an item entitled "Home work".

Mr. WILD (*Employers' adviser, United Kingdom; Vice-Chairman of the Committee on Home Work*) — On behalf of the Employers' group permit me to summarise our views on this first discussion on home work.

In the general discussion which commenced our work in the Committee, the Employers made it very clear that we saw the international regulation of home work as both premature and inappropriate. The text given to us to consider had little to do with home work as a vehicle for job creation and the alleviation of poverty, and had everything, in our view, to do with creating machinery and bureaucracy to hold back progress. This view has not only *not* changed; it has been reinforced by our discussions this year.

The task facing the Committee on Home Work was an extremely difficult one. Although a large number of people put in many hours of diligent and conscientious effort, the text we have before us today is, in the Employers' view, both confused and confusing. If this document were today a Convention and Recommendation, it would be totally unratifiable in our view. For anybody who attempted its implementation, it would be at best unenforceable and at worst seriously damaging to the maintenance and creation of jobs.

To begin, let me briefly take a step back into the ILO's history as regards home work.

In 1990, an ILO Committee of Experts concluded that an international instrument on home work should *not* be prepared. That group was critical of the lack of reliable data upon which crucial decisions were to hang. They were concerned also that over-regulation would drive home work underground and prevent its full integration into the legitimate world of work.

This point is best reinforced not by an employer view but by the views of DG V of the Commission of the European Union in 1989, which said that there is no evidence that distinct legislative instruments to control home work had effectively regulated home work. "On the contrary, inflexible or over-rigid controls may unintentionally drive home work into the underground economy."

The experts, having considered the subject of home work, asked the Office to undertake further and better research. Almost none of this work has been done and our Committee was no better equipped to study home work in 1995 than the experts were in 1990.

Today, we are faced with exactly the inflexible and over-rigid formula feared by the Commission of the European Union. The draft Convention we have before us today was staggeringly voted for by 11 of the 15 EU Member States in the opening vote of this Committee. In that opening vote, had only four of those countries considered their judgment differently, we would today be looking, quite rightly in the Employers' view, at a Recommendation only.

Governments obviously had serious reservations on this subject, and how right they were. Let me turn to the texts before us, which Mr. La Ruffa has gone through in some detail. Not only are they inflexible and over-rigid, but they are

at the same time badly and loosely defined in fundamental areas; areas where a Convention will call for governments to enact legislation.

I will focus on two areas as examples of why this text simply will not work as it stands: the definitions which prescribe the scope of the instrument, and the registration requirements in the recommendation. In sectoral Conventions, which by their very nature do not enjoy universal coverage, the definitions of the scope to whom the Convention is applicable are absolutely crucial.

There are three key players envisaged in the Convention. The homeworker, an intermediary and an employer. There are huge problems with the definitions of each of these.

First, as regards the homeworker: this is someone, as Mr. La Ruffa said, who carries out work, either in his or her home or in another place of his or her choice other than the workplace of the employer; for remuneration; and which results in a product or service as specified by the employer, providing this person has neither the degree of autonomy or economic independence necessary to be considered an independent worker. Now, the ability to identify independent workers from homeworkers, entrepreneurs from employees, is absolutely crucial. This Convention gives us just two clues on how we should make this decision: the degree of autonomy, and economic dependence. I know of almost no consultant or professional or even entrepreneur who is economically independent of his or her clients, and has a high degree of autonomy. Would you employ a consultant who was not going to follow your instructions precisely, and who did not care whether or not he or she got paid? You will note in the definition the absence of time spent at home doing work as a proportion of working time. Anyone who works at home for the smallest amount of time on the most irregular basis is a homeworker. Given that this room is now full of homeworkers, bear this in mind when I talk about registration shortly.

If I may still speak about definitions, I should like to draw your attention to the definition of employers. This is an important definition — not least because of the responsibilities which fall on the employer from a health and safety point of view.

An employer is a person, natural or legal, who, either directly or through an intermediary, gives out home work. Quite obviously, this definition places in the ranks of employers people who we would normally on a day to day basis call either customers or clients.

When you commission a piece of work, be it making furniture or clothes, or when you give a brief to a lawyer or an architect who works from home, you are now not a customer, but an employer. You will be responsible for a range of health and safety issues in addition to meeting severe registration requirements. Having already established all of you as homeworkers, I now suggest that most of you are also employers.

It is crazy that the Convention does not allow us to distinguish adequately between a commercial contract and an employment contract. The instrument talks about employment conditions, when in many cases the real relationship between the parties is a commercial agreement. Not only do the remedies vary between these two kinds of issues; so does the legislative machinery which is used, and so do the courts that would have jurisdiction.

Finally, let us take a look at the definition of intermediaries. In the instrument, the word intermediary is used seven times. This person will be held jointly responsible in law for debts to the homemaker. The intermediary is not defined at all. He or she could be an employer, an employee of an employer, a subcontractor or even a homemaker. Clearly, a supervisor working for an employer could be held financially liable for the debts of his or her boss in the event that that person could not pay his or her bills.

Definitions are the cornerstone of a Convention. Who does the instrument cover? That is a fundamental question, particularly in a sectoral instrument without universal applicability. The definitions I have gone through with you are confused, confusing, misleading or non-existent.

Let me turn briefly to the over-regulatory nature of the Recommendation. This is an instrument designed to apply to millions of employers and employees in the developed and the developing world: first, all employers who may at some time want to give out home work must register this intent with a competent authority. Intermediaries, whoever they are, must also register this intent to employ homeworkers; secondly, when this employer actually begins to give out home work, he or she must notify the authorities once more; thirdly, they must then keep a complete record of all homeworkers, by sex, and record for each element of home work issued the time allocated, the rate of remuneration, the total cost incurred by the homemaker, any amounts of those costs or other costs to be reimbursed, any statutory reductions made, gross remuneration and net remuneration to be paid.

Clearly, in some circumstances much of this information is useful. Now set that requirement against the definition and the breadth of coverage that I have debated with you. It is interesting, is it not? Let us come back to this audience.

You are all irregular homeworkers. Before you can take work home, your employer must register as an employer of homeworkers. He must then let the authorities know that you are about to do home work. He must then itemize the cost that you incur in carrying this work out at home, and the time he has allocated you to do particular tasks.

Now this is just one, if perhaps I admit the worst, example of over-bureaucracy in the instrument. Before I conclude, though, I should like to express a brief word of criticism about the Committee. We had opportunities in the Committee both last Saturday and Monday to discuss these issues on normal and scheduled working days. Unfortunately, the Governments elected to stifle debate and to implement the Office text solution by late on Friday evening. Now, I cannot say whether this occurred because the employers and workers simply could not agree between themselves on difficult problems, which is true, or because of the fact that the Office text was impeccably drafted in the view of the Governments, or because of the impending weekend or because the problem was just too difficult.

But it is a shame. Not only are we left with what is, in our view, such a mess; we did not use all of the time allotted to us to explore these questions further.

In summary, in our Committee we were given the task of resolving the irresolvable, to reconcile the irreconcilable. We have to force into an internationally-binding standard the oldest and newest jobs and professions in the world, the least and the most advanced working conditions in the world, the most

flexible and occasionally the least-flexible working arrangements in the world and the most skilled and the least-skilled working populations.

We are attempting to use the Office text to regulate telework, for example, with language from the 1920s which refers to piece-work, batches of work and permits to work.

This Committee in total has spent seven work-years looking at this problem. We present to you an impossible and unsatisfactory text, not because of a lack of commitment to our effort, but because we have no clear picture of the nature of the issue or of the people involved. It gives me no pleasure at all to state that as Employers we are unable to commend the text to you. The Employers find it inconceivable that this subject, using the current language, will ever lend itself to an international Convention capable of implementation and enforcement, without doing serious damage to entrepreneurialism and to job creation.

Ms. VAN DEN BURG (*Workers' delegate, Netherlands; Vice-Chairman of the Committee on Home Work*) — I have no problem being confused with the Employers' spokesperson because I am also an employer, so if you want to be more confused then this could also compound the confusion that Mr. Wild wants to spread.

I would like before I start my speech to applaud the very good work of the Committee and especially the Officers of the Committee, in the first place Mrs. Samuel who was at the very last moment appointed to be the Chairperson of this Committee and did a very good job. The Reporter, Mr. La Ruffa; to Ms. Caron who, with her bilingual knowledge, assisted us very much in the Drafting Committee, and of course Mr. Dumont and his excellent staff of the ILO Office who prepared everything for our Report and drafted everything as we wanted it to be. As we have stated to him already, we would be very sorry if he could not be with us next year, but of course would also allow him the pleasure to take his pension, but it would be something that we would miss in the Committee. Of course, besides the team of Mr. Dumont we would also like to thank the Legal Adviser who from time to time assisted us in the work of the Committee.

During the work in the Committee, several times reference was made to the commitments that the international community made in the final document of the United Nations World Summit on Social Development in Copenhagen in March this year. This has been confirmed by several speakers in this plenary room, and brought into relation with the Director-General's Report for this Conference on *Promoting employment*. Balanced views about the objective of full employment and the social policy necessary to prevent and alleviate social exclusion and poverty have been brought forward.

I fully agree with those who have stressed that the ILO is the specialist in these issues and would like to emphasize that this is not in spite of, but thanks to, its standard-setting activities.

The ILO started 75 years ago at a time that was also marked by great unemployment, poverty and exclusion leading to the nightmares that we all know. One of the main instruments that the ILO developed was the setting, promoting and monitoring of universal labour standards all over the world. These standards and the accompanying procedures are on crucial aspects different from general

United Nations commitments and resolutions drawn up in international conferences.

First, because they are developed and monitored in a tripartite context that means that the commitment is (or at least could be) broader compared to what they would be if they came only from governments; and the implementation is also more critically followed.

Second, the development, implementation and monitoring of standards is closely linked to the technical assistance, development aid, training and information activities of the ILO, which means that they are more down-to-earth and less abstract and that there is really an educating and promotional effect in them. They are not just paper tigers in a drawer of the Ministry of Labour!

I want to focus the Conference's attention on these general remarks, because also in the discussion on home work we were confronted with mixed feelings and doubts by governments, and even with huge opposition from the employers, as you have heard, to the proposals for standard setting. I want to explain why the Workers' group in the ILO is very happy with and fully supports the Governing Body's decision to place the item of home work on the agenda of this Conference with a view to standard setting in a two-year discussion procedure, and with proposed conclusions to develop an instrument which contains both a Convention and a Recommendation. This was in line with the conclusions of the tripartite expert group that met in 1990. Not, as Mr. Wild claimed, that the conclusions of that meeting of experts were that there should not be standard setting. I will give you two quotations from this report adopted by the Meeting of Experts on the Social Protection of Homeworkers. Point 19 of the Conclusions says "In view of the widespread nature of home work throughout the world and given the need to improve the working and living conditions of homeworkers, the ILO should give increased attention to the problems of homeworkers and the promotion of policies and programmes aimed at the provision of adequate protection." And the last point of the conclusions is as follows: "Considering the wide variety of conditions in which home work is carried out, and its diversity, the Governing Body of the ILO should weigh the importance of the issues involved in order to decide on appropriate action by the ILO in this regard." So it was a compromise text upon which it was up to the Governing Body to make a decision, and the Governing Body decided to put it on the agenda of this Conference. I think we should decide to continue this activity at the next Conference.

It is especially through Conventions that may be ratified in relation to Recommendations that give guidelines to member States and the accompanying supervisory mechanisms that a commitment at the international level may get real effectiveness, may get "hands and feet" as we say in the Dutch language.

That is why the Workers' group is happy with the result of this first year's discussion in the tripartite Committee where already, right at the beginning, in a vote on the form of the instrument, a decent majority of governments shared with us the opinion that the proposed instruments to be discussed in the Committee should be a Convention and Recommendation, and not merely a Recommendation, precisely because of the advantages that I have just mentioned.

I think we can be confident that this majority will grow, after the first year's discussion and I would like to tell the Conference why.

Right from the start, there turned out to be some doubts with respect to the proposed conclusions. Was the scope of the instrument clear? Were not there too many different forms of home work? Could home work be clearly distinguished from independent work? Were new forms of home work related to the development of the information industry to be covered? Could they be covered in the same instrument that should cover forms of home work that have existed for more than a century? Should not homeworkers, if they were not self-employed, independent workers, just be seen as employees and thus be covered by already-existing instruments?

All these questions reflected the invisibility of and the unacquaintedness with home work at policy levels, but also the actual complexity of the issue. I must say that I appreciate the diligence and efforts of the Committee to take up the challenge to get more clarity and to bring more clarity to the problems that we faced. Such an attitude is more difficult than merely declaring that the issue is too complicated and too premature, and also more sophisticated and more challenging. If you have been sent here to participate for at least ten days in a Technical Committee of the ILO Conference, it seems to me that a debate is more interesting than only expressing opinions on whether or not you support an amendment, is it not? Once again, I appreciated the constructive approach of some government members in this respect, encouraged by the Chairperson, Mrs. Samuel.

The Workers' group of the Committee on Home Work had, I am proud to say, a lot of expertise on the specific subject in its ranks. I say that not to be immodest or to tease the Employers' group who started the discussion with explaining they did not have enough information and knowledge to treat the subject, but I mention it especially because in a lot of literature and research on home work, it is stated rather bluntly that trade unions are not involved or interested in home work.

I think that we have proved here that we as trade unionists really have affinity with the issue and although it is fully true that in most cases we do not organize large numbers of homeworkers, we have been able to form the necessary, I would rather say intermediary, link between specific groups concerned with home work, the international trade union movement and these activities in the ILO.

In spite of this expertise also from the workers side we have the need to get clarification on several points in the proposed conclusions. And as the process of discussion of Technical Committees in this Conference normally goes through submitting and discussing amendments, this also led us to get clarifications through amendments, and to make proposals for improvements in the Office text.

This does not say, let us be very clear about that, that in general we did not agree with the proposals in the Report. We did not query the basic outline and approach offered by the Office, we only sought slight alterations and improvements.

And after these two weeks I can say this with even more conviction than when we started, the Office has prepared a very good document. The proposed conclusions, as they lie now before the Conference, can really cover and answer all the questions that were initially raised.

Of course I will not go into details but allow me to explain the broad outline hoping to convince you that the draft conclusions that will be brought to your

attention in a new questionnaire in some months, and that will come back for final discussion next year, are well considered and can take into account all the worries that were mentioned in the Committee and here in the Plenary.

The definition of homework developed by the Office and further refined by the Committee in our opinion is a good one. It gives three cumulative criteria that in combination classify types of work as home work. The Reporter has mentioned them already. It should be done in his or her home or in other premises of his or her choice, other than the workplace of the "employer". It should be done "for remuneration", and it should result "in a product or service as specified by the employer, whether the equipment, materials or other inputs used are provided by this person, the employer or the intermediary", and thus not be in the free creation of a producer, in which case it would be a free profession.

These cumulative decisive criteria are followed by a clause that intends to distinguish the homeworker rather precisely from an independent worker through the criterion of having a certain "degree of autonomy and economic independence, necessary to be considered an independent worker under national laws, regulations or court decisions". That means that the Convention text does not prescribe the exact criteria for national governments to define an independent worker, but at the same time restricts the opportunity to simply define homeworkers as independent workers, so as to avoid the applicability of the proposed provisions on homeworkers in the ILO standards to independent workers. This was not meant to be an escape clause and with the drafting that came out of this first discussion, this is avoided, so we are happy with this clear definition.

Another important thing concerning the instrument in general is its scope. Also this paragraph is very clear: no exceptions, no thresholds, no restrictions like having homework as a major source of income, working full time or whatsoever.

Important in this context is to keep in mind that some or maybe, in some key cases, many homeworkers, like for instance teleworkers, already have an employee-status and are covered by labour legislation and collective agreements. Even for these categories however, the proposed Convention and Recommendation concern certain additional provisions that are important and necessary to take up by national policy and to be developed by the member States, like for instance provisions on safety and health.

The proposed Convention and Recommendation, however, are of most importance for all those homeworkers, be it in traditional work or in new forms of telework who do not have such a clear employee status. For them it is of the utmost importance that in national policy, whatever the precise details, they get employee status or at least get the elementary protection that is outlined in the proposed text.

So there are no exceptions in the scope as far as the home work falls under the criteria of the definition. Different forms of home work are covered and there is the flexibility that allows governments to distinguish homeworkers from independent workers and to just consider homeworkers as overall employees as is the case in some legislation, or gradually give them the status that will afford them to meet the provisions that have been outlined in the proposed Convention text.

Concerning the provisions contained in the proposed Convention text, let me stress that the whole instrument is drafted as a promotional instrument. It gives hardly any directly binding provisions and it gives full space for national accents and methods. The central obligation is that governments should develop national policies, and then it gives some guidelines for these policies. It does not prescribe, though, the form of this policy: parts of it could be integrated in employment policies, in general health and safety regulations, in policies for equal treatment for men and women, in education policies etc., and it could also be a specific policy for this specific group. It is fully up to the governments how to proceed and how to find and design policies that cover the interests involved.

The rather short Convention is laid out from the central provision that the national policies should be adopted, implemented and periodically reviewed. The other provisions are connected with that policy and also outline in a very general manner some of the aspects that should be taken into account in such a national policy. Equality of treatment between homeworkers and other wage-earners on some particular aspects and health and safety provisions specifically for the difficult situation of work done at home.

A new provision has been added on labour statistics expressing the importance that the Committee attach to making home work more visible and to get accurate figures of fact. But that is all contained in the proposed Convention text.

The proposed Recommendation contains some more elaborate guidelines but these are also of a very general character, as is the registration section. They only give some registration provisions that are the basis for supervisory measures and very simple provisions for individual employers to be compared with simple salary slips that normally are given to employees.

Some simplifications have been adopted in this Recommendation. For this purpose the Government group did not want to have too much detail in the Recommendation and if this makes the Convention and Recommendation more acceptable we from the Workers' group do not have many problems with it.

The last remark I want to make concerns the last part of the proposed Recommendation. It contains some promotional measures recommended to national policies with respect to specific programmes set up to improve, inter alia, employment opportunities, and the productivity and the income-earning capacity of homeworkers, who are often women. These provisions can be linked directly to the commitments that our Governments made in Copenhagen. Also the creation of centres and networks to provide homeworkers with information and training and to reduce their isolation follows the commitment to fight social exclusion. Together with the recommendation to facilitate the organization of homeworkers which is clearly outlined in the instruments along the lines of the ILO tradition, as a fundamental basic right also for homeworkers, the last parts of the Recommendation show that this proposed standard-setting instrument on homework is not only focused on regulation and legislative measures.

I can recommend to you the document with ten case-studies on such programmes for homeworkers around the world that has recently been published by the ILO (*Homeworkers of Southeast Asia: Silent no more*, 1993). Practical measures such as those presented in this document are very necessary to really emancipate the invisible, marginalized and isolated homeworkers.

I would like to underline what is stated in the introduction to that report. It says "neither regulation alone, nor trade union activity alone, nor community action alone can be effective. Working on several fronts at once is necessary". No community action alone can be effective. Working on several fronts at once is necessary. The Workers' group fully agrees with that and hopes that the ILO can make essential contributions to all of these aspects. The results of the discussion in the Committee provide, in our opinion, a firm basis for activities on all these aspects. I recommend you to accept and adopt the report wholeheartedly.

(Mr. Popescu takes the Chair).

Mrs. SAMUEL (*Government adviser, Cyprus; Chairman of the Committee on Home Work*) — Thank you for giving me the opportunity to speak on this important occasion. So much has been said from all angles that there is not much left for me to say. I promise you that this will only take about five minutes.

It has been an honour and a pleasure for me to have been the Chairperson of the Committee on Home Work. I would, however, like to confess that it was only after much hesitation that I accepted this honour. I had heard from several people on different sides that the Committee on Home Work would be a very difficult one. While the phenomenon of home work is increasing in both developing and industrialized countries, it is an extremely complex and controversial issue. The Committee did not have an easy task before it. Admittedly we had difficult and lively debates but this contributed to the richness of the discussions as noted in the report presented by the Reporter.

I would like to mention three factors which enabled the Committee to accomplish its work efficiently. First, the composition of the Committee. Copying Mr. Rood, the Chairperson of last year's Committee on Part-time Work from whom I have learned a lot, I would like to describe the members of our Committee as he did, as the nicest group of people who one could ever meet in the world. In fact, it was in some ways a meeting of old friends as many were also in the Committee on Part-time Work and this made the work environment more familiar and comfortable. Second, the Employers' and Workers' groups have excellent Vice-Chairpersons, Mr. Wild, Mrs. Van den Burg. They certainly had done a lot of homework before coming to this session of the Conference. They expressed their respective views with firmness and clarity yet with courtesy and humour. Thirdly, the Committee was fortunate to have Mr. Dumont as the representative of the Secretary-General. His knowledge, fairness, good humour and positive attitude well known to many for the years he has been involved in ILO standard-setting activities, greatly facilitated the work of the Committee and made for an excellent atmosphere.

Turning to the substantive work of the Committee, I must say that the first sittings were rather difficult. This was to be expected. In particular, the definition of home work was extensively discussed, as it would determine the category of workers for whom the proposed instruments were intended. Great effort was made to come to a definition which would be sufficiently precise to clearly distinguish homeworkers from genuinely independent workers, was global in its approach and covered all homeworkers in need of protection. The definition reached in the end

was the result of various compromise proposals. Whether it will be satisfactory to all sides remains to be seen in next year's discussion.

Once the difficulty surrounding the definition of homework was overcome, the work continued more smoothly, with efforts being made by all sides to find solutions which could make the proposed instruments acceptable and ratifiable. In short, the proposed conclusions with a view to a Convention focus on a few key issues. The most important provision is that which refers to the need for member States to adopt, implement and periodically review in consultation with the social partners and homeworkers' organizations, a national policy on home work aimed at improving the situation of homeworkers and promoting equality of treatment between them and other wage earners in a number of fields, such as freedom of association, protection against discrimination in employment, occupational safety and health, remuneration and maternity protection. The proposed conclusions with a view to a recommendation include more detailed provisions, either to facilitate implementation of the proposed Convention or to provide protection in areas not covered by it. As the Reporter of the Committee, Mr. La Ruffa, has already very briefly summarized the key issues covered by the debate in the Committee, I shall refrain from going into this myself.

I should conclude by stating that the Committee on Home Work strongly and resolutely expects to continue next year the constructive discussions started this year. As noted by all the previous speakers, there are still issues which remain to be resolved in the second discussion. Finally, I wish to express my warmest thanks to the two Vice-Chairpersons, Mrs. Van den Burg and Mr. Wild, to the Reporter, Mr. La Ruffa, to the members of the Drafting Committee and to all the members of the Committee who through their active and constructive participation enabled us to finish our work on schedule. I would also like to express my deep gratitude to Mr. Dumont and his able staff and to the Legal Advisers for the assistance and support given to the Committee. Last but not least, thanks are due to all those behind the scenes, especially the interpreters and the typing pool who work hard to facilitate our work.

I wish everybody a happy resumption of their own home work which must have been somewhat neglected during their stay in Geneva.

Original French: The PRESIDENT (Mr. POPESCU) — The general discussion of the report is now open.

Mr. ZILONY (*Workers' adviser, Israel*) — First of all, in spite of the deep dispute between the Workers and the Employers, I would like to congratulate the members of the Committee on Home Work on their work on their important report which is vital to millions of people. The report and the disputes are a mutual experience to tackle the new phenomenon in time. I am sure it will promote and pave the right way to better understanding on the subject. There are some aspects of the report that I would like to commend and focus on during my presentation.

Home work is a new phenomenon which has entered the lexicon of types of occupation. As technology advances and machines become more and more compact, we will find more and more people working in their homes. This might be less evident in the conventional industries but more in the developing

occupations and those professionals where the personal element is strong, such as journalism, computers, book-keeping and also fashion and textiles. This is a new system of labour relations in which the direct contact or the confrontation if you like, between workers and employers has disappeared, just as the element of representation has disappeared or at least has diminished significantly. The collective agreement has become superfluous since the worker has taken on the new status of worker-subcontractor which now fits the definition of an employee in the normal sense of the term, but which does not reach the status of contractor since he does not have full autonomy and cannot do just anything he wants. He is under the control of another employer. The phenomenon of home work means that workers' organizations must reorganize themselves in all methods concerning this new category of worker, but even more so in respect of the manner of ensuring the social rights of this category of worker which is made up of contractors of labour or providers of services. It would be very easy to plan the end of the twentieth century as a time of modern slavery, camouflaged by saying that the worker is a contractor with responsibility for his work time, conditions of labour and social conditions, and then he would be able to work without any of the restrictions of work hours or social security. This is the essence of the challenge we are faced with if we are to avoid a return to the conditions of the nineteenth century.

In Israel the phenomenon of home work is marginal, but I am convinced that in principle, apart from the subject of work discipline, regulations and works committees, etc., or in other words, labour relation in the customary meaning, which are standard to the accustomed ways of employment but not existing in home work. All other social aspects, including wages, must be applied in order to say that work implies dignity and freedom. I would like to believe that plain common sense will guide us correctly, and not minor considerations of how to exploit the workers whose type of occupation has changed technically but not instantly.

The trade unions and the government must be interested in working towards a situation in which all homeworkers will not be considered, from the point of view of their taxes, as being self-employed. This is the best solution at this initial stage, a stage that might, in the long run, or in the case of a crisis, cause real headaches to the family, and be a burden to society if a homemaker finds himself without work and without social security. If the unions are not capable of dealing with this subject, where sometimes the temptation or self-fulfilment and debt of being self-employed is great, the authorities must guarantee by means of legislation the foundation for social security and the relevant arrangements, exactly as occurred in the past when governments initiated labour legislation, and when the ILO, which was a pioneer before the governments, proposed Conventions which were approved by the various countries.

True, this is a new method of employment which provides many advantages for employers and, in the fashionable idiom, much flexibility. Experience has taught us that beyond the word "flexibility" lie many hidden meanings, like desperation to pay less, fewer social obligations and less social welfare. This might be natural for the employers, but it is certainly not acceptable among the trade unions. Even if there is a readiness to deal with a new kind of employment,

it must not become an instrument to exploit minorities or sectors such as women or children, or distant areas in economic distress.

Trade unions cannot oppose human nature when there are individuals who seek self-fulfilment by working at home, which is apparently to them an expression of their independence. But society cannot stand by and see how new ways are developing which incorporate danger for freedom and union dignity, and if we do not know how to ask the right question and put the right barriers at the right time, in the end society will be harmed.

Due to the short time available I will mention just a few of the problems which must be tackled so that this matter can be considered in good time.

We must prevent, by way of legislation, home work developing into a grey economic system, competing with organized labour, organized workplaces, and avoiding payment of just taxes to the State. The temptation to make this kind of connection between a worker and an employer is great. The money might dazzle and weaken people's eyes. Since this money appears to be instead of paying income tax, and is usually instead of future welfare benefits, in the event of crisis this worker will become a burden on society and his family will remain without security.

We must ensure that home work will not affect other people living in the home such as children, and if we do not designate clear and fixed standards for home work, such as necessary working hours, prevention of noise, etc., ecological and social damage can result.

We must ensure the prohibition of forms of work which should not be allowed in the home, including work which may harm people's health or ageing, and this may mean some kind of inspection.

We must ensure freedom of association in order to safeguard fair social conditions, opportunities for further education, and job training, and incorporate in suitable laws the conditions of responsibility of employer and contractor, in the event of occupational accidents occurring in the home.

The creation of an agreed arbitration body must be considered, which would include representatives of the government, workers and employers to permit speedy and inexpensive litigation without the need for lawyers or complicated procedures.

This is the tip of the iceberg. The discussion which has been initiated by the ILO is correct and to be commended since it has put this developing subject on the agenda. But the proposal is not enough. The generalities constitute a danger where there is insufficient knowledge in those countries where the phenomenon is in its early stages. The most careful attention must be paid to stimulating the concern of governments, employers and the trade unions. I am sure that Histadrut will support any comprehensive proposal which will provide an adequate and satisfactory solution for homeworkers and for the welfare of their families.

Ms. KABIR (*Employers' delegate, Bangladesh*) — I have followed the discussion on the proposed Convention and Recommendation on home work with interest, particularly because in my country, as in many other developing countries, home work offers an opportunity of remunerative employment to a very large number of poor home-bound women who lack education and mobility for economic, social and cultural reasons.

In the Convention and Recommendation on home work the assumption seems to be that home work is regular work done away from the workplace of the employer. A body of regulations had been formulated to regulate this kind of work, which may be common in the industrialized countries, many of which already have legislation to deal with it. But in our context, home work is not regular work. It is work done from time to time by persons who would not normally be employable. This kind of work actually relates to the informal sector, along with micro-industries and self-employment. At this stage of our economic and social development, generation of employment in the formal sector is seen to be the most effective way of eradicating poverty. Application of standards in home work in this sector would inhibit creation of jobs and would also take away existing jobs and therefore would be counterproductive.

In Bangladesh, as in other developing countries, a vast majority of women are marginalized. Providing employment for them is the quickest way of improving their status in the family and integrating them into society. Regulating home work in our situation will only drive such work underground and deprive many women of the opportunity of social integration.

Although the proposed Convention has been formulated for protection of homeworkers from exploitation, its implementation in developing countries at this point in time will in fact expose them to harassment and further deprivation. This aspect of the matter merits much more serious consideration.

Mr. JOHANNES (*Government adviser, South Africa*) — We in the Government of South Africa very much welcome the theme of the Report of the Director-General to this session of the Conference, namely *Promoting employment*. However, as already mentioned by our Minister of Labour, Mr. Mboweni, we strongly oppose the creation of employment which makes use of cheap labour and sub-human working conditions.

South Africa is currently trying to reform an economy which in the past was based on cheap labour policies and on statutory race discrimination. Now we are in the process of developing economic policies aimed at the redistribution of the country's wealth to benefit the majority of our people who have been disadvantaged by decades of racist apartheid rule.

It is therefore essential that we have international standards to regulate the so-called untypical forms of work which appear to be on the increase, whilst unemployment, underemployment, child labour, inequality and poverty are increasing.

In South Africa a recent survey of four typical working-class areas showed that 69 per cent of all households had at least one person involved in home-based work. The majority of these people do not voluntarily choose such work, but have no other occupational choices available. The majority of homeworkers in South Africa, as in most countries around the world are women. The universal under-evaluation of women's work and the marginal position of women in the labour market further undermine the already unacceptable conditions under which the most predominant types of home-based work are carried out.

It is therefore of the utmost importance that the ILO continues to consider these forms of so-called untypical work which are becoming more and more

common and to develop international standards to prevent this type of work which contributes to the further impoverishment of the world's working populations.

We would like to urge those employers who have positioned themselves as being strongly opposed to an instrument on home work to seriously review the points we have highlighted, and to reconsider their stance. We would like to urge them, as well as governments, to contribute to the process which has been initiated this year.

We need to develop a suitable and strong Convention backed up by a detailed Recommendation containing international standards which will ensure that once the Convention is adopted and ratified, home work will really develop rather than progressively underdevelop the working people of the world.

We congratulate the ILO for putting this item on the agenda of this 82nd Session of the Conference, and we look forward to the adoption of a Convention and a Recommendation on home work next year.

Mr. OLANIYI (*Employers' adviser, Nigeria*) — I am speaking on behalf of the employers of Nigeria, in particular, and of Africa in general. I have participated actively in the discussions that produced the document being tabled, that is to say the Convention and Recommendation on home work. Let me praise the Office for the study on home work, but a practitioner like myself will conclude that the Office has succeeded in armchair research. Any ILO instrument on home work will make home work in Africa go underground. As it is now, it is more a luxury than a necessity. The definition of home work is inadequate. Is the homemaker a subcontractor, a supplier, an employer in the sense in which we know it? Or is he perhaps a customer? Who is the intermediary? Where do you place him? Can the contract for service apply in the case of the intermediary, as defined in the text? The instruments as they appear in this report are full of bureaucracy, and cannot be helpful.

Employers of homeworkers have to register their workers. Inspectors have to visit homeworkers, even in areas where outsiders are not allowed to go. Do you think an ILO instrument is going to allow a person to inspect the home of a homeworker?

The instrument seeks equality of treatment but does not pave the way for equity. If the developed countries can accept these instruments I can say categorically that the developing countries cannot. The developing countries are battling against unemployment and underemployment. They will not support any instrument that will curb the efforts of millions of people to earn a living. People first need to learn and to understand how skills are transferred to the children and relations in Africa.

We hear talk of abuses, exploitation of children, slavery, the marginalization of women. But what we really need is more research. I urge the ILO to do more of that research, and thus carry the developing world along.

Original German: Mr. MAASSEN (*Government delegate, Germany*) — Mrs. Van den Burg, in expressing the hope that more governments would speak out in favour of this instrument, is going to be disappointed.

I am obliged to dampen her enthusiasm.

The German Government already expressed its reservations when it was decided to include the subject of home work on the agenda of this year's Conference. The federal Government did not, it should be stressed, feel that homeworkers did not need protection. Its reservations were rather based on the fact that labour legislation on home work varied considerably throughout the world. It therefore believed that it would be extremely difficult to set minimum standards worldwide.

The discussions within the Committee on Home Work and the outcome of these discussions have further confirmed the concerns of the German Government. This is particularly true with respect to the definition of the concept "home work". There is a fundamental difference between the national regulations in Germany and those in most other member States — upon which the definition drawn up by the Committee is based.

In most member States homeworkers enjoy less protection in their employment relationships than other workers. In Germany, the situation is exactly the opposite; homeworkers are self-employed but because of their economic dependence on one or several contractors, they receive particular protection which can be compared with any other worker. And the inclusion of telework in the scope of the planned instrument is problematic from the German point of view.

On account of this and other discrepancies between domestic law and the fundamental principles for a future instrument which are contained in the report of the Committee, the German Government cannot support the conclusions of the work of the Committee. However, we do not wish to stand in the way of a consensus. When the report is adopted we would have preferred the Committee to confine itself to a Recommendation.

Whether the federal Government will be able next year to agree to a Convention which contains a definition of the concept of "home work" as included in this report, is however more than questionable.

Mr. ANAND (*Employers' adviser, India*) — I crave your indulgence in recording my somewhat very strong feelings, and the reservation of the Indian Employers in respect of the instrument which has been placed before the plenary session for adoption.

Reports V(1) and (2) and the preceding circumscribed thought process, hurriedly deciding on the articles of the instrument to be adopted, as against the full debate envisaged in the first discussion procedure, constantly reminded me of a childhood story of nine blind men exploring the size and dimension of an elephant, one conceiving it to be a trunk, another the tusk, a third as pillar-like legs, the fourth as a pony tail, and so on, none having a comprehension of its total size or dimensions to be an engine-like vehicle of the beast world, worthy to be the kingpin of the forest. It was not appreciated at all that conceptually home work is also the cradle and kindergarten of enterprise; it paves the road to and stabilizes entrepreneurship. Again, it is the fountain spring for small and medium enterprises which spring from the spirit which guides home work. To nip home work in the bud amounts to throwing the baby away with bath water.

As to its relevance, after the Copenhagen Declaration and Programme of Action, to our region, Asia Pacific, where home work supplements the income and contributes to the eradication of poverty, we have no doubt. It is an essential

but certainly not a core issue. In South Asia, only sporadic inquiries have been made which, to use ILO jargon, could not be considered "atypical work" due to the extent and diversity of home work prevalent there.

Apart from the impracticability of registration and social security considerations and other provisions, I have no doubt that the scope of inspection and monitoring outlined in the proposed instruments and the concept of adequate remedies, including penalties for violation of any provision, has the potential to reopen the floodgates of corruption and crime in the informal and rural sector. Unbridled, these provisions would interfere with and jeopardize the genius and culture of domestic establishment, particularly involving women workers. Mafia and feudal elements would find support from new petty bureaucracies, namely the inspection authorities. This could, as well, cause not only harassment but even communal bickerings and riots, thwarting peace and socio-economic progress.

I wish the Workers' spokesperson had not only quoted point 19 of the report of the Meeting of Experts, but also points 20, 21 and 22, which dealt with and suggested on what lines ILO action should thereafter be carried on. I personally feel that she is very clever, intelligent and worthy of political appointments in her own country where you can vote as suits you and not as suits others.

The experts, I maintain, did not make a specific recommendation for international common action in the very first instance. Thus in 1993 the Governing Body decided to place the question on the agenda for 1995. Delegates here from the regions, obviously were supposed to debate the issue in view of its diverse and all-embracing character. The Governing Body did not issue any direction in our perception to the Office to propose international action by way of a draft instrument as formulated in the very first instance. The Office's action is neither fair nor credibility-promoting among our colleagues. The Committee has inadvertently pre-empted the Governing Body in conducting an independent evaluation of the first discussion at this Conference. I say this with a full sense of responsibility as a Governing Body member.

Much reliance has been placed on replies received in response to the questionnaire mentioned in Report V(2). The basic issue is covered in points 1 and 2. Out of 170 Members of your Organization, the Office received replies only from 76. On point 1, 74 parties answered, and on point 2, 72 only, both a minority of the total membership, though significant in numbers. On the question as to whether ILO may adopt the instrument, 66 were affirmative, again a minority; should it be a Convention, a Recommendation or both? Of the 72 responses, 29 were for a Recommendation, three for a Convention and only 37 were for both.

On principles of democratic working I maintain a substantial majority of ILO membership, like the Employers, has not been involved in sponsoring or settling the twin documents under consideration. The Employers' well-motivated amendment on points 1 and 2 was wrongly objected to on frivolous technical grounds. The rejection was neither socially desirable nor otherwise, in prudence, sustainable. Given some patience and cooperation we could have perhaps negotiated a way out. Active social partnership was given, in my opinion, a "goodbye". Voting on the articles in the Committee was imperfect and somewhat garbled. I maintain that many governments who were absent or even voted in favour of adoption may have cold feet when it comes to ratification.

Concluding, as it is, the twin documents will neither be implemented nor be implementable by many States. This will bring no glory nor contribute to the much-needed credibility of ILO amongst all levels of employers or, I dare submit with humility, amongst functionaries of several governments when approached for advice on ratification. We, in India, propose to resist it at subsequent discussions here and at subsequent conferences and committees, and at the National Conventions Committee in India, and I deem it my duty to record our reservation to the adoption of this report today in advance. We are not against a broader social purpose, but the manner, blanket-like style and thoughtless haste in which it is being prematurely done is not acceptable to us in India as employers. Since our local state governments have concurrent jurisdiction in labour legislation, there has to be flexibility as well as diversity in consensus for our local-cum-national level. I would not like, moreover, to commit or embarrass the many local employers who have to deal with their situations realistically in the hinterland.

My discordant reservation gives me no joy. My faith and democratic behaviour and principles of peace and progress in the workplace oblige me that I do so, which I hereby do.

Mr. ROUYNEKOV (*Employers' delegate, Bulgaria*) — On behalf of the Bulgarian employers' organizations, I feel I must inform you that we are not in favour of adopting a Convention on home work next year. The reasons are as follows: this Convention will not solve the problems of employment and will go against the spirit of the Director-General's Report. The approach adopted is incorrect and will only damage society. The version, as it stands will achieve nothing. It is a road to nowhere. We have gone down this road and from there went into a period of transition. That led us in the wrong direction. The strategy applied is incorrect because the possibilities for both the workers and the employers are limited; it merely punishes them.

By taking the place of work out of enterprises we will not create new posts or expand job markets and incentives. The Convention in its present form provides only for bureaucracy and administration, not for ways to improve industrial relations. The workers are deprived of self-respect, creativity, responsibility and independence. There will be no job satisfaction, the worker will have no feeling of being involved, and the employer will be punished for creating jobs outside the enterprise. This will reduce productivity and undermine the quality of the working process and progress. Nor will it stimulate competitiveness.

When unemployment exists, the best way to solve the problem is to promote employers' initiatives. Our markets are already saturated, and cannot provide further employment, either within or outside the enterprise. The job opportunities are closely connected with market productivity, incentives and profit. If the strategy is flawed the correct decisions cannot be reached, a new type of proletariat may be created, and employment problems will remain unsolved.

The practical implementation of home work will only make the general picture worse. This Convention will have such a distinct and specific objective, that we could not support it. The strategy must be changed.

(*Mr. Rosales Argüello takes the Chair.*)

Mr. BOATENG (*Workers' adviser, United Kingdom*) — First, Mr. President, let me be among the last to congratulate you on your election. I should also like to take the opportunity to thank our spokesperson, Mrs. Van den Burg; Mrs. Samuel, for her able chairing of the Committee; the ILO staff for their support and in particular Mr. Dumont to whom I extend thanks and best wishes of the TUC General Council.

It is my pleasure and honour to speak today on behalf of the British Workers' delegation and the TUC General Council in support of the adoption of the report of the Committee on Home Work.

I wish to make a few brief points. First, despite expected differences between the Workers' group, some Governments and Employers we have worked amicably and constructively to create a draft text which we firmly believe will fulfil the criteria set by the Governing Body for new standards. The texts we have adopted are flexible, relevant and ratifiable. Home work is a truly international issue, there are homeworkers in every country of the world, most of course are women. They are biddy rollers, garment workers, toy makers, and sweatshop trades of different descriptions in every country across the world. They need and deserve the protection of an international labour standard. Without protection they are open to abuse and deception from unscrupulous employers and intermediaries who refuse to pay monies owed, and to working conditions which would be forbidden in the enterprise.

The British home work labour market includes many of those sweatshop trades, but in Britain and elsewhere there are new forms of homeworking too. Teleworking, a particular concern of my union, the Communication Workers' Union, and of other British trade unions representing workers in banking, insurance and other white-collar professional employment is growing rapidly. We estimate that in Britain there are at least 60,000 employed homeworkers and 60,000 mobile teleworkers. These numbers are predicted to rise to millions early in the next century. We believe that teleworkers whose employment relationships are not the same as those of their colleagues working in the enterprise itself are covered by the current text. But we feel that it would aid member States if that coverage were to be made explicit when we engage in our second discussion next year.

No one attending this Conference can be unaware of the discussion about the future of ILO standards. It has unfortunately been reflected in attempts by some to introduce amendments which were properly the province of the Governing Body. But the TUC is familiar with the option that standard setting, the protection of working people through international labour standards, remains the core mandate and means of action of the ILO. The TUC is proud to have been among those trade union organizations which campaigned over several years for the inclusion of items on part-time work, home work and contract labour on the agenda of the International Labour Conference. We believe that they have a great value in protecting vulnerable working people in each area. Together they will form a body of modern up-to-date standards on a typical employment relationship, which will show that the ILO is able to keep pace with the rapidly changing international labour market. Thus, the changing realities have made them. Thus you have to keep ILO where it belongs, at the top forefront of the

protection of working people, making their links between economic and social developments, proving its relevance to working people throughout the world.

Mr. JOHNSON (*Employers' adviser, Zimbabwe*) — Please permit me to offer our congratulations to the President on his appointment. As you can see I have no papers with me, and so it will be a very brief speech. I want to draw two points to your attention.

In the first record vote that was called in our Committee, the governments which voted against a Convention included all the governments of the world which have, in their countries, a large number of informal workers and homeworkers. They voted against the Convention.

Secondly, in developing countries we have between 40 and 90 per cent of our workers who are in the informal sector, with the highest percentages in African developing countries. Work in the informal sector is a lifestyle for survival. If we adopt the Convention, or even the Recommendation, with the kind of controls and regulations that are being proposed, we will drive these jobs underground and they will never become part of the economy of those countries. But if we modify the Recommendation, and if we accept only a Recommendation next year, it could be the motivator to the massive expansion of employment which is what the Director-General of the ILO requests of us.

Mr. GARREN (*Workers' adviser, United States*) — I would like to make two points. First that the ILO should move forward towards adopting a Convention supplemented by a Recommendation. Secondly, I believe that one particular part of the Recommendation should be deleted.

Homeworkers around the world are among the most vulnerable workers. They are overwhelmingly women, they are isolated and many are immigrants and are from ethnic minorities. Millions of homeworkers around the world have few or no skills. It is these workers, more than any, who need the protection of international labour standards, yet we find in country after country that homeworkers are deprived of the legal protections that other workers enjoy, including legal protection for collective bargaining, for minimum wages, for child labour, for health and safety, and for social security. In issue after issue, homeworkers are deprived of the same rights that other workers enjoy, and this is the essential reason for the Convention and the Recommendation that are being proposed. There is nothing so very complicated, nothing so very tricky, nothing so very horrible. The essence of these instruments is that workers who work at home should enjoy the same rights as workers who work in the workplace.

Now, there is one portion of the proposed Recommendation that I believe undercuts and undermines the rest of the Convention. That is clause 24(c), that states that one desirable manner to set wages for homeworkers is through individual agreements between homeworkers and employers. That clause, unfortunately accurately describes the way wages are set for millions of homeworkers every day. It is because wages for home work are set in that manner, using individual agreements between employers and homeworkers, that homeworkers receive lower wages universally than workers in workplaces.

The reality of a so-called individual agreement is that employers unilaterally set wages, and they set wages at the lowest possible level that the market will

bear. There is no real bargaining between homeworkers and employers. I would draw your attention to Report V(1) which explains the situation in detail. It explains that homeworkers are afraid even to ask for higher wages for fear that their work will be taken away from them. It talks about the homeworkers who are punished and deprived of work because they complain, and of the employers and the intermediaries who have a policy of not giving work to any homeworkers who seek to improve their condition. It tells us about the homeworkers who do not even know the prices and the piece-rates for the work they are doing. That is the reality that homeworkers face. That is the reality of the so-called agreements between employers and homeworkers, which is nothing but unilateral dictating of terms by the employers.

So, in conclusion, I would like once again to say that I believe we need a Convention supplemented by a Recommendation to protect workers. But we need one that clearly disapproves of individual agreements, which is a code name for the unilateral setting of wages.

Mr. MOORHEAD (*Employers' delegate, United States*) — These remarks are the remarks of Kevin Becraft, a United States Employers' adviser who was assigned to the Committee on Home Work. He had planned to give these remarks tomorrow according to the normal schedule. The way we are going, he almost could have done so. In any event, these are the remarks he asked me to deliver on his behalf.

On behalf of the United States Employers' delegation, I am compelled to register our strong reservations regarding the proposed Convention on home work.

To begin, I would like to call attention to the fact that in the recorded vote of the Committee on the question of a Convention supplemented by a Recommendation, versus a Recommendation only, the decision to proceed with a Convention was supported by only a slim majority of Governments, with the Employers' group strongly opposed to a Convention. Among the Governments, the majority of developing nations were opposed, as were the Governments of the United States, the United Kingdom and Canada, among others. This is significant in that the former group represents those nations with the greatest majority of traditional homeworkers and the latter group the bulk of the world's growth in the new forms of home work, such as telework, mobile professionals and other forms of technologically enabled work.

The Governments opposed to a Convention and the Employers' group felt that it was premature, if not entirely unwise, to attempt to define and regulate an area where facts and data are in short supply and, where they do exist, of questionable validity. I might add at this point that an Employers' amendment to ensure data in this area was factual and meaningful was defeated in the Committee, by what logic, one can only guess. In the case of the new forms of technology-based work, almost daily dynamic and fast-moving changes make it problematic to envisage what if any regulatory mechanisms might be appropriate.

Let me now turn to the report before us. Many concerns exist that would make it unwise to consider a Convention and Recommendation based upon this report. I will try to address a few key elements here.

First, the definition of home work is so broad and so vague as to make it almost meaningless. For example, home work does not even have to be performed at home under this definition. The definition makes no attempt to distinguish between the vast difference that exists between various kinds of home work or even to distinguish between persons who are primarily homeworkers and those who as an adjunct to their jobs occasionally work at home. Under the existing definition, everyone in this room is a homeworker, as are almost all managerial, professional and sales people I have ever met, including teachers, government officials and I even suspect, many trade union officials. Another significantly important issue regarding the definition is the very real risk of turning what are essentially commercial disputes between independent parties into labour disputes. This risk is greatly enhanced by the introduction of the new and even more poorly defined party called an intermediary. I would strongly suggest that all parties and in particular Governments pay close attention to the chaos that the introduction of this concept could very well create. The definition of employer which we have come to understand with some clarity also suffers in this report and has been expanded in such a way that many persons and enterprises who have up to now considered themselves customers could find themselves redefined as employers of persons who are in reality employees of their vendors and suppliers.

I will close on what may be an even more fundamental point and that is the tone running through this debate and the attitude of some participants that home work is an evil that must be either controlled or eliminated, rather than an opportunity to spur economic growth, create jobs, eliminate poverty, increase productivity and provide real options to the traditional workplace. This is ironic considering the lip service paid by the ILO to employment at the World Summit for Social Development, and in view of the Director-General's statement in the opening pages of his Report to this Conference that "the ILO should seize this opportunity to provide political and technical leadership in mobilizing action at both the national and international levels to improve the global employment situation".

To end, let me say that this report deserves the closest and most critical review over the next year. I have had many comments made to me by Employers' and Government delegates from developing countries that if this text is incorporated into a Convention it would not be ratified in their countries for the simple reason that it would be impossible to implement and any serious effort to implement could have severe economic consequences.

If the work of this Committee is not to become another exercise in adopting unratifiable Conventions that have no positive effect and serve only to provide ammunition to those who believe that this Organization is not prepared to adapt itself to the reality of the modern world, major changes must be made.

Mr. TIAGI (*Workers' adviser, India*) — A strong need has been felt for the adoption of international labour standards on home work. The reason for this is that the number of such workers is increasing every day in developing and industrialized countries. Very often home work is carried out in conditions offending to human dignity. By adopting these standards, the ILO aims to combat the main causes of the vulnerability of homeworkers.

Their invisible nature, their precarious legal status, the fact that they are being ignored by labour legislation, their lack of organization, their dependence on intermediaries and the ineffectiveness of any existing machinery to supervise their conditions of work, all these factors highlight the situation and circumstances under which a decision was taken by the Governing Body of the ILO that some labour standards had to be developed for home work.

Home work is encountering difficulties in the sense that it is not distinguishable, so what this Committee has done is to create a distinct personality for the homeworker. He has had no specific definition. There has been no protection, there have been no safety measures. It has provided some protection measures, some conditions under which the remuneration and further remuneration can be paid, and in which the right to organize and to join organizations of their choice and the right to collective bargaining have been incorporated. In addition, social security measures should also be provided to the homeworker.

Some of my friends have objected, they are Employers but it is as if they were speaking on behalf of the State. I also come from South-East Asia, but in India the majority of workers happen to be in the informal sector and are basically homeworkers. If some legislation is to be brought out, if some international instrument is to be taken out, it is no crime; what is all the concern about? As long as we provide some safety measures to faceless workers, we will have achieved something, we will have given them some hope, and given them a little bit of a face.

In all humility, I am requesting and appealing to this august assembly of representatives that by adopting this document, you are not only adopting an instrument, but you are bringing a smile to the unfortunate faces of those who have never been given any hope or real face.

Ms. FOULKES (*Workers' delegate, New Zealand*) — The first discussion of this Convention and Recommendation is a major step in identifying and protecting an often invisible workforce. It is very significant this year. It is significant because it is the year of the Fourth World Conference on Women to be held in Beijing, and women are often homeworkers. It is significant because the ILO is continuing its work on child labour and migrant labour, and children and migrants are often homeworkers. It is significant because it is the role of the ILO to reinforce the dignity of work, and homeworkers are a group who have for too long been ignored, excluded and forgotten by national strategies, protections and enforcements.

But most important, there is a new phase of home work that is emerging in all countries as the provision of services and technological support moves from the workplace to the home, whether it is an industrialized economy or not.

Finalizing a Convention on home work for a wide range of countries will not be easy but, as a community, we cannot walk away from that difficulty because we want weekends off or easy discussions.

The report and the Proposed Conclusions are all significant — as are also some of the omissions that Workers will return to next year, as will no doubt Governments and Employers. But the report is important in that it puts the issues firmly in front of us. And puts the majority view that there should be a

Convention and Recommendation firmly in front of us. I have a belief that there is one issue which is significantly more important than the others in both the conclusions and the honesty of the process for standard setting nationally and internationally. This is the paramount place given to collective bargaining in paragraphs 22 and 24 of the report — which I strongly support; and the relevance of individual agreements to homeworkers — which I would question. Like my brother from America I believe the use of individual agreements for homeworkers will in fact undermine the strength of the Recommendation.

As a New Zealander, I have experienced first hand the effects on isolated and vulnerable workers, often women, that result from the giving of state recognition to individual contracts. Moreover, support by the State for parity between individual and collective bargaining has been disastrous for women in isolated workstations in my country. Indeed, using the word “agreement” or “bargaining” for those workers is dishonest. The relationship is one that is often based on disempowerment and fear. Especially, it is increasingly the wages of those workers that are the difference between hunger and want for their families and a barely adequate living standard. But I would not claim that the pressures on workers in New Zealand in any way match the life and death decisions that homeworkers make in many of my sister countries in Asia or elsewhere in the world. To suggest individual bargaining is an equitable option for many of those people is an obscene misuse of the English language.

As Governments and Employers and Workers reflect on the work of our Committee over the coming months, strengthening and reinforcing those sections of our work that give real access to organization and collective bargaining to homeworkers everywhere must be a priority, or we risk adopting an instrument next year that is unenforceable. But adopt an instrument we must. It would be a breach of the faith put in this Organization by working people around the world if we walked away from establishing guidelines for a form of work that we all acknowledge is growing, which has been around for centuries, and which deals significantly with the most vulnerable. As the last person to speak and the last woman to speak for a long time, I would point out that women do not work at home for pleasure, do not work at home because it is their preferred option. They do it from economic necessity and, as an organization, we must protect them in their hour of economic need.

Original Spanish: The PRESIDENT — We shall now move on to the adoption of the body of the report, paragraphs 1 to 380.

If there are no objections, I shall take it that the report is adopted, paragraphs 1 to 380.

(The report is adopted, paragraphs 1 to 380.)

Conclusions proposed by the Committee on Home Work

Original Spanish: The PRESIDENT — Let us now move on to the adoption of the Proposed Conclusions submitted by the Committee, point by point.

(The Proposed Conclusions are adopted seriatim.)

Resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Home work"

Original Spanish: The PRESIDENT — We shall now proceed to the adoption of the resolution to place on the agenda of the next ordinary session of the Conference an item entitled "Home work".

Mr. ANAND (*Employers' adviser, India*) — I would like the dissent of the Indian Employers to go on record.

Original Spanish: The PRESIDENT — Your statement will be included in the record.

If there are no further objections, I shall take it that the resolution is adopted.

(The resolution is adopted.)

Before concluding this item of business, I would like to congratulate the Chairman, the Vice-Chairman, the Reporter and the other members of the Committee on Home Work on the excellent work that they have done.

Closing speeches

Original Spanish: The PRESIDENT — The final item on our agenda is the closure of the 82nd Session of the International Labour Conference. I invite Mr. Popescu, Minister of Labour and Social Welfare, Romania, Vice-President of the Conference, to come to the rostrum.

Original French: Mr. POPESCU (*Minister of Labour and Social Welfare, Romania; Vice-President of the Conference*) — I would like to ask your permission to depart from the general practice of the Conference and to delay offering congratulations to the end of my speech. I would like to begin with some comments on the work that we have just finished. Aside from any approval or criticism addressed to the ILO in speeches presenting general or pragmatic approaches, in my view the Conference this year has been marked by an awareness of the fact that we are going to have to take action quickly, effectively and in concert so that social problems will not be a global beginning of the end; that is, what was called in Copenhagen a true social bomb.

This year, perhaps more than in past years, we have felt the desire of the three social partners to go beyond explicitly or implicitly expressed good intentions and to join together so that the rigorous application of standards will become reality. The instruments that have been adopted in an exemplary atmosphere of responsibility and constructive compromise clearly demonstrate the willingness to ensure adequate social protection for more and more extensive categories of workers and to ensure an appropriate working environment in more areas of activity.

The delegation of Romania has, with full conviction, cast its vote in favour of the proposed international instruments.

We are very pleased with the work that has been achieved. It is now up to all of us — governments, employers and workers — to see to it that these instruments' spirit and letter are respected.

The choice of employment as the central theme at this session of the Conference was quite timely and important. Employment and unemployment are issues of major concern and they are among the most urgent problems of our times. They have always been important, but never as serious as today. This topic is very important and timely as well because new technology has made the question of employment and unemployment all the more serious, and almost critical.

Our Conference presents the advantage of making a positive contribution to clarifying the way in which our societies can make use of technology to meet the challenge of international competitiveness. Our societies will surely have to redefine their basic concepts, including the economic structures which have served as foundations up to now. It is our hope that the ILO, as it has done so far, will be able to find innovative solutions in order to ensure economic and social progress.

All of these are good reasons to further congratulate the Director-General, who through his activities, has ensured that our Organization will be deeply involved in dealing with the most serious problems of international life in all countries.

Convinced of the truth behind the saying, "The most noble concern of man is man himself", we are convinced that at 75 years of age the mission of the ILO is all the more important. We are quite convinced that the values and principles of the ILO will be a central part of the multilateral system in the twenty-first century.

I would like to thank you for the honour that was accorded to my country in electing me to serve as a Vice-President, and I would like to warmly and sincerely congratulate the President and the other two Vice-Presidents on the very convincing way in which they have carried out their tasks and on the fruitful spirit of cooperation which they have demonstrated. And I would also extend my congratulations to the secretariat of the Conference for their effectiveness in providing us with immeasurable assistance.

Finally, I would like to thank all of the participants in the Conference for their work.

Mr. HALLIWELL (*Employers' delegate, Canada; Vice-President of the Conference*) — As the 82nd Session of the International Labour Conference draws to a close, it is, I believe, appropriate to offer only a very brief comment.

Over the past three weeks there has been an excellent exchange of ideas and viewpoints. The opinions of large and small nations have been carefully weighed in each Committee. Of course it is this kind of dialogue that eventually paves the way to consensus and to the formulation of instruments that are achieved in a true spirit of tripartism.

The shortened version of this annual session of the Conference has, I believe, proven to be a marked improvement and I hope that it points the way to improved efficiency and helps to eliminate further unnecessary and time-consuming activities.

There is still room for improvement in this international event. I think the scheduling could be more precise, particularly in the final days when reports are presented. Delegates should not, if at all possible, be kept in suspense as to the eventual date and time of conclusion of the session of the Conference. Travel plans should be made with confidence that the work will be completed by a specified time. I also note with some concern that while tripartism is at the very heart of the ILO, there are governments that still do not pay the expenses of duly appointed non-governmental representatives. This situation must be addressed. Delegations from all member States are to exercise as their right of participation the independence that is absolutely critical at these Conferences.

I am satisfied that the 82nd Session was productive and that it resulted in final reports that in general were satisfactory to this international Conference. Of course, it is clear that the last report, the report of the Committee on Home Work, was not satisfactory to employers. I would also like to note the high quality of many speeches made in the plenary over the past several days and to thank each speaker that took part.

It has been an honour to serve as Employers' Vice-President, to work closely with the President and with the other Vice-Presidents these past few weeks. I would particularly like to thank the Clerk of the Conference and the capable staff at the Office for their patient assistance.

Finally, I wish all delegates a safe journey home.

Original German: Ms. ENGELEN-KEFER (*Workers' delegate, Germany; Vice-President of the Conference*) — As the Workers' Vice-President of the Conference, I would like to join with other speakers in stating as follows: this 82nd Session of the International Labour Conference has worked well and produced some good results.

Against a background of the devastating mining accidents, most recently in South Africa, the adoption of the new international standards on occupational safety and health in mines is of special significance for the workers. It has been made quite clear that among the 25 million or so persons employed in mines worldwide, some 15,000 mineworkers lose their lives every year as the result of an accident. I therefore believe that the standards on safety and health in mines adopted by this Conference will form a solid foundation for effectively controlling accident and health hazards in this industry.

I would like to call on the member States to ratify this new Convention and ensure its implementation as rapidly as possible.

We also attach great importance to the adoption of the Extension of the Labour Inspection Convention, 1947 (No. 81), to activities in the non-commercial services sector. This will eliminate serious deficiencies and extend the safety and health functions of inspection to employees in the non-commercial services sector. It does not cover all areas. Nevertheless, we believe that this is a very useful further extension of Convention No. 81 and we hope that the Convention and its extension will be widely ratified and applied.

Against a background of the increasing use of home work in both industrialized and developing countries, we believe that the adoption of the report which we have just looked at, suggesting that there be two new standards to protect homeworkers is of considerable importance. This is all the more

significant since, in this area, there is a considerable amount of discrimination against and exploitation of women who account for 90 per cent of homeworkers.

We believe it is important that home teleworking, which is growing rapidly, should be covered by the safety and health provisions of the proposed standards.

After the discussion which we have just had, I think it is all the more important to appeal to the participants of this Conference in particular the Employers and the Governments to review their positions over the year leading up to the second discussion, so that at the next session of the International Labour Conference we can arrive at the adoption of a satisfactory Convention and Recommendation on home work.

In addition, I should like to make some comments on the discussion of the outstanding Report of the Director-General on the subject of *Promoting employment*. In the plenary, I have heard no speaker who was prepared to disassociate himself from the need to combat mass unemployment, poverty and destitution, that has been expressed so clearly in this report. However, the conclusions that have come out of the debate are less unanimous.

Once again, on behalf of the Workers at the Conference, I should like to firmly emphasize that, as far as we are concerned, close and binding collaboration between the international economic and financial institutions and the ILO is an essential requirement.

Just as indispensable for us are the social clauses in international trade agreements. In response to the speakers in the plenary discussions of the Conference that reject this point of view, I would like, once again, to emphatically underscore — so as to dispel all misunderstanding: this is not a matter of new protectionism. This is not a question of inadmissible interference in another country's affairs, neither is it our intention to make impossible demands on the developing countries. Our one and only concern is to prevent the most blatant forms of exploitation which affect primarily women and children. The same also applies to discrimination against and persecution of trade union workers. Consequently, social clauses such as these should be limited to fundamental human and trade union rights: elimination of childhood labour, prohibition of forced labour, guarantees that trade union representation may be undertaken without reprisals in any of their diverse forms.

When I hear the Minister of Labour of Goa expressing the fear that this will bring about confrontation within the ILO, I would like to reassure him. We are in no way ignoring the social conditions under which childhood labour takes place. Neither do we harbour any illusions that childhood labour can be eliminated at a single stroke. We recognize every effort made by his Government to take up arms against childhood labour. And above all, we support all ILO activities aimed at improving the social framework in order to have a realistic chance of being able to abolish childhood labour. However, these are efforts which need to be considerably intensified. In this respect, these efforts are required primarily in the countries in which childhood labour is employed. However, the industrialized countries must make a considerably larger contribution both inside and outside the ILO. An urgent matter here is the joint efforts of the industrialized and developing countries in combating one of the most revolting forms of childhood and forced labour, and childhood prostitution.

Last but not least, it is necessary to heighten public awareness of the deleterious effects of childhood labour. We consider it essential that trade unions be given greater involvement in the IPEC programme. Similar comments also apply to the increased involvement of women and mothers so as to ensure increased long-term success for this programme.

We must try to reduce the high level of debt amongst the poorest developing countries, limit the population explosion and slam the door on international foreign exchange speculation. And my last words will be to say: we welcome the decision of the Conference to adopt the budget for the upcoming biennium as proposed by the Governing Body. With the current advice we have on possible savings — as provided for in the decisions taken on the ILO 1996-97 budget in the second part of the Conference — under no circumstances should there be any savings made in technical programmes for developing countries. On the contrary: in the build-up to the Fourth World Conference on Women to be held in Beijing in September of this year, it would be appropriate for the ILO to bolster its activities to enhance the working and living conditions of women, and consequently those of their children.

I should like to express my thanks to the President and the two other Vice-Presidents, Mr. Halliwell and Mr. Popescu. The collaboration they have provided was excellent. I should also like to express my thanks to all of you who contributed to the very successful outcome of our Committee work. I should also like to thank the interpreters and the Conference services who have helped us throughout. Finally, I should also like to thank all those who have been working behind the scenes to make sure that the Conference ran smoothly.

Original French: The SECRETARY-GENERAL — As in other years it is my honour to thank, on behalf of you all, the President and the Vice-Presidents of this Conference for the very effective way in which they have guided the work of this session of the International Labour Conference. I would also like to give the President a souvenir from this Conference, by giving him the main working tool which he has used during these three weeks.

Original Spanish: The PRESIDENT — Thank you, Mr. Hansenne, for this gift. It has been an enormous honour and a pleasure for me to chair this 82nd Session of the International Labour Conference, above all at this critical juncture for humanity when the myths and paradigms of left and right are being questioned. As a Central American, and in particular as a Nicaraguan, I hope that we will not have to wait another 76 years of the ILO for a President from our region to be elected again. I wish to express my thanks to all the Officers and to all of you for your support in the conduct of our meetings.

I would also like to thank the interpreters and all those here who have worked to assist my staff — those who have worked in the Committees, those who are drafting, who often have to correct and re-correct our texts.

After three weeks' hard work we have reached the end of our journey. We have adopted a budget for our Organization. In this respect we have reason to congratulate ourselves because the Group of 7 industrialized nations have announced their decision to urge prompt payment of dues to the United Nations and its specialized agencies. Unfortunately we seem to have spent more time on

this issue than on the very serious issues arising from the world of work. We should be pleased that we have adopted a Protocol broadening the scope of the Labour Inspection Convention, 1947 (No. 81) to activities in the non-commercial services sector, and a Convention and a Recommendation concerning safety and health in mines, as well as starting work on an examination of standards on home work.

On this point, and with no desire to pontificate or indulge in *obiter dicta*, I would like to recall certain basic principles of labour law. When one speaks of the individual work relation in terms of its juridical nature, one invokes three basic criteria which have been on the table throughout this debate. These three criteria, taken up by the makers of labour law ever since Paul Durant, are those of juridical subordination, economic subordination and technical subordination. Where the three are clearly present, we have a work relation. That is why some have stated ironically "we are all employers here". Evidently the employers had to react in the way they did and their reaction was quite logical because often behind a mercantile relation a work relation is hidden. In 1991 the Director-General devoted his Report to The Dilemma of the Informal Sector, and those of us here who were there on that occasion will recall that we discussed precisely how to provide protection to workers in that sector who have no vocational training, no access to social protection or social security.

Therefore I believe that we should not only welcome the resolution we have passed placing this subject on the agenda of the next session as a central theme, but finally face up to it with all the seriousness which it deserves and, when the time has come, give to any action carried out by the ILO in order to regulate home work, the support which it deserves, for it is one of the forms of exploitation which liberalism is imposing in all sorts of countries at this time.

I do not know how many times we have heard the phrase "poverty anywhere constitutes a danger to prosperity everywhere". I ask myself whether its incessant repetition turns it into a truism. Poverty is reduced through capital investments which generate durable employment freely chosen; poverty is fought with solidarity and a distribution of benefits throughout society. For example, class solidarity, as the Germans have shown, by cutting the working week to 32 hours, earning less by working less if necessary, but avoiding condemning others to unemployment. Solidarity must not become an empty, hollow word. That has been the central theme of our discussions. I call on us all not to forget that quality employment is the best tool for the eradication of poverty and social injustice.

The currently dominant economic model based on free trade, and the freedom to enter into industrial and commercial contracts, gives pride of place to the market as the basic policy instrument to solve society's problems. It reminds me of the joke which asks: "How many economists do you need to change a light bulb?" The answer is "None: the market will see to it". Poverty and unemployment have become like the light bulb of the joke. Are we going to allow the market to solve the problems of poverty and unemployment? Can we rely on the "hidden hand" to establish social justice? Much as markets may fulfil indispensable functions, they are no panacea. Likewise, economic growth does not necessarily lead to social development. The one does not in the least necessarily follow from the other. The State, workers and employers all play a role in the forefront of the search for lasting social justice in which employment necessarily

has to play a central part. Responsible social dialogue is an indispensable condition for an efficiently functioning economy.

I therefore would like to share with you my impression that there is some improvement in processes of consultation. Workers are ever more aware of the need to increase an economy's competitiveness. For their part, employers are expressing increasingly frank and active support for social justice and the struggle against unemployment and poverty. But this support in no way constitutes a reason for attenuating the fundamental rights of workers. As the two sides come to share common objectives, so dialogue and collective negotiation between them will become more fruitful. The ILO has a dual role to play: it must offer the social partners the necessary opportunities to learn how to analyse the outcomes of different policies and, secondly, it must help to change labour ministries into institutions which have a constructive influence over economic decisions. They should set aside their role of regulators and standard-setters, and join in the development and application of job-creating projects. In other words, they should move from diagnosis of the problem to its cure.

Participation should be practised at home as well as preached to others. I must here mention that in this Organization it is not practised sufficiently. The ILO staff union has sent us a statement on this. We therefore call on the Office to improve its own mechanisms of participation.

The contributions we have heard in the past three weeks have had certain points in common. First, the interdependence of the economic and the social, which go hand in hand; a new realism is perceptible in the political process, in the sense that we realize that we must not make vain and illusory promises. The private sector, private firms, play a fundamental role. But we must not concentrate all our efforts on the economic sphere, sacrificing the rights of workers and the unemployed. Second, the increasing depth and speed of change is affecting all our economies. Globalization is reducing the State's margin of manoeuvre and produces pressure to achieve ever-increasing levels of productivity. At the same time, the exponential progress of technology forces us to pay serious attention to the development of human resources. In developing countries the emphasis in education must be on the primary and secondary levels, as well as on occupational training for workers and permanent and continuous vocational training of basic and middle level technicians.

We must redouble our efforts to counteract the negative effects of these changes, while at the same time taking pains to make these changes operate for the benefit of the poorest people in our society. The challenge before us is straightforward enough: the design of new economic and social policies for full employment. It is not enough to bring structural adjustment programmes to a successful conclusion in a more or less distant future. The sustainability of the transformation process will depend on the participation of all the forces of society, and this is only possible if the fruits of progress are equitably distributed.

Inequality is not only a matter of concern within countries. Some countries are in a very strong position because they have higher incomes and more appropriate resources to adopt new technologies. I call upon the leaders of those States both to open their markets to the products of poorer countries and also to encourage non-speculative investment in those countries. I ask neither for charity nor for altruism. Rising incomes in poor countries generate rising demand for goods and

services, which in their turn bring about economic expansion and thus additional jobs and incomes. Social justice is an overall necessity for humanity as a whole, not merely a matter of charitable deeds.

The Social Summit has given labour ministries, workers' and employers' organizations and the ILO the chance and the responsibility to deal with our social problems. We must demonstrate with practical actions that we have the ability to create sustainable employment. Neither governments, nor workers nor employers can elude this responsibility. To carry forward and bring to fruition the tasks which the Copenhagen Summit and this Conference have placed on the shoulders of the ILO, the Organization will need the support of each and every one of us. If we cannot develop dynamic and effective cooperation we run the risk that others will adopt policies without any recourse to consultation, relegating social justice to secondary status.

With these words I offer you all my very best wishes and declare the 82nd Session of the International Labour Conference closed.

(The Conference adjourned sine die at 7.30 p.m.)

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Corrigenda

Provisional Record

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5	19	Left-hand column, fourteenth line, replace "the sudden halt of the Cold War" by "the sudden thaw of the Cold War". First full paragraph, first line, replace "production of employment" by "promotion of employment".
6	45	Right-hand column, first full paragraph. The second sentence should read: "A dozen years ago we launched the Southern African Development Community (SADC) ...". The last four lines of the paragraph should read: "SADC is a thriving young organization which fits into the general plan of forming an African economic community, a plan which was agreed and signed in Abuja, Nigeria, in 1992." The second full paragraph should read: "In southern Africa SADC is the regional block that will support the all Africa-wide Economic Community ...". In the third paragraph, the second sentence should read: "We also ask the ILO to continue supporting ARLAC, which is the labour centre established in Zimbabwe to service the entire English-speaking countries." In the third sentence, add the word "cause" after "root" and replace "ELAC" by "ARLAC".
6	46	Left-hand column, fifth paragraph, third line, replace "commodities" by "resources". Right-hand column, fourth full paragraph, second line, replace "multinational" by "national".
6	47	Right-hand column, sixth line, replace "prosperity" by "posterity".
8	10	Right-hand column, third paragraph, of Mr. Blüm's speech, eighth line, the end of the sentence should read: "... these are national problems that cannot be dealt with at a national level."
9	8	Left-hand column, third full paragraph. The first sentence, should read: "... the Parliament of the Republic of Lithuania ratified 23 international labour Conventions, including those related to basic human rights and freedoms."
9	9	Right-hand column, last paragraph, should read: " <i>Original Arabic:</i> Mr. AL-JASSEM (<i>Employers' delegate, Kuwait</i>)".
10	15	Right-hand column, replace the sixth paragraph by the following text: "We would like to emphasize the following aspects: – special consideration be given to training and translation of documents into the Arabic language; – increasing the technical cooperation item within the framework of the ILO regular budget; – continuation of support for the Arab project of labour administration in Tunis."
13	32	Right-hand column, fourth full paragraph, fourth line, replace "Workers' delagate" by "Employers' delegate".
14	8	Left-hand column, eighth line, replace "can" by "cannot".
18	10	Right-hand column, third paragraph, replace "manipulations" by "shunting rounds". Seventh paragraph, second line, replace "incentives" by "preferences".
18	11	Left-hand column, seventh paragraph, fourth line, add "operative" before "funding market". Eighth paragraph, second sentence, should read: "Part of the funds put aside for training should remain with the resources of enterprises." Right-hand column, fourth full paragraph, fourth line, the speech should end with the sentence: "This is the strategy we will support in full."
18	21	Right-hand column, first line, replace "to come to this session" with "to participate in a seminar, organized by the ILO at the Turin Centre in April-May 1995".
22		Record vote on the resolution concerning the granting to Cambodia of permission to vote in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization. Mr. VAN HEERDEN (<i>Government delegate, South Africa</i>) voted for the resolution.
24	51	Left-hand column, third paragraph, the third sentence should read: "He pointed out that three months after the return of President Aristide, the Parliament's mandate expired ...".
27	3	Third paragraph, third line, replace "officers" by "office". Fifth paragraph, eighth line, "in Ghana it has a figure" should read "in Ghana and Tagore it has figures".
27	15	Third full paragraph, second and third lines, replace "existing shell" by "existential basis". Fifth full paragraph, the sentence should start: "There is ...". Sixth full paragraph, the beginning of the sentence should read: "In this context, as advised by the Minister ...".

**AUTHENTIC TEXTS OF INSTRUMENTS
ADOPTED BY THE CONFERENCE**

Convention 176

CONVENTION CONCERNING SAFETY AND HEALTH IN MINES

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-Second Session on 6 June 1995,
and

Noting the relevant International Labour Conventions and Recommendations
and, in particular, the Abolition of Forced Labour Convention, 1957; the
Radiation Protection Convention and Recommendation, 1960; the Guard-
ing of Machinery Convention and Recommendation, 1963; the Employment
Injury Benefits Convention and Recommendation, 1964; the Minimum Age
(Underground Work) Convention and Recommendation, 1965; the Medical
Examination of Young Persons (Underground Work) Convention, 1965; the
Working Environment (Air Pollution, Noise and Vibration) Convention
and Recommendation, 1977; the Occupational Safety and Health Conven-
tion and Recommendation, 1981; the Occupational Health Services Conven-
tion and Recommendation, 1985; the Asbestos Convention and Recommen-
dation, 1986; the Safety and Health in Construction Convention and
Recommendation, 1988; the Chemicals Convention and Recommendation,
1990; and the Prevention of Major Industrial Accidents Convention and
Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training
and genuine consultation on and participation in the preparation and imple-
mentation of safety and health measures concerning the hazards and risks
they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health
affecting workers or members of the public, or damage to the environment
arising from mining operations, and

Having regard to the need for cooperation between the International Labour
Organization, the World Health Organization, the International Atomic
Energy Agency and other relevant institutions and noting the relevant
instruments, codes of practice, codes and guidelines issued by these
organizations, and

Having decided upon the adoption of certain proposals with regard to safety
and health in mines, which is the fourth item on the agenda of the session,
and

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

adopts this twenty-second day of June of the year one thousand nine hundred and
ninety-five the following Convention, which may be cited as the Safety and Health
in Mines Convention, 1995:

PART I. DEFINITIONS

Article 1

1. For the purpose of this Convention, the term "mine" covers –
 - (a) surface or underground sites where the following activities, in particular, take place:
 - (i) exploration for minerals, excluding oil and gas, that involves the mechanical disturbance of the ground;
 - (ii) extraction of minerals, excluding oil and gas;
 - (iii) preparation, including crushing, grinding, concentration or washing of the extracted material; and
 - (b) all machinery, equipment, appliances, plant, buildings and civil engineering structures used in conjunction with the activities referred to in (a) above.

**CONVENTION CONCERNANT LA SÉCURITÉ ET LA SANTÉ
DANS LES MINES**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 6 juin 1995 en sa quatre-vingt-deuxième
session;

Notant les conventions et recommandations internationales du travail pertinentes, en particulier la convention sur l'abolition du travail forcé, 1957; la convention et la recommandation sur la protection contre les radiations, 1960; la convention et la recommandation sur la protection des machines, 1963; la convention et la recommandation concernant les prestations en cas d'accidents du travail et de maladies professionnelles, 1964; la convention et la recommandation sur l'âge minimum (travaux souterrains), 1965; la convention sur l'examen médical des adolescents (travaux souterrains), 1965; la convention et la recommandation sur le milieu de travail (pollution de l'air, bruit et vibrations), 1977; la convention et la recommandation sur la sécurité et la santé des travailleurs, 1981; la convention et la recommandation sur les services de santé au travail, 1985; la convention et la recommandation sur l'amiante, 1986; la convention et la recommandation sur la sécurité et la santé dans la construction, 1988; la convention et la recommandation sur les produits chimiques, 1990, ainsi que la convention et la recommandation sur la prévention des accidents industriels majeurs, 1993;

Considérant le besoin et le droit que les travailleurs ont d'être informés, formés et consultés de manière effective, ainsi que de participer à la préparation et la mise en œuvre de mesures relatives à la sécurité et à la santé au sujet des dangers et des risques auxquels ils sont exposés dans l'industrie minière;

Reconnaissant qu'il est souhaitable de prévenir tout accident mortel, lésion ou atteinte à la santé que pourraient subir les travailleurs ou la population, ainsi que les dommages à l'environnement, qui pourraient résulter de l'exploitation minière;

Tenant compte de la nécessité d'une coopération entre l'Organisation internationale du Travail, l'Organisation mondiale de la santé, l'Agence internationale de l'énergie atomique et les autres institutions compétentes, et notant les instruments, recueils de directives pratiques, codes et directives pertinents publiés par ces organisations;

Après avoir décidé d'adopter diverses propositions relatives à la sécurité et à la santé dans les mines, question qui constitue le quatrième point de l'ordre du jour de la session;

Après avoir décidé que ces propositions prendront la forme d'une convention internationale,

adopte, ce vingt-deuxième jour de juin mil neuf cent quatre-vingt quinze, la convention ci-après, qui sera dénommée Convention sur la sécurité et la santé dans les mines, 1995.

PARTIE I. DÉFINITIONS

Article 1

1. Aux fins de la présente convention, le terme « mine » comprend:

- a) tout site à ciel ouvert ou souterrain où se déroulent notamment les activités suivantes:
 - i) l'exploration de minéraux, à l'exception du pétrole et du gaz, qui implique une altération mécanique du terrain;
 - ii) l'extraction de minéraux, à l'exception du pétrole et du gaz;
 - iii) la préparation des matériaux extraits, notamment le concassage, le broyage, la concentration ou le lavage;
- b) l'ensemble des machines, équipements, accessoires, installations, bâtiments et structures de génie civil utilisés en rapport avec les activités visées à l'alinéa a) ci-dessus.

2. For the purpose of this Convention, the term "employer" means any physical or legal person who employs one or more workers in a mine and, as the context requires, the operator, the principal contractor, contractor or subcontractor.

PART II. SCOPE AND MEANS OF APPLICATION

Article 2

1. This Convention applies to all mines.
2. After consultations with the most representative organizations of employers and workers concerned, the competent authority of a Member which ratifies the Convention:
 - (a) may exclude certain categories of mines from the application of the Convention, or certain provisions thereof, if the overall protection afforded at these mines under national law and practice is not inferior to that which would result from the full application of the provisions of the Convention;
 - (b) shall, in the case of exclusion of certain categories of mines pursuant to clause (a) above, make plans for progressively covering all mines.

3. A Member which ratifies the Convention and avails itself of the possibility afforded in paragraph 2(a) above shall indicate, in its reports on the application of the Convention submitted under article 22 of the Constitution of the International Labour Organization, any particular category of mines thus excluded and the reasons for the exclusion.

Article 3

In the light of national conditions and practice and after consultations with the most representative organizations of employers and workers concerned, the Member shall formulate, carry out and periodically review a coherent policy on safety and health in mines, particularly with regard to the measures to give effect to the provisions of the Convention.

Article 4

1. The measures for ensuring application of the Convention shall be prescribed by national laws and regulations.
2. Where appropriate, these national laws and regulations shall be supplemented by:
 - (a) technical standards, guidelines or codes of practice; or
 - (b) other means of application consistent with national practice, as identified by the competent authority.

Article 5

1. National laws and regulations pursuant to Article 4, paragraph 1, shall designate the competent authority that is to monitor and regulate the various aspects of safety and health in mines.
2. Such national laws and regulations shall provide for:
 - (a) the supervision of safety and health in mines;
 - (b) the inspection of mines by inspectors designated for the purpose by the competent authority;
 - (c) the procedures for reporting and investigating fatal and serious accidents, dangerous occurrences and mine disasters, each as defined by national laws or regulations;
 - (d) the compilation and publication of statistics on accidents, occupational diseases and dangerous occurrences, each as defined by national laws or regulations;

2. Aux fins de la présente convention, le terme «employeur» désigne toute personne physique ou morale qui emploie un ou plusieurs travailleurs dans une mine, ainsi que, si le contexte l'implique, l'exploitant, l'entrepreneur principal, l'entrepreneur ou le sous-traitant.

PARTIE II. CHAMP ET MODALITÉS D'APPLICATION

Article 2

1. La présente convention s'applique à toutes les mines.
2. Après consultation avec les organisations les plus représentatives d'employeurs et de travailleurs intéressées, l'autorité compétente d'un Membre qui ratifie la convention,
 - a) pourra exclure certaines catégories de mines de l'application de la convention ou de certaines de ses dispositions si, dans son ensemble, la protection accordée en vertu de la législation et de la pratique nationales n'y est pas inférieure à celle qui résulterait de l'application intégrale des dispositions de la convention;
 - b) devra, au cas où certaines catégories de mines font l'objet d'exclusions en vertu de l'alinéa a) ci-dessus, établir des plans en vue de couvrir progressivement l'ensemble des mines.
3. Tout Membre qui ratifie la présente convention et se prévaut de la possibilité offerte au paragraphe 2 a) ci-dessus devra indiquer, dans les rapports sur l'application de la convention présentés, en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail, toute catégorie particulière de mines qui a fait l'objet d'une exclusion et les raisons de cette exclusion.

Article 3

Le Membre devra, en tenant compte des conditions et de la pratique nationales, et après consultation avec les organisations les plus représentatives d'employeurs et de travailleurs intéressées, formuler et mettre en œuvre une politique cohérente en matière de sécurité et de santé dans les mines et la revoir périodiquement, notamment en ce qui concerne les mesures donnant effet aux dispositions de la convention.

Article 4

1. Les mesures visant à assurer l'application de la convention devront être prescrites par la législation nationale.
2. Lorsqu'il y a lieu, cette législation devra être complétée par:
 - a) des normes techniques, des principes directeurs, des recueils de directives pratiques; ou
 - b) par d'autres moyens de mise en œuvre conformes à la pratique nationale, qui seront identifiés par l'autorité compétente.

Article 5

1. La législation nationale visée à l'article 4, paragraphe 1, devra désigner l'autorité appelée à surveiller et réglementer les divers aspects de la sécurité et de la santé dans les mines.
2. Cette législation devra prévoir:
 - a) la surveillance de la sécurité et de la santé dans les mines;
 - b) l'inspection des mines par des inspecteurs désignés à cet effet par l'autorité compétente;
 - c) les procédures de notification et d'enquête dans les cas d'accidents mortels ou graves ainsi que de catastrophes minières et d'incidents dangereux tels que définis par ladite législation;
 - d) l'établissement et la publication des statistiques sur les cas d'accidents, de maladies professionnelles et d'incidents dangereux tels que définis par ladite législation;

- (e) the power of the competent authority to suspend or restrict mining activities on safety and health grounds until the condition giving rise to the suspension or restriction has been corrected; and
- (f) the establishment of effective procedures to ensure the implementation of the rights of workers and their representatives to be consulted on matters and to participate in measures relating to safety and health at the workplace.

3. Such national laws and regulations shall provide that the manufacture, storage, transport and use of explosives and initiating devices at the mine shall be carried out by or under the direct supervision of competent and authorized persons.

4. Such national laws and regulations shall specify:

- (a) requirements relating to mine rescue, first aid and appropriate medical facilities;
- (b) an obligation to provide and maintain adequate self-rescue respiratory devices for workers in underground coal mines and, where necessary, in other underground mines;
- (c) protective measures to secure abandoned mine workings so as to eliminate or minimize risks to safety and health;
- (d) requirements for the safe storage, transportation and disposal of hazardous substances used in the mining process and waste produced at the mine; and
- (e) where appropriate, an obligation to supply sufficient sanitary conveniences and facilities to wash, change and eat, and to maintain them in hygienic condition.

5. Such national laws and regulations shall provide that the employer in charge of the mine shall ensure that appropriate plans of workings are prepared before the start of operation and, in the event of any significant modification, that such plans are brought up to date periodically and kept available at the mine site.

PART III. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE

A. RESPONSIBILITIES OF EMPLOYERS

Article 6

In taking preventive and protective measures under this Part of the Convention, the employer shall assess the risk and deal with it in the following order of priority:

- (a) eliminate the risk;
 - (b) control the risk at source;
 - (c) minimize the risk by means that include the design of safe work systems; and
 - (d) in so far as the risk remains, provide for the use of personal protective equipment,
- having regard to what is reasonable, practicable and feasible, and to good practice and the exercise of due diligence.

Article 7

Employers shall take all necessary measures to eliminate or minimize the risks to safety and health in mines under their control, and in particular:

- (a) ensure that the mine is designed, constructed and provided with electrical, mechanical and other equipment, including a communication system, to provide conditions for safe operation and a healthy working environment;
- (b) ensure that the mine is commissioned, operated, maintained and decommissioned in such a way that workers can perform the work assigned to them without endangering their safety and health or that of other persons;

- e) le pouvoir de l'autorité compétente de suspendre ou de restreindre, pour des motifs de sécurité et de santé, les activités minières jusqu'à ce que les conditions à l'origine de la suspension ou de la restriction soient corrigées;
- f) la mise en place de procédures efficaces en vue de donner effet aux droits des travailleurs et de leurs représentants d'être consultés au sujet des questions et de participer aux mesures relatives à la sécurité et à la santé sur le lieu de travail.

3. Cette législation nationale devra prévoir que la fabrication, l'entreposage, le transport et l'utilisation d'explosifs et de détonateurs à la mine devront être effectués par des personnes compétentes et autorisées ou sous leur surveillance directe.

4. Cette législation devra établir:

- a) les prescriptions à suivre en matière de sauvetage dans les mines, de premiers soins ainsi que les services médicaux appropriés;
- b) l'obligation de fournir des appareils respiratoires de sauvetage individuel adéquats aux travailleurs dans les mines souterraines de charbon et, s'il y a lieu, dans d'autres mines souterraines ainsi que d'entretenir ces appareils;
- c) les mesures de protection à appliquer aux travaux miniers abandonnés en vue d'éliminer ou de réduire au minimum les risques pour la sécurité et la santé;
- d) les prescriptions visant à assurer, dans des conditions de sécurité satisfaisantes, le stockage, le transport et l'élimination des substances dangereuses utilisées dans les travaux miniers ainsi que les résidus produits à la mine;
- e) le cas échéant, l'obligation de fournir et maintenir dans un état d'hygiène satisfaisant un nombre suffisant d'équipements sanitaires et d'installations pour se laver, se changer et se nourrir.

5. Cette législation nationale devra prévoir que l'employeur responsable de la mine doit veiller à l'élaboration de plans appropriés des travaux miniers avant le début des opérations ainsi que lors de toute modification significative, et à la mise à jour périodique de ces plans qui devront être tenus à disposition sur le site de la mine.

PARTIE III. MESURES DE PRÉVENTION ET DE PROTECTION DANS LA MINE

A. RESPONSABILITÉS DES EMPLOYEURS

Article 6

En prenant les mesures de prévention et de protection prévues par cette partie de la convention, l'employeur devra évaluer les risques et les traiter selon l'ordre de priorité suivant:

- a) éliminer ces risques;
- b) les contrôler à la source;
- c) les réduire au minimum par divers moyens dont l'élaboration de méthodes de travail sûres;
- d) dans la mesure où ces risques subsistent, prévoir l'utilisation d'équipements de protection individuelle,

eu égard à ce qui est raisonnable, praticable et réalisable, ainsi qu'à ce qui est considéré comme de bonne pratique et conforme à la diligence requise.

Article 7

L'employeur devra être tenu de prendre toutes les mesures nécessaires pour éliminer ou réduire au minimum les risques pour la sécurité et la santé que présentent les mines sous son autorité, et en particulier:

- a) veiller à ce que la mine soit conçue, construite et pourvue d'un équipement électrique, mécanique et autre, y compris un système de communication, de manière que les conditions nécessaires à la sécurité de son exploitation ainsi qu'un milieu de travail salubre soient assurés;
- b) veiller à ce que la mine soit mise en service, exploitée, entretenue et déclassée de façon telle que les travailleurs puissent exécuter les tâches qui leur sont assignées sans danger pour leur sécurité et leur santé ou celles d'autres personnes;

- (c) take steps to maintain the stability of the ground in areas to which persons have access in the context of their work;
- (d) whenever practicable, provide, from every underground workplace, two exits, each of which is connected to separate means of egress to the surface;
- (e) ensure the monitoring, assessment and regular inspection of the working environment to identify the various hazards to which the workers may be exposed and to assess their level of exposure;
- (f) ensure adequate ventilation for all underground workings to which access is permitted;
- (g) in respect of zones susceptible to particular hazards, draw up and implement an operating plan and procedures to ensure a safe system of work and the protection of workers;
- (h) take measures and precautions appropriate to the nature of a mine operation to prevent, detect and combat the start and spread of fires and explosions; and
- (i) ensure that when there is serious danger to the safety and health of workers, operations are stopped and workers are evacuated to a safe location.

Article 8

The employer shall prepare an emergency response plan, specific to each mine, for reasonably foreseeable industrial and natural disasters.

Article 9

Where workers are exposed to physical, chemical or biological hazards, the employer shall:

- (a) inform the workers, in a comprehensible manner, of the hazards associated with their work, the health risks involved and relevant preventive and protective measures;
- (b) take appropriate measures to eliminate or minimize the risks resulting from exposure to those hazards;
- (c) where adequate protection against risk of accident or injury to health including exposure to adverse conditions cannot be ensured by other means, provide and maintain at no cost to the worker suitable protective equipment, clothing as necessary and other facilities defined by national laws or regulations; and
- (d) provide workers who have suffered from an injury or illness at the workplace with first aid, appropriate transportation from the workplace and access to appropriate medical facilities.

Article 10

The employer shall ensure that:

- (a) adequate training and retraining programmes and comprehensible instructions are provided for workers, at no cost to them, on safety and health matters as well as on the work assigned;
- (b) in accordance with national laws and regulations, adequate supervision and control are provided on each shift to secure the safe operation of the mine;
- (c) a system is established so that the names of all persons who are underground can be accurately known at any time, as well as their probable location;
- (d) all accidents and dangerous occurrences, as defined by national laws or regulations, are investigated and appropriate remedial action is taken; and
- (e) a report, as specified by national laws and regulations, is made to the competent authority on accidents and dangerous occurrences.

- c) prendre des dispositions pour maintenir la stabilité du terrain dans les zones auxquelles les personnes ont accès à l'occasion de leur travail;
- d) chaque fois que cela est réalisable, prévoir, à partir de tout lieu de travail souterrain, deux issues dont chacune débouche sur une voie séparée menant au jour;
- e) assurer le contrôle, l'évaluation et l'inspection périodique du milieu de travail afin d'identifier les divers dangers auxquels les travailleurs peuvent être exposés et d'évaluer le degré de cette exposition;
- f) assurer une ventilation adéquate de tous les travaux souterrains auxquels l'accès est autorisé;
- g) pour les zones exposées à des risques particuliers, élaborer et appliquer un plan d'exploitation et des procédures de nature à garantir la sécurité du système de travail et la protection des travailleurs;
- h) prendre des mesures et des précautions adaptées au type d'exploitation minière afin de prévenir, de détecter et de combattre le déclenchement et la propagation d'incendies et d'explosions;
- i) faire en sorte que les activités soient arrêtées et les travailleurs évacués vers un lieu sûr, lorsque la sécurité et la santé des travailleurs sont gravement menacées.

Article 8

L'employeur devra, pour chaque mine, préparer un plan d'action d'urgence spécifique en vue de faire face aux catastrophes industrielles et naturelles raisonnablement prévisibles.

Article 9

Lorsque des travailleurs sont exposés à des dangers d'ordre physique, chimique ou biologique, l'employeur sera tenu de :

- a) tenir les travailleurs informés, d'une manière intelligible, des dangers que présente leur travail, des risques qu'il comporte pour leur santé et des mesures de prévention et de protection applicables;
- b) prendre des mesures appropriées afin d'éliminer ou de réduire au minimum les risques résultant de cette exposition;
- c) lorsque la protection adéquate contre les risques d'accident ou d'atteinte à la santé, et notamment contre l'exposition à des conditions nuisibles, ne peut être assurée par d'autres moyens, fournir et entretenir, sans frais pour les travailleurs, des vêtements appropriés aux besoins ainsi que des équipements et autres dispositifs de protection définis par la législation nationale; et
- d) assurer aux travailleurs qui ont souffert d'une lésion ou d'une maladie sur le lieu de travail les premiers soins, des moyens adéquats de transport à partir du lieu de travail ainsi que l'accès à des services médicaux appropriés.

Article 10

L'employeur devra veiller à ce que :

- a) les travailleurs reçoivent, sans frais pour eux, une formation et un recyclage adéquats ainsi que des instructions intelligibles relatives à la sécurité et à la santé ainsi qu'aux tâches qui leur sont assignées;
- b) conformément à la législation nationale, une surveillance et un contrôle adéquats soient exercés sur chaque équipe afin qu'en cas de travail posté l'exploitation de la mine se déroule dans des conditions de sécurité;
- c) un système soit mis en place afin que puissent être connus avec précision, à tout moment, les noms de toutes les personnes qui se trouvent au fond ainsi que leur localisation probable;
- d) tous les accidents et incidents dangereux, tels que définis par la législation nationale, fassent l'objet d'une enquête, et que des mesures appropriées soient prises pour y remédier; et
- e) un rapport sur les accidents et incidents dangereux soit établi conformément à la législation nationale à l'intention de l'autorité compétente.

Article 11

On the basis of general principles of occupational health and in accordance with national laws and regulations, the employer shall ensure the provision of regular health surveillance of workers exposed to occupational health hazards specific to mining.

Article 12

Whenever two or more employers undertake activities at the same mine, the employer in charge of the mine shall coordinate the implementation of all measures concerning the safety and health of workers and shall be held primarily responsible for the safety of the operations. This shall not relieve individual employers from responsibility for the implementation of all measures concerning the safety and health of their workers.

B. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

Article 13

1. Under the national laws and regulations referred to in Article 4, workers shall have the following rights:

- (a) to report accidents, dangerous occurrences and hazards to the employer and to the competent authority;
- (b) to request and obtain, where there is cause for concern on safety and health grounds, inspections and investigations to be conducted by the employer and by the competent authority;
- (c) to know and be informed of workplace hazards that may affect their safety or health;
- (d) to obtain information, relevant to their safety or health, held by the employer or the competent authority;
- (e) to remove themselves from any location at the mine when circumstances arise which appear, with reasonable justification, to pose a serious danger to their safety or health; and
- (f) to collectively select safety and health representatives.

2. The safety and health representatives referred to in paragraph 1(f) above shall, in accordance with national laws and regulations, have the following rights:

- (a) to represent workers on all aspects of workplace safety and health, including where applicable, the exercise of the rights provided in paragraph 1 above;
- (b) to:
 - (i) participate in inspections and investigations conducted by the employer and by the competent authority at the workplace; and
 - (ii) monitor and investigate safety and health matters;
- (c) to have recourse to advisers and independent experts;
- (d) to consult with the employer in a timely fashion on safety and health matters, including policies and procedures;
- (e) to consult with the competent authority; and
- (f) to receive, relevant to the area for which they have been selected, notice of accidents and dangerous occurrences.

3. Procedures for the exercise of the rights referred to in paragraphs 1 and 2 above shall be specified:

- (a) by national laws and regulations; and
- (b) through consultations between employers and workers and their representatives.

4. National laws and regulations shall ensure that the rights referred to in paragraphs 1 and 2 above can be exercised without discrimination or retaliation.

Article 11

L'employeur devra s'assurer qu'une surveillance médicale régulière portant sur les travailleurs exposés à des risques professionnels propres aux activités minières est exercée selon les principes généraux de la médecine du travail et conformément à la législation nationale.

Article 12

Lorsque deux ou plusieurs employeurs se livrent à des activités dans la même mine, l'employeur responsable de la mine devra coordonner l'exécution de toutes les mesures relatives à la sécurité et à la santé des travailleurs et être tenu pour premier responsable de la sécurité des opérations sans que les employeurs individuels se trouvent exonérés de leur responsabilité propre en ce qui concerne la mise en œuvre de toutes les mesures relatives à la sécurité et à la santé de leurs travailleurs.

B. DROITS ET OBLIGATIONS DES TRAVAILLEURS ET DE LEURS DÉLÉGUÉS

Article 13

1. La législation nationale visée à l'article 4 devra reconnaître aux travailleurs le droit:

- a) de signaler les accidents, les incidents dangereux et les dangers à l'employeur et à l'autorité compétente;
- b) de demander et obtenir que des inspections et des enquêtes soient menées par l'employeur et l'autorité compétente lorsqu'il existe un motif de préoccupation touchant à la sécurité et la santé; et
- c) de connaître les dangers au lieu de travail susceptibles de nuire à leur sécurité ou à leur santé et d'en être informés;
- d) d'obtenir les informations en possession de l'employeur ou de l'autorité compétente relatives à leur sécurité ou à leur santé;
- e) de s'écarter de tout endroit dans la mine lorsqu'il y a des motifs raisonnables de penser qu'il existe une situation présentant un danger sérieux pour leur sécurité ou leur santé; et
- f) de choisir collectivement des délégués à la sécurité et à la santé.

2. Les délégués des travailleurs à la sécurité et à la santé visés au paragraphe 1f) ci-dessus devront se voir reconnaître, conformément à la législation nationale, le droit:

- a) de représenter les travailleurs pour tout ce qui touche à la sécurité et à la santé sur le lieu de travail, y compris selon le cas d'exercer les droits mentionnés au paragraphe 1 ci-dessus;
- b) de:
 - i) participer aux inspections et aux enquêtes qui sont menées par l'employeur et par l'autorité compétente sur le lieu de travail;
 - ii) procéder à une surveillance et à des enquêtes relatives à la sécurité et la santé;
- c) de faire appel à des conseillers et à des experts indépendants;
- d) de tenir en temps opportun des consultations avec l'employeur au sujet des questions relatives à la sécurité et à la santé, y compris les politiques et procédures en la matière;
- e) de tenir des consultations avec l'autorité compétente; et
- f) de recevoir notification des accidents ainsi que des incidents dangereux, intéressant le secteur pour lequel ils ont été sélectionnés.

3. Les procédures relatives à l'exercice des droits visés aux paragraphes 1 et 2 ci-dessus seront précisées:

- a) par la législation nationale, ainsi que
- b) par le biais des consultations entre les employeurs et les travailleurs et leurs représentants.

4. La législation nationale devra faire en sorte que les droits visés aux paragraphes 1 et 2 ci-dessus puissent être exercés sans discrimination ni représailles.

Article 14

Under national laws and regulations, workers shall have the duty, in accordance with their training:

- (a) to comply with prescribed safety and health measures;
- (b) to 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, including the proper care and use of protective clothing, facilities and equipment placed at their disposal for this purpose;
- (c) to report forthwith to their immediate supervisor any situation which they believe could present a risk to their safety or health or that of other persons, and which they cannot properly deal with themselves; and
- (d) to cooperate with the employer to permit compliance with the duties and responsibilities placed on the employer pursuant to the Convention.

C. COOPERATION

Article 15

Measures shall be taken, in accordance with national laws and regulations, to encourage cooperation between employers and workers and their representatives to promote safety and health in mines.

PART IV. IMPLEMENTATION

Article 16

The 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; and
- (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 tasks.

PART V. FINAL PROVISIONS

Article 17

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

Article 18

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 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 12 months after the date on which its ratification has been registered.

Article 19

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

Article 14

La législation nationale devra prévoir que, suivant leur formation, les travailleurs soient soumis à l'obligation :

- a) de se conformer aux mesures prescrites en matière de sécurité et de santé;
- b) de prendre raisonnablement soin de leur propre sécurité et de leur propre santé ainsi que de celles d'autres personnes susceptibles d'être affectées par leurs actes ou leurs omissions au travail, y compris en utilisant correctement les moyens, vêtements de protection et équipements mis à leur disposition à cet effet et veillant à en prendre soin;
- c) de signaler immédiatement à leur supérieur direct toute situation pouvant à leur avis présenter un risque pour leur sécurité ou leur santé ou celles d'autres personnes et à laquelle ils ne sont pas eux-mêmes en mesure de faire face convenablement;
- d) de coopérer avec l'employeur afin de faire en sorte que les obligations et responsabilités qui sont à la charge de ce dernier en vertu de la convention soient respectées.

C. COOPÉRATION

Article 15

Des mesures devront être prises, conformément à la législation nationale, pour encourager la coopération entre les employeurs et les travailleurs et leurs représentants en vue de promouvoir la sécurité et la santé dans les mines.

PARTIE IV. APPLICATION

Article 16

Le Membre devra :

- a) adopter toutes les mesures nécessaires, y compris les sanctions et les mesures correctives appropriées, afin d'assurer l'application effective des dispositions de la convention; et
- b) mettre en place des services d'inspection appropriés afin de contrôler l'application des mesures à prendre conformément à la convention, et doter ces services des ressources nécessaires pour l'accomplissement de leurs tâches.

PARTIE V. DISPOSITIONS FINALES

Article 17

Les ratifications formelles de la présente convention seront communiquées au Directeur général du Bureau international du Travail et par lui enregistrées.

Article 18

1. La présente convention ne liera que les Membres de l'Organisation internationale du Travail dont la ratification aura été enregistrée par le Directeur général du Bureau international du Travail.

2. Elle entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général.

3. Par la suite, cette convention entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée.

Article 19

1. Tout Membre ayant ratifié la présente convention peut la dénoncer à l'expiration d'une période de dix années après la date de la mise en vigueur initiale de la convention, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié la présente convention qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe

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 20

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 21

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 the Director-General in accordance with the provisions of the preceding Articles.

Article 22

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 23

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 19 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 24

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

précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer la présente convention à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 20

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations qui lui seront communiquées par les Membres de l'Organisation.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification qui lui aura été communiquée, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle la présente convention entrera en vigueur.

Article 21

Le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes ratifications et de tous actes de dénonciation qu'il aura enregistrés conformément aux articles précédents.

Article 22

Chaque fois qu'il le jugera nécessaire, le Conseil d'administration du Bureau international du Travail présentera à la Conférence générale un rapport sur l'application de la présente convention et examinera s'il y a lieu d'inscrire à l'ordre du jour de la Conférence la question de sa révision totale ou partielle.

Article 23

1. Au cas où la Conférence adopterait une nouvelle convention portant révision totale ou partielle de la présente convention, et à moins que la nouvelle convention ne dispose autrement :

- a) la ratification par un Membre de la nouvelle convention portant révision entraînerait de plein droit, nonobstant l'article 19 ci-dessus, dénonciation immédiate de la présente convention, sous réserve que la nouvelle convention portant révision soit entrée en vigueur ;
- b) à partir de la date de l'entrée en vigueur de la nouvelle convention portant révision, la présente convention cesserait d'être ouverte à la ratification des Membres.

2. La présente convention demeurerait en tout cas en vigueur dans sa forme et teneur pour les Membres qui l'auraient ratifiée et qui ne ratifieraient pas la convention portant révision.

Article 24

Les versions française et anglaise du texte de la présente convention font également foi.

Recommendation 183

RECOMMENDATION CONCERNING SAFETY AND HEALTH IN MINES

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office, and having met in its Eighty-second Session on 6 June 1995,
and

Noting the relevant international labour Conventions and Recommendations
and, in particular, the Abolition of Forced Labour Convention, 1957; the
Radiation Protection Convention and Recommendation, 1960; the Guard-
ing of Machinery Convention and Recommendation, 1963; the Employment
Injury Benefits Convention and Recommendation, 1964; the Minimum Age
(Underground Work) Convention and Recommendation, 1965; the Medical
Examination of Young Persons (Underground Work) Convention, 1965; the
Working Environment (Air Pollution, Noise and Vibration) Convention
and Recommendation, 1977; the Occupational Safety and Health Conven-
tion and Recommendation, 1981; the Occupational Health Services Conven-
tion and Recommendation, 1985; the Asbestos Convention and Recommen-
dation, 1986; the Safety and Health in Construction Convention and
Recommendation, 1988; the Chemicals Convention and Recommendation,
1990; and the Prevention of Major Industrial Accidents Convention and
Recommendation, 1993, and

Considering that workers have a need for, and a right to, information, training
and genuine consultation on, and participation in the preparation and imple-
mentation of safety and health measures concerning the hazards and risks
they face in the mining industry, and

Recognizing that it is desirable to prevent any fatalities, injuries or ill health
affecting workers or members of the public or damage to the environment
arising from mining operations, and

Having regard to the need for cooperation between the International Labour
Organization, the World Health Organization, the International Atomic
Energy Agency and other relevant institutions and noting the relevant
instruments, codes of practice, codes and guidelines issued by these
organizations, and

Having decided upon the adoption of certain proposals with regard to safety
and health in mines, which is the fourth item on the agenda of the session,
and

Having determined that these proposals shall take the form of a Recommen-
dation supplementing the Safety and Health in Mines Convention;

adopts this twenty-second day of June of the year one thousand nine hundred and
ninety-five the following Recommendation, which may be cited as the Safety and
Health in Mines Recommendation, 1995:

I. GENERAL PROVISIONS

1. The provisions of this Recommendation supplement those of the Safety and
Health in Mines Convention, 1995 (hereafter referred to as "the Convention"),
and should be applied in conjunction with them.

2. This Recommendation applies to all mines.

3. (1) In the light of national conditions and practice and after consultation
with the most representative organizations of employers and workers concerned, a
Member should formulate, carry out and periodically review a coherent policy on
safety and health in mines.

(2) The consultations provided for by Article 3 of the Convention should in-
clude consultations with the most representative organizations of employers and

**RECOMMANDATION CONCERNANT
LA SÉCURITÉ ET LA SANTÉ DANS LES MINES**

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie le 6 juin 1995 en sa quatre-vingt-deuxième
session;

Notant les conventions et recommandations internationales du travail pertinentes, en particulier la convention sur l'abolition du travail forcé, 1957; la convention et la recommandation sur la protection contre les radiations, 1960; la convention et la recommandation sur la protection des machines, 1963; la convention et la recommandation concernant les prestations en cas d'accidents du travail et de maladies professionnelles, 1964; la convention et la recommandation sur l'âge minimum (travaux souterrains), 1965; la convention sur l'examen médical des adolescents (travaux souterrains), 1965; la convention et la recommandation sur le milieu de travail (pollution de l'air, bruit et vibrations), 1977; la convention et la recommandation sur la sécurité et la santé des travailleurs, 1981; la convention et la recommandation sur les services de santé au travail, 1985; la convention et la recommandation sur l'amiante, 1986; la convention et la recommandation sur la sécurité et la santé dans la construction, 1988; la convention et la recommandation sur les produits chimiques, 1990, et la convention et la recommandation sur la prévention des accidents industriels majeurs, 1993;

Considérant le besoin et le droit que les travailleurs ont d'être informés, d'être formés et consultés de manière effective ainsi que de participer à la préparation et la mise en œuvre de mesures relatives à la sécurité et à la santé au sujet des dangers et des risques auxquels ils sont exposés dans l'industrie minière;

Reconnaissant qu'il est souhaitable de prévenir tout accident mortel, lésion ou atteinte à la santé que pourraient subir les travailleurs ou la population, ainsi que les dommages à l'environnement qui peuvent résulter de l'exploitation minière;

Tenant compte de la nécessité d'une coopération entre l'Organisation internationale du Travail, l'Organisation mondiale de la santé, l'Agence internationale de l'énergie atomique et les autres institutions compétentes, et notant les instruments, recueils de directives pratiques; codes et directives pertinents publiés par ces organisations;

Après avoir décidé d'adopter diverses propositions relatives à la sécurité et à la santé dans les mines, question qui constitue le quatrième point de l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'une recommandation complétant la convention concernant la sécurité et la santé dans les mines,

adopte, ce vingt-deuxième jour de juin mil neuf cent quatre-vingt quinze, la recommandation ci-après, qui sera dénommée Recommandation sur la sécurité et la santé dans les mines, 1995.

I. DISPOSITIONS GÉNÉRALES

1. Les dispositions de la présente recommandation complètent celles de la convention sur la sécurité et la santé dans les mines, 1995 (ci-après dénommée «la convention»), et devraient s'appliquer conjointement avec celles-ci.

2. La présente recommandation s'applique à toutes les mines.

3. (1) Tout Membre devrait, en tenant compte des conditions et de la pratique nationales, et après consultation avec les organisations les plus représentatives d'employeurs et de travailleurs intéressées, formuler et mettre en œuvre une politique cohérente en matière de sécurité et de santé dans les mines et la revoir périodiquement.

(2) Les consultations prévues à l'article 3 de la convention devraient inclure des consultations avec les organisations d'employeurs et de travailleurs les plus

workers on the effect of the length of working hours, night work and shift work on workers' safety and health. After such consultations, the Member should take the necessary measures in relation to working time and, in particular, to maximum daily working hours and minimum daily rest periods.

4. The competent authority should have properly qualified and trained staff with the appropriate skills, and sufficient technical and professional support, to inspect, investigate, assess and advise on the matters dealt with in the Convention and to ensure compliance with national laws and regulations.

5. Measures should be taken to encourage and promote:

- (a) research into and exchange of information on safety and health in mines at the national and international level;
- (b) specific assistance by the competent authority to small mines with a view to:
 - (i) assisting in transfer of technical know-how;
 - (ii) establishing preventive safety and health programmes; and
 - (iii) encouraging cooperation and consultation between employers and workers and their representatives; and
- (c) programmes or systems for the rehabilitation and reintegration of workers who have sustained occupational injuries or illnesses.

6. Requirements relating to the supervision of safety and health in mines pursuant to Article 5, paragraph 2, of the Convention should, where appropriate, include those concerning:

- (a) certification and training;
- (b) inspection of the mine, mining equipment and installations;
- (c) supervision of the handling, transportation, storage and use of explosives and of hazardous substances used or produced in the mining process;
- (d) performance of work on electrical equipment and installations; and
- (e) supervision of workers.

7. Requirements pursuant to Article 5, paragraph 4, of the Convention, could provide that the suppliers of equipment, appliances, hazardous products and substances to the mine should ensure their compliance with national standards on safety and health, label products clearly and provide comprehensible information and instructions.

8. Requirements relating to mine rescue and first aid pursuant to Article 5, paragraph 4(a), of the Convention and to appropriate medical facilities for emergency care could cover:

- (a) organizational arrangements;
- (b) equipment to be provided;
- (c) standards for training;
- (d) training of workers and participation in drills;
- (e) the appropriate number of trained persons to be available;
- (f) an appropriate communication system;
- (g) an effective system to give warning of danger;
- (h) provision and maintenance of means of escape and rescue;
- (i) establishment of a mine rescue team or teams;
- (j) periodic medical assessment of suitability of, and regular training for, the persons on the mine rescue team or teams;
- (k) medical attention and transportation to receive medical attention, both at no cost to workers who have suffered an injury or illness at the workplace;
- (l) coordination with local authorities;
- (m) measures to promote international cooperation in this field.

9. Requirements pursuant to Article 5, paragraph 4(b), of the Convention, could cover the specifications and standards of the type of self-rescuers to be

représentatives quant aux répercussions de la durée du travail, du travail de nuit et du travail posté sur la sécurité et la santé des travailleurs. Au terme de ces consultations, le Membre devrait prendre les mesures nécessaires relatives aux horaires de travail, et en particulier à la durée maximale journalière du travail et à la durée minimale des périodes de repos journalier.

4. L'autorité compétente devrait pouvoir compter sur un personnel dûment qualifié, formé et compétent, disposant d'appuis techniques et professionnels suffisants pour inspecter, enquêter, fournir une évaluation et des conseils au sujet des questions traitées dans la convention, et assurer le respect de la législation nationale.

5. Des mesures devraient être prises pour encourager et promouvoir:

- a) la recherche et l'échange d'informations, aux niveaux national et international, sur la sécurité et la santé dans les mines;
- b) l'octroi d'une assistance spécifique aux petites entreprises minières par l'autorité compétente, en vue:
 - i) d'aider au transfert de connaissances techniques;
 - ii) d'instaurer des programmes de sécurité et de santé préventifs; et
 - iii) de promouvoir la coopération et les consultations entre les employeurs et les travailleurs et leurs représentants; et
- c) des programmes ou des systèmes de rééducation et de réintégration des travailleurs victimes d'une lésion ou d'une maladie professionnelle.

6. Les dispositions relatives à la surveillance de la sécurité et de la santé dans les mines prévues à l'article 5, paragraphe 2, de la convention devraient, lorsqu'il y a lieu, comprendre des prescriptions concernant:

- a) l'habilitation et la formation des personnes;
- b) l'inspection de la mine, de ses équipements et installations;
- c) l'organisation et le contrôle de la manutention, du transport, du stockage et de l'utilisation des explosifs ainsi que des substances dangereuses utilisées ou produites au cours des travaux miniers;
- d) les travaux relatifs aux équipements et aux installations électriques; et
- e) l'encadrement des travailleurs.

7. Les prescriptions prévues à l'article 5, paragraphe 4, de la convention pourraient prévoir que les fournisseurs d'équipements, d'accessoires et de produits et substances dangereux à la mine devraient être tenus de veiller à leur conformité avec les normes de sécurité et de santé nationales, d'étiqueter clairement les produits et de fournir des instructions et des informations intelligibles.

8. Les prescriptions relatives au sauvetage dans les mines et aux premiers soins visées à l'article 5, paragraphe 4 a), de la convention ainsi qu'aux installations médicales appropriées pour les cas d'urgence pourraient porter notamment sur:

- a) les mesures d'organisation;
- b) l'équipement à fournir;
- c) les normes de formation;
- d) la formation des travailleurs et leur participation à des exercices;
- e) le nombre requis de personnes formées qui devraient être disponibles;
- f) un système de communication approprié;
- g) un système d'alarme efficace pour avertir du danger;
- h) l'aménagement et l'entretien de dispositifs d'évacuation et de secours;
- i) la constitution d'une équipe ou d'équipes de sauvetage dans la mine;
- j) un examen médical d'aptitude périodique et des exercices réguliers pour la ou les équipes;
- k) des soins médicaux ainsi que le transport vers ces soins des travailleurs victimes de blessures ou de maladies sur le lieu de travail, dans les deux cas sans frais pour eux;
- l) la coordination avec les autorités locales;
- m) les mesures destinées à promouvoir la coopération internationale dans ce domaine.

9. Les prescriptions prévues à l'article 5, paragraphe 4 b), de la convention pourraient porter sur les spécifications et normes du type d'appareils respiratoires

provided and, in particular, in the case of mines susceptible to gas outbursts and other mines where appropriate, the provision of self-contained respiratory devices.

10. National laws and regulations should prescribe measures for the safe use and maintenance of remote control equipment.

11. National laws and regulations should specify that the employer should take appropriate measures for the protection of workers working alone or in isolation.

II. PREVENTIVE AND PROTECTIVE MEASURES AT THE MINE

12. Employers should undertake hazard assessment and risk analysis and then develop and implement, where appropriate, systems to manage the risk.

13. In order to maintain the stability of the ground, in accordance with Article 7(c) of the Convention, the employer should take all appropriate measures to:

- (a) monitor and control the movement of strata;
- (b) as may be necessary, provide effective support of the roof, sides and floor of the mine workings, except for those areas where the mining methods selected allow for the controlled collapse of the ground;
- (c) monitor and control the sides of surface mines to prevent material from falling or sliding into the pit and endangering workers; and
- (d) ensure that dams, lagoons, tailings and other such impoundments are adequately designed, constructed and controlled to prevent dangers from sliding material or collapse.

14. Pursuant to Article 7(d) of the Convention, separate means of egress should be as independent of each other as possible; arrangements should be made and equipment provided for the safe evacuation of workers in case of danger.

15. Pursuant to Article 7(f) of the Convention, all underground mine workings to which workers have access, and other areas as necessary, should be ventilated in an appropriate manner to maintain an atmosphere:

- (a) in which the risk of explosions is eliminated or minimized;
- (b) in which working conditions are adequate, having regard to the working method being used and the physical demands placed on the workers; and
- (c) that complies with national standards on dusts, gases, radiation and climatic conditions; where national standards do not exist, the employer should give consideration to international standards.

16. The particular hazards referred to in Article 7(g) of the Convention requiring an operating plan and procedures might include:

- (a) mine fires and explosions;
- (b) gas outbursts;
- (c) rockbursts;
- (d) an inrush of water or semi-solids;
- (e) rockfalls;
- (f) susceptibility of areas to seismic movements;
- (g) hazards related to work carried out near dangerous openings or under particularly difficult geological circumstances;
- (h) loss of ventilation.

17. Measures that employers could take pursuant to Article 7(h) of the Convention should include, where applicable, prohibiting persons from carrying underground any item, object or substance which could initiate a fire, explosion or dangerous occurrence.

18. Pursuant to Article 7(i) of the Convention, mine facilities should include, where appropriate, sufficient fireproof and self-contained chambers to provide

de sauvetage à fournir et, notamment dans le cas des mines sujettes à des dégagements instantanés de gaz ou d'autres mines où cela peut être approprié, prévoir la fourniture d'appareils respiratoires autonomes.

10. La législation nationale devrait prescrire des mesures propres à assurer l'utilisation et l'entretien sans danger des équipements de contrôle à distance.

11. La législation nationale devrait spécifier que l'employeur devrait prendre les mesures propres à assurer la protection des travailleurs qui travaillent seuls ou de façon isolée.

II. MESURES DE PRÉVENTION ET DE PROTECTION À LA MINE

12. Les employeurs devraient procéder à des évaluations des dangers et à des analyses de risques et, sur cette base, élaborer et mettre en œuvre, s'il y a lieu, des systèmes de gestion de ces risques.

13. En vue d'assurer la stabilité du terrain, ainsi qu'il est prévu à l'article 7 c) de la convention, l'employeur devrait prendre toutes les mesures appropriées pour :

- a) surveiller et contrôler les mouvements de terrain ;
- b) le cas échéant, réaliser un soutènement effectif du toit, des parements et du sol des travaux miniers, sauf aux endroits où les méthodes d'extraction choisies permettent un affaissement maîtrisé du terrain ;
- c) surveiller et contrôler les parements des mines à ciel ouvert afin d'empêcher que les matériaux chutent ou glissent dans l'excavation et mettent en danger les travailleurs ; et
- d) faire en sorte que les barrages, bassins de décantation, dépôts de résidus et autres dispositifs similaires soient convenablement conçus, construits et contrôlés afin de prévenir les dangers qui résultent de glissements de matériaux ou d'effondrements.

14. Les voies séparées prévues à l'article 7 d) de la convention devraient être aussi indépendantes l'une de l'autre que possible, et des arrangements et équipements spéciaux devraient être prévus pour assurer une évacuation sûre des travailleurs en cas de danger.

15. En application de l'article 7 f) de la convention, tous les travaux miniers souterrains auxquels les travailleurs ont accès, ainsi que d'autres zones s'il y a lieu, devraient être ventilés de manière appropriée afin d'y maintenir une atmosphère :

- a) où le risque d'explosion soit éliminé ou réduit au minimum ;
- b) dans laquelle les conditions de travail sont satisfaisantes, compte tenu de la méthode de travail utilisée et de l'effort physique requis des travailleurs ; et
- c) dont la qualité soit conforme aux normes nationales relatives aux poussières, gaz, radiations et conditions climatiques ; lorsque des normes nationales n'existent pas, l'employeur devrait prendre en considération les normes internationales.

16. Les risques particuliers mentionnés à l'article 7 g) de la convention qui exigent un plan d'exploitation et des procédures y relatives pourraient comprendre :

- a) les incendies et les explosions dans les mines ;
- b) les dégagements instantanés de gaz ;
- c) les coups de terrain ;
- d) l'irruption d'eau ou de matières semi-solides ;
- e) les éboulements ;
- f) le risque de mouvements sismiques dans la zone ;
- g) les risques liés à des travaux effectués à proximité d'ouvertures dangereuses ou dans des conditions géologiques particulièrement difficiles ;
- h) une défaillance de la ventilation.

17. Les mesures que les employeurs devraient prendre pour mettre en œuvre l'article 7 h) de la convention devraient, le cas échéant, inclure l'interdiction d'emporter au fond tout article, objet ou substance susceptibles de provoquer un incendie, une explosion ou un incident dangereux.

18. Conformément à l'article 7 i) de la convention, les installations minières devraient, lorsque cela est approprié, être dotées d'un nombre suffisant de refuges

refuge for workers in the event of an emergency. The self-contained chambers should be easily identifiable and accessible, particularly when visibility is poor.

19. The emergency response plan referred to in Article 8 of the Convention might include:

- (a) effective site emergency plans;
- (b) provision for the cessation of work and evacuation of the workers in an emergency;
- (c) adequate training in emergency procedures and in the use of equipment;
- (d) adequate protection of the public and the environment;
- (e) provision of information to, and consultation with, appropriate bodies and organizations.

20. The hazards referred to in Article 9 of the Convention might include:

- (a) airborne dusts;
- (b) flammable, toxic, noxious and other mine gases;
- (c) fumes and hazardous substances;
- (d) exhaust fumes from diesel engines;
- (e) oxygen deficiency;
- (f) radiation from rock strata, equipment or other sources;
- (g) noise and vibration;
- (h) extreme temperatures;
- (i) high levels of humidity;
- (j) insufficient lighting or ventilation;
- (k) hazards related to work carried out at high altitudes or extreme depths, or in confined spaces;
- (l) hazards associated with manual handling;
- (m) hazards related to mechanical equipment and electrical installations;
- (n) hazards resulting from a combination of any of the above.

21. Measures pursuant to Article 9 of the Convention might include:

- (a) technical and organizational measures applied to relevant mining activities or to the plant, machinery, equipment, appliances or structures;
- (b) where it is not possible to have recourse to the measures referred to in (a) above, other effective measures, including the use of personal protective equipment and protective clothing at no cost to the worker;
- (c) where reproductive health hazards and risks have been identified, training and special technical and organizational measures, including the right to alternative work, where appropriate, without any loss of salary, especially during health risk periods such as pregnancy and breast-feeding;
- (d) regular monitoring and inspection of areas where hazards are present or likely to be present.

22. The types of protective equipment and facilities referred to in Article 9(c) of the Convention could include:

- (a) roll-over and falling object protective structures;
- (b) equipment seat belts and harnesses;
- (c) fully enclosed pressurized cabins;
- (d) self-contained rescue chambers;
- (e) emergency showers and eye wash stations.

23. In implementing Article 10(b) of the Convention, employers should:

- (a) ensure appropriate inspections of each workplace at the mine, and in particular, of the atmosphere, ground conditions, machinery, equipment and appliances therein, including where necessary pre-shift inspections; and

incombustibles et autonomes pour abriter les travailleurs des mines en cas d'urgence. Ces refuges devraient être facilement identifiables et accessibles, en particulier lorsque la visibilité est faible.

19. Le plan d'action d'urgence mentionné à l'article 8 de la convention pourrait comporter:

- a) des plans d'urgence efficaces sur site;
- b) des dispositions pour l'arrêt du travail et l'évacuation des travailleurs en cas d'urgence;
- c) une formation appropriée relative aux procédures d'urgence et à l'utilisation des équipements;
- d) une protection appropriée de la population et de l'environnement;
- e) l'information et la consultation des organes et organisations idoines.

20. Les dangers mentionnés à l'article 9 de la convention pourraient inclure:

- a) les poussières en suspension;
- b) les gaz de mine inflammables, toxiques, délétères et autres;
- c) les vapeurs et les substances dangereuses;
- d) les gaz d'échappement des moteurs;
- e) le manque d'oxygène;
- f) la radioactivité émanant de roches, d'équipements ou d'autres sources;
- g) le bruit et les vibrations;
- h) les températures extrêmes;
- i) les niveaux élevés d'humidité;
- j) un éclairage ou une ventilation insuffisants;
- k) les risques liés aux travaux effectués à haute altitude, à des profondeurs extrêmes ou dans des espaces confinés;
- l) les risques liés à la manutention;
- m) les risques liés aux équipements mécaniques et aux installations électriques;
- n) les risques découlant de la conjugaison de deux ou plusieurs dangers énumérés ci-dessus.

21. Les mesures prévues à l'article 9 de la convention pourraient comprendre:

- a) des mesures techniques et d'organisation s'appliquant aux activités minières visées ou aux installations, aux machines, à l'équipement, aux accessoires ou aux structures;
- b) lorsqu'il n'est pas possible d'avoir recours aux mesures mentionnées à l'alinéa a) ci-dessus, d'autres dispositions efficaces, y compris le recours à des équipements de protection individuelle et à des vêtements de protection, sans frais pour le travailleur;
- c) lorsque des dangers et des risques génésiques ont été identifiés, une formation et l'adoption de mesures techniques et d'organisation spéciales y compris, le cas échéant, le droit d'obtenir d'autres tâches sans perte de salaire, en particulier au cours des périodes de risques pour la santé, telles que la grossesse et l'allaitement;
- d) la surveillance et l'inspection régulières des zones où les dangers existent ou sont susceptibles d'exister.

22. Les équipements et dispositifs de protection visés dans l'article 9 c) de la convention pourraient inclure:

- a) des structures de protection contre le basculement ou la chute d'objets;
- b) des ceintures et harnais de sécurité;
- c) des cabines pressurisées étanches;
- d) des refuges autonomes;
- e) des douches de secours et des fontaines oculaires.

23. En appliquant l'article 10 b) de la convention, les employeurs devraient:

- a) veiller, y compris, le cas échéant, avant le début du poste, à l'inspection appropriée de chaque lieu de travail dans la mine et, en particulier, de l'atmosphère, des conditions du terrain, des machines, des équipements et des accessoires qui s'y trouvent; et

- (b) keep written records of inspections, defects and corrective measures and make such records available at the mine.

24. Where appropriate, the health surveillance referred to in Article 11 of the Convention should, at no cost to the worker and without any discrimination or retaliation whatsoever:

- (a) provide the opportunity to undergo medical examination related to the requirements of the tasks to be performed, prior to or just after commencing employment and thereafter on a continuing basis; and
- (b) provide, where possible, for reintegration or rehabilitation of workers unable to undertake their normal duties due to occupational injury or illness.

25. Pursuant to Article 5, paragraph 4(e), of the Convention, employers should where appropriate, provide and maintain at no cost to the worker:

- (a) sufficient and suitable toilets, showers, wash-basins and changing facilities which are, where appropriate, gender-specific;
- (b) adequate facilities for the storage, laundering and drying of clothes;
- (c) adequate supplies of potable drinking-water in suitable places; and
- (d) adequate and hygienic facilities for taking meals.

III. RIGHTS AND DUTIES OF WORKERS AND THEIR REPRESENTATIVES

26. Pursuant to Article 13 of the Convention, workers and their safety and health representatives should receive or have access to, where appropriate, information which should include:

- (a) where practicable, notice of any safety or health related visit to the mine by the competent authority;
- (b) reports of inspections conducted by the competent authority or the employer, including inspections of machinery or equipment;
- (c) copies of orders or instructions issued by the competent authority in respect of safety and health matters;
- (d) reports of accidents, injuries, instances of ill health and other occurrences affecting safety and health prepared by the competent authority or the employer;
- (e) information and notices on all hazards at work including hazardous, toxic or harmful materials, agents or substances used at the mine;
- (f) any other documentation concerning safety and health that the employer is required to maintain;
- (g) immediate notification of accidents and dangerous occurrences; and
- (h) any health studies conducted in respect of hazards present in the workplace.

27. Provisions to be made pursuant to Article 13, paragraph 1(e), of the Convention could include requirements for:

- (a) notification of supervisors and safety and health representatives of the danger referred to in that provision;
- (b) participation by senior representatives of the employer and representatives of the workers in endeavouring to resolve the issue;
- (c) participation, where necessary, by a representative of the competent authority to assist in resolution of the issue;
- (d) non-loss of pay for the worker and, where appropriate, assignment to suitable alternative work;
- (e) notification, to be given to any worker who is requested to perform work in the area concerned, of the fact that another worker has refused to work there and of the reasons therefor.

- b) tenir un registre des inspections effectuées, des défauts et des mesures correctives prises et le tenir à disposition dans la mine.

24. Le cas échéant, la surveillance médicale prévue à l'article 11 de la convention devrait, sans frais pour le travailleur et sans qu'il puisse faire l'objet de quelques discrimination ou représailles que ce soit :

- a) inclure la possibilité de subir un examen médical en fonction des exigences inhérentes aux tâches à effectuer, avant le début de l'emploi ou juste après et, par la suite, de manière régulière;
- b) inclure, lorsque cela est possible, la réintégration ou la réadaptation des travailleurs incapables d'effectuer leurs tâches habituelles en raison d'une lésion ou d'une maladie professionnelles.

25. Conformément à l'article 5 paragraphe 4 e) de la convention, les employeurs devraient, lorsqu'il y a lieu, fournir et maintenir en bon état, sans frais pour les travailleurs :

- a) des toilettes, douches, lavabos, ainsi que des installations pour changer de vêtements, adaptés et en nombre suffisant, à l'usage séparé des hommes et des femmes;
- b) des installations appropriées pour ranger, laver et sécher les vêtements;
- c) un volume suffisant d'eau potable à des endroits appropriés;
- d) des locaux appropriés et hygiéniques pour prendre les repas.

III. DROITS ET OBLIGATIONS DES TRAVAILLEURS ET DE LEURS DÉLÉGUÉS

26. En application de l'article 13 de la convention, les travailleurs et leurs délégués à la sécurité et la santé devraient recevoir ou avoir accès, selon le cas, à l'information qui devrait inclure :

- a) lorsque cela est possible, la notification de toute visite à la mine qui se rapporte à la sécurité et à la santé d'un représentant de l'autorité compétente;
- b) les rapports sur les inspections menées par l'autorité compétente ou par l'employeur, y compris les inspections des machines ou des équipements;
- c) des copies des injonctions ou instructions émanant de l'autorité compétente en matière de sécurité et de santé;
- d) les rapports, établis par l'autorité compétente ou par l'employeur, sur les accidents, les lésions, les cas de détérioration de la santé et autres incidents qui concernent la sécurité et la santé;
- e) des informations et notifications relatives à tous les dangers du travail, y compris les matériaux, substances ou agents dangereux, toxiques ou nocifs utilisés à la mine;
- f) toute autre documentation concernant la sécurité et la santé que l'employeur doit conserver;
- g) la notification immédiate des accidents et autres incidents dangereux; et
- h) toutes les études de santé menées sur les dangers qui existent sur le lieu de travail.

27. Les dispositions visant à mettre en œuvre l'article 13, paragraphe 1 e), de la convention pourraient prévoir :

- a) la notification du danger visé à cet alinéa aux supérieurs et aux délégués à la sécurité et à la santé;
- b) la participation de représentants confirmés de l'employeur et de délégués des travailleurs à la recherche d'une solution;
- c) si nécessaire, la participation d'un représentant de l'autorité compétente pour aider à la recherche d'une solution;
- d) le maintien du salaire pour le travailleur et, s'il y a lieu, son affectation à d'autres tâches appropriées;
- e) la notification à tout travailleur auquel il est demandé d'effectuer un travail dans la zone en question du fait qu'un autre travailleur a refusé d'y travailler et des raisons du refus.

28. Pursuant to Article 13, paragraph 2, of the Convention, the rights of safety and health representatives should include, where appropriate, the right:

- (a) to appropriate training during working time, without loss of pay, on their rights and functions as safety and health representatives and on safety and health matters;
- (b) of access to appropriate facilities necessary to perform their functions;
- (c) to receive their normal pay for all time spent exercising their rights and performing their functions as safety and health representatives; and
- (d) to assist and advise workers who have removed themselves from a workplace because they believe their safety or health has been endangered.

29. Safety and health representatives should, where appropriate, give reasonable notice to the employer of their intention to monitor or investigate safety and health matters, as provided for in Article 13, paragraph 2(b)(ii), of the Convention.

30. (1) All persons should have a duty to:

- (a) refrain from arbitrarily disconnecting, changing or removing safety devices fitted to machinery, equipment, appliances, tools, plant and buildings; and
- (b) use such safety devices correctly.

(2) Employers should have a duty to provide workers with appropriate training and instructions so as to enable them to comply with the duties described in subparagraph (1) above.

IV. COOPERATION

31. Measures to encourage cooperation as provided for in Article 15 of the Convention should include:

- (a) the establishment of cooperative mechanisms, such as safety and health committees, with equal representation of employers and workers and having such powers and functions as may be prescribed, including powers to conduct joint inspections;
- (b) the appointment by the employer of suitably qualified and experienced persons to promote safety and health;
- (c) the training of workers and their safety and health representatives;
- (d) the provision of ongoing safety and health awareness programmes for workers;
- (e) the ongoing exchange of information and experience on safety and health in mines;
- (f) the consultation of workers and their representatives by the employer in establishing safety and health policy and procedures; and
- (g) the inclusion, by the employer, of workers' representatives in the investigation of accidents and dangerous occurrences, as provided for in Article 10(d) of the Convention.

V. OTHER PROVISIONS

32. There should be no discrimination or retaliation against any worker who exercises rights provided by national laws and regulations or agreed upon by the employers, workers and their representatives.

33. Due regard should be given to the possible impact of mining activity on the surrounding environment and on the safety of the public. In particular, this should include the control of subsidence, vibration, fly-rock, harmful contaminants in the water, air or soil, the safe and effective management of waste tips and the rehabilitation of mine sites.

28. En application de l'article 13, paragraphe 2, de la convention, les droits reconnus aux délégués des travailleurs à la sécurité et à la santé devraient inclure, le cas échéant :

- a) le droit à une formation appropriée pendant le temps de travail, sans perte de salaire, pour connaître leurs droits et leurs fonctions en tant que délégués à la sécurité et la santé et se familiariser avec les questions relatives à la sécurité et à la santé ;
- b) celui de disposer d'installations appropriées nécessaires pour s'acquitter de leurs fonctions ;
- c) celui de recevoir leur salaire normal pour tout le temps qu'ils consacrent à l'exercice de leurs droits et de leurs fonctions en tant que délégués à la sécurité et à la santé ;
- d) celui d'aider et de conseiller les travailleurs qui se sont écartés d'un lieu de travail parce qu'ils estimaient que leur sécurité ou leur santé y étaient en danger.

29. Les délégués à la sécurité et à la santé devraient, lorsque cela est approprié, avertir suffisamment à l'avance l'employeur de leur intention de procéder aux opérations de surveillance ou aux enquêtes relatives à la sécurité et à la santé prévues à l'article 13, paragraphe 2 b)ii), de la convention.

30. (1) Toute personne devrait être tenue :

- a) de s'abstenir de débrancher, changer ou ôter de manière arbitraire les dispositifs de sécurité qui équipent les machines, les équipements, les accessoires, les outils, les installations et les bâtiments ;
- b) d'utiliser correctement ces dispositifs de sécurité.

(2) Les employeurs devraient être tenus de fournir aux travailleurs la formation et les instructions nécessaires pour leur permettre de remplir les obligations visées au sous-paragraphe (1) ci-dessus.

IV. COOPÉRATION

31. Les mesures visant à encourager la coopération prévue à l'article 15 de la convention devraient porter sur :

- a) la mise en place de mécanismes de coopération, tels que des comités de sécurité et de santé, dans lesquels les employeurs et les travailleurs seraient représentés sur un pied d'égalité et qui seraient dotés de pouvoirs et de fonctions à définir, y compris la faculté de procéder à des inspections conjointes ;
- b) la nomination par l'employeur de personnes convenablement qualifiées et expérimentées pour promouvoir la sécurité et la santé ;
- c) la formation des travailleurs et de leurs représentants à la sécurité et à la santé ;
- d) des programmes suivis de sensibilisation des travailleurs aux questions de sécurité et de santé au travail ;
- e) l'échange régulier d'informations et de données d'expérience au sujet de la sécurité et de la santé dans les mines ;
- f) la consultation par l'employeur des travailleurs et de leurs représentants lorsque les politiques et procédures en matière de sécurité et de santé sont établies ;
- g) l'association, par l'employeur, des représentants des travailleurs aux enquêtes relatives aux accidents et aux incidents dangereux prévues à l'article 10 d) de la convention.

V. AUTRES DISPOSITIONS

32. Aucune discrimination ni aucune représaille ne devraient être exercées à l'encontre d'un travailleur qui se prévaut d'un droit qui lui est reconnu par la législation nationale ou par un accord entre les employeurs, les travailleurs et leurs représentants.

33. Il devrait être dûment tenu compte des répercussions éventuelles des activités minières sur l'environnement immédiat et sur la sécurité du public. Cette préoccupation devrait, en particulier, porter sur le contrôle de l'affaissement, des vibrations, des projections de roche, des polluants dans l'eau, l'air ou le sol, la gestion sûre et efficace des dépôts de résidus et la réhabilitation des sites de mines.

PROTOCOL OF 1995 TO THE LABOUR INSPECTION CONVENTION, 1947

The General Conference of the International Labour Organization,
Having been convened at Geneva by the Governing Body of the International
Labour Office and having met in its Eighty-second Session on 6 June 1995,
and

Noting that the provisions of the Labour Inspection Convention, 1947, apply
only to industrial and commercial workplaces, and

Noting that the provisions of the Labour Inspection (Agriculture) Convention,
1969, apply to workplaces in commercial and non-commercial agricultural
undertakings, and

Noting that the provisions of the Occupational Safety and Health Convention,
1981, apply to all branches of economic activity, including the public service,
and

Having regard to all the risks to which workers in the non-commercial services
sector may be exposed, and the need to ensure that this sector is subject to
the same or an equally effective and impartial system of labour inspection as
that provided in the Labour Inspection Convention, 1947, and

Having decided upon the adoption of certain proposals with regard to activities
in the non-commercial services sector, which is the sixth item on the agenda
of the session, and

Having determined that these proposals shall take the form of a Protocol to
the Labour Inspection Convention, 1947,

adopts this twenty-second day of June of the year one thousand nine hundred and
ninety-five the following Protocol, which may be cited as the Protocol of 1995 to
the Labour Inspection Convention, 1947:

PART I. SCOPE, DEFINITION AND APPLICATION

Article 1

1. Each Member which ratifies this Protocol shall extend the application of the
provisions of the Labour Inspection Convention, 1947 (hereunder referred to as
"the Convention"), to activities in the non-commercial services sector.

2. The term "activities in the non-commercial services sector" refers to
activities in all categories of workplaces that are not considered as industrial or
commercial for the purposes of the Convention.

3. This Protocol applies to all workplaces that do not already fall within the
scope of the Convention.

Article 2

1. A Member which ratifies this Protocol may, by a declaration appended to its
instrument of ratification, exclude wholly or partly from its scope the following
categories:

- (a) essential national (federal) government administration;
- (b) the armed services, whether military or civilian personnel;
- (c) the police and other public security services;
- (d) prison services, whether prison staff or prisoners when performing work,

if the application of the Convention to any of these categories would raise special
problems of a substantial nature.

2. Before the Member avails itself of the possibility afforded in paragraph 1,
it shall consult the most representative organizations of employers and workers or,
in the absence of such organizations, the representatives of the employers and
workers concerned.

PROTOCOLE DE 1995 RELATIF À LA CONVENTION SUR L'INSPECTION DU TRAVAIL, 1947

La Conférence générale de l'Organisation internationale du Travail,
Convoquée à Genève par le Conseil d'administration du Bureau international
du Travail, et s'y étant réunie, le 6 juin 1995, en sa quatre-vingt-deuxième
session;

Notant que les dispositions de la convention sur l'inspection du travail, 1947, ne
s'appliquent qu'aux établissements industriels et aux établissements
commerciaux;

Notant que les dispositions de la convention sur l'inspection du travail (agri-
culture), 1969, s'appliquent aux entreprises agricoles, commerciales et non
commerciales;

Notant que les dispositions de la convention sur la sécurité et la santé des
travailleurs, 1981, s'appliquent à toutes les branches d'activité économique,
y compris la fonction publique;

Prenant en considération tous les risques auxquels les travailleurs du secteur
des services non commerciaux peuvent être exposés, et la nécessité d'assu-
rer que ce secteur est soumis au même système d'inspection du travail ou à
un système aussi efficace et impartial que celui prévu par la convention sur
l'inspection du travail, 1947;

Après avoir décidé d'adopter diverses propositions relatives aux activités dans
le secteur des services non commerciaux, question qui constitue le sixième
point à l'ordre du jour de la session;

Après avoir décidé que ces propositions prendraient la forme d'un protocole
relatif à la convention sur l'inspection du travail, 1947,
adopte, ce vingt-deuxième jour de juin mil neuf cent quatre-vingt-quinze, le proto-
cole ci-après qui sera dénommé Protocole de 1995 relatif à la convention sur l'ins-
pection du travail, 1947.

PARTIE I. CHAMP D'APPLICATION, DÉFINITION ET APPLICATION

Article 1

1. Tout Membre qui ratifie le présent protocole s'engage à étendre l'applica-
tion des dispositions de la convention sur l'inspection du travail, 1947 (désignée
ci-après comme «la convention»), aux activités du secteur des services non
commerciaux.

2. L'expression «activités du secteur des services non commerciaux» désigne
les activités de toutes les catégories d'établissements qui ne sont pas considérés
comme industriels ou commerciaux aux fins de l'application de la convention.

3. Le protocole s'applique à tous les établissements qui ne relèvent pas déjà de
la convention.

Article 2

1. Un Membre qui ratifie le présent protocole peut, par une déclaration an-
nexée à son instrument de ratification, exclure totalement ou partiellement de son
champ d'application:

- a) les administrations nationales (fédérales) essentielles;
 - b) les forces armées, qu'il s'agisse du personnel militaire ou du personnel civil;
 - c) la police et les autres services de sécurité publique;
 - d) les services pénitentiaires, qu'il s'agisse du personnel pénitentiaire ou des détenus quand ils travaillent;
- si l'application de la convention à leur égard soulève des problèmes particuliers
d'une importance significative.

2. Avant de se prévaloir de la possibilité prévue au paragraphe 1, le Membre
devra consulter les organisations les plus représentatives des employeurs et des
travailleurs, ou, en l'absence de telles organisations, les représentants des em-
ployeurs et des travailleurs intéressés.

3. A Member which has made a declaration as referred to in paragraph 1 shall, following ratification of this Protocol, indicate in its next report on the application of the Convention under article 22 of the Constitution of the International Labour Organization the reasons for the exclusion and, to the extent possible, provide for alternative inspection arrangements for any categories of workplaces thus excluded. It shall describe in subsequent reports any measures it may have taken with a view to extending the provisions of the Protocol to them.

4. A Member which has made a declaration referred to in paragraph 1 may at any time modify or cancel that declaration by a subsequent declaration in accordance with the provisions of this Article.

Article 3

1. The provisions of this Protocol shall be implemented by means of national laws or regulations, or by other means that are in accordance with national practice.

2. Measures taken to give effect to this Protocol shall be drawn up in consultation with the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

PART II. SPECIAL ARRANGEMENTS

Article 4

1. A Member may make special arrangements for the inspection of workplaces of essential national (federal) government administration, the armed services, the police and other public security services, and the prison services, so as to regulate the powers of labour inspectors as provided in Article 12 of the Convention in regard to:

- (a) inspectors having appropriate security clearance before entering;
- (b) inspection by appointment;
- (c) the power to require the production of confidential documents;
- (d) the removal of confidential documents from the premises;
- (e) the taking and analysis of samples of materials and substances.

2. The Member may also make special arrangements for the inspection of workplaces of the armed services and the police and other public security services so as to permit any of the following limitations on the powers of labour inspectors:

- (a) restriction of inspection during manoeuvres or exercises;
- (b) restriction or prohibition of inspection of front-line or active service units;
- (c) restriction or prohibition of inspection during declared periods of tension;
- (d) limitation of inspection in respect of the transport of explosives and armaments for military purposes.

3. The Member may also make special arrangements for the inspection of workplaces of prison services to permit restriction of inspection during declared periods of tension.

4. Before a Member avails itself of any of the special arrangements afforded in paragraphs (1), (2) and (3), it shall consult the most representative organizations of employers and workers or, in the absence of such organizations, the representatives of the employers and workers concerned.

Article 5

The Member may make special arrangements for the inspection of workplaces of fire brigades and other rescue services to permit the restriction of inspection during the fighting of a fire or during rescue or other emergency operations. In such cases, the labour inspectorate shall review such operations periodically and after any significant incident.

3. Tout Membre ayant fait la déclaration visée au paragraphe 1 devra indiquer, dans le rapport sur l'application de la convention soumis en vertu de l'article 22 de la Constitution de l'Organisation internationale du Travail suivant la ratification du présent protocole, les raisons de l'exclusion, et, dans la mesure du possible, prévoir d'autres dispositions d'inspection pour les catégories ainsi exclues. Il devra indiquer dans les rapports ultérieurs les mesures qu'il pourrait avoir prises en vue d'étendre à ces catégories les dispositions du protocole.

4. Tout Membre ayant fait la déclaration visée au paragraphe 1 peut, en tout temps, la modifier ou l'annuler par une nouvelle déclaration conformément aux dispositions de cet article.

Article 3

1. Les dispositions du présent protocole doivent être mises en œuvre par voie de législation ou par d'autres moyens conformes à la pratique nationale.

2. Les mesures prises pour donner effet au présent protocole doivent être élaborées en consultation avec les organisations les plus représentatives des employeurs et des travailleurs ou, en l'absence de telles organisations, les représentants des employeurs et des travailleurs intéressés.

PARTIE II. DISPOSITIONS PARTICULIÈRES

Article 4

1. Un Membre peut prendre des dispositions particulières à l'égard de l'inspection des établissements des administrations nationales (fédérales) essentielles, des forces armées, de la police et des autres services de sécurité publique et des services pénitentiaires afin de réglementer les prérogatives des inspecteurs du travail telles qu'elles sont prévues à l'article 12 de la convention, en ce qui concerne:

- a) l'accès aux seuls inspecteurs dûment autorisés par les services de sécurité;
- b) l'inspection sur rendez-vous;
- c) le droit de demander communication de documents confidentiels;
- d) le droit d'emporter des documents confidentiels;
- e) le prélèvement et l'analyse des échantillons de matériaux et de substances.

2. Le Membre peut aussi prendre des dispositions particulières à l'égard de l'inspection des établissements des forces armées, ainsi que de la police et des autres services de sécurité publique afin que les prérogatives des inspecteurs du travail puissent faire l'objet de l'une ou plusieurs des limitations suivantes:

- a) restriction des inspections durant les manœuvres ou exercices;
- b) restriction ou interdiction des inspections d'unités se trouvant au front ou en service actif;
- c) restriction ou interdiction des inspections durant les périodes de tension déclarées;
- d) limitations à l'inspection des transports d'explosifs et d'armements à des fins militaires.

3. Le Membre peut en outre prendre des dispositions particulières à l'égard de l'inspection des établissements des services pénitentiaires afin de permettre des restrictions aux inspections durant les périodes de tension déclarées.

4. Avant de se prévaloir de l'une ou de plusieurs des dispositions particulières prévues aux paragraphes 1, 2 et 3, un Membre devra consulter les organisations d'employeurs et de travailleurs les plus représentatives, ou, en l'absence de telles organisations, les représentants des employeurs et des travailleurs intéressés.

Article 5

Le Membre peut prendre des dispositions particulières à l'égard de l'inspection des établissements des services de lutte contre l'incendie et des autres services de secours afin de permettre des restrictions aux inspections durant les opérations de lutte contre l'incendie, les opérations de secours ou autres opérations d'urgence. En pareils cas, l'inspection du travail devra passer en revue ces opérations périodiquement et après tout incident sérieux.

Article 6

The labour inspectorate shall be able to advise on the formulation of effective measures to minimize risks during training for potentially hazardous work and to participate in monitoring the implementation of such measures.

PART III. FINAL PROVISIONS

Article 7

1. A Member may ratify this Protocol at the same time as or at any time after its ratification of the Convention, by communicating its formal ratification of the Protocol to the Director-General of the International Labour Office for registration.

2. The Protocol shall come into force 12 months after the date on which ratifications of two Members have been registered by the Director-General. Thereafter, this Protocol shall come into force for a Member 12 months after the date on which the ratification has been registered by the Director-General and the Convention shall then be binding on the Member concerned with the addition of Articles 1 to 6 of this Protocol.

Article 8

1. A Member which has ratified this Protocol may denounce it after the expiration of ten years from the date on which the Protocol 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 the Protocol 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 Protocol at the expiration of each period of ten years under the terms provided for in this Article.

Article 9

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and denunciations of this Protocol.

2. When notifying the Members of the Organization of the registration of the second ratification of this Protocol, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Protocol will come into force.

3. The Director-General shall communicate full particulars of all ratifications and denunciations of this Protocol to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

Article 10

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

Article 6

L'inspection du travail doit être à même de donner des avis au sujet de la formulation de mesures efficaces tendant à réduire au minimum les risques durant la formation aux tâches susceptibles d'être dangereuses et de participer au contrôle de leur mise en œuvre.

PARTIE III. DISPOSITIONS FINALES

Article 7

1. Un Membre peut ratifier le présent protocole en même temps qu'il ratifie la convention, ou à tout moment après la ratification de celle-ci, en communiquant sa ratification formelle du protocole au Directeur général du Bureau international du Travail aux fins d'enregistrement.

2. Le protocole entrera en vigueur douze mois après que les ratifications de deux Membres auront été enregistrées par le Directeur général. Par la suite, ce protocole entrera en vigueur pour chaque Membre douze mois après la date où sa ratification aura été enregistrée par le Directeur général. A compter de ce moment, le Membre intéressé sera lié par la convention telle que complétée par les articles 1 à 6 du présent protocole.

Article 8

1. Un Membre ayant ratifié le présent protocole peut le dénoncer à l'expiration d'une période de dix années après la date de sa mise en vigueur initiale, par un acte communiqué au Directeur général du Bureau international du Travail et par lui enregistré. La dénonciation ne prendra effet qu'une année après avoir été enregistrée.

2. Tout Membre ayant ratifié le présent protocole qui, dans le délai d'une année après l'expiration de la période de dix années mentionnée au paragraphe précédent, ne fera pas usage de la faculté de dénonciation prévue par le présent article, sera lié pour une nouvelle période de dix années et, par la suite, pourra dénoncer le présent protocole à l'expiration de chaque période de dix années dans les conditions prévues au présent article.

Article 9

1. Le Directeur général du Bureau international du Travail notifiera à tous les Membres de l'Organisation internationale du Travail l'enregistrement de toutes les ratifications et dénonciations du présent protocole.

2. En notifiant aux Membres de l'Organisation l'enregistrement de la deuxième ratification du présent protocole, le Directeur général appellera l'attention des Membres de l'Organisation sur la date à laquelle le présent protocole entrera en vigueur.

3. Le Directeur général communiquera au Secrétaire général de l'Organisation des Nations Unies, aux fins d'enregistrement, conformément à l'article 102 de la Charte des Nations Unies, des renseignements complets au sujet de toutes les ratifications et dénonciations du présent protocole.

Article 10

Les versions anglaise et française du texte du présent protocole font également foi.

RESOLUTIONS ADOPTED BY THE CONFERENCE

Resolutions adopted by the International Labour Conference at its 82nd Session

(Geneva, June 1995)

I

Resolution concerning provisions of the Standing Orders of the International Labour Conference applicable to its 83rd (Maritime) Session¹

The General Conference of the International Labour Organization,
Noting the proposal to hold a special Maritime Session of the Conference from
9 to 23 January 1996,

Noting also that a number of adjustments need to be made to the plan of work
and to the organization of proceedings at that session so as to enable it, despite the
short amount of time still available and the limited duration of the Maritime
Session, to complete its work in an efficient manner;

Decides that the following modifications of the Standing Orders of the Confer-
ence, as supplement by the *Note for Maritime Sessions of the International Labour
Conference*, shall apply to its 83rd (Maritime) Session, without prejudice to any
measures which that session may have to take in accordance with article 76 of its
Standing Orders:

- at the 83rd (Maritime) Session of the Conference, the Selection Committee
foreseen in article 4 and in article 25, paragraph 4, of the Standing Orders shall
not be constituted: the duties normally assigned to the Selection Committee in
accordance with those and other relevant provisions of the Standing Orders
and with usual practice shall be assigned to the Officers of the Conference, on
the understanding that it shall be for the Conference itself, at the opening of its
83rd (Maritime) Session: (i) to confer on its Officers the powers necessary to
enable them to take decisions on its behalf concerning the composition of
committees as well as any other uncontroversial decision relating to the orga-
nization of its proceedings or the functioning of the session; (ii) to specify the
conditions governing this delegation of authority (majority necessary for deci-
sions and publication of decisions in an appropriate manner);
- article 12 of the Standing Orders (reports of the Chairman of the Governing
Body and of the Director-General) shall not apply to the 83rd (Maritime)
Session of the Conference;
- the deadline for the deposit of resolutions specified in article 17, paragraph 1, of
the Standing Orders shall be modified to provide that only draft resolutions
deposited with the Director-General of the International Labour Office by a
delegate to the Conference by midnight, 11 December 1995, at the latest may
be moved to the 83rd (Maritime) Session of the Conference;
- article 26, paragraph 1, of the Standing Orders shall be so modified as to
require that the credentials of delegates to the 83rd (Maritime) Session of the
Conference and their advisers be deposited with the International Labour
Office by midnight, 11 December 1995, at the latest.

II

Resolution concerning the Fifth European Regional Conference¹

The General Conference of the International Labour Organization,

Recalling that, in the light of the reforms introduced on an experimental basis
at the Eleventh Asian Regional Conference, the Thirteenth Conference of Amer-
ican States Members of the ILO and the Eighth African Regional Conference to

¹ Adopted on 15 June 1995.

reduce the length and cost of regional conferences, the Governing Body has decided that it is necessary to continue the experimental procedure for the Fifth European Regional Conference and that, pending revision of the Rules concerning the Powers, Functions and Procedure of Regional Conferences convened by the International Labour Organization, authority should be given to the said Conference to derogate from them, as required, to implement these changes on an experimental basis before deciding on a revision of the above-mentioned Rules;

Hereby authorizes the Fifth European Regional Conference, by way of derogation from the applicable Rules:

- (a) to consider the business carried out at preliminary group meetings preceding the formal opening of the Conference as having been carried out in official group meetings;
- (b) to dispense with the appointment of a Selection Committee and entrust its functions (except in respect of resolutions for which a Resolutions Committee may be appointed under article 13, paragraph 3, of the Rules) to the Officers of the Conference;
- (c) to limit the composition of the Resolutions Committee to not more than five members from each group;
- (d) to authorize, in case of need, any drafting subcommittee or other subsidiary body set up by a committee of the Conference to report direct to the plenary of the Conference instead of through the Committee;
- (e) to suspend the requirement that reports concerning technical items on the agenda be dispatched by the Office so as to reach governments at least three months before the opening of the Conference if any such report is included in a single volume with the other reports of the Director-General, which would thus be required to reach governments two months beforehand;
- (f) to reduce the time-limit on addresses to the Conference from 15 to ten minutes.

III

Resolution to place on the agenda of the next ordinary session of the Conference an item intitled “Home work”¹

The General Conference of the International Labour Organization,
Having adopted the report of the Committee appointed to consider the fifth item on the agenda,

Having in particular approved as general conclusions, with a view to the consultation of governments, proposals for a Convention and a Recommendation concerning home work;

Decides that an item entitled “Home work” shall be included in the agenda of its next ordinary session for a second discussion regarding the proposed adoption of a Convention and a Recommendation concerning home work.

IV

Resolution concerning the granting to Cambodia of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization²

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations;

Accepts the arrangement proposed by the Government of Cambodia for the settlement of the arrears of contributions due for the period 1974 to 1994 to the effect that:

¹ Adopted on 22 June 1995.

² Adopted on 20 June 1995.

- (a) in 1995, the Government of Cambodia will pay in full its contribution for the year 1995;
- (b) in subsequent years, the Government of Cambodia will continue to pay its current contribution in full in the year for which it is due;
- (c) the Government of Cambodia will settle arrears that have accumulated up to and including 31 December 1994, amounting in total to 541,234 Swiss francs, by payment of nineteen instalments of 27,062 Swiss francs and a final instalment of 27,056 Swiss francs, beginning in 1995;

Decides that Cambodia be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

V

Resolution concerning the granting to Chad of permission to vote under paragraph 4 of article 13 of the Constitution of the International Labour Organization¹

The General Conference of the International Labour Organization,

Having regard to paragraph 7 of article 10 of the Financial Regulations;

Accepts the arrangement for the Government of Chad for the settlement of the arrears of contributions due for the period 1975-82 and 1993-94 to the effect that:

- (a) in 1995, the Government of Chad will pay in full its contribution for the year 1995;
- (b) in subsequent years, the Government of Chad will continue to pay its current contribution in full in the year for which it is due;
- (c) the Government of Chad will settle arrears that have accumulated up to and including 31 December 1994, amounting in total to 170,760 Swiss francs, by payment of 20 instalments of 8,538 Swiss francs, beginning in 1996;

Decides that Chad be permitted to vote, in accordance with paragraph 4 of article 13 of the Constitution of the International Labour Organization, after the conclusion of the present business.

VI

Resolution concerning the assessment of contributions of new member States²

The General Conference of the International Labour Organization;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, that the contributions of the Gambia and St. Vincent and the Grenadines to the ILO budget for the periods of their membership in the Organization in 1995 be based on an annual assessment rate of 0.01 per cent.

VII

Resolution concerning the scales of assessment of contributions for 1996 and 1997²

The General Conference of the International Labour Organizations;

Decides, in accordance with article 9, paragraph 2, of the Financial Regulations, to adopt, for the assessment of the contributions of member States in 1996 and 1997, the draft scales of assessments set out in column 4 of Appendices I and II respectively to this report.

¹ Adopted on 20 June 1995.

² Adopted on 21 June 1995.

VIII

Resolution concerning a derogation from the provisions of the Financial Regulations¹

The General Conference of the International Labour Organization,

Noting the practical difficulties that have arisen in recent biennia by the non-application of the provisions of articles 18 and 21.2 of the Financial Regulations;

Decides, on a trial basis for the 1994-95, 1996-97 and 1998-99 financial periods only, that – notwithstanding the aforementioned articles – sums withdrawn from the Working Capital Fund to finance budgetary expenditure pending receipt of contributions in accordance with article 19.1(a) of the Financial Regulations shall, if they cannot be reimbursed from contributions received in the course of the same financial period, be reimbursed from amounts credited in subsequent financial periods against arrears of contributions.

IX

Resolution concerning the composition of the Administrative Tribunal of the International Labour Organization¹

The General Conference of the International Labour Organization,

In accordance with article III of the Statute of the Administrative Tribunal of the International Labour Organization;

Decides to appoint as Judges of the Administrative Tribunal, for a period of three years, with effect from August 1995:

- Mr. Julio Barberis (Argentina);
- Mr. Jean-François Egli (Switzerland),

Decides to renew the terms of office of Mr. Mark Fernando (Sri Lanka) and Mr. Michel Gentot (France) as judges from the expiration of their present terms until the end of July 1998.

X

Resolution concerning the adoption of the Programme and Budget for 1996-97 and the allocation of the budget of income among member States²

The General Conference of the International Labour Organization:

- (a) In virtue of the Financial Regulations, passes for the 65th financial period, ending 31 December 1997, the budget of expenditure for the International Labour Organization amounting to US\$579,500,000 and the budget of income amounting to US\$579,500,000, which, at the budget rate of exchange of Swiss francs 1.16 to the US dollar, amounts to Swiss francs 672,220,000, and resolves that the budget of income, denominated in Swiss francs, shall be allocated among member States in accordance with the scale of contributions recommended by the Finance Committee of Governments Representatives;
- (b) Requests the Director-General to present, as appropriate, to the Programme, Financial and Administrative Committee and to the Governing Body whatever adjustments might prove to be necessary and that these adjustments should not reduce the technical cooperation and field programmes; and further requests the Governing Body, at its next meeting on 24 June 1995, to decide on the procedures appropriate for examination without delay of the said adjustments;

¹ Adopted on 21 June 1995.

² Adopted on 22 June 1995.

- (c) Requests the Director-General, the Programme, Financial and Administrative Committee and the Governing Body to evaluate the impact of exchange rate fluctuation upon the programme and budget, as well as the form in which the US dollar and Swiss franc values of the Director-General's future programme and budget proposals are presented.

XI

Resolution concerning the holding of a Maritime Session of the International Labour Conference¹

The General Conference of the International Labour Organization,

Noting that the cost of holding a Maritime Session of the International Labour Conference if it is held in January 1996 is estimated at \$2,427,000,

Wishing to distribute this cost over the 1994-95 and the 1996-97 biennia;

Decides that, notwithstanding article 17.1 of the Financial Regulations, up to \$1,961,000 of the cost of the Maritime Session be charged to the accounts of the 1994-95 financial period against programme 140.6, Programme Flexibility Reserve (up to \$1,086,000) and Major programme 295, Unforeseen expenditure (up to \$875,000).

¹ Adopted on 21 June 1995.

Supplément au *Compte rendu provisoire* (21 juin 1995)

Conférence internationale du Travail

Quatre-vingt-deuxième session, Genève

DÉLÉGATIONS

Supplement to the *Provisional Record* (21 June 1995)

International Labour Conference

Eighty-second Session, Geneva

DELEGATIONS

Suplemento de *Actas Provisionales* (21 de junio de 1995)

Conferencia Internacional del Trabajo

Octogésima segunda reunión, Ginebra

DELEGACIONES

1995

LISTE FINALE FINAL LIST LISTA FINAL
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La liste des délégations est présentée sous une forme trilingue dans l'ordre alphabétique français des pays représentés à la Conférence.

Toutes les informations concernant les noms des pays ou des organisations sont données en français, anglais et espagnol.

Les autres informations essentielles (titres et qualités des participants à la Conférence tels qu'ils figurent dans les pouvoirs officiels et fonctions exercées à la Conférence) sont indiquées dans une seule de ces langues: celle que doit utiliser le Bureau international du Travail dans la correspondance officielle avec le pays dont relève la personne intéressée.

The list of delegations is presented in trilingual form, in the French alphabetical order of the countries represented at the Conference.

All details relating to the names of countries and organisations are given in French, English and Spanish.

Other essential details (titles, positions or functions of participants as indicated in the official credentials and the Conference status of participants) are given in the language used for official correspondence between the ILO and the country in question.

En la lista trilingüe de delegaciones los países representados en la Conferencia figuran en orden alfabético francés.

Figuran en francés, inglés y español los nombres de los Estados y organizaciones asistentes a la Conferencia.

Por el contrario, los demás datos (títulos, profesiones y cargos de los participantes, tal como figuran en los poderes oficiales, y funciones ejercidas en la Conferencia) aparecen en la lengua utilizada por la Oficina Internacional del Trabajo para sus comunicaciones oficiales con el correspondiente Estado.

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Afghanistan Afghanistan Afganistán

Ministre assistant à la Conférence

ANWARI, Said Hossein, M., Ministre du Travail et des Affaires Sociales.

Délégués gouvernementaux

TÁNDAR, Homayoun, M., Chargé d'Affaires, Mission permanente à Genève.

POPAL, Ghulam Ghaus, M., Premier Secrétaire, Mission permanente à Genève.

République sud-africaine Republic of South Africa República de Sudáfrica

Minister attending the Conference

MBOWENI, T., Mr., Minister of Labour.

Persons accompanying the Minister

MATLALA, N., Mr.

SINGH, S., Ms.

Government Delegates

PITYANA, S., Mr., Director-General of Labour

KETTLEDAS, L., Mr., Deputy Director-General, Labour Relations, Policy and Human Resources Development.

Advisers and substitute delegates

JOHANNES, G.H., Mr., Director, International Relations.

VAN HEERDEN, A., Mr., Labour Consultant, Permanent Mission, Geneva.

Advisers

CHEADLE, H., Mr., Advisor to the Minister.

BURGER, S., Mr., Chief Director, Mining Equipment Safety.

BAKKER, D., Mr., Acting Government Mining Engineer

SALIE, F., Ms.

SEFTEL, L., Ms.

COOPER, C., Ms.

Other persons attending the Conference

PETZSCH, D., Mr., Minister, Chargé d'Affaires a.i.

LIEBENBERG, K., Ms., NPI

BABB, G., Mr., Chief Director, Foreign Affairs.

Employers' Delegate

BOTHA, J.W., Mr., BSA.

Adviser and substitute delegate

MOSHAPALO, D., Mr., Business South Africa, (B.S.A.).

Advisers

VAN VUUREN, V., Mr., BSA.

LAMPRECHT, A., Mr., BSA.

VAN NIEKERK, A., Mr., BSA.

DOWIE, F., Mrs., BSA.

STEWART, J., Mr., BSA.

Other persons attending the Conference

ANSCOMBE, P.A., Mr., Chamber of Mines.

DIXON, J.R., Mr., Chamber of Mines.

VAN GESSEL, K.A., Mr., Chamber of Mines.

VAN ZYL, H.C., Mr., Chamber of Mines.

Workers' Delegate

SHILOWA, Sam, Mr., COSATU.

Adviser and substitute delegate

NGCUKANA, Cunningham, Mr., NACTU.

Advisers

SIFINGO, Bangumzi, Mr., COSATU.

BENJAMIN, Paul, Mr., COSATU.

SEPTEMBER, Connie, Ms., COSATU.

DANTJIE, Peter, Mr., COSATU

ZOKWANA, Senzeni, Mr., COSATU.

VAN DER MERWE, G.H.D, Mr., FEDSAL.

Persons appointed in accordance with Article 2, paragraph 3(i)

MOTLATSI, James, Mr., COSATU.

MONYAMANE, George, Mr., COSATU

PLIMMER, Fleur, Ms., COSATU.

Other persons attending the Conference

VENTER, A., Mr., FEDSAL.

MASSEY-HICKS, L., Mr., FEDSAL.

BREEDT, H., Mr.

HORN, P., Mrs.

Albanie Albania Albania

Minister attending the Conference

DAKLI, Engjell, Mr., Minister of Labour, Immigration and Social Protection.

Government Delegates

GJONEJ, Andi, Mr., Deputy Representative, Chargé d'affaires, Permanent Mission, Geneva.

CAMI, Bujar, Mr., Director, Tripartite Relations, Ministry of Labour.

Advisers and substitute delegates

DIBRA, Silvana, Mrs., Director, Foreign Relations, Ministry of Labour.

KABILI, Viktor, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

BEKTASHI, Fatmir, Mr., Vice-Minister, Ministry of Labour, Emigration and Social Protection.

KASMI, Mirela, Mrs., Counsellor, Ministry of Labour, Emigration and Social Protection.

Employers' Delegate

BORAKAJ, Azis, Mr., Secretary General, Employers' Confederation.

Workers' Delegate

MUCO, Kastriot, Mr., Chairman, Confederation of the Independent Trade Unions.

Adviser and substitute delegate

CAKA, Juza, Mrs., National Committee, Union of Independent Trade Unions.

Algérie Algeria Argelia

Ministre assistant à la Conférence

LAICHOUBI, Mohamed, M., Ministre du Travail et de la Protection sociale.

Personne accompagnant le Ministre

MEGHIAOUI, Hocine, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

ABDELOUAHAB, Fifi, Mme, Directeur des études juridiques et de la coopération, Ministère du Travail et de la Protection Sociale.

FEROUKHI, Taous, Mlle, Sous-Directeur des programmes et institutions spécialisées, Ministère des Affaires étrangères.

Conseillers techniques et délégués suppléants

BOUABDALLAH, Anissa, Mme, Conseiller, Mission permanente à Genève.

BOURBIA, Ahmed, M., Sous-Directeur des méthodes et du contrôle, Ministère du Travail et de la Protection Sociale.

CHERIEF, Abdelaziz, M., Sous-Directeur des programmes d'emploi des jeunes, Ministère du Travail et de la Protection Sociale.

BELHOCINE, Mohamed-Said, M., Inspecteur général du travail, Ministère du Travail et de la Protection Sociale.

MEGREROUCHE, Mouloud, M., Sous-Directeur de la Coopération, Ministère du Travail et de la Protection Sociale.

BELLAHSENE, Zahir, M., Sous-Directeur des revenus salariaux, Ministère du Travail et de la Protection Sociale.

GRINE, Mohamed Lamine, M., Sous-Directeur des risques professionnels, Ministère du Travail et de la Protection Sociale.

Délégué des employeurs

LOUNIS KHODJA, Ismail, M., Membre, Confédération générale des opérateurs économiques (CGOEA)

Conseillers techniques

AIT MOUHEB, Khaled, M., Président, Confédération nationale des employeurs (CNPA).

HADDOUD, Lanouar, M., Secrétaire général, CNPA.

SI AHMED, Ouameur, M., Membre, CNPA.

MEKIDECHE, Mustapha, M., Vice-Président, Union nationale des entrepreneurs publics (UNEP).

GUITA, Rachid, M., Vice-Président, UNEP.

TITAH, Mohamed Lamine, M., Président, CAP.

YOUSFI, Habib, M., Président, CGOEA.

MEGATILI, Mahfoud, M., Secrétaire général, CGOEA.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

FAYZAL, Ismail, M., Vice-président, Confédération nationale des employeurs.

Délégué des travailleurs

BENHAMOUDA, Abdelhak, M., Secrétaire général, Union générale des travailleurs (UGTA)

Conseillers techniques

BENATIA, Kada, M., Secrétaire national, UGTA.
NOUASRIA, Aissa, M., Secrétaire national, UGTA.
MEHDI, Ammar, M., Secrétaire national, UGTA.
MEZIANI, Abdelali, M., Secrétaire national, UGTA.
BOUCHEMOUKHA, Mokhtar, M., Secrétaire national, UGTA.
AMEUR, Mohamed, M., Secrétaire national, UGTA.

Allemagne Germany Alemania

Minister attending the Conference

BLÜM, Norbert, Mr., Federal Minister of Labour and Social Affairs.

Persons accompanying the Minister

JELONEK, Alois, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
MASCHER, Ulrike, Mrs., Chairperson, Committee on Labour and Social Affairs, Federal Parliament.
SCHEMKEN, Heinz, Mr., Vice-Chairman, Committee on Labour and Social Affairs, Federal Parliament.
BÜTTNER, Hans, Mr., Member, Committee on Labour and Social Affairs, Federal Parliament.
DRESSEN, Peter, Mr., Member, Committee on Labour and Social Affairs, Federal Parliament.
FREY, Martin, Mr., Secretary, Committee on Labour and Social Affairs, Federal Parliament.
REUBER, Ludger, Mr., Spokesman, Federal Ministry of Labour and Social Affairs.
HECKEN, Josef, Mr., Chief, Cabinet of the Minister of Labour and Social Affairs.

Government Delegates

VOSKUHL, Ursula, Mrs., Director, European and International Social Policy Department, Federal Ministry of Labour and Social Affairs; Government Representative, Governing Body of the ILO.
MAASSEN, Hans Joachim, Mr., Chief, International Social Policy Branch (outside EU), Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.

Advisers and substitute delegates

ROSENGARTEN, Ulrich, Mr., Minister, Permanent Mission, Geneva.
WILLERS, Dietrich, Mr., Head, Section for ILO Affairs, Federal Ministry of Labour and Social Affairs; Substitute Government Representative, Governing Body of the ILO.
RINGKAMP, Werner, Mr., Permanent Mission, Geneva.

Advisers

OPFERMANN, Rainer, Mr., Head of Section, Department for Labour Law and Occupational Safety and Health, Federal Ministry of Labour and Social Affairs.
KEUSGEN, Andreas, Mr., Head of Section, Federal Ministry of Economic Affairs.
DAUM, Werner, Mr., Permanent Mission, Geneva.
WETZ, Clemens, Mr., Permanent Mission, Geneva
RÜCKERT, Anette, Mrs., Expert, Department for Labour Law and Occupational Safety and Health, Federal Ministry of Labour and Social Affairs.
HOFFMANN, Susanne, Mrs., Expert, Federal Ministry of Labour and Social Affairs.
REUSS, Michael, Mr., Permanent Mission, Geneva.
WASCHER, Angelika, Mrs., Expert, Department for Labour Law and Occupational Safety and Health, Federal Ministry of Labour and Social Affairs.

Employers' Delegate

THÜSING, Rolf, Mr., Executive Board, Confederation of German Employers' Associations (BDA); Member, Governing Body of the ILO.

Adviser and substitute delegate

WISSKIRCHEN, Alfred, Mr., Director, Labour Law Department (BDA).

Advisers

VON BERGEN, Erwin-Albrecht, Mr., German Mining Federation.
MAUER, Rainer, Mr.
HORNUNG-DRAUS, Renate, Mrs., Director, International Social Policy and European Union Department (BDA).
HESS, Christian, Mr., Expert, International Social Policy and European Union Department (BDA)
THOMAS, Stefan, Mr., International Social Policy and European Union Department (BDA).

Other person attending the Conference

HIMMELREICH, Fritz-Heinz, Mr., Managing Director, Confederation of German Employers' Associations (BDA).

Workers' Delegate

ENGELN-KEFER, Ursula, Mrs., Vice-President, German Confederation of Trade Unions (DGB); Member, Governing Body of the ILO.

Adviser and substitute delegate

ADAMY, Wilhelm, Mr., Federal Executive Board, Labour Market Policy Department (DGB).

Advisers

ÜBERBACH, Walter, Mr., Federal Executive Board,
International Department (DGB).
MAY, Dieter, Mr., Mining and Energy Workers' Union.
SCHELTER, Helmut, Mr., Mining and Energy Workers'
Union.
MEYER, Peter Heinrich, Mr., Public Service and
Transport Workers' Union (OTV).
KAIRAT, Ingrid, Mrs., German Metal Workers' Union.
LÖRCHER, Klaus, Mr., German Postal Workers' Union.
WÖTZEL, Uwe, Mr., German Salaried Employees' Union
(DAG).

Persons appointed in accordance with Article 2, paragraph 3(i)

SIELAFF, Rüdiger, Mr., Friedrich-Ebert Foundation.
SCHWEISSHELM, Erwin, Mr., Friedrich-Ebert
Foundation.
WIEDER, Andreas, Mr., Mining and Energy Workers'
Union.

République d'Angola Angola República de Angola

Ministre assistant à la Conférence

LUQUINDA, Sebastião Constantino, M., Vice-ministre de
l'Administration publique, de l'Emploi et de la Sécurité
sociale.

Délégués gouvernementaux

GOURGEL BAPTISTA, Lucinda Alfredo, Mme,
Directrice, Relations internationales, Ministère de
l'Administration publique, de l'Emploi et de la Sécurité
sociale.
DA COSTA, Manuel, M., Directeur national de l'emploi et
de la formation professionnelle, Ministère de
l'Administration publique, de l'Emploi et de la Sécurité
sociale.

Conseillers techniques

MACHADO, Luís António, M., Directeur national du
travail et des salaires, Ministère de l'Administration
publique, de l'Emploi et de la Sécurité sociale.
GONÇALVES, Afonso, M., Chef du Département,
Ministère des relations extérieures.

Délégué des employeurs

TIAGO GOMES, António, M., Secrétaire exécutif,
Chambre de commerce et d'industrie.

Conseillers techniques

QUILOLA, Venâncio, M., Chambre de commerce et
d'industrie.
CARLOS ALBERTO, Rui, M., Chambre de commerce et
d'industrie.
LOURO NETO, Manuel, M., Chambre de commerce et
d'industrie.
FIGUEREIDO-ENDIAMA, Clemente, M., Chambre de
commerce et d'industrie.
NAZARE-ENSA, Domingas Manuel, Mme, Chambre de
commerce et d'industrie.
LOIDE VICENTE, Serafina, Mme, Chambre de commerce
et d'industrie.

Délégué des travailleurs

ANTÓNIO, Alcino, M., Vice-President, Union Nationale
des Travailleurs Angolais Confédération des Syndicats.

Conseillers techniques

DA CONCEIÇÃO PEDRO CORREIA, Ana, Mme,
Secrétaire, Syndicat du matériel de la Construction,
Union Nationale des Travailleurs Angolais C-S.
FORTE LIMA, João, M., Secrétaire, affaires juridiques,
Union nationale des travailleurs.

Antigua-et-Barbuda Antigua and Barbuda Antigua y Barbuda

Government Delegate

FREELAND, Adolphus E., Mr., Minister of Labour, Civil
Service Affairs and Co-operatives.

Employers' Delegate

BASS, Henderson, Mr., Secretary, Employers' Federation.

Workers' Delegate

PAYNE, Nathalie, Ms., General Secretary, Trades and
Labour Union.

Adviser

SMITH, Keithlyn, Mr., General Secretary, Workers'
Union.

Arabie saoudite Saudi Arabia Arabia Saudita

Minister attending the Conference

AL-FAYEZ, Mohamed Bin Ali, Mr., Minister of Labour and Social Affairs.

Government Delegates

KENTAB, Yousef Yacoub, Mr., Deputy Minister for Labour Affairs.

AL-KHALIDI, Mohammed Said, Mr., Director-General, International Organizations Affairs.

Advisers and substitute delegates

FAKIH, Ahmed J., Mr., Director-General, Main Social Insurance Office, Western Region.

AL-BAWARDY, Abdul Rahman Saad, Mr., Labour Adviser, Manpower Department.

AL-HADLAQ, Abdul Aziz I.S., Mr., Adviser.

AL-HOMIDAN, Badr Bin Nasir, Mr., Adviser.

GDAIA, Abdul Rahman, Mr., Counsellor, Permanent Mission, Geneva.

MOSLI, Farid, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

DAHLAN, Abdullah Sadiq, Mr., Secretary-General, Jeddah Chamber of Commerce and Industry.

Workers' Delegate

JUMA'A, Adnan Saleh, Mr., Chief, Labour Relations Department, ARAMCO.

Adviser and substitute delegate

BIN SALAMAH, Saad Bin Nassir, Mr., Officer in Charge of Manpower and Organization, Saudi Basic Industries Corp. (SABIC).

Argentine Argentina Argentina

Ministro asistente a la Conferencia

CARO FIGUEROA, José Armando, Sr., Ministro de Trabajo y Seguridad Social.

Persona que acompaña al Ministro

SANCHEZ ARNAU, Juan Carlos, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Delegados gubernamentales

BENITEZ, Manuel Julio, Sr., Ministro, Representante Permanente Adjunto, Misión Permanente en Ginebra.
TOSONOTTI, Maria Cristina, Sra., Secretario de Embajada, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

ESTEVEZ, Antonio Manuel, Sr., Ministerio de Trabajo y Seguridad Social.

CORRADETTI, Susana, Srta., Ministerio de Trabajo y Seguridad Social.

Consejeros técnicos

CARO FIGUEROA, Luis, Sr.

MALPEDE, Diego, Sr., Secretario de Embajada, Misión Permanente en Ginebra.

ALVAREZ, Armando, Sr., Attaché, Misión Permanente en Ginebra.

Otras personas que asisten a la Conferencia

LEON, Luis, Sr., Senador.

BRITOS, Oraldo, Sr., Senador nacional.

Delegado de los empleadores

BLANCO VILLEGAS, Jorge, Sr., Presidente, Unión Industrial Argentina.

Consejeros técnicos y delegados suplentes

EURNEKIAN, Murat, Sr., Unión Industrial Argentina; Miembro, Consejo de Administración de la OIT.

FUNES DE RIOJA, Daniel, Sr., Unión Industrial Argentina.

SEBASTIANI, Claudio, Sr., Unión Industrial Argentina.

Consejeros técnicos

HERMIDA MARTINEZ, Darío, Sr., Unión Industrial Argentina.

MANTILLA, Enrique, Sr., Unión Industrial Argentina.

BOLO, Ovidio, Sr., Cámara Argentina de Comercio.

ALDAO ZAPIOLA, Carlos, Sr., Unión Industrial Argentina.

SABATE, Jorge, Sr., Unión de Entidades Comerciales.

Personas designadas de conformidad con el artículo 2, párrafo 3. i)

SPAGHI, Patricio, Sr.

CECCHI, Oscar, Sr.

GHEZZI, Oscar, Sr.

COSTA, Francisco José, Sr.

FIORE, Luis María, Sr.

GELMI, Juan Carlos, Sr.

PERTIERRA MENENDEZ, Adolfo, Sr.

SALVAT, María Ester, Sra.

Delegado de los trabajadores

CASSIA, Antonio, Sr., Secretario General, Confederación General del Trabajo (CGT).

Consejero técnico y delegado suplente

BALDASSINI, Ramón Antonio, Sr., CGT; Miembro suplente, Consejo de Administración de la OIT.

Consejeros técnicos

GUTIERREZ, Francisco, Sr.
GARCIA, Juan Miguel, Sr.
VENTURINI, Enrique, Sr.
TALIANO, Vicente, Sr.
CABRERA, Carlos, Sr.
PETRECCA, Domingo, Sr.
RANU, Romildo Francisco, Sr.

Personas designadas de conformidad con el artículo 2, párrafo 3. i)

FERRO, Horacio, Sr.
RIAL, Noemi, Sra.
TOMASSONE, Alberto, Sr.
ROBERTIS, Alberto Oscar, Sr.
SAEZ, Mario José, Sr.
COBAS, Manuel Osvaldo, Sr.

Arménie Armenia Armenia

Minister attending the Conference

YESAYAN, Ashot, Mr., Minister of Labour.

Australie Australia Australia

Minister attending the Conference

BRERETON, Laurie, Mr., Minister for Industrial Relations.

Persons accompanying the Minister

WATSON, Bill, Mr., Adviser, Ministry for Industrial Relations.
ROSALKY, David, Mr., Secretary, Department of Industrial Relations.
REITH, Peter, Mr., Shadow Minister for Industrial Relations, M.P.
HAWGOOD, Dianne, Ms., Senior Adviser to the Special Minister of State and Assistant Minister for Industrial Relations..

Government Delegates

DEEGAN, Barbara, Ms., Minister (Special Labour Adviser), Permanent Mission, Geneva.
DEJONG, Bill, Mr., Assistant Secretary, International Branch, Department of Industrial Relations.

Advisers and substitute delegates

BEASLEY, Mary, Ms., Chief Executive Officer, South Australian Department for Industrial Affairs.
FISHER, Helen, Ms., Assistant Secretary, Workplace Policy and Advisory Branch, Department of Industrial Relations.

Advisers

WENSLEY, Penelope, Mrs., Ambassador, Permanent Representative, Geneva.
KNOTT, Christopher, Mr., First Secretary, Permanent Mission, Geneva.
THOMPSON, Simon, Mr., Chief Inspector of Mines, Queensland Department of Minerals and Energy.

Employers' Delegate

NOAKES, Bryan, Mr., Director-General, Australian Chamber of Commerce and Industry; Member, Governing Body of the ILO.

Advisers and substitute delegates

AMOS, Norman, Mr., Executive General Manager, Australian Mines and Metals Association.
EMSLIE, Angela, Ms., Manager, Health, Education and Community Services Sector, Victorian Employers' Chamber of Commerce and Industry.

Adviser

PLATT, Christopher, Mr., Director, Australian Wool Selling Brokers Employers' Federation.

Workers' Delegate

MAITLAND, John, Mr., Joint National President, Construction, Forestry, Mining and Energy Union.

Advisers and substitute delegates

ASHE, Beryl, Ms., Executive Officer, Labour Council of New South Wales.
BENNETT, Lizanne, Ms., National Women's Officer, Australian Services Union, Australian Council of Trade Unions.

Adviser

MATHESON, Alan, Mr., International Officer, Australian Council of Trade Unions.

Autriche Austria Austria

Minister attending the Conference

HUMS, Franz, Mr., Federal Minister of Labour and Social Affairs.

Persons accompanying the Minister

BUCHACHER, Ulrike, Ms., Secretary to the Minister.
GUTH, Helmut, Mr., Secretary to the Minister.

Government Delegates

MELAS, Heinz-Michael, Mr., Director, Federal Ministry of Labour and Social Affairs.
LANGHAMMER, Herbert, Mr., Director, Federal Ministry of Labour and Social Affairs.

Adviser and substitute delegate

LANG, Winfried, Mr., University Professor, Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

LENTSCH, Wolfgang, Mr., Director, Federal Ministry for Economic Affairs.
KOTSCHY, Harald Wolfgang, Mr., Minister, Federal Ministry for Foreign Affairs.
ATZLER, Elke, Mrs., Counsellor, Permanent Mission, Geneva.
RITZBERGER-MOSER, Anna, Mrs., Counsellor, Ministry of Labour and Social Affairs.
RIECKEN, Andreas, Mr., Attaché, Permanent Mission, Geneva.
KAIDA, Gabriele, Mrs., Secretary, Federal Ministry for Public Economy and Transport, Transport Labour Inspection.

Employers' Delegate

ARBESSER-RASTBURG, Max, Mr., Professor, Manager, Herz Armaturen AG; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

BRAUNER, Heinrich, Mr., Chief, Social Insurance and Workers' Protection Division, Federation of Austrian Industrialists.
STRIMITZER, Dietmar, Mr., Social Policy Division, Austrian Federal Economic Chamber.

Workers' Delegate

VERZETNITSCH, Friedrich, Mr., President, Austrian Confederation of Trade Unions.

Advisers and substitute delegates

NEUGEBAUER, Fritz, Mr., Vice-President, Austrian Confederation of Trade Unions.
FRIEHS, Franz, Mr., Social Policy Division, Austrian Confederation of Trade Unions.
LUTZ, Doris, Mrs., Department of Women's and Family Affairs, Chamber of Labour.

Azerbaïdjan Azerbaijan Azerbaidjân

Minister attending the Conference

RAGIMOV, Ilgar, Mr., Minister of Labour and Social Protection of Population.

Government Delegate

GAMBAROV, Tofik, Mr., Head, State Employment Service.

Advisers and substitute delegates

SATTARZADE, Sevil, Mrs., Chief, International cooperation, Department of the Ministry of Labour and Social Protection.
DJAFAROV, Tarlan, Mr., Head, Foreign Migration, Department, Ministry of Labour and Social Protection.
GAMZAYEV, Yashar, Mr., Senior Adviser of International Cooperation Department of the Ministry of Labour and Social Protection.

Employers' Delegate

ALIYEV, Agaragim, Mr., Director, Hotel Complex of Azerbaijan.

Workers' Delegate

MOHBALIYEV, Sattar, Mr., Chairman, Trade Union Confederation.

Bahamas

Minister attending the Conference

TURNQUEST, Orville A.T., Mr., Minister of State for Public Service and Labour.

Government Delegates

SYMONETTE, Donald, Mr., Senior Deputy Director of Labour.

DEAN, Leslie M., Mr., Acting First Assistant Secretary,
ILO Desk Officer, Department of Labour.

Employers' Delegate

MUNNINGS, Frederick A., Mr., Executive Director,
Grand Bahama Hotel Restaurant Employers'
Confederation.

Workers' Delegate

FERGUSON JR., Obie, Mr., Commonwealth of the
Bahamas Trade Union Congress.

Adviser and substitute delegate

BASTIAN, Thomas, Mr., National Workers Council.

Other persons attending the Conference

BAIN, Patrick, Mr., First Vice-President, Bahamas Hotel
Catering & Allied Workers' Union.
ROLLE, Quebell, Mr., Second Vice President, Bahamas
Hotel Catering & Allied Workers' Union.
MCDONALD, William, Mr., President, Bahamas Public
Service Union.

Bahreïn Bahrain Bahrein

Minister attending the Conference

AL-KHALIFA, Shaikh Isa Bin Ali, Mr., Minister of
Labour and Social Affairs.

Government Delegates

AL-KHALIFA, Shaikh Ahmed Bin Sager, Mr.,
Undersecretary, Ministry of Labour and Social Affairs.
AL-HADDAD, Ahmed Mahdi, Mr., Ambassador,
Permanent Mission, Geneva.

Advisers

AL-MAHDI, Naji Ahmed, Mr., Director of Bahrain
Training Institute, Ministry of Labour and Social
Affairs.
SALAMEH, Mahmood Jaber, Mr., Legal Advisor,
Ministry of Labour and Social Affairs.
AL-SHERIAN, Ahmed Ali, Mr., Advisor of the Research,
Studies and Information Affairs, Ministry of Labour
and Social Affairs.
AL-DOSERI, Subah Salem, Mr., Chief, General Services
Section, Ministry of Labour and Social Affairs.

Employers' Delegate

ZAIN AL-ABIDEEN, Hassan Mohamed, Mr., Second
Vice President, Bahrain Chamber of Commerce and
Industry.

Workers' Delegate

HASSAN FULLAD, Faisal, Mr., Chairman, General
Committee of Bahrain Workers.

Advisers

ABDULLA YOUSIF, Yousif, Mr., General Secretary,
General Committee of Bahrain Workers.
AL-SAMMAK, Saeed Abbas, Mr., Member, General
Committee of Bahrain Workers.

Bangladesh

Minister attending the Conference

ALI, Mir Shawkat, Mr., Ministry of Labour and
Manpower.

Government Delegates

RASHID, Mohammad, Mr., Secretary, Ministry of Labour
and Manpower.
HASHIM, M. Anwar, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

QUAYES, M. Mijazul, Mr., Counsellor, Permanent
Mission, Geneva.
AHSAN, M. Shameem, Mr., Counsellor, Permanent
Mission, Geneva.
QUANINE, Nazmul, Mr., First Secretary, Permanent
Mission, Geneva.
TALUKDER, M.A.S., Mr., Deputy Chief, Ministry of
Labour and Manpower.

Employers' Delegate

KABIR, Laila Rahman, Mrs., President, Bangladesh
Employers' Association.

Adviser and substitute delegate

RAHMAN, Latifur Rahman, Mr., Former President,
Bangladesh Employers' Association.

Workers' Delegate

ALI, Iskender, Mr., President, Bangladesh Jatiotabadi
Sramik Dal.

Adviser and substitute delegate

KHAN, Nazrul Islam, Mr., General Secretary, Bangladesh Jatiotabadi Sramik Dal.

Adviser and substitute delegate

PLIATCHENKO, Alexandre, Mr., Chief, Union of Entrepreneurs and Leaseholders, International Department.

Barbade Barbados Barbados

Minister attending the Conference

GREENIDGE, Rudolph, Mr., Minister of Labour, Community Development and Sports.

Government Delegate

CLARKE, Lionel, Mr., Permanent Secretary, Ministry of Labour, Community Development and Sports.

Employers' Delegate

ROACH, Thomas, Mr., Executive Director, Barbados Employers' Confederation.

Workers' Delegate

TROTMAN, Leroy, Mr., General Secretary, Barbados Workers' Union.

Belarus

Government Delegates

SASNOW, Alyaksandr V., Mr., Minister, Ministry of Labour
SEMERIKOV, Igor B., Mr., Council of Ministers, Legal Department, Sector of State Law, Chief.

Advisers and substitute delegates

GERUS, Uladzimir. A., Mr., 3rd Secretary, Ministry of Foreign Affairs, Department of the International Economic Relations,
MIKHNEVIK, Syargei, Mr., 1st Secretary, Permanent Mission, Geneva .
IVANOV, Oleg, Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

KUNYAVSKY, Max S., Mr., President, Union of Entrepreneurs and Leaseholders, Co-Chairman, Coordinating Council of Entrepreneurs.

Advisers

KOUNTS, Mikhail, Mr., Director-General, Bobruisk Leather Product Corporation.
ARINITCH, Loran, Mr., Director-General, Popular Property Enterprise, 'PINSKDROV'.
VINOGRAD, Vladimir, Mr., Director, Scientific Production Corporation, 'GRAPE'.
SELIYAVKO, Valery, Mr., President, 'Olimp' Commercial Bank.
KOUZMIN, Yefim I., Mr., Director, Second Mining Directorate Production Association 'Belaruskal'.
KOLOSOVSKI, Valeri, Mr., President, 'Belmed' Joint Stock Company.

Workers' Delegate

GONCHARIK, Vladimir I., Mr., Chairman, Federation of Trade Unions.

Advisers and substitute delegates

BULGAK, Vadim A., Mr., Deputy Chairman, Federation of Trade Unions.
PADALINSKY, Aleg V., Mr., Chief, International Department, Federation of Trade Unions.

Advisers

BOGOMYA, Grigori G., Mr., Chairman, Trade Union Committee, Second Mining Directorate, Production Association, 'Belaruskaliy'.
SHCHEBROV, Andrei V., Mr., Consultant, Federation of Trade Unions.
FEDOROVICH, Cheslav V., Mr., Chairman, Trade Union Committee Production Association 'Minsk Tractor Plant', .

Belgique Belgium Belgique

Ministre assistant à la Conférence

SMET, Miet, Mme, Ministre de l'Emploi et du Travail.

Personnes accompagnant le Ministre

JADOT, Michel, M., Secrétaire général, Ministère de l'Emploi et du Travail
COX, Guy, M., Chef de cabinet du Ministre de l'Emploi et du Travail.
ASEGLIO, Michel, M., Chef de cabinet adjoint du Ministre de l'Emploi et du Travail.

MICHELIS, Krista, Mme, Attachée de presse du Ministre de l'Emploi et du Travail.
DE SAEGHER, Tom, M., Collaborateur du Ministre de l'Emploi et du Travail.

Délégués gouvernementaux

VAN DEPOELE, Robert, M., Vice-président honoraire, Conseil national du travail.
VANDAMME, François, M., Directeur d'administration, Chef du service des relations internationales, Ministère de l'Emploi et du Travail.

Conseiller technique et délégué suppléant

WILLEMS, Lode, M., Ambassadeur extraordinaire et plénipotentiaire, Représentant permanent, Mission permanente à Genève.

Conseillers techniques

HUBLET, Paul, M., Directeur général, Administration de l'hygiène et de la médecine du travail, Ministère de l'Emploi et du Travail.
GILLES, Robert, M., Directeur général, Administration de la réglementation et des relations du travail, Ministère de l'Emploi et du Travail.
DE GOLS, Michel, M., Directeur d'administration, Administration de la réglementation et des relations du travail, Ministère de l'Emploi et du Travail
CLOESEN, Joseph, M., Conseiller-adjoint, Service des relations internationales, Ministère de l'Emploi et du Travail.
MUYLLE, Geert, M., Secrétaire, Mission permanente à Genève.
BALLARIN, Laura, Mme, Secrétaire d'administration, Administration de la réglementation et des relations du travail, Ministère de l'Emploi et du Travail
WALGRAVE, Jo, Mme, Présidente, Conseil national du travail.
MAETER, Pierre-Pol, M., Secrétaire, Conseil national du travail
GLORIEUS, Jan, M., Secrétaire-adjoint, Conseil national du travail.
BUELENS, Théo, M., Assistant administratif, Service des relations internationales, Ministère de l'Emploi et du Travail.
WAREGNE, Jean-Marie, M., Conseiller, Attaché économique et commercial pour la région wallonne à Genève.
BOURGOIGNIE, Christian, M., Conseiller, Attaché pour la communauté française de Belgique à Genève.

Délégué des employeurs

VAN HOLM, Jan, M., Directeur, Département des questions du travail, Fédération des entreprises.

Conseiller technique et délégué suppléant

MINNE, Willy, M., Directeur, Fédération des industries agricoles et alimentaires.

Conseillers techniques

DA COSTA, Jacques, M., Directeur, Fédération pétrolière belge.
STORM, Marie-Louise, Mme, Conseiller, Fabrimétai.
SEVRAIN, Anne, Mme, Conseiller, Fédération des entreprises .
COUNET, Georges, M., Conseiller, FEDIEX.

Délégué des travailleurs

DE VITS, Mia, Mme, Secrétaire générale, Fédération générale du travail.

Conseiller technique et délégué suppléant

PEIRENS, Willy, M., Président, Confédération des syndicats chrétiens.

Conseillers techniques

HAAZE, Guy, M., Président, Centrale générale des syndicats libéraux.
DELARUE, Rudy, M., Conseiller juridique, Service d'études de la confédération des syndicats chrétiens
VERBOVEN, Xavier, M., Secrétaire national, Fédération général du travail .
POTTIE, Frans, M., Conseiller Général, Centrale générale des syndicats libéraux.
SPAËY, René, M., Conseiller, Service juridique social, Fédération générale du travail .
MEUNIER, Geneviève, Mme, Service d'études, Confédération des syndicats chrétiens.
LADRILLE, Arthur, M., Président, Centrale des travailleurs de l'alimentation et de l'hôtellerie.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

DEREYMAEKER, Jan, M., Chef, Service international, Confédération des syndicats chrétiens.
VAN EVERCOOREN, Dirk, M., Service d'études économiques, Fédération Générale du Travail de Belgique.

Benin

Ministre assistant à la Conférence

OSSENI, Kadiatou-Koubourath, Mme, Ministre du Travail, de l'Emploi et des Affaires sociales.

Délégués gouvernementaux

ZANOÛ, Pierre, M., Directeur du travail.

POSSET, Thérèse, Mme, Directrice générale, Office béninois de sécurité sociale.

Délégué des employeurs

GLELE G., Lucien, M., Vice-Président, Organisation nationale des employeurs, (ONEB).

Délégué des travailleurs

IBRAHIMA, Zakari, M., Secrétaire général, Centrale des syndicats autonomes, (CSA).

Bolivia Bolivia Bolivia

Ministro asistente a la Conferencia

PETERS ARZABE, Reynaldo, Sr., Ministro de Trabajo.

Delegados gubernamentales

PATÍÑO, Jorge Lema, Sr., Embajador, Misión Permanente en Ginebra.

ELIAS SAINZ, Abel, Sr., Asesor General, Ministerio de Trabajo.

Consejero técnico y delegado suplente

QUISPE, Jaime, Sr., Ministro Consejero, Encargado de Negocios a.i., Misión Permanente en Ginebra.

Delegado de los empleadores

DE CHAZAL, Carlos, Sr., Presidente, Confederación de Empresarios Privados.

Consejero técnico y delegado suplente

ESPAÑA-SMITH, Raúl, Sr.

Delegado de los trabajadores

SALAS MOYA, Oscar, Sr., Secretario Ejecutivo, Central Obrera Boliviana.

Consejero técnico

CAMARGO CHAVES, Carlos, Sr., Central Obrera Boliviana.

La République de Bosnie-Herzégovine

The Rep. of Bosnia and Herzegovina La Rep. de Bosnia y Herzegovina

Government Delegates

BIJEDIC, Mustafa, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

RADJO, Sabahka, Ms., Attaché, Permanent Mission, Geneva.

Botswana

Minister attending the Conference

TEMANE, Bahiti K, Mr., Minister of Labour and Home Affairs.

Government Delegates

MHLAULI, Elvidge, Mr., Permanent Secretary, Ministry of Labour and Home Affairs.

PALAI, Mothusi B.R., Mr., Commissioner of Labour and Social Security.

Adviser and substitute delegate

MOJAFI, Claude A., Mr., Principal Labour Officer.

Advisers

WILLIAMS, Stephen, Mr., Principal Government Mining Engineer.

RANTAO, Paul, Mr., Member of Parliament.

Employers' Delegate

MASWIBILILI, Batisani S., Mr., Human Resources Manager, Soda Ash.

Workers' Delegate

MBONINI, Elias, Mr., Chairman, Federation of Trade Unions

Brésil Brazil Brasil

Minister attending the Conference

PAIVA, Paulo de Tarso, Mr., Minister of State of Labour.

Persons accompanying the Minister

LAFER, Celso, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
VERGNE SABOIA, Gilberto, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

Government Delegates

FERRAZ DOS PASSOS, Joao Pedro, Mr., Attorney General for Labour.
GOMES DOS SANTOS, Maria Helena, Mrs., Head, International Department, Ministry of Labour.

Advisers and substitute delegates

CORREIA BARROS JUNIOR, Juarez, Mr., Labour Safety Engineer, Regional Labour Department, State of São Paulo, Ministry of Labour.
SOARES DE OLIVEIRA, Leonardo, Mr., Labour Inspector, Regional Labour Department, State of Minas Gerais, Ministry of Labour.
RIBEIRO DE SANTANA, Marcílio, Mr., Head of Division, Labour Relations Office, Ministry of Labour.
PAIXÃO PARDO, Sérgio, Mr., Head of Division, Office of the Minister of Labour.
MARTINS RODRIGUES NETO, Leoncio, Mr., Government Representative, Governing Body of the ILO.
GUILHERME DE MORAES, Luis, Mr., Counsellor, Permanent Mission Geneva.
DE MATTOS HOSANNAH, Eduardo, Mr., First Secretary, Head, Office of the Minister of Labour.
PINHEIRO PENNA, Maria Helena, Mrs., First Secretary, Permanent Mission, Geneva.
SA RICARTE, Antonio Otávio, Mr., Second Secretary, Permanent Mission, Geneva.
GUAPINDAIA JOPPERT, Paulo, Mr., Third Secretary, Permanent Mission, Geneva.

Other persons attending the Conference

DELGADO, Paulo, Mr., Member of Parliament.
LINS, Atila, Mr., Member of Parliament.
PROENÇA DOYLE, Ney, Mr., Minister, Labour Superior Court.
PAULA DE MEDEIROS, Francisco Fausto, Mr., Minister, Labour Superior Court.
DA SILVA FLORES, Luiz, Mr., Deputy Attorney General for Labour.
DIAS MARTINS, Luiz Carlos, Mr., Assistant, Minister of Labour.

Employers' Delegate

GONÇALVES DE OLIVEIRA FONSECA, Domingos, Mr., Director and President, Session II-Cargo, National Confederation of Transport.

Advisers and substitute delegates

DONATO, Arthur João, Mr., First Vice-President, National Confederation of Industry; President, Industries Federation, State of Rio de Janeiro.
D'ARAUJO MARTINS, Victor, Mr., Second Vice-President, National Confederation of Commerce; President, Wholesale Commerce Federation, State of Rio de Janeiro.
MAGALHÃES VELLOSO, Galba, Mr., Superintendent, National Confederation of Financial Institutions.

Advisers

DE SOUSA CARMO, Afonso Celso, Mr., Representative, National Confederation of Agriculture.
RONDON LINHARES, Lucia Maria, Mrs., Deputy Head, Legal Department; Member, Permanent Commission for Labour International Relations, National Confederation of Industry.
ROQUE TALINI, Deomedes, Mr., Director, Federation of Industries; President, Metalworks, Mechanical and Electrical Industries Union of Canoas, State of Rio Grande do Sul.
ROSSI, Newton, Mr., Director, National Confederation of Commerce.
DE OLIVEIRA RODRIGUES, Renato, Mr., Director, Union Department, National Confederation of Commerce.

Persons appointed in accordance with Article 2, paragraph 3(i)

GONÇALVES DOS SANTOS, Narciso, Mr., President, Union of Passenger Transport Companies.
SFOGGIA, Ubajara, Mr., Director, Federation of Cargo Transport Companies, State of Rio Grande do Sul.

Workers' Delegate

AAGAARD JAKOBSEN, Kjeld, Mr., Treasurer, International Relations, "Central Unica dos Trabalhadores" (CUT).

Advisers and substitute delegates

VICENTE DE BARROS, Valdir, Mr., Director, International Relations, "Confederação Geral dos Trabalhadores" (CGT).
IBRAHIM, José, Mr., Secretary, International Relations, "Central Força Sindical" (FS).
FERRAZ DE CAMPOS, José Gaspar, Mr., Coordinator, Health, Environmental and Work Conditions Affairs, FS.

Advisers

FELICIO, João Antonio, Mr., Executive-Director, CUT.
PASSOS FILHO, Herbert, Mr., President, Union of Worker's Pharmaceutical and Chemical Industries of Santos, State of São Paulo.

Bulgarie Bulgaria Bulgaria

Government Delegates

KORALSKI, Mintcho, Mr., Minister of Labour and Social Affairs.

DOBREV, Valentin, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

MIROSLAVOV, Emil, Mr., Vice Minister of Labour and Social Affairs.

BALTOV, Atanas, Mr., Counsellor, Permanent Mission, Geneva.

PANOV, Svetlozar, Mr., Expert, Foreign Economic Policy, Ministry of Foreign Affairs.

Advisers

HRISTOV, Nikolay, Mr., Chief, International Integration Division, Ministry of Labour and Social Affairs.

PAVLOV, Borislav, Mr., Head, Section International Organizations and Conferences, Ministry of Labour and Social Affairs.

Employers' Delegate

ROUYNEKOV, Pentcho, Mr., Vice-President, Bulgarian Union of Private Enterprise 'Vazrajdan'.

Advisers and substitute delegates

SIMEONOV, Tzvetan, Mr., Secretary General, Bulgarian Chamber of Commerce and Industry.

KRASTITELSKI, Iordan, Mr., Expert, BUPE 'Vazrajdan'.

GORANOVA-ROUYNEKOVA, Olga, Mrs., Expert, BUPE 'Vazrajdan'.

Workers' Delegate

DIMOV, Ermak, Mr., President, Community of the Free Syndical Organizations.

Advisers and substitute delegates

TCHAOUSHEV, Assen Fidanov, Ms., Co-President of the CFSOB.

NEYKOV, Ivan, Mr., Vice President, Confederation of Independent Trade Unions.

KANEV, Alexander, Mr., Vice-President, CITUB.

Advisers

DIMITROVA, Dimitrina, Mrs., Expert, CITUB.

KOSSEVA, Evguenia, Mrs., Confederal Secretary, Confederation of Labour 'Podkrepa'.

PETKOVA, Mariana, Mrs., Legal Adviser, Confederation of Labour 'Podkrepa'.

VELINOVA, Anelia, Mrs., CFSOB Secretary.

Person appointed in accordance with Article 2, paragraph 3(i)

DOYNOVA, Gergana, Mrs., CFSOB.

Burkina Faso

Ministre assistant à la Conférence

OUEDRAOGO, Ardjouma Alphonse, M., Ministre de l'Emploi, du Travail et de la Sécurité sociale.

Délégués gouvernementaux

OUEDRAOGO, Simon, M., Directeur du Travail.

OUEDRAOGO, Karim François, M., Conseiller technique, Ministère de l'Emploi, du Travail et de la Sécurité sociale.

Conseillers techniques et délégués suppléants

YAMEOGO, Henri Marie Dieudonné, M., Directeur général, Office national de la promotion de l'emploi.

BADINI, Boureima, M., Directeur général, Caisse nationale de Sécurité sociale.

Conseiller technique

KOUYATE, Amadou Bocar, M., Directeur général, Office de santé des travailleurs.

Délégué des employeurs

KABORE, Béléko Pierre, M., Secrétaire exécutif, Conseil national du patronat burkinabé, (CNPB).

Conseiller technique et délégué suppléant

OUEDRAOGO, Christophe, M., Vice-Président, CNPB.

Délégué des travailleurs

SOMDAH, Boniface, M., Secrétaire général, Union syndicale des travailleurs burkinabé, (USTB).

Conseiller technique et délégué suppléant

SEBGO, Rigobert, M., Secrétaire général, Organisation nationale des syndicats libres, (ONSL).

Burundi

Ministre assistant à la Conférence

BAKEVYUMUSAYA, Vénérand, M., Ministre du Travail, de l'Artisanat et de la Formation professionnelle.

Délégués gouvernementaux

SIMBIZI, Appollonie, Mme, Ambassadeur, Mission permanente à Genève.

NDAYIKENGURUKIYE, Nicolas, M., Directeur général du Travail et de la Formation Continue.

Conseillers techniques et délégués suppléants

NZEYIMANA, Pierre-Claver, M., Conseiller juridique du Ministre du Travail.

KARIKURUBU, Liboire, M., Directeur Général, l'Institut national de sécurité sociale (INSS).

BUSHAHU, Salvator, M., Chef du bureau législation et contentieux, INSS.

NEGAMIYE, Aloys, M., Premier Conseiller, Mission permanente à Genève.

Délégué des employeurs

NZISABIRA, Gaspard, M., Secrétaire Exécutif, Association des employeurs (AEB).

Délégué des travailleurs

KUBWIMANA, Vincent, M., Secrétaire Général, Confédération des syndicats libres, (CSB).

Cambodge Cambodia Camboya

Ministre assistant à la Conférence

SUY, Sem, M., Secrétaire d'Etat aux Affaires sociales, au Travail et aux Anciens Combattants.

Délégué gouvernemental

THACH, Sem, M., Directeur, Département de la sécurité sociale, Ministère des Affaires Sociales, du Travail et des Anciens Combattants.

Délégué des employeurs

LAI, Kim Tong, M., Directeur général, World Trade Cambodia Co.LTD.

Délégué des travailleurs

LONG, Phally, M., Délégué du personnel, Société Khmère des distilleries.

Cameroun Cameroon Camerún

Ministre assistant à la Conférence

MBILA, Simon, M., Ministre du Travail et de la Prévoyance sociale.

Délégués gouvernementaux

NGOUBEYOU, François-Xavier, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

NYANGANG, Claire, Mme, Directeur du travail.

Conseillers techniques

BEKOULE, Angèle, Mme, Services du Premier Ministre
TANTOH, Chebo Charles, M., Premier secrétaire, Mission permanente à Genève.

BELL, Mathias Louis, M., Chef, Service relations internationales.

Délégué des employeurs

SANZOUANGO, François, M., Secrétaire général, GICAM

Conseiller technique

MOUKOKO KINGUE, Félix, M., Vice-président, GICAM.

Délégué des travailleurs

BAKOT-NDJOCK, Emmanuel, M., Président, Confédération syndicale des travailleurs (CSTC).

Conseiller technique

SOMBES, Louis, M., Secrétaire général, CSTC; Membre suppléant, Conseil d'administration du BIT.

Canada

Government Delegates Délégués gouvernementaux

CARON, Lucille G., Mrs., Directrice exécutive, Bureau des affaires internationales, Ministère du Développement des ressources humaines,

Représentante gouvernementale, Conseil
d'administration du BIT.

PERLIN, Jean, Ms., Counsellor, Permanent Mission,
Geneva.

*Advisers and substitute delegates
Conseillers techniques et délégués suppléants*

SHANNON, Gerald E., Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
MCALISTER, Andrew, Mr., Minister, Deputy Permanent
Representative, Permanent Mission, Geneva.

*Advisers
Conseillers techniques*

BEAUPRE BERARD, Huguette, Mrs., Agent des affaires
internationales, Bureau des affaires internationales,
Développement des ressources humaines.
FRY, Deborah, Ms., Deputy Minister of Employment and
Labour Relations, Government of Newfoundland.
MCGINN, Ralph, Mr., Vice-President, Prevention
Division, Workers' Compensation Board of British
Columbia.

*Representatives of a State or Province
Représentants d'un Etat ou province*

DESLAURIERS, Christian, Mr., Conseiller, Direction des
organisations internationales, Ministère des Affaires
internationales du Québec.
NANTEL, Maurice, Mr., Directeur régional, Commission
de la santé et de la sécurité du travail

**Employers' Delegate
Délégué des employeurs**

HALLIWELL, John, Mr., Director, International Affairs,
Canadian Employers Council.

*Adviser and substitute delegate
Conseiller technique et délégué suppléant*

HARLEY, Laurie, Ms., Manager, Government Relations,
IBM Canada Ltd.

*Advisers
Conseillers techniques*

BURKETT, Brian, Mr., Lawyer, Heenan Blaikie.
CECUTTI, Albert, Mr., Director, Occupational Health and
Hygiene, Falconbridge Ltd.
MCNICOLL, Madeleine, Mrs., Directrice, Conseil
d'administration, Conseil canadien des employeurs.
WOOLFORD, Peter, Mr., Senior Vice President, The
Retail Council of Canada.

**Workers' Delegate
Délégué des travailleurs**

PARROT, Jean-Claude, Mr., Vice-Président exécutif,
Congrès du travail du Canada.

*Adviser and substitute delegate
Conseiller technique et délégué suppléant*

MALLON, Brian, Mr., International Affairs, Canadian
Labour Congress.

*Advisers
Conseillers techniques*

CARBONNEAU, Claudette, Mrs., Première Vice-
Présidente, Confédération des syndicats nationaux
(CSN).
DAGG, Alexandra, Ms., Manager, Ontario District
Council, International Ladies' Garment Workers'
Union.
JOHNSON, Theresa, Ms., Researcher, Social and
Occupational Rights Branch, Public Service Alliance.
JONES, Susan, Ms., Projects Officer, Social and
Occupational Rights Branch, Public Service Alliance.
MCGRAW, Don, Mr., Chairman, Health and Safety
Committee, United Steelworkers of America, Local
6500.
PERQUIN, John, Mr., Staff Representative, Health and
Safety, United Steelworkers of America, District 6.
VAILLANCOURT, Lauraine, Mrs., Vice-Présidente,
Fédération des travailleurs et travailleuses du Québec
(FTQ).

**Cap-Vert Cape Verde
Cabo Verde**

Ministre assistant à la Conférence

REIS, José Antonio Mendes, M., Ministre du Travail, de la
Jeunesse et de la Promotion sociale.

Délégués gouvernementaux

SANTOS, Maria Conceição de Aparecida, Mme,
Directrice générale du travail.
GONÇALVES, Carlos Gregorio Lopes Pereira, M.,
Technicien supérieur, Direction générale du travail.

Délégué des employeurs

MOEDA, Fernando Jorge, M., Membre de direction,
Association commerciale de Sotavento.

Délégué des travailleurs

VAZ, Jose Manuel, M., Secrétaire général, Confédération
capverdienne des syndicats libres.

République centrafricaine Central African Republic República Centroafricana

Délégués gouvernementaux

ANGUIMATE, ELOIS, M., Ministre de la Fonction Publique, de l'Emploi, de la Sécurité Sociale et de la Formation Professionnelle.

MOUSSA LABE, Gilbert-Didier, M., Directeur général du Travail, de l'Emploi et de la Formation Professionnelle.

Conseillers techniques

ZITONGO-MADENGA, Odile, Mme, Directrice des Services techniques, Office National de la Main-d'Oeuvre.

YANGO-SINDO, Alexandre-Désiré, M., Directeur des Etudes et des Relations Extérieures, Direction générale du Travail, de l'Emploi et de la Formation Professionnelle

Délégué des employeurs

PENNONE, Frédérique, Mme, Secrétaire général, Union nationale du patronat centrafricain.

Délégué des travailleurs

KPOKOLO, Sabin, M., Secrétaire général, Confédération syndicale des travailleurs.

Chili Chile Chile

Ministro asistente a la Conferencia

ARRATE MAC NIVEN, Jorge, Sr., Ministro del Trabajo y Previsión Social.

Delegados gubernamentales

PEREZ VEGA, Guillermo, Sr., Subsecretario del Trabajo; Representante gubernamental, Consejo de Administración de la OIT.

BERGUÑO BARNES, Jorge, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

ILABACA ORPHANOPOULOS, José Luis, Sr., Consejero, Misión Permanente en Ginebra; Representante gubernamental, Consejo de Administración de la OIT.

ARAVENA ASTUDILLO, Duhamel, Sr., Encargado de la Oficina de Relaciones Laborales Internacionales, Ministerio del Trabajo y Previsión Social.
MIRANDA ROJAS, Guillermo, Sr., Jefe de Gabinete del Ministro del Trabajo y Previsión Social.
ROMERO MUÑOZ, Pablo, Sr., Consejero, Dirección de Política Multilateral, Ministerio de Relaciones Exteriores.

Consejeros técnicos

HUME FIGUEROA, Rodrigo, Sr., Tercer Secretario, Misión Permanente en Ginebra.

RIOS SOLINAS, Francisco, Sr., Misión Permanente en Ginebra.

RIVAS GOMEZ, Francisco, Sr., Agregado Laboral, Misión Permanente en Ginebra.

Delegado de los empleadores

ARTHUR ERRAZURIZ, Guillermo, Sr., Confederación de la Producción y del Comercio.

Consejeros técnicos y delegados suplentes

MONTT BALMACEDA, Manuel, Sr., Confederación de la Producción y del Comercio. Miembro Suplente, Consejo de Administración de la OIT.

BERG MONASTERIO, Huberto, Sr., Confederación de la Producción y del Comercio.

Consejeros técnicos

FANTUZZI HERNANDEZ, Roberto, Sr., Asociación de Exportadores de Productos Manufacturados no Tradicionales (ASEXMA).

ARRATIA ALVARADO, Jaime, Sr., Confederación Gremial Nacional Unida de la Mediana y Pequeña Industria, Servicios y Artesanado de Chile.

Delegado de los trabajadores

BUSTOS HUERTA, Manuel, Sr., Central Unitaria de Trabajadores (CUT).

Consejeros técnicos y delegados suplentes

CORTES MUÑOZ, Guillermo, Sr., Confederación Nacional de Panificadores (CONAPAN), CUT.

BUNNEY TUNACCA, Luis, Sr., Colegio de Profesores de Chile A.G., CUT.

LABRAÑA MENA, Moises, Sr., Confederación Minera, CUT.

Consejeros técnicos

VON HAUSEN CARMONA, Hernán, Sr., Federación de Trabajadores del Petróleo, CUT.

LEON GAJARDO, Eugenio, Sr., Confederación Nacional Campesina, CUT.

TURRA PAREDES, Rigoberto, Sr., Confederación Campesina Nehuen, CUT.
PAVEZ URRUTIA, Jorge, Sr., Colegio de Profesores A.G., CUT.
DE LA PUENTE PEÑA, Raúl, Sr., Asociación Nacional de Empleados Fiscales, CUT.

Persona designada de conformidad con el artículo 2, párrafo 3.i)

ULLOA IBAÑEZ, Carlos, Sr., Confederación Campesina UOC, CUT.

Chine China China

Minister attending the Conference

LI, Boyong, Mr., Minister of Labour.

Government Delegates

ZHU, Jiazhen, Mr., Vice-Minister of Labour.
JIN, Yongjian, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

ZHANG, Wei, Mr., Labour Councillor, Permanent Mission, Geneva.
LIN, Maizhu, Mr., Deputy Director, Department of International Cooperation, Ministry of Labour.

Advisers

LI, Zhuqi, Mr., Director, General Office of the State Council.
ZHANG, Xiaojian, Mr., Director, Department of Employment, Ministry of labour.
LIU, Yanbin, Mr., Deputy Director, International Labour Studies, MOL
YAO, Xiuzhen, Ms., Director, Ministry of Finance.
WANG, Jiyuan, Mr., Division Chief, Department of International Cooperation, MOL.
WANG, Jincheng, Mr., Secretary of the Minister.
GU, Song, Mr., Chief Reporter, China Labour.
GUAN, Jinghe, Ms., Deputy Division Chief, Department of International Cooperation, MOL.
ZHANG, Feng, Mr., Official, Department of International Cooperation, MOL.
LIU, Xu, Mr., Division Chief, Department of Labour Relations and Labour Inspection, MOL.
SHI, Weizu, Mr., Deputy Division Chief, Department of Mine Safety and Inspection, MOL.
WU, Jihong, Mr., Second Secretary, Ministry of Foreign Affairs.
ZHU, Zhenguo, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

PAN, Chenglie, Mr., Deputy Director-General, China Enterprises Directors Association (CEDA).

Adviser and substitute delegate

SONG, Jianhua, Ms., Deputy Director, Department of International Liaison, CEDA.

Advisers

QIN, Jieming, Mr., Project Officer, Department of International Liaison, CEDA.
LI, Zhihong, Mr., Manager, Mingshan Coal Mine, Jiangxi Province.

Workers' Delegate

LI, Qisheng, Mr., Vice Chairman, All China Federation of Trade Unions (ACFTU).

Adviser and substitute delegate

FU, Xushan, Mr., Deputy Director, International Liaison Department, ACFTU.

Advisers

WANG, Yuxian, Mr., Division Chief, International Liaison Department, ACFTU.
JIANG, Lie Qing, Mr., Division Chief, International Liaison Department, ACFTU.
LIU, Jiyong, Mr., Division Chief, International Liaison Department, ACFTU.
XIE, Ding, Ms., Official, International Liaison Department, ACFTU.

Chypre Cyprus Chipre

Minister attending the Conference

MOUSHOUTTAS, Andreas, Mr., Minister of Labour and Social Insurance.

Government Delegates

SYMEONIDES, Nicos, Mr., Permanent Secretary, Ministry of Labour and Social Insurance.
MACRIS, Nicos, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

PELEKANOS, Demetrios, Mr., Director Social Insurance Department, Ministry of Labour and Social Insurance.

SAMUEL, Lenia, Mrs., Principal Insurance Officer, Social Insurance Department, Ministry of Labour and Social Insurance.

Advisers

MARKIDES, Loria, Mrs., Counsellor A, Permanent Mission, Geneva.
YIANNAKI, Anastassios, Mr., Engineering Inspector, Department of Labour, Ministry of Labour and Social Insurance.

Employers' Delegate

PIERIDES, Antonis, Mr., Director General, Employers and Industrialists Federation, Substitute Member, Governing Body of the ILO.

Adviser and substitute delegate

PILICOS, Michael, Mr., Head, Industrial Relations and Labour Legislation Department, Employers' and Industrialists' Federation.

Advisers

PETROU, Petros, Mr., Industrial Relations Officer, Employers and Industrialists Federation.
KYTHREOTIS, Christos, Mr., Secretary-Director, Bankers Employers' Association.
MICHAEL, Emiliós, Mr., Industrial Relations Officer, Chamber of Commerce and Industry.

Workers' Delegate

ANTONIOU, Avraam, Mr., General Secretary, Pancyprian Federation of Labour (PEO).

Adviser and substitute delegate

CHRISTOFI, Yiannakis, Mr., General Secretary, Hotels and Catering Establishments, Employees' Trade Union, Pancyprian Federation of Labour (PEO).

Advisers

IOANNOU, Michalakis, Mr., General Secretary, Workers' Confederation (SEK); Substitute Member, Governing Body of the ILO.
KITTENIS, Dimitris, Mr., Deputy General Secretary, Workers' Confederation (SEK).
PRENTZAS, Renos, Mr., General Secretary, Democratic Labour Federation (DEOK).
DIOMEDOUS, Diomedes, Mr., Member of the Executive Committee, District Secretary, DEOK.

Colombie Colombia Colombia

Delegados gubernamentales

NAVIA VELASCO, María Sol, Sra., Ministra de Trabajo y Seguridad Social.
GONZALEZ MOSQUERA, Guillermo Alberto, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos

GONZALEZ MONTOYA, Eduardo, Sr., Director, Departamento Administrativo de la Función Pública.
MENDEZ ARANGO, Rafael, Sr., Presidente de la Sala Laboral, Corte Suprema de Justicia.
ORJUELA GONGORA, Carlos Arturo, Sr., Presidente, Sección Segunda, Consejo de Estado
ARIAS CASTANO, María Francisca, Sra., Ministra Consejera, Misión Permanente en Ginebra.
DEVIA VALDERRAMA, Carmenza, Sra., Directora Técnica de Trabajo, Ministerio de Trabajo y Seguridad Social.
CARBONELL BLANCO, Rafael de Jesús, Sr., Asesor, Ministerio de Trabajo y Seguridad Social.
ESPINOSA ESCALLON, Juan Carlos, Sr., Primer Secretario, Misión Permanente en Ginebra.
SAENZ, Carlos Roberto, Sr., Canciller en Ginebra.

Otras personas que asisten a la Conferencia

VANEGAS MONTOYA, Alvaro, Sr., Senador
ANGARITA BARACALDO, Alfonso, Sr., Senador.
ARIAS RAMIREZ, Jaime, Sr., Senador.
BUSTAMANTE, María del Socorro, Sra., Senador.
GERLEIN ECHEVERRÍA, Roberto, Sr., Senador.
ESTRADA VILLA, Armando, Sr., Senador.
MARTINEZ CABALLERO, Alejandro, Sr.
HERRERA VERGARA, Hernando, Sr.
TORRES BARRERA, Hernando, Sr., Senador.
PADILLA GUZMAN, Marco Tulio, Sr., Diputado.
MONTENEGRO, Camilo Arturo, Sr., Diputado.
GONGORA ARCINIEGAS, Jorge, Sr., Diputado.
LOZANO OSORIO, Jorge Tadeo, Sr., Representante a la Cámara
PEREZ SANTOS, Roberto, Sr., Representante a la Cámara
DURAN CARRILLO, Antenor, Sr., Representante a la Cámara

Delegado de los empleadores

ANGEL ARANGO, Carlos Arturo, Sr., Presidente, Asociación Nacional de Industriales (ANDI).

Consejero técnico y delegado suplente

ALVAREZ POSADA, Enrique, Sr., Vicepresidente, Asuntos Jurídicos y Sociales, ANDI.

Consejeros técnicos

PRETELT DE LA VEGA, Sabas, Sr., Presidente,
Federación Nacional de Comerciantes (FENALCO).
TORRES FERNANDEZ, José Fernando, Sr.,
Vicepresidente Administrativo, Bavaria.
BECERRA TORO, Rodrigo, Sr., Vicepresidente Jurídico,
Ingenios Central Castilla y Riopalia.
FAJARDO LIEVANO, Ernesto, Sr., Gerente de Recursos
Humanos, ESSO Colombia; VicePresidente,
Asociación Colombiana de Relaciones Industriales y de
Personal (ACRIP).
LOPEZ GUERRA, Guillermo, Sr., Comité de Laboralistas,
ANDI.
MONSALVE CUELLAR, Martha, Sra., Asesora Laboral,
ANDI.

Delegado de los trabajadores

OBREGON SABOGAL, Orlando, Sr., Presidente, Central
Unitaria de Trabajadores (CUT); Miembro adjunto
suplente, Consejo de Administración de la OIT.

Consejeros técnicos

VALDERRAMA, Mario de J., Sr., Presidente,
Confederación General de Trabajadores Democráticos
(CGTD).
ALVIS FERNANDEZ, Apécides, Sr., Presidente,
Confederación de Trabajadores (CTC).
RODRIGUEZ ERAZO, Laureano, Sr., Presidente, Unión
de Trabajadores (UTRACUN).
FAJARDO ABRIL, Héctor, Sr., Central Unitaria de
Trabajadores, CUT.
GOMEZ ZULUAGA, Alberto Leon, Sr., CUT.
MARADIAGO, Ever (Heberth), Sr., Consejero Técnico.
PEÑA SANCHEZ, Saúl, Sr., CUT.

Comores Comoros Comoras

Ministre assistant à la Conférence

SITTOU, Raghadat Mohamed, Mme, Ministre des Affaires
sociales du Travail et de l'Emploi.

Délégué gouvernemental

MADI, Omar, M., Directeur général du travail et de
l'emploi.

Délégué des employeurs

BARWANE, Ahmed, M., Président, Organisation
Patronale Comorien (OPACO).

Délégué des travailleurs

TABIBOU, Ibouroi Ali, M., Secrétaire général, Union
Syndicale.

Congo

Ministre assistant à la Conférence

TSOMAMBET, Anaclet, M., Ministre du Travail, de la
Fonction Publique et de la Sécurité Sociale.

Délégués gouvernementaux

LOUDI, Sylvain, M., Conseiller au travail
NZABA, Anatole, M., Directeur général du travail.

Conseiller technique et délégué suppléant

KIBANGADI, Jean, M., Directeur général, Caisse de
retraite des fonctionnaires.

Conseiller technique

DIBA, Désiré William, M., Directeur général, CNSS

Délégué des employeurs

BOUSQUIE, Josy, Mme

Délégué des travailleurs

MOUSSABOU, Victor Bruno, M.

République de Corée Republic of Korea República de Corea

Government Delegates

HO, Seung, Mr., Ambassador, Permanent Representative,
Permanent Mission, Geneva.
KIM, Jung-Kyu, Mr., Director General for Labour Policy,
Ministry of Labour.

Advisers and substitute delegates

LEE, Joon Hee, Mr., Counsellor, Permanent Mission,
Geneva.
KIM, Yong Dal, Mr., Counsellor, Permanent Mission,
Geneva.
KIM, Youn-Chul, Mr., Director of Int'l Cooperation
Division, MOL
KIM, Chong-Hyo, Mr., Vice Director, Industrial Safety
Division, MOL.

CHOI, Doo-Yull, Mr., Vice Director, Int'l Cooperation Division, MOL.
KIM, Se-Gon, Mr., Deputy Director, Labour Standards Division, MOL
YUN, Kang Hyeon, Mr., Second Secretary, Permanent Mission, Geneva.
LEE, Jae-Hung, Mr., Deputy Director, Int'l Cooperation Division, MOL.

Advisers

LEE, Joon-Tae, Mr., Deputy Director, Mine Promotion Division, Ministry of Trade.
KIM, Bok-Yoon, Mr., Senior Research Fellow, Mineral Resource Laboratory.
CHOI, Sang Yong, Mr., Member of National Assembly.
KIM, Dae-Hwan, Mr., Deputy Director, International Cooperation Division, Ministry of Labour.
PARK, Yong-Ung, Mr.

Employers' Delegate

CHO, Nam-Hong, Mr., Vice Chairman and CEO, Employers Federation (KEF).

Advisers and substitute delegates

KIM, Young-Vae, Mr., Executive Director, KEF.
LEE, Dong-Eung, Mr., Deputy Director, International Cooperation Department, KEF.
KIM, Hoon-Sik, Mr., Director, Research Department I, KEF.
LEE, Hyung-Jun, Mr., Researcher for Labour Policy, Research Dept. I, KEF.

Workers' Delegate

PARK, Chong-Kun, Mr., President, Federation of Korean Trade Unions (FKTU).

Advisers and substitute delegates

KIM, Bong-Suk, Mr., Director, Department of International Affairs, (FKTU).
CHO, Han-Cheon, Mr., Chief of Board of Policy Planning, FKTU.
KIM, Sung-Jin, Mr., Deputy Director, Department of International Affairs, FKTU.

Advisers

UH, Soo-Bong, Mr., Director of Labour Institute, Federation of Trade Union.
KIM, Rack-Ki, Mr., Vice Director, Federation of Trade Union.
KIM, Sang-Ho, Mr., Fellow of Research, Federation of Trade Union.

Costa Rica

Ministro asistente a la Conferencia

AYALES ESNA, Farid, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

DENGO BENAVIDES, Manuel, Sr., Embajador, Misión Permanente en Ginebra.
THOMPSON CHACON, Laura, Sra., Primer Secretario, Misión Permanente en Ginebra.

Consejeros técnicos

QUIROS CORONADO, Roberto, Sr., Asesor Gubernamental
CASTRO CASCANTE, María Esther, Sra., Asesora Gubernamental.
GAMBOA ACUÑA, Grace, Sra., Asesora Gubernamental.

Delegado de los empleadores

GONZALEZ VARGAS, Ricardo Daniel, Sr., Unión costarricense de Camaras y Asociaciones de la Empresa Privada, (UCCAEP).

Delegado de los trabajadores

BROWN YOUNG, Gilberth, Sr., Confederación de Trabajadores Rerum Novarum, (CTRN).

Consejero técnico

MONTERO VEGA, Alvaro, Sr.

Côte d'Ivoire

Ministre assistant à la Conférence

ATSAIN ACHI, M., Ministre de l'Emploi et de la Fonction Publique.

Délégués gouvernementaux

KOUAME KOFFI, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
N'DRI KONAN, Lazare, M., Directeur de l'Emploi et de la Réglementation du Travail.

Conseillers techniques

N'DIAYE, Diarra, Mme, Chargée d'études, Ministère de l'Emploi et de la fonction publique.

SIA BI SEI, M., Premier Conseiller, Mission permanente à Genève.

KOUASSI, Hyacinthe, Mme, Conseiller, Mission permanente à Genève.

SERY, Marc Georges, M., Conseiller, Mission permanente à Genève.

Délégué des employeurs

AKA-ANGHUI, Joseph, M., Président, Conseil d'administration, Conseil national du patronat ivoirien (CNPI); Membre, Conseil d'administration du BIT.

Conseiller technique

TRAORE, Soungalo, M., Secrétaire général, CNPI.

Délégué des travailleurs

ADIKO NIAMKEY, Hyacinthe, M., Secrétaire général, Union générale des travailleurs (UGTCI).

Conseillers techniques

KOSSONOU YAO, M., Secrétaire général adjoint, UGTCI.

EBITTY ASSI, Marcellin, M., Trésorier général, UGTCI.

ETTE, Marcel, M., Secrétaire général, Fédération des syndicats autonomes (FESACI).

MAHAN GAHE, Basile, M., Secrétaire général, Centrale Dignité.

Croatie Croatia Croacia

Minister attending the Conference

SKARA, Joso, Mr., Minister of Labour and Social Welfare.

Government Delegates

ZUZUL, Miomir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

BABIC, Vera, Mrs., First Deputy Minister.

Advisers and substitute delegates

MUSULIN, Marina, Mrs., Head, Department for Relations with International Organizations.

MAROVIC, Fran, Mr., Head, Labour Inspection Department.

Advisers

MADEY, Neven, Mr., Chargé d'Affaires, Permanent Mission, Geneva.

THUR, Tomislav, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

IVANCEVIC, Zeljko, Mr., Director General, Croatian Association of Employers.

Adviser and substitute delegate

HORVATIC, Lidija, Mrs., Croatian Association of Employers.

Workers' Delegate

VOJNIC, Zvonimir, Mr., Croatian Union Association.

Adviser and substitute delegate

RIBIC, Vilim, Mr., Association of Croatian Unions of Public Servants.

Cuba

Ministro asistente a la Conferencia

VALDÉS MESA, Salvador, Sr., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

TRAVIESO DAMAS, Francisco, Sr., Director Jurídico y de Relaciones Internacionales, Ministerio de Trabajo y Seguridad Social.

BAUTA SOLES, Magda L., Sra., Encargada de Negocios a.i, Mision Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

HERNÁNDEZ OLIVA, Gretel, Sra., Funcionaria, Ministerio de Trabajo y Seguridad Social.

DELGADO GONZALEZ, Adrián, Sr., Primer Secretario, Misión Permanente en Ginebra.

Consejero técnico

AROSTEGUI MEDEROS, Natacha, Sra., Funcionaria, Ministerio de Relaciones Exteriores.

Delegado de los empleadores

GONZALEZ RODRIGUEZ, Lázaro, Sr., Director, Empresa "Conrado Pina".

Consejero técnico y delegado suplente

NAVARRO CABRERA, Jorge L., Sr.

Delegado de los trabajadores

BERNAL CAMERO, Joaquín, Sr., Secretario de Relaciones Internacionales, Central de Trabajadores.

Consejeros técnicos y delegados suplentes

ROSS LEAL, Pedro, Sr., Secretario General, Central de Trabajadores.

CARDONA NUEVO, Ramón, Sr., Miembro del Secretariado, Central de Trabajadores.

SÁNCHEZ VAZQUEZ, Danilo, Sr., Jefe, Departamento Relaciones Internacionales, Central de Trabajadores.

Danemark Denmark Dinamarca

Minister attending the Conference

ANDERSEN, Jytte, Ms., Minister of Labour.

Person accompanying the Minister

HERMANSEN, Anne dorthé, Ms., Private Secretary to the Minister of Labour.

Government Delegates

ADLER, Lone, Ms., Special Adviser on International Affairs to the Minister of Labour.

ESPERSEN, Trine, Ms., Head of Section, Ministry of Labour.

Adviser and substitute delegate

LARSEN, Jakob Esper, Mr., Ambassador, Permanent Mission, Geneva.

Advisers

KRISTENSEN, Lone Moberg, Ms., Embassy Secretary, Permanent Mission, Geneva.

KRARUP, Janus, Mr., Head of Section, Ministry of Labour.

LINDGAARD, Trine, Ms., Head of Section, Ministry of Labour.

SORENSEN, Simon Pihl, Mr., Head of Section, Ministry of Labour.

STAERMOSE, Vibeke, Ms., Head of Section, Ministry of Labour.

OVERGAARD-HANSEN, Knud, Mr., Head of Section, Ministry of Labour.

OLESEN, Henning, Mr., Permanent Undersecretary of State, Ministry of Labour.

POHL CHRISTENSEN, Marie Louise, Ms.

Other persons attending the Conference

KJAER, Henriette, Ms., Member of the Folketing (Danish Parliament).

CHRISTENSEN, Ove Vagn, Mr., Member of the Folketing (Danish Parliament).

Employers' Delegate

RONNEST, Jorgen, Mr., Director, Danish Employers' Confederation.

Adviser and substitute delegate

MÜNTZBERG, Steen, Mr., Secretary to the Management Board, Danish Employers Confederation.

Advisers

FOG, Niels, Mr., President, Danish Employers' Confederation.

PEDERSEN, Poul Erik, Mr., Director, Danish Employers' Confederation.

CHRISTENSEN, Flemming, Mr., Consultant, Danish Employers' Confederation.

Workers' Delegate

SVENNINGSEN, John, Mr., Head of Department, Danish Federation of Trade Unions.

Adviser and substitute delegate

BENDIXEN, Annette, Ms., International Secretary, Federation of Danish Public Servants and Salaried Employees' Organisations.

Advisers

CHRISTOFFERSEN, Anker, Mr., President, Federation of Danish Public Servants and Salaried Employees' Organisations.

HEEGAARD, Ole, Mr., Consultant, Danish Federation of Trade Unions.

BLOCK, Leif Limkilde, Mr., Union of Commercial and Clerical Employees in Denmark.

KJAER, Britta, Ms., Adviser and Translator, Danish Confederation of Trade Unions.

République dominicaine Dominican Republic República Dominicana

Ministro asistente a la Conferencia

ALBURQUERQUE DE CASTRO, Rafael, Sr., Secretario de Estado de Trabajo.

Delegados gubernamentales

BONETTI, Angelina, Sra., Embajadora, Representante Permanente, Misión Permanente en Ginebra.
ACOSTA, Pablo Antonio, Sr., Director Técnico Laboral, Secretaría de Estado de Trabajo.

Consejeros técnicos y delegados suplentes

NUÑEZ, Zoilo, Sr., Gerente de Relaciones Industriales, Consejo Estatal del Azúcar (CEA).
ZAPATA PICHARDO, José Francisco, Sr., Asistente del Secretario de Estado de Trabajo.

Delegado de los empleadores

ALEMANY, Nassim Jaime, Sr., Presidente, Confederación Patronal.

Consejeros técnicos y delegados suplentes

FERNANDEZ ALFARO, Eladio, Sr., Presidente, Asociación de Industrias.
ARMENTEROS, José Manuel, Sr., Directivo, Asociación de Industrias.

Consejeros técnicos

CASTILLO, Francisco José, Sr., Director Ejecutivo, Consejo Nacional de Hombres de Empresas.
BERGES, Manuel, Sr., Asesor, Confederación Patronal.
HERRERA ROA, Fabio, Sr., Asesor, Consejo Nacional de Hombres de Empresas.
SUAREZ BAUTISTA, Altigracia, Sra., Asesora, Confederación Patronal.
PEREZ MONTAS, Hernando, Sr., Asesor, Confederación Patronal.

Delegado de los trabajadores

CUEVAS, Bienvenido, Sr., Presidente, Confederación de Trabajadores Unitaria (CTU).

Consejeros técnicos

DEL RIO, Gabriel, Sr., Secretario General, Confederación Autónoma Sindical Clasista (CASC).
NEGRON, Mariano, Sr., Secretario General, Confederación Nacional de Trabajadores Dominicanos (CNTD).
VASQUEZ, MARIO, Sr., Secretario General, Central de Trabajadores Progresistas (CTP).
HERRERA, Leopoldo, Sr., Secretario General, Unión General de Trabajadores Dominicanos (UGTD).
ABREU, Rafael, Sr., Secretario General, Central General de Trabajadores (CGT).

Dominique Dominica Dominica

Government Delegate

LODRINI, Hugo, Mr., Ambassador, Permanent Representative in Geneva.

Egypte Egypt Egipto

Minister attending the Conference

ELAMAWY, Ahmed Ahmed, Mr., Minister of Manpower and Employment.

Government Delegates

ZAHRAN, Mounir, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
EL-ASSAR, Abd El-Kader, Mr., Counsellor for International Relations, Ministry of Manpower and Employment.

Advisers and substitute delegates

SHAHIN, Magda, Ms., Minister Plenipotentiary, Permanent Mission, Geneva.
GHEITA, Naguib, Mr., Counsellor for Labour Affairs, Permanent Mission, Geneva.
EL-SAAID, Hosni, Mr., Under-Secretary of State, Ministry of Manpower and Employment.
KHALAFA, Ahmed, Mr., Under-Secretary of State, Ministry of Manpower and Employment.

Advisers

AMINE, Islah, Ms., Director-General, International Labour Relations Department, Ministry of Manpower and Employment.
EL-GAZZAR, Nadia, Mrs., International Labour Relations Department, Ministry of Manpower and Employment.
ATTIA, Mohamed Mohamed, Mr., Ministry of Manpower and Employment.
BEBARS, Reda, Mr., Counsellor, Permanent Mission, Geneva.
EL MOAFI, Ashraf, Mr., First Secretary, Permanent Mission, Geneva.
KALIL, Hesham, Mr., Second Secretary, Permanent Mission, Geneva.
MOSTAFA, Khalid, Mr., Ministry of Manpower and Employment.
EL-BARAI, Ahmed Hassan, Mr., Cairo University.

Employers' Delegate

EL DIN, Aly Sharaf, Mr., Member, Federation of Egyptian Industries.

Advisers and substitute delegates

EL-HERRAWI, Mohamed Sherif, Mr., Member, Board, Federation of Egyptian Industries.

EL-IBRASHY, Hussein Zaki, Mr., Director, Registration and Economic Committee.

Advisers

SCHOEIB, Adel, Mr., Member, Board, Federation of Egyptian Industries.

FATHALLA, Fathalla Mohamed, Mr., Member, Board, Federation of Egyptian Industries.

SEMIDA, Shehata Sayed, Mr., Member, Board, Federation of Egyptian Industries.

Workers' Delegate

RASHED, Sayed, Mr., President, Federation of Egyptian Trade Unions.

Advisers and substitute delegates

MONGI, Mostafa Mohamed, Mr., Vice-President, Federation of Egyptian Trade Unions.

YACOB, Ahmed Mohamed, Mr., Federation of Egyptian Trade Unions.

DARAHM, Mohamed Fouad, Mr., Federation of Egyptian Trade Unions.

Advisers

MORSI, Mohamed El-Saied, Mr., Secretary-General, Federation of Egyptian Trade Unions.

ELAZALY, Abdelmenem, Mr., Federation of Egyptian Trade Unions.

TAHA, Hamdy, Mr., Federation of Egyptian Trade Unions.

SAMI, Ezat, Mr., Federation of Egyptian Trade Unions.

EL DIN, Hayssam Saad, Mr.

El Salvador

Delegados gubernamentales

SIFONTES, Juan, Sr., Ministro de Trabajo y Previsión Social.

MENDOZA, Carlos Ernesto, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos

ESCOBAR, Margarita, Sra., Representante Permanente, Adjunto Misión Permanente en Ginebra.

ALVARADO-OVERDIEK, Lilian, Sra., Consejero, Misión Permanente en Ginebra.

Delegado de los empleadores

RAMÍREZ, Raúl Soto, Sr., Miembro de la Junta Directiva, Asociación de Industriales, (ASI).

Consejero técnico

AVILA, Alfredo Borbonovo, Sr., Miembro de la Junta Directiva, Cámara de Comercio e Industria, (CCI).

Delegado de los trabajadores

TEJADA, Alfredo Garcia, Sr., Secretario de Organización de la Federación de Sindicatos de Trabajadores de Alimentos, Bebidas y Similares, (FESITRABS); Secretario General, Sindicato de la Industria Gastronómica y Actividades Conexas (SIGAC).

Emirats arabes unis United Arab Emirates Emiratos Arabes Unidos

Minister attending the Conference

AL JARWAN, Saif Ali, Mr., Minister of Labour & Social Affairs.

Government Delegates

AL-SUWAIDI, Mohammed Eissa, Mr., Under Secretary, Ministry of Labour & Social Affairs.

AL-ABOODI, Nasser Salman, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

AL-MUHAIRI, Salim Ali, Mr., Director, Department of International Labour Relations.

HUSAIN, Abdul Reda Askar, Mr., First Secretary, Ministry of Foreign Affairs.

SALEH, Fadhal Ahmed, Mr., Director of the Minister's Office.

EL NOUR, Yousif Gaafar Sirag, Mr., Labour Adviser.

BEN RABIA, Ali, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MATTAR, Khalif Khamiss, Mr., Member of the Board of Directors of UAE Federation of Chambers of Commerce & Industry.

Workers' Delegate

AL-ABDOOLI, Khalfan Jassim, Mr., Deputy Chairman, UAE Engineers' Association.

Adviser and substitute delegate

AL-HUSSANI, Yousif Saleh, Mr., Chairman, Teachers Association.

Equateur Ecuador Ecuador

Ministro asistente a la Conferencia

CORRAL BORRERO, Alfredo, Sr., Ministro de Trabajo y Recursos Humanos.

Delegados gubernamentales

PINOARGOTE CEVALLOS, Alfredo, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

PAEZ FUENTES, Carlos, Sr., Subsecretario de Trabajo.

Consejero técnico y delegado suplente

RIOFRIO, Francisco, Sr., Misión Permanente en Ginebra.

Consejero técnico

ANDA, Gustavo, Sr., Consejo.

Delegado de los empleadores

DIAZ GARAYCOA, Francisco, Sr., Federación Ecuatoriana de Cámaras de la Minería.

Delegado de los trabajadores

LUZARDO AVILES, Carlos Humberto, Sr., Confederación de Trabajadores.

Consejeros técnicos y delegados suplentes

CHANG CRESPO, Julio, Sr., Confederación Ecuatoriana de Organizaciones Sindicales Libres.

VELOZ CUEVA, Ramiro, Sr., Central Ecuatoriana de Organizaciones Clasistas.

DUTAN ERRAEZ, Fausto, Sr., Confederación Ecuatoriana de Organizaciones Clasistas Unitarias de Trabajadores.

Erythrée Eritrea Eritrea

Minister attending the Conference

DEGOL, Mohammed Nur Osman, Mr., Acting Minister for Labour.

Government Delegates

WOLDE YOHANNES, Bereket, Mr., Adviser, Ministry of Foreign Affairs.

HAILE, Yohannes, Mr., Head, International Labour Relations.

Employers' Delegate

TESFAMICHAEL, Gebremedhine Mehari, Mr., Private Employer

Workers' Delegate

MOGOS, Tzeggai, Mr., General Secretary, National Confederation of Eritrean Workers.

Advisers and substitute delegates

YIGZAW, Tecle, Mr., International Department.

HAILE, Mebrat, Ms., Women's Department.

Espagne Spain España

Ministro asistente a la Conferencia

GRÑAN, José Antonio, Sr., Ministro de Trabajo y Seguridad Social.

Persona que acompaña al Ministro

CLAVIJO, D. Eduardo, Sr., Director del gabinete técnico.

Delegados gubernamentales

VALENZUELA, Fernando M, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

NAVARRO LOPEZ, Carlos, Sr., Subsecretario de Trabajo y Seguridad Social.

Consejeros técnicos y delegados suplentes

DE SEGOVIA, Luis Fernando, Sr., Representante Permanente Adjunto, Misión Permanente en Ginebra.

ALBALATE, Joaquín, Sr., Consejero laboral, Misión permanente en Ginebra.

Consejeros técnicos

CAZORLA, Encarnación, Sra., Directora General, Inspección de Trabajo y Seguridad Social.
LLORDEN, Avelina, Sra., Subdirectora General, Dirección General de la Inspección de Trabajo y Seguridad Social.
BRIONES, Carmen, Sra., Inspectora, Cuerpo Superior de Trabajo y Seguridad Social.
CHOZAS, Juan, Sr., Subdirector General, Dirección General, Inspección de Trabajo y Seguridad Social.
FERNANDEZ, José Luis, Sr., Consejero Financiero, Misión Permanente en Ginebra.
GUTIERREZ, Concepción, Sra., Inspectora, Cuerpo Superior de Trabajo y Seguridad Social.
ORTIZ, Salvador, Sr., Vicepresidente, Comisión de Seguridad Minera.
BERNARDO, Ignacio, Sr., Inspector de Trabajo, Inspección Provincial de Asturias.
ARELLANO, Juan-Cruz, Sr., Jefe, Servicio de Empleo y Trabajo, Oficina de Relaciones Sociales Internacionales.
TRUYOL, Magdalena, Sra., Directora Jefe, Asuntos Laborales, Dirección General, Organizaciones y Conferencias Internacionales, Ministerio de Asuntos Exteriores.

Delegado de los empleadores

FERRER, Javier, Sr., Presidente, Confederación de Empresarios de Zaragoza.

Consejero técnico y delegado suplente

LACASA, José María, Sr., Director, Departamento de Relaciones Internacionales, Confederación Española de Organizaciones Empresariales (CEOE); Miembro adjunto, Consejo de Administración de la OIT.

Consejeros técnicos

JIMENEZ, Juan, Sr., Secretario General, CEOE.
BUGALLAL, Pedro, Sr., Departamento de Relaciones Internacionales, CEOE.
ADRADOS, Paloma, Sra., Departamento de Relaciones Laborales, CEOE.
SUAREZ, Roberto, Sr., Secretario General, Federación Leonesa de Empresarios.
MORENO, Ricardo, Sr., Secretario General, Confederación del Metal de Zaragoza.
GOMEZ, Pablo, Sr., Director, Departamento de Relaciones Laborales, Confederación Empresarial de Madrid, CEOE (CEIM).
VILLALOBOS, Andrés, Sr., Secretario General, Confederación Nacional de Empresarios de la Minería y de la Metalurgia (CONFEDEM).

Delegado de los trabajadores

MENDEZ, Cándido, Sr., Secretario General, Unión General de Trabajadores (UGT).

Consejero técnico y delegado suplente

BONMATI, Manuel, Sr., Secretario de Relaciones Internacionales, UGT; Miembro adjunto, Consejo de Administración de la OIT.

Consejeros técnicos

FRADES, Jaime, Sr., Miembro del Gabinete Técnico Confederal, UGT.
CORRIOLS, Juan José, Sr., Federación de Industrias Afines (FIA), UGT.
GONZALEZ, Miguel, Sr., Confederación Sindical de Comisiones Obreras (CC.OO).
VAZQUEZ, Aníbal, Sr., CC.OO.
CANDELAS, María, Sra., CC.OO.
BETELU, Amaia, Sra., Miembro del Departamento Internacional, ELA/STV.
GONZALEZ, Jesús Ramón, Sr., Secretario de la Organización, Miembro de la Ejecutiva Confederal, Confederación Intersindical Gallega (CIG).

Estonie Estonia Estonia

Minister attending the Conference

OVIIR, Siiri, Mrs., Minister of Social Affairs.

Government Delegates

EINASTO, Mart, Mr., Head of Department, Ministry of Social Affairs.
HINDOV, Eike, Mrs., Head, ILO Bureau, Ministry of Social Affairs.

Adviser and substitute delegate

JOONSAAR, Anne, Ms., Lawyer, Ministry of Social Affairs.

Employers' Delegate

ROOS, Helgi, Mrs., Director, Confederation of Estonian Industries and Employers'.

Workers' Delegate

KAADU, Tiit, Mr., Labour Protection Secretary, Association of Trade Unions.

Etats-Unis United States Estados Unidos

Government Delegates

OTERO, Joaquin F., Mr., Deputy Under Secretary for International Affairs, Department of Labor.

HILBURN, Paul, Mr., Director, Office of International Affairs, Bureau of Democracy, Human Rights and Labor, Department of State.

Advisers and substitute delegates

SPIEGEL, Daniel L., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

PETERSON, David A., Mr., Senior Policy Adviser, Office of Economic Policy, Department of Commerce.

Advisers

ANDERSON, Betsy, Ms., Director for Industrial and Communications Programs, Bureau of International Organization Affairs, Department of State.

DEPENBROCK, John, Mr., Associate Solicitor, Division of Labor-Management Laws, Department of Labor.

EICHER, Peter, Mr., Counsellor for Political and Specialized Agencies Affairs, Permanent Mission, Geneva.

DUNKAK, Barbara A., Ms., Assistant Director, Office of International organizations, Bureau of International Labor Affairs, Department of Labor.

GRAISS, Gamal, Mr., First Secretary, Permanent Mission, Geneva.

LA RUFFA, Francis V., Mr., Senior Analyst, Wage and Hour Division, Employment Standards Administration, Department of Labor.

MCATEER, J. Davitt, Mr., Assistant Secretary, Mine Safety and Health Administration, Department of Labor.

MISNER, Julia E., Ms., International Relations Officer, Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.

SPRING, Charles, Mr., Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.

STIGLIANI, Nicholas, Mr., Labor Attaché, Permanent Mission, Geneva.

TURCIC, Peter M., Mr., Chief, Approval and Certification Center, Mine Safety and Health Administration, Department of Labor.

WEINTRAUB, Leon, Mr., International Resource Management, Permanent Mission, Geneva.

Other persons attending the Conference

FLETCHER, Carolyn, Ms., Office of International Organizations, Bureau of International Labor Affairs, Department of Labor.

GARZA, Irasema, Mrs., Secretary, U.S. National and Administrative Office, Bureau of International Labor Affairs, Department of Labor.

Employers' Delegate

MOORHEAD, Thomas B., Mr., Vice-President, Human Resources, Carter-Wallace, Inc.

Advisers and substitute delegates

POTTER, Edward E., Mr., International Counsel to the U.S. Council for International Business; Partner, McGuiness and Williams.

TUCKER, Amanda, Ms., Manager, International Labor Affairs and European Union Affairs, US Council for International Business.

Advisers

BECRAFT, L. Kevin, Mr., Director, Workforce Management, IBM Corporation.

BOSTIC, Carroll E., Ms., Director of Human Resource Affairs, Eastman Kodak Company.

LAURISKI, David D., Mr., General Manager, Energy West Mining Company.

YADLOSKY, William M., Mr., Human Resources Director, Industrial and Manufacturing Relations, The Coca-Cola Company.

Workers' Delegate

GRAY, Charles, Mr., Director, International Affairs Department, AFL-CIO; Member, Governing Body of the ILO.

Adviser and substitute delegate

ZELLHOEFER, Jerald, Mr., European Representative, AFL-CIO.

Advisers

EDDY, Richard, Mr., President, District 31, United Mine Workers of America.

FISHMAN, Phillip, Mr., Assistant Director, International Affairs Department, AFL-CIO.

FRIEDMAN, Jesse, Mr., Deputy Executive Director, American Institute for Free Labor Development.

GARREN, Brent, Mr., Associate General Counsel, International Ladies' Garment Workers' Union.

HUTCHISON, Kenneth P., Mr., Executive Director, Asian-American Free Labor Institute.

JOYCE, John T., Mr., President, International Union of Bricklayers and Allied Craftsmen.

MAIN, Joseph A., Mr., Administrator, Department of Health and Safety, United Mine Workers of America.

Ethiopie Ethiopia Etiopía

Government Delegates

IBRAHIM OMAR, Yousuf, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
ALEMU GETAHUN, Minelik, Mr., Second Secretary, Permanent Mission, Geneva

Fidji Fiji Fiji

Minister attending the Conference

NACOLA, Ratu Jo, Mr., Minister for Labour and Industrial Relations.

Government Delegates

ROKODURU, Inoke, Mr., Principal Labour Officer, Ministry of Labour and Industrial Relations.
RAMAGIMAGI, George, Mr., Senior Engineer Mines, Department of Mineral Resources.

Employers' Delegate

ROBERTS, Kenneth, Mr., Executive Director, Fiji Employers' Federation.

Workers' Delegate

MANUFOLAU, Daniel, Mr., Vice-President, Fiji Trades Union Congress.

Finlande Finland Finlandia

Government Delegates

SALMENPERA, Matti Juhani, Mr., Director, Working Environment Division, Ministry of Labour.
HEINONEN, Liisa, Ms., Government Secretary, Ministry of Labour.

Advisers and substitute delegates

KAITTOLA, Sirpa, Ms., Government Secretary, Ministry of Labour.
REINIKKA, Erkki, Mr., Chief Engineer, Ministry of Labour.

Advisers

NORDBERG, Riitta, Ms., Legal Secretary, Labour Council, Ministry of Labour.

VELTHEIM, Risto, Mr., Minister-Counsellor, Permanent Mission, Geneva.

KORHONEN, Klaus, Mr., First Secretary, Permanent Mission, Geneva.

Other persons attending the Conference

KOKKONEN, Paula, Ms., Member of Parliament.
VOKKOLAINEN, Jorma, Mr., Member of Parliament.
PRUSTI, Riitta, Ms., Member of Parliament.
KARJULA, Kyösti, Mr., Member of Parliament.
ARAJÄRVI, Pentti, Mr., Councillor, Parliament of Finland.
BASSIN, Benjamin, Mr., Ambassador, Ministry for Foreign Affairs.
KANTALAINEN, Kari, Mr.

Employers' Delegate

RISKI, Seppo, Mr., Director, Confederation of Finnish Industry and Employers.

Adviser and substitute delegate

HUTTUNEN, Martti, Mr., Senior Adviser, Employers' Confederation of Service Industries.

Advisers

KONTIO, Jorma, Mr., Director, Employers' Confederation of Service Industries.
HUVINEN, Markku, Mr., Doctor of Medicine, Outokumpu Oy.
VANNELA, Sari, Ms., Executive Director, Finnish Employers' General Group.

Workers' Delegate

TAPIOLA, Kari, Mr., International Affairs Director, Central Organization of Finnish Trade Unions; Member, Governing Body of the ILO.

Adviser and substitute delegate

REUNA, Martti, Mr., International Affairs Director, Finnish Confederation of Salaried Employees STTK.

Advisers

HEMMER, Mona, Ms., Organization Secretary, Confederation of Unions for Academic Professionals.
AHONEN, Päivi, Ms., Senior Lawyer, Trade Union of Municipal Sector KTV.
RUSANEN, Jorma, Mr., Legal Adviser, Central Organization of Finnish Trade Unions.

Ministre assistant à la Conférence

BARROT, Jacques, M., Ministre du Travail, du Dialogue social et de la Participation.

Personnes accompagnant le Ministre

ROIGT, Jean, M., Conseiller technique, Cabinet du Ministre.

VAGNIER, Laurence, Mme

Délégués gouvernementaux

CHOTARD, Yvon, M., Président de groupe, Conseil économique et social; Représentant gouvernemental, Conseil d'Administration du BIT.

RAMOND, Maurice, M., Inspecteur général des affaires sociales; Représentant gouvernemental, Conseil d'administration du BIT.

Conseillers techniques et délégués suppléants

DE BONNECORSE, Michel, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

CARTIER, Jean-Louis, M., Sous-directeur, chargé de mission pour les questions internationales, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

Conseillers techniques

BONNEVIALE, Pierre, M., Ingénieur en Chef des Mines, Direction de l'action régionale et de la petite et moyenne industrie, Sous-direction de la sécurité industrielle, Ministère de l'Industrie.

DELAFOSSÉ, Gérard, M., Chargé de Mission, Département des relations du travail, de l'emploi et de la formation professionnelle, Ministère des Départements et Territoires d'Outre-Mer.

DELPECH, Michel, M., Chargé de mission, Bureau des Affaires Sociales, Ministère de la Fonction Publique.

SORTAIS, Alain, M., Ministre conseiller, Représentant permanent, Mission permanente à Genève.

FAUVEAU, Gérard, M., Conseiller des affaires étrangères, Mission permanente, Genève.

KOCH, Louis, M., Ingénieur général des Mines, Conseil général des Mines, Ministère de l'Industrie.

MEUNIER, Guillemette, Mme, Secrétaire des affaires étrangères, Direction des Nations Unies et des organisations internationales, Ministère des Affaires étrangères.

SCHALCHLI, Dominique, M., Chargé de mission, Direction des relations du travail, Ministère du Travail, de l'Emploi et de la Formation Professionnelle.

SENEQUIER, Françoise, Mme, Chargé de mission, Direction des relations du travail, Ministère du Travail, de l'Emploi et de la Formation Professionnelle.

PATEAU, Guy, M., Chargé de mission, MICAPCOR, Ministère du Travail, de l'Emploi et de la Formation Professionnelle.

ROUX, Henri, M., Chargé de mission à la division synthèse, Délégation à l'emploi, Ministère du Travail, de l'Emploi et de la Formation professionnelle.

CAUSERET, Charley, M., Sous-Directeur, Direction des Nations Unies et des Organisations internationales, Ministère des Affaires étrangères.

MITTE, Emmanuelle, Mlle, Mission permanente à Genève.

Délégué des employeurs

OECHSLIN, Jean-Jacques, M., Délégué du conseil national du patronat français (CNPF); Vice-président, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

BOUSSAT, Bernard, M., Directeur des affaires sociales européennes et internationales, CNPF.

Conseillers techniques

BERLAND, Jean, M., Ingénieur principal, Chef, Service sécurité, Houillères du Midi.

DRAGUE, Olivier, M., Union des industries métallurgiques et minières (UIMM).

JULIEN, Emmanuel, M., Adjoint au directeur des Affaires sociales européennes et internationales, CNPF.

MORIN, Paul-Robert, M., Vice-Président honoraire, Confédération générale des petites et moyennes entreprises (CGPME).

ROILAND, Marie-Paule, Mme, Service des affaires internationales, Union des industries métallurgiques et minières (UIMM).

TASSIN, Jacques, M., Délégué général honoraire, Fédération française des sociétés d'assurances.

VEYSSET, Jean-François, M., Confédération générale PME, Vice-Président, Fédération nationale de l'Industrie hôtelière (FNIH).

Personne désignée en conformité avec l'article 2, alinéa 3 i)

LARREUR, Jean-Pierre, M., Ingénieur en chef, Houillères du bassin de Lorraine.

Délégué des travailleurs

VERONESE, Alphonse, M., Responsable, Relations internationales CGT.

Conseiller technique et délégué suppléant

TIXIER, Jacques, M., Collaborateur du bureau confédéral, Responsable de la commission CGT/OIT.

Conseillers techniques

BRIESCH, Roger, M., Chargé de Mission, Département international, Confédération française démocratique du travail (CFDT)

CHERIKH, Madjid, M., Secrétaire de l'OIM (CGT).

COSYNS, Guy, M., Trésorier adjoint, CFTC.

DELHOMENIE, Jean-Pierre, M., Secrétaire confédéral, Département international-Europe, CFDT.

DEUTSCH, Joëlle, Mme, Service international, CFE-CGC.

PE, Jacques, M., Secrétaire confédéral, CGT-Force Ouvrière.

SANTUNE, Robert, M., Secrétaire Confédéral, CGT.FO.

Personne désignée en conformité avec l'article 2, alinéa 3 i)

RULIE, Jean-Pierre, M., Secrétaire national, FEN.

Gabon

Délégués gouvernementaux

BONGO, Gustave, M., Haut-Commissaire auprès du Ministre d'Etat, Chargé du travail, des ressources humaines et de la formation professionnelle.

MBA ALLO, Emmanuel, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Conseillers techniques

EDOU, Lambert, M.

NDONG NANG, Daniel, M.

AKOE MBA, Jean Baptiste, M.

NDONG MVIE, Eugène, M.

MOULOMBA NZIENGUI, M.

ZENG-MEGNIER, Edouard, M.

OYONO NGOMO, Henri Jacob, M.

ZUE, Eric André, M.

Délégué des employeurs

ABOUGHAE-OBAME, Jean, M.

Conseiller technique

AKOULOU EYELEKO, M.

Délégué des travailleurs

MAYOMBO, Etienne Francis, M.

Conseillers techniques

MOUSSAVOU, Moussavou, M.

MOUKAGA, Pierre Marie, M.

DIBADI-OBAME, Clément, M.

LOEMBE, Jean-Benoît, M.

AZILE, Anselme, M.

MOMBO MOUELET, Camille, M.

Géorgie Georgia Georgia

Government Delegate

SAKANDELIDZÉ, Kakhaber, Mr., Vice-Minister of Labour and Social Affairs.

Workers' Delegate

TUGUSHI, I, Mr., Chairman, Trade Union.

Ghana

Government Delegates

BOATENG, David S., Mr., Minister for Employment and Social Welfare.

GODWYLL, Benjamin G., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Adviser and substitute delegate

BEBAAKO-MENSAH, James K., Mr., Chief Director, Ministry of Employment and Social Welfare.

Advisers

GYEBI, Alex, Mr., Acting Chief Labour Officer, Ministry of Employment and Social Welfare.

NEE-WHANG, Ellen, Mrs., Minister-Counsellor, Permanent Mission, Geneva.

Employers' Delegate

STANLEY-PIERRE, Charles, Mr., Vice-President, Ghana Employers' Association.

Advisers

MINTA-JACOBS, Tom, Mr., Executive Director, Ghana Employers' Association.

YAMSON, Ishmael, Mr., President, Ghana Employers' Association.

ADJIERTEH, E.K., Mr., Personnel Manager, Black Star Line.

KARIKARI ANANG, Rose, Mrs., Chief of Personnel and Administration, Ghana Ports and Harbours Authority.

AGAWU, Thomas L., Mr., Chief Manager, Head of Regional Operations Department, Social Security & National Insurance Trust.

KWAPONG, E.A., Mr., Deputy Director of Personnel,
Ghana Airways Corporation.
ARTHUR, Eva, Ms., Personnel Manager, Ghana National
Procurement Agency.
POKU, Sam, Mr., Executive Director, Ghana Chamber of
Mines.

Workers' Delegate

AGYEI, C.A., Mr., Secretary-General, Trades Union
Congress.

Advisers

COLE, Robert Kwasi, Mr., General Secretary, Mine
Workers' Union, TUC Hall.
NUNOO-QUAYE, Seth, Mr., Head, International
Department Trades Union Congress.

Grèce Greece Grecia

Ministre assistant à la Conférence

SKOULARIKIS, Ioannis, M., Ministre du Travail.

Personne accompagnant le Ministre

HELMIS, Georges P., M., Ambassadeur, Mission
permanente à Genève.

Délégués gouvernementaux

ADAMOPOULOS, Georges, M., Sous-Secrétaire d'Etat au
travail.
BOUCAOURIS, Jean, M., Ministre plénipotentiaire,
Représentant permanent adjoint, Mission permanente à
Genève.

Conseillers techniques et délégués suppléants

STAIKOS, Evangelos, M., Secrétaire général, Ministère
du Travail.
SOTIRIADOU, Victoria, Mme, Secrétaire général à
l'emploi et à la gestion de ressources communautaires.
PAPALEXIS, Constantinos, M., Secrétaire général,
Sécurité Sociale.
PITSOLIS, Ioannis, M., Directeur général, Ministère du
Travail.
YANTAIS, Dimitris, M., Premier Conseiller, Mission
permanente à Genève.
LAIOU, Maria, Mme, Chef de section, Ministère du
Travail.

Conseillers techniques

SAMIALIS, Apostolos, M., Chef de la division des
conditions d'emploi, Ministère du Travail.

BAGHE, Evángelia, Mme, Chef de section, Ministère de la
santé, de la prévoyance et de la sécurité sociale.
PISSIMISSI, Stamatina, Mme, Chef de section, Ministère
du Travail.
THEODOROU, Théodoros, M., Secrétaire d'Ambassade,
Mission permanente à Genève.
CHRYSSANTHOU, Evdokia, Mme, Fonctionnaire,
Direction des relations internationales, Ministère du
Travail.
PEFANIS, Ménélaos, M., Société publique d'électricité.
KATSANI, Maria, Mme, Fonctionnaire, Direction des
relations internationales, Ministère du Travail.
GANOTIS, Georgios, M., Conseiller, Ministère du Travail.
KOSKINAS, I. M., Conseiller spécial du Ministre.

Délégué des employeurs

ANALYTIS, Nicolaos, M., Vice-Président, Fédération des
Industries (FIG).

Conseillers techniques et délégués suppléants

HARAKAS, Harilaos, M., Conseiller juridique, FIG.
TSOUMANI-SPENTZA, Evgenia, Mme, Avocat, FIG.

Conseillers techniques

PAPAIOANNOU, Lambros, M., Avocat, FIG.
KOUTSIVITOU, Anastasia, Mme, Conseiller, FIG.
SKIADAS, Alexandros, M., Conseiller, FIG.
VAGIAS, Antonis, M., Conseiller, FIG.
YANNOPOULOS, Sotirios, M., Confédération des
commerçants et artisans.

Délégué des travailleurs

PROTOPAPAS, Christos, M., Président, Confédération
générale des travailleurs (CGTG).

Conseillers techniques et délégués suppléants

DASSIS, Georgios, M., Membre de la CGTG, responsable
pour les relations avec l'Europe occidentale.
DELIGIANNAKIS, Theodoros, M., Conseiller juridique,
CGTG.
STAMOU, Spiros, M., Secrétaire, Confédération générale
du travail (CGTG).
FRANGIADAKI, Maria, Mme, Conseil d'administration,
CGTG.
KOLETSIS, Stelios, M., Conseil d'administration, CGTG.
VOULGARAKIS, Dimitrios, M., Conseil d'administration,
CGTG.
POLYZOGOPOULOS, Christos, M., Comité exécutif,
CGTG.
CONTAKIS, Georgios, M., Comité exécutif, CGTG.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

MAVRIKOS, Giorgos, M., Secrétaire général, CGTG.

JORDANOPOULOS, Eleftherios, M., Administration, CGTG.
 DELIYANNIS, Anastassios, M., Comité administratif supérieur des fonctionnaires (ADEDY).
 AGAVANAKIS, Dimitrios, M., Comité administratif supérieur des fonctionnaires (ADEDY).
 BOUROS, Ioannis, M., Comité supérieur des fonctionnaires (ADEDY).
 KALDIS, Andreas, M., Comité administratif supérieur des fonctionnaires (ADEDY).
 NIKITAS, Ioannis, M., Comité administratif supérieur des fonctionnaires (ADEDY).
 XENOS, Angelos, M., Comité administratif supérieur des fonctionnaires (ADEDY).
 TSITSAS, Vassilis, M.
 SOTIROPOULOS, Panagioris, M.
 FETSIS, Spyros, M.
 SOFIANOS, Georges, M.
 MOSCHOS, Léonidas, M.

Guatemala

Delegados gubernamentales

MORFIN MANSILLA, Gladys Anabella, Sra., Ministra de Trabajo y Previsión Social
 URRUELA PRADO, Federico, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

MORALES TRUJILLO, Hilda, Sra.
 RODRIGUEZ DE FANKHAUSER, Carolina, Sra., Ministra Consejera, Misión Permanente en Ginebra.
 OLIVERO GARCIA, Rafael Nelson, Sr., Primer Secretario, Misión Permanente en Ginebra

Consejeros técnicos

PUTZEYS, Ricardo, Sr., Misión Permanente en Ginebra
 PHEFUNCHAL, Aracely, Sra., Misión Permanente en Ginebra.
 BARRIOS, Sulmi, Sra., Misión Permanente en Ginebra.

Delegado de los empleadores

MENENDEZ CASTEJON, Adolfo, Sr.

Consejeros técnicos y delegados suplentes

REYES MAYEN, Luis Alberto, Sr.
 AGUILAR, Julio, Sr.

Delegado de los trabajadores

HERNANDEZ FÁBIAN, Marco Vinicio, Sr.

Guinée Guinea Guinea

Ministre assistant à la Conférence

GUILAO, Josephine Lenaud, Mme, Ministre du Travail, des Affaires Sociales et de l'Emploi.

Délégués gouvernementaux

DIALLO, Nounkouman, M., Directeur national du travail et des lois sociales.
 SIDIBE, Mansa Moussa, M., Inspecteur général du travail.

Conseillers techniques et délégués suppléants

CONTE, Alpha, M., Conseiller du Ministre chargé du Travail et de l'Emploi.
 KABA, Souleymane, M., Directeur général, Office national de l'emploi et de la main-d'oeuvre.

Délégué des employeurs

DABO, Abdoulaye, M., Membre du bureau exécutif, Conseil du Patronat guinéen (CPG).

Délégué des travailleurs

KEBE, Mohamed Samba, M., Secrétaire général, Confédération nationale des travailleurs, (CNTG).

Conseiller technique et délégué suppléant

TOURÉ, Yamodou, M., Secrétaire général, Organisation nationale des syndicats libres (ONSLG).

Guinée-Bissau Guinea-Bissau Guinea-Bissau

Ministre assistant à la Conférence

BALDE, Abubacar, M., Ministre de l'Administration Publique et du Travail.

Délégué gouvernemental

SIMAO MENDES, Antonio de Jésus, M., Directeur général du Travail, Emploi et formation professionnelle.

Conseiller technique et délégué suppléant

DE BARROS, Ana Emilia, Mme

Délégué des employeurs

DOMINGOS GOMES, Carlos, M., Président, assemblée générale, Chambre du commerce, de l'industrie et de l'agriculture (CCIA).

Conseiller technique et délégué suppléant

ALVES, Silvestre Alfredo, M., Secrétaire général (CCIA).

Délégué des travailleurs

DA COSTA, Desejado Lima, Mme, Secrétaire général, Union nationale des travailleurs (UNTG).

Guyana

Minister attending the Conference

JEFREY, Henry B., Mr., Ministry of Labour, Human Services and Social Security.

Government Delegate

AKEEL, Mohamed A., Mr.

Employers' Delegate

YANKANA, David, Mr.

Workers' Delegate

POLLYDORE, Joseph, Mr.

Haiti

Ministre assistant à la Conférence

JOSEPH, Enold, M., Ministre des Affaires sociales et du travail.

Délégué gouvernemental

ANTONIO, Joseph Philippe, M., Ambassadeur, Représentant permanent, Mission permanente à Genève

Conseillers techniques et délégués suppléants

DE LANDSHEER, Sandra, Mme, Mission permanente à Genève.

LUBIN, Willy, M., Mission permanente à Genève.

GASPARD, Fritzner, M., Conseiller, Mission permanente à Genève.

Délégué des employeurs

DE CATALOGNE, Fritz, M., Représentant du patronat.

Délégué des travailleurs

JOACHIM, Porcenel, M., Représentant du salariat.

Honduras

Ministro asistente a la Conferencia

DE JESUS ZAVALA MÉNDEZ, Cecilio, Sr., Ministro de Trabajo y Previsión Social.

Delegados gubernamentales

LÓPEZ LUNA, ARTURO, Sr., Embajador, Representante Permanente, Mision Permanente en Ginebra.

ACEITUNO, Gloria Elizabeth, Sra., Sub Oficial Mayor, Ministerio de Trabajo y Previsión Social.

Consejeros técnicos

BU-FIGUEROA, Graciebel, Sra., Consejera, Mision Permanente en Ginebra.

TURCIOS DÍAZ, Marlen, Srta., Primer Secretario, Misión Permanente en Ginebra.

DACOSTA GÓMEZ, Maria Teresa, Srta., Agregada, Misión Permanente en Ginebra.

Delegado de los empleadores

MARTINEZ, José Job, Sr., Comité Técnico Asesor, Consejo Hondureño de la Empresa Privada (COHEP).

Delegado de los trabajadores

GUERRERO, Francisco, Sr., Secretario General de la Confederación de Trabajadores (CTH).

Hongrie Hungary Hungría

Minister attending the Conference

KOVÁCS KÓSA, Magda, Mrs., Minister of Labour.

Persons accompanying the Minister

OTTLIK, András, Mr., Interpreter

VARGA, Zsuzsa, Mrs., Secretary

Government Delegates

HÉTHY, Lajos, Mr., State Secretary, Ministry of Labour.

BOYTHA, György, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers and substitute delegates

VARGA, Imre, Mr., First Secretary, Permanent Mission, Geneva.

NAGY, Katalin, Mr., Head of Department, Ministry of Labour.

KLEKNER, Peter, Mr., Deputy Head of Department, Ministry of Labour.

BÉKÉS, András, Mr., Director-General, Labour Inspectorate.

BUZÁS, Katalin, Mr., Second Secretary, Ministry of Foreign Affairs.

FREY, Mária, Mrs., Senior Expert, Institute of Labour Studies.

FÁRI, László, Mr., Senior Officer, Ministry of Labour.

Employers' Delegate

SZIRMAI, Péter, Mr., Co-President, National Association of Entrepreneurs.

Advisers and substitute delegates

SZÜCS, György, Mr., President, National Association of Industrial Corporations.

GYARMATINÉ RÁCZ, Ágnes, Mrs., Director, National Association of Employers.

FILIPSZ, László, Mr., Head of Secretariat, National Federation of Agricultural Cooperators and Producers.

KOSOVICS TÁBORI, Éva, Mrs., Expert

Workers' Delegate

PALKOVICS, Imre, Mr., President, National Confederation of Workers' Councils.

Advisers and substitute delegates

FÜKÖH, Levente, Mr., Expert, Trade Unions Cooperation Forum.

GERGELY, Pál, Mr., Senior Expert, Autonomous Trade Union Federation.

TÓTH, Attila, Mr., Expert, Trade Unions Group of Intellectuals.

IVÁNY, Judit, Mr., Expert, National Federation of Workers' Councils.

CSETE, András, Mr., Expert, National Confederation of Trade Unions.

GYÖRGY, Károly, Mr., Head of Section, National Confederation of Trade Unions.

HADHÁZY, Ágnes, Mrs., Expert, Democratic League of Independent Trade Unions.

BENYÓ, Béla, Mr., Expert, Democratic League of Independent Trade Unions.

Person appointed in accordance with Article 2, paragraph 3(i)

NAGY, Sándor, Mr., President, National Confederation of Trade Unions.

Inde India India

Minister attending the Conference

SANGMA, P.A., Mr., Minister for Labour.

Government Delegates

FALEIRO, Luizinho, Mr., Labour Minister, State Government of Goa.

GOPALAN, S., Mr., Labour Secretary, Ministry of Labour.

Adviser and substitute delegate

CHANDRA, Satish, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

SABHARWAL, N.D., Mrs., Deputy Permanent Representative, Permanent Mission, Geneva.

SINGH, Ranbir, Mr., Ministry of Labour.

SARMA, K.S., Mr., Director General of Employment and Training, Ministry of Labour.

SHARMA, S.S., Mr., Director General (Labour Welfare), Ministry of Labour.

SINGH, R.P., Mr., Counsellor, Permanent Mission, Geneva.

VARMA, S.P., Mr., Chairman Managing Director, Neyveli Lignite Corporation Ltd.

KRISHNAMURTHY, V., Mr., Labour Secretary, State Government of Kerala.

SIRAJUDDIN, P.M., Mr., Director, Ministry of Labour.

TIRUMURTI, T.S., Mr., First Secretary, Permanent Mission, Geneva.

GILL, S.A., Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

CHAKRABARTY, Prabir, Mr., Vice President, All India Organisation of Employers.

Advisers

ANAND, I.P., Mr., Deputy Member, Governing Body of the ILO.

JALAN, Murlidhar, Mr., Vice President, All India Manufacturers' Organisation.

WADHAWAN, A.C., Mr., Chairman, Standing Conference of Public Enterprises.

GARG, M.K., Mr., Adviser, All India Organisation of Employers.

HAKEEM, M.A., Mr., Secretary General, Standing Conference of Public Enterprises.

Workers' Delegate

REDDY, G. Sanjeeva, Mr., President, Indian National Trade Union Congress.

Advisers

MOOKHERJEE, Subrata, Mr., Vice-President, Indian National Trade Union Congress.

VENUGOPAL, R., Mr., Secretary, Bhartiya Mazdoor Sangh.

GORE, Mukund, Mr., Secretary, Bhartiya Mazdoor Sangh.

TIAGI, Veereshwar, Mr., Secretary, Hind Mazdoor Sabha.

GUPTE, Vasant, Mr., Secretary, Hind Mazdoor Sabha.

Indonésie Indonesia Indonesia

Minister attending the Conference

LATIEF, Abdul, Mr., Minister of Manpower.

Government Delegates

SIMANJUNTAK, Payaman J., Mr., Senior Adviser to the Minister of Manpower.

SITUMORANG, Basani, Mrs., Head, Legal Affairs, Department of Manpower.

Advisers and substitute delegates

TARMIDZI, Agus, Mr., Ambassador Extraordinary and Plenipotentiary, Permanent Representative, Permanent Mission, Geneva.

SARDADI, Baroto, Mr., Secretary-General, Department of Manpower.

SUWARTO, Mr., Director-General, Industrial Relations and Labour Standards Development, Department of Manpower.

Advisers

SWASONO, Yudo, Mr., Head, Manpower Development and Planning Board.

SAMAD, Yunus, Mr., Senior Adviser to the Minister of Manpower.

WIDODO, Makmur, Mr., Minister Counsellor, Permanent Mission, Geneva.

FARID, Adam, Mr., Director of Personnel, Department of Manpower.

ALOEWIE, Tjepy F., Mr., Director of Terms of Employment, Department of Manpower.

PRATOMO, Eddy, Mr., First Secretary, Permanent Mission, Geneva.

MOEHARIO, Dienne H., Ms., First Secretary, Permanent Mission, Geneva.

WARSITO, Indro, Mr., Official, Directorate of Industrial Relations and Labour Standards, Department of Foreign Affairs.

SETYAWATI, Wiwiek, Ms., Official, Directorate of International Organizations, Department of Foreign Affairs.

TAHAR, Reshanty, Ms., Third Secretary, Permanent Mission, Geneva.

SURYATNA, Harry, Mr., Official, Department of Manpower.

SOERYOATMODJO, Ratna Wulansuri, Ms., Official, Department of Manpower.

Employers' Delegate

HADISUWITO, H. Suratno, Mr., Chairman, Employers' Association.

Adviser and substitute delegate

SUKARTIN, Subingar, Mr., Board Member, Employers' Association.

Advisers

THAMRIN, H.M. Rinaldo, Mr., Board Member, Employers' Association.

FERDINANDUS, F.F., Mr., Board Member, Employers' Association.

TOPOBROTO, Hadi S., Mr., Board Member, Employers' Association.

UTOMO, Sugeng, Mr., Board Member, Employers' Association.

FRANS, Alexander, Mr., Board Member, Employers' Association.

ARISMUNANDAR, Budiono, Mr., Board Member, Employers' Association.

SURYANI, Eva, Ms., Board Member, Employers' Association.

Persons appointed in accordance with Article 2, paragraph 3(i)

WALUYO, Pemmy, Mr., Board Member, Employers' Association.

DJOHARUDDIN, Z., Mr., Board Member, Employers' Association.

HADINOTO, Kuntadi, Mr., Board Member, Employers' Association.

PANGGABEAN, O.N, Mr., Board Member, Employers' Association.

RAHARDJO, Onto, Mr., Board Member, Employers' Association.

Workers' Delegate

SOEDARWO, Imam, Mr., Chairman, All Indonesia Workers' Union.

Adviser and substitute delegate

AHMAD, Marzuki, Mr., Board Member, All Indonesia Workers' Union.

Advisers

SOEMADJI, Arief, Mr., Board Member, All Indonesia Workers' Union.
PASARIBU, H. Bomer, Mr., Board Member, All Indonesia Workers' Union.
DAENG PATOMBONG, Sjaiful, Mr., Board Member, All Indonesia Workers' Union.
DATUK BAGINDO, H.A.S., Mr., Board Member, All Indonesia Workers' Union.
DAULAT, Djoko, Mr., Board Member, All Indonesia Workers' Union.
BHOKA, Wilhelmus, Mr., Board Member, All Indonesia Workers' Union.
MOEIN, Muchtar, Mr., Board Member, All Indonesia Workers' Union.

Persons appointed in accordance with Article 2, paragraph 3(i)

RAIS, M.A., Mr., Board Member, All Indonesia Workers' Union.
ZAIDI, Achsin, Mr., Board Member, All Indonesia Workers' Union.
TAMBUNAN, Robert, Mr., Board Member, All Indonesia Workers' Union.
RODJA, H. Muhammad, Mr., Board Member, All Indonesia Workers' Union.
WONMALLY, Lucky, Mr., Board Member, All Indonesia Workers' Union.
SUHAIMI, Asmui, Mr., Vice Secretary.
BHOKA, Wilhelmus, Mr., Board Member, All Indonesia Workers' Union.
MOEIN, Moehtar, Mr., Board Member, All Indonesia Workers' Union.

République islamique d'Iran Islamic Republic of Iran República Islámica del Irán

Minister attending the Conference

KAMALI, Hossein, Mr., Minister of Labour and Social Affairs.

Persons accompanying the Minister

GHANBARI ODIVI, Ali, Mr., Deputy Minister of Labour and Social Affairs.
YAZDELI, Ahmad Bagheri, Mr., Deputy Minister of Labour and Social Affairs.
NASSERI, Sirouse, Mr., Ambassador and Permanent Representative, Geneva.

Government Delegates

ALI HOSSEINI, Mohammad Taghi, Mr., Labour Attaché, Germany.
FANIZADEH, Kamran, Mr., Member, Governing Body of the ILO.

Advisers and substitute delegates

AFKARI, Mohammad, Mr., International and Economical Affairs Adviser to the Minister of Labour and Social Affairs.
TALE, Morteza, Mr., General Director, International Relations.

Advisers

HOSSEINI, Pirooz, Mr., General Director, Department of International Organizations, Foreign Ministry.
HOMAEI-NEJAD, Mohammad, Mr., Senior Expert, Foreign Ministry.
KARIMI, Saeid, Mr., Senior Expert, International Relations.
YOUSEFI, Moosa, Mr., Senior Expert, Labour Inspection.
HOOSHANG SALIMI, Amir, Mr., Expert, Ministry of Labour.
FARSHIDI NIA, Karim, Mr.
ALAEI, Mostapha, Mr., First Secretary, Permanent Mission, Geneva.
MOEINI-MEYBODI, Hossein, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

GHADIANI, Aboalfazl, Mr., Board of Directors, Moratab Co.

Adviser and substitute delegate

MOHAMMAD HOSEIN FALLAH, Nasrolah, Mr., Managing Director, Asfarayen Steel Group.

Adviser

MALEK MOHAMMADI, Jahangir, Mr., Member of Construction Companies Employers' Association.

Workers' Delegate

HOZOORI, Fatemeh, Mrs., House of Workers.

Adviser and substitute delegate

MOOSAVI JAZAYERI, Seyed Abed Ahmad, Mr., House of Workers.

Advisers

MAHJOOB, Alireza, Mr., Secretary General, House of Workers.
AMINI TAME, Hossein, Mr., House of Workers.

Iraq

Minister attending the Conference

JASSIM, Latif N., Mr., Minister of Labour and Social Affairs.

Government Delegates

SAID, Ali, Mr.
AL-KERO, Khalid S., Mr.

Adviser

NABYL, Ahmmad Hussain, Mr.

Employers' Delegate

ALAANI, Qais A.K., Mr.

Workers' Delegate

GAREEB, Fadel Mahmoud, Mr.

Irlande Ireland Irlanda

Minister attending the Conference

FITZGERALD, Eithne, Mrs., Minister for Labour Affairs.

Person accompanying the Minister

QUIGLEY, Ciaran, Mr., Private Secretary to Minister.

Government Delegates

SWIFT, John H.E., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
MCCAFFERTY, Fergus, Mr., Principal Officer, Department of Enterprise & Employment.

Advisers and substitute delegates

ENGLISH, Michael, Mr., Assistant Principal, Department of Enterprise & Employment.
DENHAM, Donal, Mr., First Secretary, Permanent Mission, Geneva.

Advisers

GRIFFIN, Patrick, Mr., Inspector, National Authority for Occupational Safety and Health.

DONNELLAN, Patrick, Mr., Director of Legislation, National Authority for Occupational Safety and Health.
DRURY, Patrick, Mr., Executive Officer, Permanent Mission, Geneva.

Employers' Delegate

DUNNE, John, Mr., Irish Business and Employers' Confederation.

Adviser

MCAULEY, Dan, Mr., Irish Business and Employers' Confederation.

Workers' Delegate

MRKWICKA, Leonore, Ms., Irish Congress of Trade Unions.

Adviser

WALL, Tom, Mr., Irish Congress of Trade Unions.

Islande Iceland Islandia

Minister attending the Conference

PÉTURSSON, Páll, Mr., Minister of Social Affairs.

Person accompanying the Minister

ÁSGEIRSDÓTTIR, Berlind, Mrs., Permanent Under-Secretary, Ministry of Social Affairs.

Government Delegates

GUNNARSSON, Gunnar Snorri, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KRISTINSSON, Gylfi, Mr., Head of Division, Ministry of Social Affairs.

Advisers and substitute delegates

ÓLAFSDÓTTIR, Lilja, Ms., Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva.
HELGASON, Gudmundur B., Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

STEFÁNSDÓTTIR, Hrafnhildur, Ms., Confederation of Icelandic Employers.

Adviser and substitute delegate

MAGNÚSSON, Jón H., Mr., Attorney-at-Law,
Confederation of Icelandic Employers.

Workers' Delegate

HLÖDVERSDÓTTIR, Bryndis, Ms., Attorney-at-Law,
Icelandic Federation of Labour.

Adviser and substitute delegate

GUNNARSSON, Hervar, Mr., Vice-Chairman, Icelandic
Federation of Labour.

Adviser

HARALDSSON, Ástráður, Mr., Consultant to the
representative of the Icelandic Federation of Labour.

Israel

Minister attending the Conference

NAMIR, Ora, Mrs., Minister of Labour and Social Affairs.

Person accompanying the Minister

PELLEG, Daniel, Mr.

Government Delegates

LAMDAN, Yosef, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
BARAK, Yitzhak, Mr., Legal Adviser, Ministry of Labour
and Social Affairs.

Advisers and substitute delegates

BOOTON, Moshe, Mr., Legal Adviser, Knesset Labour
and Welfare Committee.
WALDEN, Raphael, Mr., Minister-Counsellor, Deputy
Permanent Representative, Permanent Mission,
Geneva.
FRANKEL, Simona, Mrs., Counsellor, Permanent
Mission, Geneva.
LEVY-FURMAN, Tova, Mrs., Counsellor, Permanent
Mission, Geneva.

Employers' Delegate

GATTEGNO, Joseph, Mr., Head, Labour and Human
Resources Division, Manufacturers Association.

Workers' Delegate

KARA, Yossuf, Mr., Deputy Member, Governing Body of
the ILO.

Adviser and substitute delegate

ZILONY, Ephraim, Mr., Member, Histadrut Executive.

Advisers

GERASSI, Dolly, Mrs., Executive Director, Histadrut
International Department.
GATT, Meir, Mr., Histadrut Executive.

Italie Italy Italia

Ministre assistant à la Conférence

TREU, Tiziano, M., Ministre du Travail.

Personnes accompagnant le Ministre

LISO, Francesco, M., Sous-Secrétaire d'Etat, Ministère du
Travail
MAURI, Mme, Chef de Cabinet.
VALCAVI, Domenico, M., Directeur général de l'emploi,
Ministère du Travail.
CACOPARDI, Giuseppe, M., Directeur général, Ministère
du Travail.
NICOSIA, Guido, M., Ministre plénipotentiaire, Ministère
des Affaires Etrangères.
LATTANZI, Delia, Mme, Ministère du Travail.
CHIESI, Ambra, Mme, Ministère des Affaires Etrangères.

Délégués gouvernementaux

BALDOCCI, Giuseppe, M., Ambassadeur, Représentant
permanent, Mission permanente à Genève.
CAVAGLIERI, Alberto, M., Ambassadeur, Ministère des
Affaires Etrangères.

Conseillers techniques et délégués suppléants

VINCENTI MARERI, Giovanni, M., Ministre
Plénipotentiaire. Ministère des Affaires étrangères.
CARLA, Daniela, Mme, Ministère du Travail.

Conseillers techniques

MOLTONI, Stefania, Mme, Ministère des Transports et de
la Navigation
ALATI, Giuseppe, M., Ministère des Transport et de la
Navigation.
MASCIA, Gian Luigi, M., Premier conseiller, Mission
permanente à Genève.
CANDREVA, Michèle, Mme, Ministère du Travail.
RETACCHI, Francesco, M., Ministère de l'Industrie.
FERRARI, Concetta, Mme, Ministère du Travail.
FARANDA, Bonaventura, M., Ministère du Travail.

Délégué des employeurs

SASSO MAZZUFFERI, Lucia, Mme, Dirigeant, Bureau
Affaires Internationales, CONFINDUSTRIA.

Conseiller technique et délégué suppléant

FADDA, Rinaldo, M., CONFINDUSTRIA.

Conseillers techniques

BESUSSO, Carlo, M., CONFINDUSTRIA.
FERRARA, Giancarlo, M., ASSICREDITO.
GIARDINA, Stefano, M., CONFCOMMERCIO.
URBANI, Giancarlo, M., ENI-CONFINDUSTRIA.
MACCIO', Sergio, M., INTERSIND.

Délégué des travailleurs

CAL, Luigi, M., Confédération Italienne Sindicato
Levoretoni (CISL).

Conseiller technique et délégué suppléant

BRIGHI, Cecilia, Mme, CISL.

Conseillers techniques

MAGNANI, Sauro, M., Département international, CGIL.
DEL RIO, Cinzia, Mme, UIL.
BENEDETTINI, Luisa, Mme, CGIL.
FERRARI, Renato, M., UIL.
JULIANO, Giuseppe, M., CISL.

Jamaïque Jamaica Jamaica

Minister attending the Conference

SIMPSON, Portia, Ms., Minister of Labour, Social
Security and Sports.

Government Delegates

PIERCE, Richard, Mr., Ambassador, Extraordinary and
Plenipotentiary, Permanent Representative, Geneva.
SMITH, Gresford A., Mr., Chief Director, Industrial
Relations, Ministry of Labour, Social Security and
Sports.

Advisers and substitute delegates

THOMAS, Marcia, Ms., Counsellor, Permanent Mission,
Geneva.
STEWART, Julia, Ms., First Secretary, Permanent
Mission, Geneva.

Adviser

MOXAM, Earl, Mr., Broadcast Journalist, Radio Jamaica
Limited.

Employers' Delegate

ROBINSON, Barrington, Mr., Executive Member and
Committee Chairman, Jamaica Employers' Federation.

Workers' Delegate

GOODLEIGH, Lloyd, Mr., Chairman, Joint Trade Union
Research Development Centre.

Japon Japan Japón

Minister attending the Conference

HAMAMOTO, Manso, Mr., Minister of Labour.

Government Delegates

ENDO, Minoru, Mr., Ambassador Extraordinary and
Plenipotentiary, Permanent Representative, Permanent
Mission, Geneva.
SHIYA, Tadashi, Mr., Assistant Minister for Labour,
Ministry of Labour.

Advisers and substitute delegates

NAITO, Shohei, Mr., Minister, Permanent Mission,
Geneva.
SAKANE, Toshitaka, Mr., Ministerial Councillor, Minister
of Labour.
SUZUKI, Masaaki, Mr., Director-General, Public Service
Personnel Department, Local Administration Bureau,
Ministry of Home Affairs.
KOEZUKA, Takashi, Mr., Counsellor, Permanent
Mission, Geneva.
TSUNEKAWA, Kenji, Mr., Counsellor, Permanent
Mission, Geneva.
TSUNAKI, Masatoshi, Mr., Counsellor, Permanent
Mission, Geneva.

Advisers

OMORI, Jun, Mr., Counsellor, Personnel Bureau,
Management and Coordination Agency.
ASAHI, Nobuo, Mr., Director, Public Service Personnel
Division, Local Administration Bureau, Ministry of
Home Affairs.
INO, Tsumoru, Mr., Director, Fire Defence Division,
Ministry of Home Affairs.
ARA, Tatsuo, Mr., Director, Women Workers' Division,
Womens' Bureau, Ministry of Labour.
KITANO, Mitsuru, Mr., First Secretary, Permanent
Mission, Geneva.

NAKANO, Masayuki, Mr., Planning Director, Inspection Division, Labour Standards Bureau, Ministry of Labour.
HIGUCHI, Toshinori, Mr., Chief Expert Officer on Industrial Health, Industrial Health Division, Industrial Safety and Health Department, Ministry of Labour.
YAMAKOSHI, Keiichi, Mr., Assistant Director, Labour Legislation Division, Ministry of Labour.
TAKAHASHI, Hiroshi, Mr., First Secretary, Permanent Mission, Geneva.
NAKAOKI, Go, Mr., First Secretary, Embassy in Federal Republic of Germany.

Employers' Delegate

NEMOTO, Jiro, Mr., Representative Director and President, Nippon Yusen Kabushiki-Kaisha and Chairman, Japan Federation of Employers' Associations, (NIKKEIREN).

Advisers and substitute delegates

FUKUOKA, Michio, Mr., Director-General, NIKKEIREN.
SUZUKI, Toshio, Mr., Senior Managing Director, NIKKEIREN International Cooperation Center, Member, Governing Body of the ILO.

Advisers

AKEZUMI, Yoshio, Mr., General Manager, Environmental and Safety Department, Japan Mining Industry Association.
HASHIMOTO, Kazumi, Mr., Director of Labour Department, National Federation of Small Business Association.
KASAKAWA, Hikaru, Mr., Director, International Division, NIKKEIREN.

Workers' Delegate

ITO, Sukesada, Mr., Chairman, ILO Committee of Japanese Trade Union Confederation (JTUC-RENGO).

Advisers

TAKASHIMA, Yoshimitsu, Mr., Vice-President, All Japan Prefectural and Municipal Workers' Union (Jichiro-RENGO).
SAKON, Isamu, Mr., Vice-President, All Japan Postal Labour Union (Zenyusei-RENGO).
HATSUOKA, Shouichiro, Mr., Director, Tokyo Office, Postal Telegraph and Telephone International (PTTI).
SASAKI, Shunichi, Mr., Assistant General Secretary, Japan Metal Mine Workers' Union (HITETSU KINZOKUOREN-RENGO).
NAKAJIMA, Shigeru, Mr., Director of International Department, Jichiro-RENGO
IWAMOTO, Shinichi, Mr., Deputy Director, Wage and Working Conditions Department, Jichiro-RENGO.

OKITA, Nobuo, Mr., Assistant Director, Working Conditions Division, JTUC-RENGO.
TANAKA, Mitsuo, Mr., Assistant Director, International Policy Department, JTUC-RENGO.

Jordanie Jordan Jordania

Minister attending the Conference

ABOU AL SHAAR, Nader, Mr., Minister of Labour.

Government Delegates

QUTISHAT, Bahjat, Mr.
SHAHATIT, Issam, Mr.

Advisers

TARAWNEH, Saleh, Mr., Under-Secretary, Ministry of Labour.
SMADI, Abdel Hafiz, Mr.

Employers' Delegate

DAJANI, Ali, Mr.

Advisers

DAJANI, Ali, Mr.
EL HUSSEINI, Amin, Mr.
AMMAR, Mohamed, Mr.
EL-KHATIB, Walid, Mr.
AWAMLEH, Saeed, Mr.

Workers' Delegate

SHAREEM, Khaled, Mr.

Advisers

HASSAN ABDEL RAHMAN, Al hag, Mr.
AL SHAREIRI, Haroun, Mr.

Kazakhstan Kazakhstan Kazajstán

Government Delegate

KREPAK, Petr, Mr., Minister of Labour.

Employers' Delegate

MINIBAEV, Alexandr, Mr., Vice-President, Entrepreneurs Union.

Workers' Delegate

MUKASHEV, Siasbek, Mr., Chairman, Council of Trade Union Federation.

Kenya

Minister attending the Conference

MASINDE, Philip Wanyama, Mr.

Person accompanying the Minister

DON NANJIRA, D.D.C, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva

Government Delegates

MURAGE, Stanley Karuthai, Mr., Permanent Secretary, Ministry of Labour and Manpower Development.
NGARE, Ephraim Waweru, Mr., Deputy labour Commissioner, Ministry of Labour and Manpower Development.

Adviser

CHEPSIROR, A.k, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

OWUOR, Tom Diju, Mr., Executive Director, Federation of Kenya Employers.

Adviser and substitute delegate

ANAMPIU, Solomon, Mr., Managing Director, Mitchel Cotts Kenya Limited.

Workers' Delegate

MUGALLA, Joseph Jolly, Mr., Secretary General, Central Organization of Trade Union (COTU).

Adviser and substitute delegate

MURUGU, John Wangoru, Mr., Treasurer General, COTU.

Kirghizistan Kyrgyzstan Kirguistán

Government Delegate

SAIAKBAEVA, Kanychai, Ms., Deputy Minister of

Labour and Social Protection.

Employers' Delegate

AÏTIKEEV, Akbaraly, Mr., President, Union of Industrialists and Entrepreneurs, Chairman, Coordination Council of Entrepreneurs.

Workers' Delegate

DIDENKO, Yuri Petrovitch, Mr., Deputy Chairman, Trade Union Federatin Council.

Koweït Kuwait Kuwait

Minister attending the Conference

AL-KULAIB, Ahmed khalid, Mr., Minister of Social Affairs and Labour.

Government Delegates

AL-SALLAL, Mohammad Saad, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
AL-MECLHADI, Hamad, Mr.

Advisers and substitute delegates

ALHOMAIDHAN, Fahad Abdulaziz, Mr., Director, Minister's Office Department.
AL MEDHADI, Hamed Abdulla, Mr., Director, Labour Department, Province of Jahra.
AL AZMI, Raja Saif, Mr., Director, Labour Department, Province of Farwania.
BELAL, Ali Mohammed, Mr., Assistant Director General for Public Relations.
JOHAR, Amina Ghazi, Mr., Assistant Director, Foreign Relations Department.
AL SUMAIT, Mobarek Mohammed, Mr., Assistant Director, Office of Under-Secretary for Labour.

Advisers

MATAR, Khaled Ahmed, Mr., Chief of branch, Foreign Relations Department.
AL ROUMI, Ali Salaiman, Mr., Administrative Researcher, Minister's Office.

Employers' Delegate

AL-JASSIM, Aqeel Ahmed, Mr., Deputy Director, Chamber of Commerce and Industry, Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

ALRABAH, Rabah Abdul Rahman, Mr., Assistant
Director General, Chamber of Commerce and Industry.
AL-OMAR, Hamad Jarrah, Mr., Director, Financial and
Administrative Affairs Department, Chamber of
Commerce and Industry.

Workers' Delegate

ALAJMI, Mohammed Salman, Mr., Deputy President,
General Federation of Workers.

Advisers and substitute delegates

ALAZMI, Rashed Sa'ad, Mr., Secretary General, General
Federation of Workers.
ALTHWEEL, Ead Faleh, Mr., Assistant Secretary General,
General Federation of Workers.

Adviser

AL-ENZI, Mohammed Zeadan, Mr., Executif Member,
General Federations of Workers.

République dém. populaire du Lao Lao People's Dem. Rep. República Dem. Pop. Lao

Ministre assistant à la Conférence

SISOULITH, Thongloun, M., Ministre du Travail et du
Bien-être social.

Délégués gouvernementaux

SAYASENH, Bounpone, M., Directeur, Ministère du
Travail.
VISISOMBAT, Khamphan, M., Consultant.

Délégué des employeurs

PHINITH, Inhom, M., Secrétaire général, Chambre de
commerce.

Délégué des travailleurs

INTHATHIRATH, Outhay, M., Directeur, Relations
extérieures, Fédération de syndicats.

Lesotho

Minister attending the Conference

MOLOPO, Notsi Victor., Mr., Minister of Labour and
Employment.

Government Delegates

THAMAE, C.T., Mr., Principal Secretary.
FANANA, N.M., Mr., Labour Commissioner.

Adviser and substitute delegate

MAFEREKA, L., Mrs., Legal Officer.

Adviser

NKOTSI, I, Mr., Senior Factory Inspector.

Employers' Delegate

MAKEKA, T., Mr., Executive Director, Association of
Employers; Deputy member, Governing Body.

Workers' Delegate

MAKHETHA, Marake, Mr., Treasurer, Federation of
Democratic Unions.

Lettonie Latvia Letonia

Government Delegates

BERZINS, Andris, Mr., Minister of Welfare.
KIMELE, Maija, Mrs., Director, Labour Department,
Ministry of Welfare.

Advisers and substitute delegates

KALNIETE, Sandra, Ms., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
BERZINA, Larisa-Zaiga, Ms., Third Secretary, Permanent
Mission, Geneva.

Employers' Delegate

BERTRANDS, Janis, Mr., President, Latvian Employers'
Confederation.

Advisers and substitute delegates

GAVRILOVS, Vitalijs, Mr., Member, Latvian Employers'
Confederation Board.
JAKOBSONS, Valdis, Mr., Member, Latvian Employers'
Confederation Board.

Workers' Delegate

SILINS, Andris, Mr., Chairman, Latvian Free Trade Unions Federation (LFTRF).

Adviser and substitute delegate

GAVRILOVA, Lidija, Mrs., Chairman, LFTRF Branch Trade Union.

L'Ex-Rép. yougos. de Macédoine The Former Yugos.Rep. of Macedonia La ex Rep. Yugoslava de Macedonia

Minister attending the Conference

SABRIU, Iljaz, Mr., Minister of Labour and Social Policy.

Person accompanying the Minister

POPNIKOLOV, Tanja, Mrs., Translator.

Government Delegates

PETRUSEVSKI, Blagoj, Mr., Deputy Minister of Labour and Social Policy.

APOSTOLSKA, Zorica, Mrs., Assistant to the Minister.

Advisers and substitute delegates

TRAJANOV, Stojan, Mr., Assistant to the Minister.
CVETKOVSKA, Nikolina, Mr., Director, Bureau for Employment.

Workers' Delegate

GEORGIEVSKI, Tome, Mr., Assistant President, SSM.

Liban Lebanon Líbano

Ministre assistant à la Conférence

HARDANE, Assaad, M., Ministre du Travail.

Délégués gouvernementaux

EL KHAZEN, Amine, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
GHOREIB, William, M., Chef, Département du travail et des relations professionnelles, Ministère du Travail.

Conseillers techniques et délégués suppléants

SAAB, May, Mme, Chef, Section des relations extérieurs, Ministère du Travail.
MOALLEM, Ghassan, M., Premier secrétaire, Mission permanente à Genève.

Conseiller technique

SOUED, Maarouf, M., Conseiller du Ministre.

Délégué des employeurs

BEYDOUN, Rachid, M.

Conseillers techniques et délégués suppléants

NASR, Marwan, M., Membre, Conseil d'administration du BIT.
DEBBANE, Ralph, M.

Conseillers techniques

NAHAS, Nicolas, M.
BALBOUL, Fouad, M.
HAMADEH, Saïd, M.

Délégué des travailleurs

ABOU-RIZK, Elias, M., Président, Union générale des travailleurs.

Conseillers techniques et délégués suppléants

NEHMEH, Yasser, M., Secrétaire général, Union générale des travailleurs.
NAJDE, Abdel-Amir, M., Secrétaire chargé des relations internationales.

Conseiller technique

EL-CHLOUK, Ghassan, M.

Liberia

Government Delegates

WILLIAMSON, Henry D., Mr., Chargé d'affaires, Permanent Mission, Geneva.
HARVEY, Dwight M., Mr., Assistant Minister of Labour.

**Jamahiriya arabe libyenne
Libyan Arab Jamahiriya
Jamahiriya Arabe Libia**

Ministers attending the Conference

BETTELMAL, Mohamed, Mr., Secretary of the General People's Committee of Planning and Finance.
GUIDER, Ibrahim, Mr., Secretary, General Committee of Labour Force.

Government Delegates

BENSHABAN, Taher O., Mr., Counsellor, Permanent Mission, Geneva.
ABBAS, Husein, Mr., General Committee of Labour Force.

Advisers and substitute delegates

LAABANI, Mohamed Amar, Mr., General Committee of Labour Force.
ALMOKADMY, Mohamed, Mr., Secretariat, General People's Committee of Foreign Liaisons and International Cooperation.
DROUJI, Mousa, Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Advisers

OWN, Ali Salah, Mr., General People's Committee of Foreign Liaisons and International Cooperation.
RASHED, Rashid A., Mr., General People's Committee.

Employers' Delegate

KWAIRY, Abdalla, Mr.

Adviser and substitute delegate

MEGHERBI, Mohamed, Mr.

Workers' Delegate

IDRIS, Abdalla, Mr.

Advisers and substitute delegates

AL-AZABI, Mohamed, Mr.
OUSMAN, Ajili H, Mr.
NAILI, Salem. M., Mr.

Lituanie Lithuania Lituania

Minister attending the Conference

MIKAILA, Mindaugas, Mr., Minister of Social Security and Labour.

Person accompanying the Minister

BACEVICIUS, Evaldas, Mr., Assistant to the Minister, Ministry of Social Security and Labour.

Government Delegates

PRIELAIDA, Narcizas, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
KAIRELIS, Rimantas, Mr., Secretary, Ministry of Social Security and Labour.

Adviser and substitute delegate

BALTUTYTE, Elvyra, Ms., Consultant, Ministry of Social Security and Labour.

Employers' Delegate

VIESULAS, Jonas, Mr., President, Lithuanian Entrepreneurs Association.

Workers' Delegate

KUZMINSKAS, Kazimierac, Mr., Chairman, Lithuanian Labour Federation.

**Luxembourg Luxembourg
Luxemburgo**

Ministres assistant à la Conférence

JUNCKER, Jean-Claude, M., Premier Ministre, Ministre d'Etat, Ministre des Finances, Ministre du Travail et de l'Emploi.
DELVAUX-STEHRRES, Mady, Mme, Ministre de la Sécurité Sociale, Ministre des Transports, Ministre des Communications.

Délégés gouvernementaux

ZAHLEN, Jean, M., Conseiller de Gouvernement, Ministère du Travail et de l'Emploi.
MOUSEL, Jean-Marie, M., Directeur, Administration de l'emploi.

Conseillers techniques et délégués suppléants

WEBER, Paul, M., Directeur, Inspection du travail et des mines.
HOFFMANN, Jean, M., Conseiller économique, Administration de l'emploi.

Conseillers techniques

DUHR, Paul, M., Représentant permanent adjoint, Mission permanente à Genève.
BICHELER, Claude, M., Président, Conseil arbitral des Assurances sociales.
FEYEREISEN, Marc, M., Directeur adjoint, Inspection du travail et des mines.
FABER, Joseph, M., Attaché de Gouvernement, Ministère du Travail et de l'Emploi.
FISCH, Maryse, Mme, Attaché d'administration, Ministère du Travail et de l'Emploi.
DORNSEIFFER, Erny, M., Inspecteur principal, Ministère du Travail et de l'Emploi.
TUNSCH, Gary, M., Inspecteur principal, Ministère du Travail et de l'Emploi.
WEBER, Alain, M., Attaché, Mission permanente à Genève.
ROUSSEAU, Jean-Paul, M., Chargé de mission, Mission permanente à Genève.

Délégué des employeurs

JUNG, Lucien, M., Administrateur-directeur, Fédération des industriels luxembourgeois.

Conseiller technique et délégué suppléant

SAUBER, Marcel, M., Secrétaire Général, Fédération des artisans.

Conseillers techniques

BEFFORT, Romain, M., Conseiller social, Fédération des industriels luxembourgeois.
SCHMIT, Romain, M., Attaché de direction, Fédération des artisans.
SCHAUL, Christiane, Mlle, Attachée, Fédération des industriels luxembourgeois.
HALLER, Lucien, M., Secrétaire général, Centrale paysanne.

Délégué des travailleurs

MERTEN, René, M., Président, Fédération des employés privés, Fédération indépendante des travailleurs et cadres (FEP/FIT et cadres).

Conseiller technique et délégué suppléant

PIZZAFERRI, René, M., Membre du Comité exécutif, Confédération générale du travail (CGT).

Conseillers techniques

BAUSCH, Eugène, M., Membre du comité national, CGT.
KONZ, Josy, M., Secrétaire général, CGT.
MEYER, Carol, Mme, Conseiller de direction, FEP/FIT et Cadres.
DALEIDEN, Jos, M., Secrétaire, CGFP.
HAAS, Félix, M., Trésorier, CGFP.
GEORGEN, Viviane, Mme, Secrétaire, LCGB.
ZANIER, Patrick, M., Secrétaire, LCGB.

Madagascar

Ministre assistant à la Conférence

RAKOTOVOLOLONA, Henri, M., Ministre de la Fonction publique, du Travail et des Lois sociales.

Personnes accompagnant le Ministre

RAKOTOVOLOLONA, Heritiana, Mme, Chargé de mission.
RAKOTOVOLOLONA, Andry, M., Chargé de mission.

Délégués gouvernementaux

RABESANDRATANA, Aristide, M., Directeur général du travail et de la protection sociale
RABEMANANTSOA, Pierrot, M., Directeur général de la caisse nationale de prévoyance sociale (CNAPS).

Conseiller technique et délégué suppléant

RAVALOSON, Jaona, M., Ambassadeur, Mission permanent à Genève.

Conseillers techniques

RAMAMBAZAFY, Ralainony Jacques, M., Directeur, Cabinet du Ministre.
EDAFE, Phabien, M., Conseiller, Mission permanente à Genève.
ALLAOUIDINE, Koraiche, M., Attaché d'Ambassade.

Délégué des employeurs

ANDRIATSITOHAINA, Charles, M., Secrétaire général, Groupement des entreprises (GEM).

Conseillers techniques et délégués suppléants

RABEMANANTSOA, Emile, M., FIVAPARA.
RAOLISON, Malala-Zo, M., GEM.
RANOHILOA, Seth, M., FIVAPARA.

Délégué des travailleurs

RAKOTONIAINA, Justin, M., SRMM

Conseiller technique et délégué suppléant

RAKOTOBÉ, Thomas, M., PCA de la CNAPS.

Malaisie Malaysia Malasia

Minister attending the Conference

DATO'LIM, Ah Lek, Mr., Minister of Human Resources.

Person accompanying the Minister

HARON, Siraj, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva

Government Delegates

SAEDON DAUD, Tuan Haji, Mr., Deputy Secretary-General, Ministry of Human Resources.

AHMAD, Mohd. Idrus, Mr., Director-General, Department of Industrial Relations, Ministry of Human Resources.

Adviser and substitute delegate

HAJI MOHD MANSOR, HJ Lop Pehie, Mr., Director-General, Trade Unions Affairs, Ministry of Human Resources.

Advisers

ISMAIL, Hj. Abdul Rahim, Mr., Deputy Director General of Labour, Ministry of Human Resources.

TAN, Seng Sung, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

MOHD. SAUFFEE, Ab. Muain, Mr., Counsellor, Permanent Mission, Geneva.

P.MUNUSAMY, Mr., Principal Assistant Secretary, International Division, Ministry of Human Resources.

FAIZ ZAIN, Abdullah, Mr., First Secretary, Permanent Mission, Geneva.

ROSTAM, A. Salleh, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

DATUK MOKHZANI, Abd. Rahim, Mr., President, Malaysian Employers' Federation; Deputy Member, Governing Body of the ILO.

Advisers and substitute delegates

DATO' SOPIEE, Mohamed, Mr., Vice-President, Malaysian Employers' Federation.

ZAIN, Majid, Mr., Executive Director, Malaysian Employers' Federation.

Workers' Delegate

ZAINAL, Rampak, Mr., President, Malaysian Trade Union Congress.

Advisers and substitute delegates

NG, Suat Hoh, Mr., Malaysian Labour Organisation.

MUSTAFFA, Hassan, Mr., Deputy President, Congress of Unions of Employees in the Public and Civil Service.

Adviser

MOHD. YUSOFF, Hj. Harman Shah, Mr., Vice-President, Congress of Unions of Employees, Public and Civil Service.

Malawi

Minister attending the Conference

CHIBAMBO, Z.Q.Y., Mr., Minister of Labour and Manpower Development.

Government Delegates

MGOMEZULU, G.G.Y., Mr., Secretary for Labour.

MANDA, C.M., Mr., Labour Commissioner.

Adviser and substitute delegate

KAMINYOGE, Y.J., Mr., Chief Inspector of Factories.

Employers' Delegate

KAMBAUWA, D., Mr., Chairman, Employers' Consultative Association.

Workers' Delegate

MHANGO, K.F., Mr., Chairman, Trade Union Congress.

Mali

Ministre assistant à la Conférence

DIARRA, Boubacar Gaoussou, M., Ministre de l'emploi, de la fonction publique et du travail.

Personne accompagnant le Ministre

FOFANA, Mohamed, M., Chargé de mission, Ministère de l'emploi, de la fonction publique et du travail.

Délégués gouvernementaux

SIDIBE, Tall Penda, Mme, Directrice nationale de l'emploi, du travail et de la sécurité sociale.
SISSOKO, Mamadou, M., Directeur général, Office National de la Main d'Oeuvre et de l'Emploi.

Conseiller technique et délégué suppléant

DIAKITE, Mamadou, M., Directeur Général, Institut national de prévoyance sociale.

Délégué des employeurs

COULIBALY, Moussa Balla, M., Président, Fédération nationale des employeurs.

Conseiller technique et délégué suppléant

TOURE, Ousmane, M., Secrétaire Permanent, Fédération nationale des employeurs, Membre adjoint, Conseil d'administration du BIT.

Délégué des travailleurs

GUINDO, Hammadoun Amion, M., Secrétaire général adjoint, Union nationale des travailleurs.

Conseiller technique et délégué suppléant

BATHILY, Mamadou Sourakhe, M., Secrétaire aux Relations Extérieure, Union nationale des travailleurs.

Malte Malta Malta

Minister attending the Conference

FALZON, Michael, Mr., Minister of Education and Human Resources.

Persons accompanying the Minister

ABELA, Ignatius, Mr., Private Secretary to Minister of Education and Human Resources.
FIORINI LOWELL, Alfred, Mr., Permanent Secretary, Ministry of Education and Human Resources.

Government Delegates

CILIA DEBONO, Emanuel, Mr., Director, Department of Labour.
PULLICINO, Frank, Mr., Principal Officer, Department of Labour.

Advisers and substitute delegates

BARTOLO, Michael, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

VALENTINO, Martin, Mr., First Secretary, Permanent Mission, Geneva.

BONNICI, Anthony, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MALLIA MILANES, Alfred, Mr., International Secretary, Malta Employers Association.

Adviser and substitute delegate

SCICLUNA, John, Mr., Administrative Manager, Malta Federation of Industry.

Advisers

MASINI, Franco, Mr., Vice-President, Malta Employers' Association.

SULLIVAN, John E., Mr., President, Malta Employers' Association.

SCICLUNA, Victor, Mr., Council Member, Malta Employers Association.

Workers' Delegate

CALAMATTA, Jack, Mr., Deputy Secretary General, General Workers' Union; Substitute Member, Governing Body of the ILO.

Advisers and substitute delegates

AGIUS, Maurice, Mr., Vice President, Confederation of Malta Trade Unions.

BUHAGIAR, Alfred, Mr., President, Confederation of Malta Trade Unions.

Maroc Morocco Marruecos

Ministre assistant à la Conférence

DEMNATI, Amine, M., Ministre de l'Emploi et des Affaires sociales.

Personne accompagnant le Ministre

ALAOUI, Ali, M., Membre du Cabinet du Ministre de l'Emploi et des Affaires Sociales.

Délégués gouvernementaux

BENJELLOUN-TOUIMI, Nacer, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

BELOUED, Abdelmajid, M., Directeur du travail, Ministère de l'Emploi et des Affaires Sociales.

Conseillers techniques

BELAHZEN, Youssef, M., Chef de la division, Inspection des Mines, Ministère de l'Energie et des Mines.
LAGHRIFI, Abderrahman, M., Chef, Service de la législation, Ministère de l'Emploi et des Affaires sociales.
BAALAL, Mohamed, M., Chef, Service des organismes internationaux et régionaux, Ministère de l'Emploi et des Affaires Sociales.
ABOUTAHIR, Moulay Lahcen, M., Secrétaire des affaires étrangères, Mission Permanente à Genève.

Délégué des employeurs

BOULOUIZ, Allal, M., Vice-Président, Fédération des chambres de commerce et d'industrie (FCCIM).

Conseillers techniques

BELARBI, Mohamed Abdelkader, M., Président, Commission sociale de la confédération générale des entrepreneurs (CGEM).
TOUIL, Mustapha, M., Président, Chambre de commerce et d'industrie de Settati et Benslimane.
EL HARRAS, Larbi, M., Directeur, Fédération des Chambres de commerce et d'industrie.
BEN SLIMANE, Mustapha, M., Vice-Président, Chambre de commerce et d'industrie, Seltat.
SLISLI, Rachid, M., Directeur, Chambre de commerce et d'industrie, Oujda.

Délégué des travailleurs

BEN SEDDIK, Mahjoub, M., Secrétaire général, Union marocaine du travail (UMT); Membre, Conseil d'administration du BIT.

Conseiller technique et délégué suppléant

EL MOKHAREK, El Miloudi, M., Union Marocaine du Travail (UMT).

Conseillers techniques

AFILAL, Abderrazak, M., Secrétaire général, Union générale des travailleurs du Maroc (UGTM).
CHAHIR, Farouk, M., UMT.
FILALI TABAI, Driss, M., UMT.
KAFI CHERRAT, Mohamed, M., UGTM.
KABBAJ, Mohamed Larbi, M., UGTM.

Maurice Mauritius Mauricio

Minister attending the Conference

OFFMANN, Karl, Mr., Minister of Labour & Industrial Relations.

Person accompanying the Minister

DEDANS, Michel, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Government Delegates

TOOFANY, Abdool Motallib, Mr., Permanent Secretary, Ministry of Labour & Industrial Relations.
BOLAKY, Cassam, Mr., Chief Labour Officer, Ministry of Labour and Industrial Relations.

Advisers

CURE, Patrice Eugène, Mr., Minister-Counsellor, Permanent Mission, Geneva.
LAM, Ah Yao, Mr., Second Secretary, Permanent Mission, Geneva.
MUNISAMY, Renganaden, Mr., Attaché, Permanent Mission, Geneva.

Employers' Delegate

JEETUN, Azad, Mr., Director, Mauritius Employers' Federation.

Workers' Delegate

LUCHMUN ROY, Nurdeo, Mr., President, Mauritius Labour Congress.

Advisers

SADIEN, Radhakrisna, Mr., President, State Employees' Federation.
SOBRATTY, Sheira Banon, Mrs., President, Mauritius Free Zone and Industry Employees' Union.
BALLUCK, Awadhkoomarsing, Mr., Executive Member, National Trade Union Council.

Mauritanie Mauritania Mauritania

Ministre assistant à la Conférence

OULD MOHAMED VALL, Sidi Mohamed, M., Ministre de la Fonction Publique du Travail de la Jeunesse et des Sports.

Délégués gouvernementaux

OULD SALEM, Ethmane, M., Directeur du travail.
KASSOUM, Doumbia, M.

Conseiller technique

OULD BOUH, Hamoud, M.

Délégué des employeurs

OULD SIDI MOHAMED, Mohamed Aly, M.

Délégué des travailleurs

OULD BRAHIM, Mohamed Ely, M.

Mexique Mexico México

Ministro asistente a la Conferencia

OÑATE, Santiago, Sr., Secretario del Trabajo y Previsión Social.

Delegados gubernamentales

DE ICAZA, Antonio, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra
VARGAS CAMPOS, Marcelo, Sr., Misión Permanente en Ginebra. Representante Gubernamental, Consejo de Administración de la OIT.

Consejeros técnicos y delegados suplentes

JOUBLANC, Luciano, Sr., Embajador, Representante Permanente Alterno, Misión Permanente en Ginebra.
DÍAZ, Luis Miguel, Sr., Coordinador General de Asuntos Internacionales, Secretaría del Trabajo y Previsión Social.
NOVELO VON GLUMER, Gastón, Sr., Director, Secretaría del Trabajo y Previsión Social.
ROMERO ESQUIVEL, Eusebio, Sr., Segundo Secretario, Misión Permanente en Ginebra.

Consejeros técnicos

FRANCO TRUJILLO, Javier, Sr., Director Técnico Normativo, Dirección General de Seguridad e Higiene en el Trabajo, Secretaría del Trabajo y Previsión Social.
CASTORENA GUARDADO, José Armando, Sr., Subdirector de Información y Orientación en Normas de Trabajo, Dirección General de Inspección Federal del Trabajo, Secretaría del Trabajo y Previsión Social.
BAÑUELOS SOLÍS, Felipe, Sr., Consultor, Dirección General de Empleo, Secretaría del Trabajo y Previsión Social.

Delegado de los empleadores

DÍAZ ROMERO, Victor Manuel, Sr., Presidente, Confederación de Cámaras Industriales.

Consejero técnico y delegado suplente

CARVAJAL BUSTAMANTE, Octavio, Sr., Presidente, Comisión de Trabajo y de Previsión Social, Confederación de Cámaras Industriales.

Consejeros técnicos

GUTIERREZ GARCIA, Reynold, Sr., Director de Relaciones Laborales, Grupo CYDSA, SA.
MACIAS SANTOS, Eduardo, Sr., Director Jurídico Laboral, Vitro Corporativo, S.A de C.V.
MENDOZA DELGADO, José Enrique, Sr., Industria Minera

Delegado de los trabajadores

SANCHEZ MADARIAGA, Alfonso, Sr., Secretario de Relaciones del Comité Nacional de la CTM; Miembro, Consejo de Administración de la OIT.

Consejeros técnicos

RODÍGUEZ ALCÁINE, Leonardo, Sr., Secretario General Adjunto, CTM.
DE LA VEGA, Netzahualcóyotl, Sr., Secretario de Asuntos Económicos, CTM.
MOISES CALLEJA, Juan, Sr., Jefe del Departamento Jurídico, CTM
SAN ROMÁN ARREAGA, Héctor, Sr., Subsecretario de Relaciones, CTM.
PÉREZ TOVAR, Sergio, Sr., Secretario General, Sindicato Nacional de Trabajadores de la Industria Húlera.
MEDINA TORRES, Salvador, Sr., Subsecretario de Relaciones, Sindicato de la Industria Húlera.

République de Moldova Republic of Moldova República de Moldova

Government Delegates

NIDELCU, Dumitru, Mr., Minister of Labour, Social Protection and Family.
ZAPOROJAN, Gheorghe, Mr., Chief, Foreign Relations Division.

Adviser and substitute delegate

DEMÉRJI, Ilie, Mr., Counsellor, Translator.

Employers' Delegate

CUCU, Gheorghe, Mr., Vice-President, Union of Industrialists.

Workers' Delegate

GODONOGA, Ion, Mr., President, Federation of Independent Trade Unions.

Mongolie Mongolia Mongolia

Minister attending the Conference

BYAMBATSEREN, Pandi, Mr., Deputy Minister for Population Policy and Labour.

Government Delegates

YUMJAV, Shirchinjav, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
ONON, Sodov, Mrs., Director, External Relations Department, Ministry of Population Policy and Labour.

Advisers

GANBAATAR, DOGSOM, Mr., First Secretary, Permanent Mission, Geneva.
JARGALSAIKHAN, Gundegmaa, Mr., Officer, External Relations Department, Ministry of Population Policy and Labour.

Employers' Delegate

JANTSAN, Dagdan, Mr., Vice-President, Association of Mongolian Private Enterprises' Managers.

Workers' Delegate

NARMANDAKH, Damdinjav, Mr., Vice-President, Confederation of Mongolian Trade Unions.

Mozambique

Minister attending the Conference

MAVILA, Guilherme. Luis, Mr., Minister of Labour

Government Delegates

FRANCISCO, Maria Noémia Luis, Mrs.
TAIMO, Pedro, Mr.

Employers' Delegate

MUSSANHANE, Egas, Mr.

Workers' Delegate

MANDLAZE, Pedro Joaquim, Mr.

Adviser and substitute delegate

TIMANA, Jeremisa Duzenta, Mr.

Myanmar

Minister attending the Conference

AYE, Kyaw, Mr., Deputy Minister for Labour, Ministry of Labour.

Government Delegates

AYE, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
OHN, Maung Maung, Mr., Director-General, Central Inland Freight Handling Committee.

Advisers and substitute delegates

THAN, Mya, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
MYAING, Lin, Mr., Counsellor, Permanent Mission, Geneva.
OHN, Tun, Mr., Second Secretary, Permanent Mission, Geneva.

Advisers

TIN, Kyaw, Mr., Second Secretary, Permanent Mission, Geneva.
NGWE, Aye, Mr., Assistant Director, Department of Labour.
AYE, Ko Ko, Mr., Assistant Director, Department of Labour.
SWE, Nyunt, Mr., Second Secretary, Permanent Mission, Geneva.
TSAN, L. Nang, Mrs., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

MAUNG, Maung, Mr., General Secretary, Union of Myanmar Chamber of Commerce & Industry.

Workers' Delegate

WIN, Aung, Mr., Superintending Engineer, Workers' Welfare Association, Namtu-Bawdwin Mines.

Namibie Namibia Namibia

Minister attending the Conference

GAROEB, Moses, Mr., Minister of Labour and Human Resources Development.

Person accompanying the Minister

NEKOMBA, Thomas, Mr., Personal Assistant to the Minister.

Government Delegates

DAX, Urbanus Benjamin, Mr., Deputy Permanent Secretary, Ministry of Labour and Human Resources Development.

SHINGUADJA, Bro-Mathews, Mr., Labour Commissioner, Ministry of Labour and Human Resources Development.

Advisers

MWAFUFYA, T. N., Ms., Deputy Director, Ministry of Labour and Human Resources Development.

LISWANISO, E., Mr., Head, International Division, Ministry of Labour and Human Resources Development.

NDAITWA, P. K., Mr., Deputy Director, General Services, Ministry of Labour and Human Resources Development.

HARRIS, K., Mr., Chief Mines Surveyor, Ministry of Mines and Energy.

Employers' Delegate

HILL, Mike, Mr., President, Namibia Employers' Federation (NEF).

Workers' Delegate

HAIKALI, Ranga C., Mr., Deputy Secretary-General, National Union of Namibian Workers (NUNW).

Adviser and substitute delegate

KASINGO, L., Mrs., Vice Treasurer, NUNW.

Nepal

Minister attending the Conference

TULADHAR, Padma Ratna, Mr., Minister of Health and Labour.

Government Delegates

JHA, Sushil Kant, Mr., Acting Secretary, Ministry of Labour.

LACOUL, Banmali Prasad, Mr., Minister -Counsellor, Chargé d'Affaires a.i., Permanent Mission, Geneva.

Advisers and substitute delegates

MANANDHAR, Renuka, Ms., Under-Secretary, Ministry of Labour.

DHAKAL, Ram Babu, Mr., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

RANA, Anup S.J.B., Mr., Chairman, Employers' Council, Federation of Nepalese Chambers of Commerce and Industry.

Workers' Delegate

RIMAL, Bishnu, Mr., Secretary-General, Federation of Nepalese Trade Union.

Nicaragua

Ministro asistente a la Conferencia

ROSALES ARGÜELLO, Francisco, Sr., Ministro de Trabajo.

Delegados gubernamentales

GARACHE CASTELLON, Mario, Sr., Viceministro de Trabajo.

MEJÍA SOLÍS, Lester, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos

PORTA, Alvaro J., Sr., Consejero, Misión Permanente en Ginebra.

ROSALES DÍAZ, Danilo, Sr., Primer Secretario, Misión Permanente en Ginebra.

MONTENGRO, Fanny, Sra., Directora General de Relaciones Exteriores, Ministerio del Trabajo.

Delegado de los empleadores

AMADOR ARRIETA, Cairo, Sr., Asesor, Consejo Superior de la Empresa Privada (COSEP).

Consejeros técnicos

BAYARDO ROMERO, Carlos, Sr., Vicepresidente, Confederación Nacional de Profesionales (CONAPRO).

ARAGON, Juan Ramón, Sr., Miembro, Junta Directiva de la Unión Nacional de Agricultores y Ganaderos (UNAG).

Delegado de los trabajadores

MORENO CAJINA, Roberto, Sr., Secretario General, Confederación de Unificación Sindical (CAUS).

Consejeros técnicos

ESPINOZA, Alfonso, Sr., Secretario de Relaciones Internacionales, Asociación de Trabajadores del Campo (ATC).

ESPINOZA NAVAS, José, Sr., Secretario General, CAUS.

Niger

Ministre assistant à la Conférence

GAOURI, Ousmane, M., Ministre de la Fonction publique, du Travail et de l'Emploi.

Délégués gouvernementaux

MAMADOU, Baba Omar, M., Directeur du travail et de la sécurité sociale, Ministère de la Fonction publique, du Travail et de l'Emploi.

DEMBELE, Mariama Kabo, Mme, Chef, Division relations Internationales, Ministère de la Fonction Publique, du Travail et de l'Emploi.

Conseiller technique

MAYAKI, Yousseuf, M., Directeur général, Caisse Nationale de Sécurité Sociale.

Délégué des employeurs

ISSOUFOU, Sabo, M., Représentant du Bureau exécutif, Syndicat patronal des entreprises et industries (SPEIN).

Délégué des travailleurs

IBRAHIM, Mayaki, M., Secrétaire général, Union des syndicats des travailleurs (USTN).

Conseillers techniques

HADJI DADDO, Mahaman Mansour, M.
FATTORINI, G. Franco, M.

Nigeria

Minister attending the Conference

AHMED, M.Uba, Mr., Minister of Labour and Productivity.

Persons accompanying the Minister

EWUGA, Solomon, Mr., Special Assistant I.

MOHAMMED, Salisu N., Mr., Special Assistant II.

Government Delegates

HENRY, P.E., Mr., AG. Director, Trade Union Services.

KUBOR, I., Mr., AG. Director-General, National Directorate of Employment.

Advisers and substitute delegates

ENABULELE, C.E., Mr., AG. Director, Inspectorate.

OKPANACHI, S., Mr., National Directorate of Employment.

Advisers

JEGA, S.M., Mr., Director-General.

BIU, A.A., Mr., Director, Employment and Wages.

CHIROMA, Ali, Mr., Adviser, Industrial Relations.

ABDULLAHI, Ibrahim, Mr., Director, Finance and Supply.

OKAFOR, G.N., Mr., National Directorate of Employment.

TUNJI-OLAGUNJU, O., Mrs., Managing Director, NSITF.

GANNA, Zanna M., Mr., Executive Director, NSITF.

AJAYI, S.T., Mrs., Director General, National Productivity Centre.

GHIDE, A.S., Mr., Director of Personnel, National Productivity Centre.

KALTUNGO, Yunusa, Mr., Former President, NLC.

AHMAD, A.S., Mr., Representative to the ILO, Permanent Mission, Geneva.

FASEHUN, O., Mr., Chargé d'affaires a.i., Permanent Mission, Geneva.

OLADEJI, B.I.D., Mr., First Secretary, Permanent Mission, Geneva.

Employers' Delegate

IMOISILI, I. C., Mr., Director General, Nigeria

Employers' Consultative Association (NECA).

Adviser and substitute delegate

OLANIYI, E.O., Mr., Chairman, Industrial Relations, NECA.

Adviser

GIWA, Rufus, Mr., President, NECA.

Workers' Delegate

JACK, V.M.I, Mr., Chairman, NLC Consultation Committee.

Adviser and substitute delegate

GIMBASON, J.H., Mr., Chairman, NLC Budget Committee; President, Nubifie.

Advisers

SALAM, A.A., Mr., Secretary-General, Nigeria Union of Local Government Employees.

NNOROM, Mr., Chairman, NLC State Council, Abuja.

Norvège Norway Noruega

Minister attending the Conference

BERGE, Gunnar, Mr., Minister of Local Government and Labour.

Persons accompanying the Minister

ORSKAUG, Erik, Mr., State Secretary, Ministry of Local Government and Labour.

SKOGMO, Bjorn, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

SAND, Ulf, Mr., Secretary General, Ministry of Local Government and Labour.

BLAALID, Jon, Mr., Director General, Ministry of Local Government and Labour.

SCHIONG, Anne Marit, Ms., Adviser.

JOHANSEN, Eva, Ms., Secretary, Ministry of Local Government and Labour.

Government Delegates

VIDNES, Oyvind, Mr., Counsellor, Permanent Mission, Geneva; Government Representative, Governing Body of the ILO.

BRUAAS, Odd, Mr., Adviser, Ministry of Local Government and Labour; Substitute Government Representative, Governing Body of the ILO.

Adviser and substitute delegate

SKOGMO, Björn, Mr.

Advisers

ENGDAHL, Sture, Mr., Civil Engineer, Directorate of Labour Inspection.

TROSDAHL, Anne-Sofie Oraug, Ms., International Adviser, Directorate of Labour Inspection.
YTTERDAL, Grete, Ms., Head of Division, Ministry of Local Government and Labour.

Other persons attending the Conference

LUND, Leif, Mr., Member of Parliament.

LUND, Arild, Mr., Member of Parliament.

HAAKONSEN, Hilde, Ms., United Nations Association of Norway.

STENWIG, Elisabeth, Mrs.

Employers' Delegate

HOFF, Erik, Mr., Director, Confederation of Norwegian Business and Industry (NHO); Member, Governing Body of the ILO.

Adviser and substitute delegate

BAKKA, Geir Oyvind, Mr., Assistant Director, NHO.

Advisers

HALD, Niels Chr., Mr., Director.

BRUSTAD, Tor, Mr., Lawyer.

FLOTTORP, Knut, Mr., Director/Attorney at Law.

ANDERSEN, Berit, Mrs., Managing Director.

HAMMERSTROM, Randi, Mrs., Managing Director.

KLEIVEN, Kari, Mrs., Secretary.

GROLL, Sonja Osterberg, Mrs., International Secretary.

Workers' Delegate

PEDERSEN, Evy Buerud, Mrs., National Elected Secretary, Norwegian Confederation of Trade Unions (LO-Norway).

Adviser and substitute delegate

UNDHEIM, Liv, Mrs., National Elected Secretary, LO-Norway.

Advisers

NILSEN, Arnfinn, Mr., President, Norwegian Union of General Workers.

GUNDERSEN, Pal, Mr., Secretary.

AASNES, Ingeborg, Mrs., Consultant.

DAHL, Karl Nandrup, Mr., Attorney-at-Law.

HANSTEEN, Christopher, Mr., Attorney-at-Law.

AURLAND, Eva, Ms., Interpreter.

OLAFSEN, Odd Arne, Mr., Interpreter.

Persons appointed in accordance with Article 2, paragraph 3(i)

EL JEIRES, Moussa, Mr.

ANSNES, Erna, Mrs.

Nouvelle-Zélande New Zealand Nueva Zelandia

Government Delegates

CHETWIN, JOHN, Mr., Secretary of Labour, Department of Labour.

STOCKDILL, Ralph, Mr., General Manager, Industrial Relations Service, Department of Labour.

Advisers and substitute delegates

ARMSTRONG, Wade, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

TOWNSEND, Lenore, Ms., Chief Adviser Operations Policy, Occupational Safety and Health Service, Department of Labour.

RICHARDS, Margaret, Ms., International Liaison Officer, Department of Labour.

WILSON, Elizabeth, Ms., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

TWEEDIE, Richard, Mr., President, New Zealand Employers' Federation.

Adviser and substitute delegate

MARSHALL, Steve, Mr., Director General, New Zealand Employers' Federation.

Workers' Delegate

FOULKES, Angela, Ms., Secretary, New Zealand Council of Trade Unions.

Adviser and substitute delegate

NOONAN, Rosslyn, Ms., National Executive Member, New Zealand Council of Trade Unions.

Oman

Minister attending the Conference

AL-EISSAI, Ahmed Ben Mohammed Ben Salim, Mr., Minister of Social Affairs and Labour.

Person accompanying the Minister

AL-MUSHAIKHI, Saïd Ben Mohammed, Mr., Director, Office of the Minister, Ministry of Social Affairs and Labour.

Government Delegates

AIDID, Mohamed ben Omar, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-KIYUMI, Amer Ben Mubarak, Mr., Legal Expert, Under-Secretary's Office, Ministry of Social Affairs and Labour.

Adviser and substitute delegate

KUFAN, Mohammed Ben Mubarak, Mr., Director General, Department of Social Affairs and Labour, Ministry of Social Affairs and Labour.

Advisers

AL-MAANI, Hamid ben Ali, Mr., Second Secretary, Permanent Mission, Geneva

AL-GHAZALI, Hachem ben alaoui, Mr., Second Secretary, Permanent Mission, Geneva

AL-AMIRI, Saïd ben Abdullah, Mr., Second Secretary, Permanent Mission, Geneva

Employers' Delegate

AL-RUBAI'EI, Hamdan Ben Seif, Mr.

Workers' Delegate

AL-SHANFARY, Saïd Ben Hassan, Mr.

Ouganda Uganda Uganda

Minister attending the Conference

CHEBROT, S.C., Mr., Minister of Labour and Social Affairs.

Government Delegates

OGERA-OCHABAL, Mr., Permanent Secretary, Ministry of Labour and Social Affairs.

NTAMBI, Kakima, Mr., Ambassador, Brussels.

Adviser and substitute delegate

OLWENY, Claudius Mary, Mr., Labour Commissioner, Ministry of Labour and Social Affairs.

Advisers

LUYIMA, Harriet, Ms., Principal Labour Officer, International Labour Affairs.

KATEMBWE, Abel, Mr., National Social Security Fund

Employers' Delegate

KASWARRA, Joël M.R., Mr., Executive Director,
Federation of Uganda Employers.

Advisers

RWAKAHANDA, Paskali, Mr., General Manager,
Personel Uganda Posts and Telecommunications.
MUKADISI, M., Ms., Personnel Manager, British
American Tobacco.

Workers' Delegate

MUKASA, Mudirikadhi, Mr., General Secretary, National
Organization of Trade Unions.

Adviser

PAJOBO, J., Mr., General Secretary, Plantation Workers'
Union.

Pakistan

Minister attending the Conference

LASI, Ghulam Akbar, Mr., Minister for Labour and
Manpower.

Person accompanying the Minister

AKRAM, Munir, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.

Government Delegates

SHERDIL, A.Z.K., Mr., Additional Secretary in Charge,
Labour Manpower & Overseas Pakistanis.
KHAN, Khaliq Ahmad, Mr., Joint Secretary, Labour
Division.

Advisers and substitute delegates

BABAR, Khalid Aziz, Mr., Counsellor, Permanent
Mission, Geneva.
AZHAR, Kehkeshan, Mrs., First Secretary, Permanent
Mission, Geneva.
BALOCH, Irfan, Mr., First Secretary, Permanent Mission,
Geneva.
SULTAN, Hameed, Mr., Federal Public Services
Commission.

Employers' Delegate

TABANI, Ashraf W., Mr., President, Employers'
Federation of Pakistan.

Workers' Delegate

AHMED, Khurshid, Mr., General Secretary, All Pakistan
Federation of Trade Unions.

Adviser and substitute delegate

SHAHEEN, Abdul Qadir, Mr., President, Peoples Labour
Bureau, Punjab.

Panama

Delegados gubernamentales

DUCREUX, A. Antonio, Sr., Viceministro de Trabajo y
Bienestar Social; Representante gubernamental
adjunto, Consejo de Administración de la OIT.
KAM BINNS, Leonardo, Sr., Embajador, Representante
Permanente, Misión Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

AGUILAR, Ricardo, Sr., Asesor de Asuntos
Internacionales, Ministerio de Trabajo y Bienestar
Social.
GONZALEZ, Sergio, Sr., Asesor Legal, Ministerio de
Trabajo y Bienestar Social.

Consejeros técnicos

MANZUR BARREDA, Beatriz, Sra., Jefa, Departamento
de Colaboración con la OIT, Asesoría de Asuntos
Internacionales, Ministerio de Trabajo y Bienestar
Social.
ORTEGA, Sonia, Sra., Consejera.

Delegado de los empleadores

DURLING, Walter, Sr., Asesor, Consejo Nacional de la
Empresa Privada (CoNEP); Miembro adjunto suplente,
Consejo de Administración de la OIT.

Consejero técnico y delegado suplente

TEJADA OLARTE, Eduardo, Sr., Director, Sindicato de
Industriales de Panamá; Gerente General, Acero
Panamá.

Consejero técnico

VALLARINO ARJONA, Eduardo, Sr., Co-Presidente,
Fundación del Trabajo; Asesor, Consejo Nacional de
la Empresa Privada (CoNEP).

Delegado de los trabajadores

CANO DE JAEN, Norma, Sra., Secretaria de organización, Central Nacional de Trabajadores (CNTP).

Consejero técnico y delegado suplente

PINZON, Aniano, Sr., Co-Presidente, Fundación del Trabajo; Secretario General, Confederación de Trabajadores.

Papouasie-Nouvelle Guinée Papua New Guinea Papua Nueva Guinea

Minister attending the Conference

NALAU, Jerry, Mr., Minister for Labour and Employment.

Person accompanying the Minister

TAUYE, Kotoeme, Mr., First Secretary, Ministerial Staff.

Government Delegates

JOEL, Aphmeledy K., Mr., Secretary for Labour and Employment.

ARUA, Patrick, Mr., Executive Officer (ILA), Department of Labour and Employment.

Employers' Delegate

KEP, Max, Mr., Director, Labour Economic and International Relations, Employers Federation.

Workers' Delegate

PASKA, John, Mr., General Secretary, Trade Union Congress.

Adviser

NARAKOBI, Carmilus, Mr.

Paraguay

Ministro asistente a la Conferencia

MORALES, Juan Manuel, Sr., Ministro de Justicia y Trabajo.

Delegados gubernamentales

LOIZAGA CABALLERO, Eladio, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

GAUTO, Rigoberto, Sr., Consejero, Misión Permanente en Ginebra.

Consejero técnico

CABALLERO, Julio Santiago, Sr., Asesor, Asuntos Internacionales, Ministerio de Justicia y Trabajo.

Delegado de los empleadores

LAURINO SOTO, Juan Armando, Sr., Federación de la Producción, la Industria y el Comercio (FEPRINCO).

Delegado de los trabajadores

OJEDA, Gregorio, Sr., Secretario, Confederación Paraguaya de Trabajadores (CPT).

Consejeros técnicos

VERA VENIALGO, Ramon, Sr., Central Unitaria de Trabajadores (CUT).

PARRA GAONA, Pedro, Sr., Central Nacional de Trabajadores (CNT).

Pays-Bas Netherlands Países Bajos

Minister attending the Conference

MELKERT, Ad, Mr., Minister of Social Affairs and Employment.

Persons accompanying the Minister

MULOCK HOUWER, Dineke, Ms., Director General, Ministry for Social Affairs and Employment.

FERINGA, Roel, Mr., Head of Department, Ministry for Social Affairs and Employment.

Government Delegates

VAN DER HEIJDEN, Paul, Mr., Professor of Labour Law, University of Amsterdam.

VAN DE REE, Willem, Mr., Coordinating Policy Adviser, Ministry of Social Affairs and Employment.

Advisers and substitute delegates

HOFSTEE, T.P., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

SCHRAMA, Henk, Mr., Director, International Affairs, Ministry of Social Affairs and Employment.

HAGEN, Kees, Mr., Counsellor, Permanent Mission,
Geneva.

Advisers

VAN WULFFTEN PALTHE, P.P., Mr., Deputy
Permanent Representative, Permanent Mission,
Geneva.
VAN BLANKENSTEIN, Jan Reinoud, Mr., Coordinating
Policy Adviser, Ministry of Social Affairs and
Employment.
BUFFINGA, Roelof, Mr., Policy Adviser, Ministry of
Foreign Affairs.
DE JONG, Heiko, Mr., Policy Adviser, Ministry of Labour
and Social Affairs, Netherlands' Antilles.
KAREL, Elco, Mr., Director, Ministry of Labour and
Social Affairs, Netherlands' Antilles.
KUGGELEIJN, Rolf, Mr., Policy Adviser, Ministry of
Social Affairs and Employment.
LEMMEN, Jan, Mr., Policy Adviser, Ministry of Social
Affairs and Employment.
MEPPELDER, Folkert, Mr., Policy Adviser, Ministry of
Social Affairs and Employment.
NIEW, Philip, Mr., Secretary to the Minister of Labour of
the Netherlands' Antilles.
SASTROWIJOTO, Paula H., Mrs., Second Secretary,
Permanent Mission, Geneva.

Other persons attending the Conference

DANKERS, L.H.J.M., Ms., Member of Parliament.
VREEMAN, R.L., Mr., Member of Parliament.
VOS, Kees, Mr., Head of Department, Ministry of Social
Affairs and Employment.

Employers' Delegate

HUNTJENS, Ton, Mr., Director, International Social
Affairs, Confederation of Netherlands Industry and
Employers (VNO-NCW).

Advisers

HAK, Cornélie, Ms., Adviser, International Social Affairs,
VNO-NCW; Deputy Member, Governing Body of the
ILO.
LIEUW, Johan, Mr., Director, Curaçao Business
Association, Netherlands' Antilles.
SCHOENMAECKERS, Ton, Mr., Senior Adviser, VNO-
NCW.
SEALY, A.F., Mr., Member of the Executive Board of the
Bonaire Trade and Industry Association (VBB).

Workers' Delegate

VAN DEN BURG, Ieke, Mrs., Member of the Executive
Board, Netherlands' Trade Union Confederation
(FNV).

Adviser and substitute delegate

OOSTVEEN, Marjon, Ms., Executive Adviser
International Affairs, National Federation of Christian
Trade Unions (CNV).

Advisers

ETTY, Tom, Mr., Adviser International Affairs,
Netherlands' Trade Union Confederation (FNV).
GIJSBERTHA, Randolph, Mr., President, Central of Trade
Unions of Curaçao.
PASSCHIER, C.E., Mrs., Legal Adviser, Netherlands'
Trade Union Confederation. (FNV).
ROLLAN, N.A.I., Mr., General Secretary, General
Workers' Union of Bonaire (AFBN).

Pérou Peru Perú

Ministro asistente a la Conferencia

ANTONIOLI VASQUEZ, Augusto, Sr., Ministro de
Trabajo y Promoción Social.

Delegados gubernamentales

URRUTIA, José, Sr., Embajador, Representate
Permanente, Misión Permanente en Ginebra.
TINCOPA, Romy, Sra., Segunda Secretaria, Misión
Permanente en Ginebra.

Consejeros técnicos y delegados suplentes

PÉREZ DEL SOLAR, Eduardo, Sr., Tercer Secretario,
Misión Permanente en Ginebra.
MURGUIA SANCHEZ, Armida, Sra., Vice-Ministra de
Trabajo y Promoción Social.
AYALA FLORES, Leonor, Sra., Directora Nacional de
Trabajo.

Delegado de los empleadores

ZAVALA COSTA, Jaime, Sr.

Consejero técnico y delegado suplente

BARRENECHEA CALDERON, Julio Cesar, Sr.

Consejero técnico

DIEZ-CANSECO ROOSE, Alfredo, Sr.

Delegado de los trabajadores

HERNANDEZ VALLE, Teódulo, Sr., Secretario General,
Confederación General de Trabajadores.

Consejeros técnicos y delegados suplentes

LAZO PERALTA, Alfredo, Sr., Secretario General,
Central Autónoma de Trabajadores (CATP).
LUNA ROJAS, Juan, Sr., Secretario General,
Confederación de Trabajadores (CTP).

Philippines Philippines Filipinas

Minister attending the Conference

CONFESOR, Nieves R., Mrs., Secretary of Labor and
Employment.

Person accompanying the Minister

NUQUI, Jemileen U., Ms., Technical Assistant, Office of
the Secretary of Labor and employment.

Government Delegates

BAUTISTA, Lilia R., Mrs., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
LAGUESMA, Bienvenido E., Mr., Undersecretary,
Department of Labor and Employment.

Advisers and substitute delegates

SIENES-YAP, Chona, Mrs., Director, International Labor
Affairs Service.
DE CASTRO-MULLER, Bernarditas, Mrs., Second
Secretary, Permanent Mission, Geneva.

Advisers

OPLE, Blas, Mr., Senator, Chairman, Committee on
Foreign Relations.
HERRERA, Ernesto, Mr., Senator, Chairman, Committee
on Labor, Employment and Human Resources
Development.
GONZALES, Neptali, Mr., Senator
MACEDA, Ernesto, Mr., Senator.
ROCO, Raul, Mr., Senator.
ROMULO, Alberto, Mr., Senator.
TATAD, Francisco, Mr., Senator.
VELOSO, Alberto, Mr., Congressman, Chairman,
Committee on Labor and Employment.
ANDOLANA, Gregorio, Mr., Congressman.
GULLAS, Eduardo, Mr., Congressman.
LOPEZ, Elias, Mr., Congressman.
BITONIO JR, Benedicto Ernesto, Mr., Director, Bureau of
Labor Relations.
CILINDRO, Chita, Mrs., Officer-in-charge, Bureau of
Working Conditions.
PALMA, Leo, Mr., Labor Attaché, Permanent Mission,
Geneva.

Other persons attending the Conference

RASUL, Santanina, Mrs., Senator.
ISIDRO, Martin, Mr., Congressman.
LAGMAN, Edcel, Mr., Congressman.
VELOSO, Violeta, Ms., Legislative Staff Chief, House of
Representatives.
BADUEL, Joseph, Mr., Consultant, Office of Senator
Ernesto Herrera.
VALENCIA, Carlia, Ms., Chief legislative Officer, Office
of Senator Ernesto HERRERA.

Employers' Delegate

TAN, Ancheta K., Mr., President, Employers'
Confederation.

Advisers

PERIQUET, JR, Aurelio, Mr., Chairman, Employers'
Confederation.
INOCENTES, Raoul, Mr., Governor, Employers'
Confederation.
IMPERIAL, JR, Gregorio, Mr., Treasurer, Employers'
Confederation.
SORIANO, Rene Y., Mr., Governor, Employers'
Confederation.
ORTIZ-LUIS, JR, Sergio, Mr., Governor, Employers'
Confederation.

Other person attending the Conference

LIM, Reynaldo V., Mr., Senior Assistant, Vice President,
San Miguel Corporation.

Workers' Delegate

TAN, Juan C., Mr., President, Federation of Free Workers.

Advisers

MENDOZA, Democrito, Mr., President, Trade Union
Congress.
MENDOZA, Marianita, Mrs., Commissioner, Social
Security System.
CARULLO, Felicísimo, Mr., Chairman, National
Confederation of Labor.
OLIVEROS, Floro, Mr., Administrator, Federation of Free
Workers.
PADILLA, Roberto, Mr., Vice-President, Trade Union
Congress.
DEL PRADO, Gregorio, Mr., President, AFW-LMLC
SENO, Cecilio, Mr., Vice-President, Trade Union
Congress.
VALERIO, Avelino V., Mr., Vice President, Trade Union
Congress.

Other persons attending the Conference

DE LA CRUZ, Zoilo, Mr., Congressman, Labor Sector
Representative.

DEJON, Temistocles, Mr., Congressman, Labor Sector Representative.
 DINGLASAN, Andres, Mr., Congressman, Labor Sector Representative.
 JABAR, Ramon, Mr., Congressman, Labor Sector Representative.
 VERCELES, Ernesto, Mr., Congressman, Labor Sector Representative.
 VILLAVIZA, Alejandro, Mr., Congressman, Labor Sector Representative.

Pologne Poland Polonia

Minister attending the Conference

MILLER, Leszek, Mr., Minister of Labour and Social Policy.

Person accompanying the Minister

KISZCZAK, Barbara, Mrs., Translator, Ministry of Labour and Social Policy.

Government Delegates

KWIATEK, Leszek, Mr., Undersecretary of State, Ministry of Labour and Social Policy.
 DEMBINSKI, Ludwik, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Adviser and substitute delegate

HENCZEL, Remigiusz Achilles, Mr., Director, International Cooperation Department, Ministry of Labour and Social Policy.

Advisers

LEMIESZEWSKA, Renata, Mrs., Specialist, Ministry of Labour and Social Policy.
 WRONECKA, Joanna, Mrs., Counsellor of Minister, Ministry of Foreign Affairs.
 BRODZINSKI, Slawomir, Mr., Director, Department of Technical Development and Foreign Relations, State Mining Authority.
 SULKOWSKI, Tadeusz, Mr., Chief Labour Inspector.
 TYSZKO, Jacek, Mr., First Secretary, Permanent Mission, Geneva.
 WALCZAK, Krzysztof, Mr., Specialist, Ministry of Labour and Social Policy.
 CIESLAK, Zbigniew, Mr., Vice-Director, Department of Labour Law, Ministry of Labour and Social Policy.
 GLOWACKA, Danuta, Mrs., Expert.

Employers' Delegate

WILK, Andrzej, Mr., Chairman, Confederation, Polish Employers.

Adviser and substitute delegate

MACIEJCZYK, Andrzej, Mr., Director General, Confederation of Polish Employers.

Advisers

RACZKA, Krzysztof, Mr., Director, Legal Office, Confederation of Polish Employers.
 GERSDORF, Malgorzata, Mrs., Adviser to the Chairman, Confederation of Polish Employers.
 STRASZYNSKI, Jerzy, Mr., Director, Bureau of Foreign Cooperation, Confederation of Polish Employers.
 BUCHTA, Andrzej, Mr., Specialist, Confederation of Polish Employers.

Workers' Delegate

SPYCHALSKA, Ewa, Mrs., Chairman, All-Poland Alliance of Trade Unions (OPZZ).

Adviser and substitute delegate

WOJCIK, Tomasz, Mr., Member, Presidium of the National Commission of the Independent, Self-Governing Trade Union 'Solidarnosc'.

Advisers

BORUTA, Irena, Mrs., Specialist, Independent Self-Governing Trade Union, "Solidarnosc".
 GIEORGICA, Pawel, Mr., Specialist, OPZZ.
 KOSTECKI, Andrzej, Mr., Adviser, OPZZ.
 WOZNIEWSKI, Krzysztof, Mr., Specialist, Legal Office, National Commission, Independent and Self-Governing Trade Union, "Solidarnosc".

Portugal

Ministres assistant à la Conférence

FALCÃO E CUNHA, José, M., Ministre de l'Emploi et de la Sécurité sociale.
 VARATOJO JUNIOR, José, M., Secrétaire d'Etat de l'Emploi et de la Formation professionnelle.

Personnes accompagnant les ministres

ALMEIDA RIBEIRO, Cândida, Mme, Directeur du Cabinet de coopération avec l'Afrique, MESS.
 SANTA CLARA GOMES, Gonçalo, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.
 SALDANHA SERRA, João, M., Directeur de Cabinet.

Délégués gouvernementaux

RIBEIRO LOPES, Fernando, M., Directeur général des conditions du travail, Ministère de l'Emploi et de la Sécurité sociale.

CRISTINA DE BARROS, Luis, M., Représentant permanent adjoint, Mission permanente à Genève.

Conseiller technique et délégué suppléant

TOMÉ DE ALMEIDA, Luis, M., Conseiller, Mission permanente à Genève.

Conseillers techniques

DE SOUSA BASTOS, Luis, M., Directeur régional de l'emploi, Région autonome des Açores.

GONÇALVES DA SILVA, Rui, M., Directeur régional du travail, Région autonome de Madère.

ÂNGELO BRITO, Miguel, M., Directeur régional, Institut de développement et inspection des conditions du travail (MESS).

DE FIGUEIREDO FERNANDES, Aníbal, M., Assesseur principal, Direction générale des conditions de travail, MESS.

ROBERT LOPES, Helena, Mme, Assesseur principal, Direction générale des conditions de travail, MESS.

BROTAS CARRONDO, Luisa, Mme, Assesseur principal, Direction générale des conditions du travail, MESS.

GOUVEIA ARAÚJO, Liliana, Mme, Premier secrétaire, Mission permanente à Genève.

WONG, Chi Hong, M., Adjoint au directeur des services du travail et emploi, Macau.

Représentants d'un Etat ou province

GASPAR DA SILVA, António J., M., Secrétaire régional de la jeunesse, de l'emploi, du commerce, de l'industrie et de l'énergie, Région autonome des Açores.

BRAZÃO E CASTRO, Eduardo A., M., Secrétaire régional des affaires parlementaires et de la communication, Région autonome de Madère.

Délégué des employeurs

VAN ZELLER, Francisco, M., Président, Assemblée générale, Association portugaise des entreprises chimiques.

Conseiller technique et délégué suppléant

PENA COSTA, Marcelino, M., Directeur, Confédération du commerce et des services.

Conseillers techniques

FERNANDES SALGUEIRO, Heitor, M., Directeur général adjoint, Confédération de l'industrie portugaise (CIP).

CORREIA CUSTÓDIO, Mário, M., Secrétaire général, Chambre de commerce et de l'industrie des Açores.

PEREIRA FERNANDES, Rui M., M., Secrétaire général, Association commerciale et industrielle de Funchal, Madère.

COSTA ARTUR, Alexandra, Mme, Expert, Confédération du commerce et des services.

DA ROCHA NOVO, Gregório, M., Expert, CIP.

Délégué des travailleurs

LANCA, Florival, M., Membre, Commission exécutive, Conseil national, Confédération générale des travailleurs portugais - Intersyndicale nationale (CGTP-IN).

Conseiller technique et délégué suppléant

ANTÓNIO DE CARVALHO, Carlos, M., Membre du Conseil national, CGTP-IN.

Conseillers techniques

ALVES TRINDADE, Carlos, M., Membre de la Commission exécutive, CGTP-IN.

MENDES, Carlos, M., Membre du secrétariat national, Union générale des travailleurs (UGT).

VIEIRA, Guida, M., Membre du conseil national, CGTP-IN.

COELHAS DIONÍSIO, Joaquim, M., Membre du secrétariat et du Conseil national, CGTP-IN.

MAURICIO DE CARVALHO, Fernando, M., Expert, CGT-IN.

MONTEIRO VELUDO, José, M., Vice-secrétaire général, UGT.

GUIMARÃES, Wanda, Mme, Membre du secrétariat national, UGT.

Qatar

Minister attending the Conference

AL DERHAM, Abdul Rahman Bin Saad, Mr., Minister of Labour, Social Affairs and Housing.

Government Delegates

AL MAHMOUD, Mohamed Saad, Mr., Expert for Labour Affairs.

DAHAM, Najeeb Mubarak, Mr., Labour Inspector.

Adviser and substitute delegate

AL KUWARI, Yousuf Ahmed, Mr., Minister's Office Director.

Adviser

KALLA, Mohammad Ali, Mr., International Relations Researcher.

Employers' Delegate

AL-THANI, Abdul Aziz Mohammad Bin Saud, Mr.,
Director, Administrative Affairs, Chamber of
Commerce and Industry.

Workers' Delegate

AL-BUAINAIN, Abdul Rahman Nasser, Mr., Head,
Workers' Committee, Qatar General Petroleum
Corporation.

Roumanie Romania Rumania

Ministre assistant à la Conférence

POPESCU, Dan-Mircea, M., Ministre d'Etat, Ministre du
Travail et de la Protection sociale.

Personnes accompagnant le Ministre

NEAGU, Romulus, M., Ambassadeur, Représentant
permanent, Mission permanente à Genève.

SARBU, Marian, M., Secrétaire d'Etat, Ministère du
Travail et de la Protection sociale.

GIURESCU, Ion, M., Sous-secrétaire d'Etat, Département
des relations avec les syndicats et le patronat.

Délégués gouvernementaux

POPESCU, Andrei, M., Directeur, Direction des relations
internationales, Ministère du Travail et de la Protection
sociale; Représentant gouvernemental, Conseil
d'administration du BIT.

MIRCEA, Tudor, M., Conseiller, Mission permanente à
Genève.

Conseillers techniques et délégués suppléants

MIHES, Cristina, Mme, Expert, Direction des relations
internationales, Ministère du Travail et de la Protection
sociale.

MANEA, Lucian, M., Conseiller du Ministre du Travail et
de la Protection sociale.

BADICA, Gheorghe, M., Directeur général, Direction de
la législation du travail, Ministère du Travail et de la
Protection sociale.

IVANESCU, Constantin, M., Inspecteur chef,
Département pour la protection du travail, Ministère du
Travail et de la Protection sociale.

MARGINEANU, Sergiu, M., Premier Secrétaire, Mission
permanente à Genève.

Conseiller technique

MIHAI, Petrica, M., Secrétaire privé du Ministre du
Travail et de la Protection sociale.

Autres personnes assistant à la Conférence

MOCANU, Dumitru, M., Sénateur

LAZIA, Ion, M., Député.

PREDESCU, Ovidiu, M., Représentant gouvernemental,
Secrétariat tripartite pour le dialogue social.

RABOACA, Gheorghe, M., Sénateur.

Délégué des employeurs

HIDOS, Cornel, M., Directeur général exécutif,
Confédération nationale du patronat roumain (CNPR).

Conseillers techniques et délégués suppléants

PACURARU, Ion, M., Directeur, Direction des relations
internationales, CNPR.

FUNDATURA, Dimitru, M., Vice-président, Conseil
nationale des entreprises privées, petites et moyennes.

STANCIULESCU, Ion, M., Président, Union nationale des
unités de recherche, développement et de projection.

BORA, Ilarie, M., Membre du Conseil de direction,
Fédération patronale de l'industrie extractive.

TIMOFEI, Valérie, Mme, Membre, Conseil de direction,
ABACO.

COSMEANU, Gheorghe, M., Membre, Conseil de
direction, CENTROCO

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

ZARA, Paul, M., Représentant patronal, Secrétariat
tripartite pour le dialogue social.

CHELARIU, Stefan, M., Président, Union nationale du
patronat roumain.

DOBRIN, Mircia, M., Directeur général ELPEGA.

Délégué des travailleurs

COSTIN, Dumitru, M., Président, Bloc national syndical
(BNS).

Conseillers techniques et délégués suppléants

SIMION, Gheorghe, M., Secrétaire confédéral,
Confédération nationale des syndicats libres - Fratia.

RADI, Aurel, M., Président, Fédération syndicale,
METAROM - CNS Cartel Alpha.

Conseillers techniques

CONDESCU, Marin, M., Président, Centrale confédérative
nationale des mineurs - CNS Cartel Alpha.

BARTAS, Ioan, M., Secrétaire confédéral, Centrale des
Syndicats mineurs.

POPESCU, Corneliu, M., Vice-Président, BNS.

MACHEDON, Ion, M., Président, Convention des
confédérations syndicales non-alignées.

COSMA, Miron, M., Président, Confédération des
syndicats mineurs.

LUPU, Matei, M., Vice-président, Confédération syndicale, MERIDIAN.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

TODORAN, Pavel, M., Président, Confédération nationale des syndicats libres.
STEFAN, Ioan, M., Représentant syndical, Secrétariat tripartite pour le dialogue social.
PAVEL, Cezar, M., Vice-président, Convention des confédérations syndicales non alignées.
CIOBANU, Cristina, Mme, Centrale des syndicats miniers.
SARBESCU, Manole, M., Président, Confédération syndicale METAL.
TINICA, Marian, M., Confédération des syndicats HERCULES.
TORSAN, Ilie, M., Président exécutif, Confédération des syndicats miniers.
MICLEA, Adina, Mme, Responsable, Problèmes des femmes membres de syndicats.

**Royaume-Uni United Kingdom
Reino Unido**

Minister attending the Conference

WIDDECOMBE, Ann, Ms., Minister of State for Employment.

Persons accompanying the Minister

WOOD, Simon, Mr., Private Secretary to Minister of State for Employment.
TUCKER, Clive, Mr., Head, International Division, Employment Department.

Government Delegates

WESTON, MARK, Mr., Head, International Relations Branch, Employment Department.
MORGAN, Shan, Ms., Grade 7, Employment Department.

Advisers and substitute delegates

CHAPLIN, Edward G.M., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.
ANDREWS, Keith, Mr., Senior Executive Officer, Employment Department.

Advisers

WILLIAMS, Nigel, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
GREEN, Geoff, Mr., HM Principal Inspector of Mines, Health and Safety Executive.

KENNARD, Alistair, Mr., Grade 7, Employment Department.

SCOTT, Philip, Mr., Field Operations Division, Health and Safety Executive.

HARTWELL, Matilda, Ms., First Secretary, Embassy, Paris; Government Representative, Governing Body of the ILO.

SIMMONS, Tim, Mr., First Secretary, Permanent Mission, Geneva.

BOARDMAN, Sarah, Ms., Third Secretary, Permanent Mission, Geneva.

LYSK, Herbert, Mr., Head, Industrial Relations Division, Department of Economic Development (Northern Ireland).

BLAGGROVE, Angella, Ms., Executive Officer, Employment Department.

CLAGUE, Johnathan, Mr., Higher Executive Officer, Department of Industry, Isle of Man.

IP, Stephen, Mr., Commissioner for Labour, Labour Department, Hong Kong.

Employers' Delegate

MACKIE, Anne, Ms., CBI Consultant on International Employment Affairs; Member, Governing Body of the ILO.

Adviser and substitute delegate

FRANCE, Deborah A., Ms., Head, International Social Affairs, Confederation of British Industry.

Advisers

WILD, Alan, Mr., Employee Relations Director, Guinness Brewing Worldwide.

STACE, Rod, Mr., Mining Engineer, Operations Department, British Coal Corporation.

EVANS, David, Mr., Confederation of British Industry.

OGUNLEYE, Petunia, Ms., Employee Relations Adviser, Shell UK Exploration and Production.

HO, Sai-chu, Mr., Employers' Representative, Labour Advisory Board, Hong Kong.

Workers' Delegate

BRETT, Bill, Mr., General Secretary, Institution of Professionals, Managers and Specialists; Vice-President, Governing Body of the ILO.

Adviser and substitute delegate

STEYNE, Simon, Mr., International Officer, International Department, Trades Union Congress, (TUC).

Advisers

GIFFORD, Chris, Mr., Mine Health and Safety Consultant, National Association of Colliery Overmen, Deputies and Shotfirers/NUM.

MORGAN, William, Mr., Member, Executive Council of Amalgamated Engineering and Electrical Union; Member, TUC General Council.

BOATENG, Gus, Mr., Unit Representative and Unit Equal Opportunities Representative, Communication Workers' Union. Member, TUC General Council.

LOVE, Ina, Ms., Member, National Executive Committee, UNISON; Member, TUC General Council.

THOMAS, Ken, Mr., Former General Secretary to the Civil and Public Services Association; Former Member, TUC General Council.

CHU, Ming, Mr., Employees' Representative, Labour Advisory Board, Hong Kong.

Fédération de Russie Russian Federation Federación de Rusia

Minister attending the Conference

MELIKIAN, G., Mr., Minister of Labour.

Person accompanying the Minister

VAROV, V., Mr., Head, Federal Labour Inspection; First Deputy Minister of Labour.

Government Delegates

EVLUKHIN, Y., Mr., Chief, Department of International Cooperation, Ministry of Labour.

BORSCHESKY, E., Mr., Deputy Director, Department of Economic Cooperation, Ministry of Foreign Affairs.

Advisers and substitute delegates

GERBOV, V., Mr., Deputy Chief, Department of International Cooperation, Ministry of Labour.

ORLOV, A., Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

Advisers

MOSKVINA, M., Mrs., Deputy Head, Federal Employment Service.

KHLESTOV, N., Mr., Senior Counsellor, Permanent Mission, Geneva.

YUDIN, V., Mr., Counsellor, Permanent Mission, Geneva.

PANIN, S., Mr., Chief, Legal Department, Ministry of Labour.

LEBEDEV, V., Mr., Chief, Financial Services Department, Ministry of Labour.

SURVILLO, K., Mrs., Third Secretary, Department of Economic Cooperation, Ministry of Foreign Affairs.

TCHUMAREV, S., Mr., Adviser.

SHATIRENKO, I., Mr.

RESHETNIKOV, E., Mr.

Employers' Delegate

KOLMOGOROV, V., Mr., Chairman, Coordination Council, Russian Association of Employers; Vice-President, Russian Union of Industrialists and Employers.

Adviser and substitute delegate

OGANESOV, Y., Mr., Adviser, Department of Social and Labour Relations, Russian Union of Industrialists and Employers.

Advisers

BEDNOV, S., Mr., Vice-President, Chamber of Industry and Commerce.

GOLOVANOV, M., Mrs., Executive Director, Russian Sugar Trading and Manufacturing Joint Stock Company.

DIKOLENKO, E., Mr., Deputy Director-General, ROSUGOL Company.

KOSTIN, A., Mr., First Deputy Director-General, Congress of Russian Businessmen.

KRASILNIKOV, S., Mr., Director, Programs and Operations, National Training Foundation.

Workers' Delegate

SHMAKOV, M., Mr., President, Federation of Independent Trade Unions; Deputy Member, Governing Body of the ILO.

Adviser and substitute delegate

POPELLO, S., Mr., Secretary, Chief of International Relations Division, Federation of Independent Trade Unions.

Advisers

KRYLOV, K., Mr., Secretary, Federation of Independent Trade Unions.

BUDKO, V., Mr., President, Russian Committee, Independent Trade Union of Coal Industry Workers.

MIACHIN, V., Mr., Secretary, Russian Committee, Independent Trade Union of Coal Industry Workers.

KOCHENOV, P., Mr., Director-General, Fund of Labour Protection for Coal Industry Workers.

SIDOROV, E., Mr., Deputy Chief, International Relations Division, Federation of Independent Trade Unions.

KUZMENKO, M., Mr., President, Central Committee, Trade Union of Public Health Workers.

KHRAMOV, S., Mr., President, SOTSPROF Trade Union Association.

Rwanda

Ministre assistant à la Conférence

MUGABO, Pie, M., Ministre du Travail et des Affaires Sociales.

Délégués gouvernementaux

RWAKA, Thomas, M., Directeur du travail et de la formation professionnelle. Ministère du Travail et des Affaires Sociales.

KADALIKA, Jeanne, Mlle, Secrétaire exécutif de Pro-Femmes (Twese Hadwe).

Saint-Marin San Marino San Marino

Ministre assistant à la Conférence

PODESCHI, Claudio, M., Ministre du travail et de la coopération.

Délégués gouvernementaux

THOMAS, Dieter E., M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

CECCHETTI, Dominico, M., Coordinateur des secteurs de production et travail.

Conseillers techniques et délégués suppléants

BIGI, Federica, Mlle, Conseillère d'ambassade, Direction des affaires politiques. Département des affaires étrangères.

ZEILER-WERBROUCK, Huguette, Mme, Conseillère, Mission permanente à Genève.

Conseillers techniques

MANUZZI, Marino, M., Directeur, Bureau du travail.

RONDELLI ALBERTINI, Maria Luisa, Mme, Directeur, Centre pour la formation professionnelle.

TURA, Marco, M., Chef, Service de l'inspection du travail.

Délégué des employeurs

MORRI, Alessandro, M., Secrétaire général, Association nationale de l'industrie (ANIS).

Conseillers techniques et délégués suppléants

MENICUCCI, Romina, Mlle, Fonctionnaire, ANIS.

BATTISTINI, Giorgio, M., Vice-président, Union nationale des artisans (UNAS).

Conseillers techniques

GIORGI, Carlo, M., Secrétaire général, ANIS.

VAGNINI, William, M., Fonctionnaire, ANIS.

TERENZI, Gian Franco, M., Président, UNAS.

UGOLINI, Pio, M., Fonctionnaire, UNAS.

BUCCI, Roberto, M., Fonctionnaire, Organisation des travailleurs autonomes (OSLA).

GUERRA, Daniela, Mlle, Fonctionnaire, UNAS.

Délégué des travailleurs

BECCARI, Marco, M., Secrétaire général, Confédération démocratique des travailleurs (CDLS).

Conseillers techniques et délégués suppléants

GIARDI, Maurizio, M., Secrétariat, CDLS.

GHIOTTI, Giovanni, M., Secrétaire général, CSDL.

MAURIACA, Carlos, M., Responsable, Bureau international, CSDL.

LEARDINI, Livia, Mme, Membre, Comité de direction, Fédération unitaire de l'emploi public, CSDL.

Saint-Vincent-et-Grenadines Saint Vincent and the Grenadines San Vicente y las Granadinas

Government Delegate

CRUICKSHANK, Allan, Mr., Minister of Agriculture and Labour.

Adviser and substitute delegate

DABINOVIC, Naila, Ms., Counsellor.

Employers' Delegate

LEACOCK, St. Clair, Mr., President, Employers Federation.

Workers' Delegate

MANDEVILLE, Alice, Ms., President, National Labour Congress.

Sao Tomé-et-Principe Sao Tome and Principe Santo Tomé y Príncipe

Ministre assistant à la Conférence

GERMANO DE DEUS, Albano, M., Secrétaire d'Etat de l'Emploi et la Formation Professionnelle.

Personne accompagnant le Ministre

SOUSA DIAS D'ALVA, Maria de Lourdes Salvaterra, Mme, Assesseur du secrétaire d'Etat.

Délégués gouvernementaux

XAVIER DE PINA, Francisco Martinus, M., Inspecteur du travail.
ESPIRITO SANTO, Juvenal Du, M., Directeur de la sécurité sociale.

Délégué des employeurs

TINY, Eugénio Rodrigues, M., Secrétaire général, Chambre de commerce, d'industrie et agriculture (CCIA-STP).

Délégué des travailleurs

AFONSO RITA, Cosme Bonfim, M., Secrétaire général, UGT-STP.

Senegal

Ministre assistant à la Conférence

DIOP, Assane, M., Ministre du Travail et de l'Emploi.

Personne accompagnant le Ministre

KA, Ibra Déguène, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

Délégués gouvernementaux

DIONGUE, Babacar, M., Directeur du travail et de la sécurité sociale.
DIA, Amadou Tidiane, M., Adjoint au Directeur de l'emploi.

Conseillers techniques

FALL, Couty, Mme, Directeur général, Caisse de sécurité sociale.

SY, Mody, M., Député, Président, Commission du travail, de la fonction publique et de l'emploi.

FALL, Ibrahima, M., Conseiller, Mission permanente à Genève.

M'DIAYE, Ibou, M., Ministre Conseiller, Mission Permanente à Genève.

Délégué des employeurs

WADE, Youssoufa, M., Président, Conseil national du patronat (CNP).

Conseillers techniques

BEYE, Papa Ibrahima, M., Secrétaire général, CNP.

DIOP, Youssoupha, M., Président, Commission sociale, CNP.

THIAM, Mabouso, M., Secrétaire élu, Bureau du CNP.

MBACKE, Aramine, M., Président, Commission économique et sociale.

DIOP, Youssoupha, M., Secrétaire général, Confédération nationale des employeurs (CNES).

BOYE, Tidiane, M., Secrétaire permanent, CNES.

Délégué des travailleurs

DIOP, Madio, M., Secrétaire général, Confédération nationale des travailleurs (CNTS).

Conseillers techniques

NIASSE, Doudou Issa, M., Secrétaire général adjoint, CNTS.

MBAYE, Rawane, M., Secrétaire confédéral chargé des relations extérieures, CNTS.

MEDOR, Pierre, M., Secrétaire confédéral chargé de la coopération, CNTS.

GUIRO, Mody, M., Secrétaire confédéral chargé des affaires économiques, CNTS.

SOCK, Mademba, M., Secrétaire général, Union nationale des syndicats autonomes.

NDAO, Abdou, M., Secrétaire général chargé des relations extérieures, SYNPICS.

DIENG, Fatou Ndongo, Mme, Présidente, Femmes travailleuses, CNTS.

DIOP, Djiby, M., Président, Bureau de la CSA.

Personnes désignées en conformité avec l'article 2, alinéa 3 i)

SOW, Alioune, M., Secrétaire général, Union démocratique des travailleurs (UDTS).

DIOUF, Amadou Lamine, M., Secrétaire général, Syndicat du personnel de l'Assemblée Nationale CNTS.

TALL, Oumar, M., Secrétaire confédéral chargé de l'éducation, CNTS.

DIAGNE, Babacar, M., Secrétaire général, Confédération démocratique des syndicats autonomes.

MANÉ, Talibouya Cheikh, M., UNSAS

N'DOYE, Mareme Ware, M., UNSAS.

N'DIAYE DIAJI, Iba, M.

Seychelles

Minister attending the Conference

HERMINIE, William E., Mr., Minister of Employment and Social Affairs.

Government Delegates

MACGAW, Marja, Mrs., Principal Secretary, Ministry of Employment and Social Affairs.
TIRANT, Anaclet, Mr., Director, Occupational Health and Safety, Ministry of Employment and Social Affairs.

Employers' Delegate

KWAST, Joachim, Mr.

Workers' Delegate

CHARLES, Olivier, Mr.

Sierra Leone Sierra Leone Sierra Leona

Minister attending the Conference

BROWNE, Alex R.E., Mr., Leader, Labour Secretary of State.

Government Delegates

BECKLEY, Naomi D.M., Mrs.
GENDA, Joseph P., Mr., Adviser, Commissioner of Labour.

Employers' Delegate

KING, Jonathan, Mr., Executive Secretary, Employers' Federation.

Workers' Delegate

YILLAH, Kandeh, Mr., Secretary-General, Labour Congress.

Singapour Singapore Singapur

Minister attending the Conference

LEE, Boon Yang, Mr., Minister for Labour.

Government Delegates

ONG, Yen Her, Mr., Divisional Director, Labour Relations, Ministry of Labour.
LIM GEK NEO, Helen, Ms., Assistant Divisional Director, Labour Relations, Ministry of Labour.

Adviser and substitute delegate

KESAVAPANY, K., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

Advisers

TEO, Joseph, Mr., First Secretary, Permanent Mission, Geneva.
TEE FONG SIN, Yvette, Ms., Third Secretary, Permanent Mission, Geneva.

Employers' Delegate

KOH, Juan Kiat, Mr., Executive Director, Singapore National Employers' Federation.

Adviser and substitute delegate

LEE CHING YEN, Stephen, Mr., President, Singapore National Employers' Federation.

Workers' Delegate

YACOB, Halimath BTE., Mrs., Director, Legal Department, National Trade Union Congress.

Advisers and substitute delegates

LIM, Boon Heng, Mr., Secretary-General, National Trade Union Congress.
HARON EUSOFI, Othman, Mr., Deputy Secretary-General, National Trade Union Congress.

Advisers

TAY, Thomas, Mr., Member, Central Committee, National Trade Union Congress.
TAN, Dennis, Mr., Manager, Industrial Relations Department, National Trade Union Congress.
LEOW, Ching Chuan, Mr., General Secretary, Singapore Organisation of Seamen, (SOS).
BIN MOHD KASSIM, Mohd Hussain, Mr., General Secretary, Singapore Airlines Staff Union, (SIASU).

Slovaquie Slovakia Eslovaquia

Minister attending the Conference

KELTOSOVÁ, Olga, Mrs., Minister of Labour, Social Affairs and Family.

Person accompanying the Minister

HETTES, Miloslav, Mr., Director of International Relations Department, Ministry of Labour, Social Affairs and Family.

Government Delegates

KRÁSNOHORSKÁ, Mária, Mrs., Ambassador, Permanent Representative, Permanent Mission, Geneva.

TKÁC, Vojtech, Mr., State Secretary, Ministry of Labour, Social Affairs and Family.

Advisers and substitute delegates

SÝKORA, Juraj, Mr., Third Secretary, Permanent Mission, Geneva.

ALEXYOVÁ, Katarína, Mrs., Senior Officer, International Relations Department, Ministry of Labour, Social Affairs and Family.

ROVNÝ, Ivan, Mr., Chief Hygienist, Ministry of Health.

VAVRO, Boris, Mr., Senior Officer, International Relations Department, Ministry of Labour, Social Affairs and Family.

Advisers

LIZÁK, Ladislav, Mr., Officer, International Relations Department, Ministry of Labour, Social Affairs and Family.

HIJJ, Ján, Mr., Director, State Mining Administration, Ministry of Economy.

MAJER, Ivan, Mr., Director, Safety of Labour Inspection Administration, Kosice.

GLASSA, Rudolf, Mr., Director, Safety of Labour Office.

SUMNÝ, Jaroslav, Mr., Director, Fund of Employment.

LOPUSNÁ, Dagmar, Mr., Senior Officer, Section of Hygiene and Epidemiology, Ministry of Health.

Employers' Delegate

LACH, Michal, Mr., President, Federation of Employers' Unions and Associations.

Advisers and substitute delegates

BOROSKA, Fedor, Mr., Head, Mining Development and Marketing Strategy Department, Association of Metallurgy, Mining Industry and Geology.

PECIAR, Stanislav, Mr., Vice-President, Trade and Tourist Association of Employers.

KATRIAK, Martin, Mr., Vice-President, Slovak Consumers' Cooperative Society.

Advisers

HORVÁTH, Jozef, Mr., Foreign Affairs Secretary, International Cooperation, Federation of Employers' Unions and Associations.

JAHNÁTEK, Lubomír, Mr., Foreign Cooperation Specialist, Federation of Employers' Unions and Associations.

Workers' Delegate

ENGLIS, Alojz, Mr., President, Confederation of Trade Unions.

Advisers and substitute delegates

MESIAŘIK, Marián, Mr., Chairman, Slovak Trade Union of Miners.

PRÍVAROVÁ, Vilma, Mrs., Head, International Department, Confederation of Trade Unions.

LÁZNICKA, Tibor, Mr., Republican Inspector of Occupational Safety and Health, STU of Mines.

SEVCECH, Juraj, Mr., Specialist on the Employment Policy Issues, Confederation of Trade Unions.

Advisers

SOSKA, Jozef, Mr., Republican Inspector of OSH; Chairman, Association of Labour Inspectors to the Confederation of Trade Unions.

ANCICOVÁ, Margita, Mrs., Specialist, International Department, Confederation of Trade Unions.

Slovénie Slovenia Eslovenia

Minister attending the Conference

KLINAR, Rina, Mrs., Minister of Labour, Family and Social Affairs.

Government Delegates

BEBLER, Anton, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

BITENC-PENGOV, T., Mrs.

Advisers and substitute delegates

LOGAR, Andrej, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

KOMEL, Vladka, Mrs.

BREZOVAR, Borut, Mr.

CEROVAC, Matjaz, Mr.

Employers' Delegate

PENKO NATLACEN, M., Mrs.

Advisers and substitute delegates

PODRZAJ PIPUS, V., Mrs.

PIRS TRCEK, S., Mrs.

ZUPANCIC, Darko, Mr.

Workers' Delegate

TOMSIC, France, Mr.

Advisers and substitute delegates

REBOLJ, Dusan, Mr.

MISIC, Branko, Mr.

GOLJEVSCEK, Boris, Mr.

Soudan Sudan Sudán

Minister attending the Conference

CASIANO, Dominic, Mr., Minister of Labour and Administrative Reform.

Government Delegates

HAIDOUN, AbdelRahman Yousif, Mr., First Under-Secretary, Ministry of Labour.

ELHASSAN, Alsabty Mohamed, Mr., Director of International Relations, Ministry of Labour.

Adviser and substitute delegate

ELSAYED, Fawzi Mohamed, Mr., Director Labour Research, Ministry of Labour.

Advisers

SAHLOUL, Ali Ahmed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

HASSAN, Abdelmoneim, Mr., Ambassador, Deputy Permanent Representative, Permanent Mission, Geneva.

RUAI, Alier Deng, Mr., First Secretary, Permanent Mission, Geneva.

HASSAN, Mohamed Yousif, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

BAKHEIT, AbdelRahman Mohamed, Mr., Member of Sudanese Business Men and Employers Federations.

Adviser

OMER, ElAmin, Mr., Member of Sudanese Business Men and Employers Federations.

Workers' Delegate

ABDOUN, Tag Elsir, Mr., President, Sudan Workers' Trade Unions Federation.

Advisers

GHANDOUR, Ibrahim, Mr., Sudan Workers' Trade Unions Federation.

ALMANAN, Elsadig Atta, Mr., Sudan Workers' Trade Unions Federation.

ALI, Hassan Mohamed, Mr., Sudan Workers' Trade Unions Federation.

Sri Lanka

Minister attending the Conference

RAJAPAKSE, Mahinda, Mr., Minister of Labour & Vocational Training.

Persons accompanying the Minister

RAJAPAKSE, S.M.L., Mrs., Coordinating Secretary.

GODAWAITA, K.M.A, Mr., Private Secretary.

Government Delegates

WIMALASENA, R.P., Mr., Commissioner of Labour.

DE ALWIS, Watutantrige Ranjit, Mr., Deputy Commission of Labour (Occupational Health).

Advisers and substitute delegates

GOONETILLEKE, Bernard, Mr., Permanent Representative, Permanent Mission, Geneva.

WICKREMASINGHE, W.P.R.B, Mr., Minister, Permanent Mission, Geneva.

WICKREMASINGHE, B.K.U.A, Mr., Director, Foreman Training Institute.

ABDUL AZEZZ, A.L., Mr., Third Secretary, Permanent Mission, Geneva.

DISSANAYAKE, D.M.U, Mr., Labour Officer, Foreign Relations Division, Ministry of Labour and Vocational Training.

GOONETILLEKE, Bernard A.B., Mr., Permanent Representative, Permanent Mission, Geneva.

Employers' Delegate

DASSANAYAKE, G.K.B, Mr., Deputy Secretary-General, Employers' Federation of Ceylon.

Workers' Delegate

DEVENDRA, Leslie, Mr., General Secretary, SLNSS.

Advisers

ATHUKORALE, P., Mr., Chief Organiser, Jathika Sevaka Sangamaya.

SIRIWARDANA, S., Mr., General Secretary, Ceylon Federation of Labour.

SUBASINGHE, D.W., Mr., Secretary, Ceylon Federation of Trade Unions.

JEGANATHAN, Govindaraja, Mr., Secretary, Ceylon Mercantile, Industrial and General Workers Union.

Suède Sweden Suecia

Minister attending the Conference

SUNDSTRÖM, Anders, Mr., Minister of Labour.

Person accompanying the Minister

OHLSTRÖM, Tommy, Mr., Under-Secretary of State, Ministry of labour.

Government Delegates

JONZON, Björn, Mr., Deputy Assistant Under-Secretary, Ministry of labour.

WIKLUND, Kerstin, Ms., Deputy Assistant Under-Secretary, Ministry of labour.

Advisers

ANDERSSON, Rune, Mr., Head, Engineering Department, National Board of Occupational Safety and Health.

DELANG, Elisabet, Ms., Head, Section, National Board of Occupational Safety and Health.

FORSBERG, Eva-Maria, Ms., Head of Section, Ministry of Labour.

SJÖGREN, Per, Mr., Counsellor, Permanent Mission, Geneva.

Employers' Delegate

ARTIN, Stellan, Mr., Director, Swedish Employers' Confederation.

Adviser and substitute delegate

MYRDAL, Hans-Göran, Mr., Director, Swedish Employers' Confederation.

Advisers

AHLKVIST, Birgitta, Ms., Project Manager, Swedish Employers' Confederation.

HULDT, Bengt, Mr., Director-General, Employers' Association of Swedish Mines.

LAURENT, Birgitta, Ms., Legal Counsel, Swedish Employers' Confederation.

Workers' Delegate

EDSTRÖM, Ulf, Mr., International Secretary, Swedish Trade Union Confederation.

Adviser and substitute delegate

ZETTERVALL-THAPPER, Keth, Ms., International Secretary, Swedish Confederation of Professional Employees.

Advisers

JONSSON, Bertil, Mr., President of the Swedish Trade Union Confederation.

STENDALEN, Anders, Mr., General Secretary, Swedish Metal Workers' Union.

TENGBERG, Bo, Mr., Trade Union Official, Swedish Trade Union Confederation.

THULESTEDT, Britt-Marie, Ms., Senior Research Officer, Swedish Confederation of Professional Employees.

JEANNERET, Lena, Ms., Interpreter, Swedish Trade Union Confederation.

Suisse Switzerland Suiza

Délégués gouvernementaux

NORDMANN, Jean-Luc, M., Directeur, Office fédéral de l'industrie, des arts et métiers et du travail (OFIAMT).

ELMIGER, Jean-Jacques, M., Chef, Service des affaires internationales, OFIAMT.

Conseiller technique et délégué suppléant

DUNANT, Christian, M., Ministre, Représentant permanent adjoint, Mission permanente, Genève.

Conseillers techniques

DUPRAZ, Jean-Claude, M., Inspection fédérale du travail.

ENZ, Annette, Mme, Suppléante du chef, Service des affaires internationales, OFIAMT.

GUYOT, Alexandre, M., Département fédéral des affaires étrangères, Section ONU/OI.

KOENIG, Hans-Ulrich, M., Inspection fédérale du travail.

NOVA, Colette, Mme, Chef de section, Division de la protection des travailleurs et du droit du travail, OFIAMT.

NÜNLIST, Stefan, M., Secrétaire d'ambassade, Mission permanente à Genève.

VETTOVAGLIA, Roland, M., Chef, Section construction, Division sécurité au travail, Caisse nationale d'assurance en cas d'accidents.

Délégué des employeurs

BARDE, Michel, M., Secrétaire général, Fédération des Syndicats Patronaux, (FSP).

Conseiller technique et délégué suppléant

PLASSARD, Alexandre, M., Secrétaire, Union centrale des associations patronales suisses.

Conseillers techniques

GENOLET, Jean, M., Adjoint à la direction, FSP.
MEUWLY, Olivier, M., Secrétaire, USAM.

Délégué des travailleurs

MEIER, Margrit, Mme, Secrétaire dirigeante, Union Syndicale Suisse, (USS).

Conseiller technique et délégué suppléant

CRIDAZZI, Ursula, Mme, Secrétaire, Fédération des sociétés suisses d'employés (FSE).

Conseillers techniques

ERARD, Jimmy, M., Secrétaire, Fédération Suisse des cheminots, (SEV).
NEURY, Cynthia, Mme, Directrice, Centre de coopération technique et de recherche pour l'éducation des travailleurs dans les pays en voie de développement (CECOTREC).
SCHMID GÖLDI, Rita, Mme, Société Suisse des employés de commerce, (SSEC), Département politique professionnelle.
SCHMID, Pierre, M., Vice-président, Syndicat de l'industrie, de la construction et des services (FTMH).

Suriname

Minister attending the Conference

KROSS, Jacques, Mr.

Government Delegates

DAAL-VOGELLAND, Marny, Mrs.
KARG, Alphonsus Maria, Mr.

Employers' Delegate

DE VRIES, Flip, Mr.

Workers' Delegate

SOUPRAYEN-YORKS, Charlotte, Mrs.

Swaziland Swaziland Swazilandia

Minister attending the Conference

SHABANGU, Albert H.N., Mr., Minister for Labour and Public Service.

Government Delegates

CEKO, Sandile B., Mr.
MNDZEBELE, Joshua M., Mr.

Adviser and substitute delegate

TSABEDZE, Ernest S.S., Mr.

Advisers

DLAMINI, Stephen B., Mr.
HLOPHE, Nonhlanhla, Ms.

Employers' Delegate

HLOPHE, Musa I., Mr., Executive Director, Federation of Swaziland Employers.

Workers' Delegate

SITHOLE, Jan, Mr., Secretary-General, Swaziland Federation of Trade Unions.

République arabe syrienne Syrian Arab Republic República Árabe Siria

Ministre assistant à la Conférence

KHALIL, Aly, M., Ministre des Affaires Sociales et du Travail.

Personne accompagnant le Ministre

KHOURY, Clovis, M., Chargé d'affaires, Mission permanente à Genève.

Délégués gouvernementaux

YASER, Naser Aldin, M., Expert, Directeur des relations internationales, Ministère des Affaires Sociales et du Travail.

KASSAB, Abdul-Sattar Yassine, M., Directeur du travail, Ministère des Affaires Sociales et du Travail.

Conseillers techniques et délégués suppléants

AJAMYEH, Hasan, M., Directeur des relations agricoles, Ministère des Affaires Sociales et du Travail.

BITAR, Ilias, M., Directeur des études juridiques, Ministère des Affaires Sociales et du Travail.

ZOUKAHI, Abdel-Rahman, M., Sous-Directeur des Affaires Sociales et du Travail.

AKKACH, Tarek, M., Directeur, Hopital des ouvriers, Etablissement général des assurances sociales.

AL-SEYOUFI, Kahtan, M., Directeur général, Etablissement général des assurances sociales.

AL-DAWALIBI, Hamza, M., Premier secrétaire, Mission permanente à Genève.

HAYDAR, Ghassam, M., Deuxième secrétaire, Mission permanente à Genève.

AL-JARF, Abir, Mlle, Troisième secrétaire, Mission permanente à Genève.

AL-ATWAN, Tal'at, M., Attaché, Mission permanente à Genève.

Conseiller technique

AL-HUSEIN, Mohamed Nagir, M., Bureau du Ministre des Affaires Sociales et du Travail.

Délégué des employeurs

JAWISH, Mostafa, M., Directeur général, Etablissement général des industries textiles.

Conseillers techniques et délégués suppléants

AL-HENDI, Yehia, M., Président, Chambre d'industrie de Damas.

MALAKANI, Abdul-Hamid, M., Directeur général, Chambre d'industrie de Damas.

Délégué des travailleurs

ISSA, Mostafa, M., Secrétaire, Relations arabes et internationales, Fédération générale des syndicats des travailleurs.

Conseillers techniques et délégués suppléants

AL-LOUZY, Ibrahim, M., Secrétaire des services de santé, Fédération générale des syndicats des travailleurs.

KABBOUL, Adel, M., Président, Fédération des syndicats des travailleurs de Damas.

Conseiller technique

AL-TAGHLABI, Talaat, M.

République-Unie de Tanzanie United Republic of Tanzania República Unida de Tanzania

Minister attending the Conference

MRAMBA, B.P., Mr., Minister of labour and Youth Development.

Government Delegates

HASSAN, K.A., Mr., Principal Secretary, Ministry of Labour and Youth Development.

BILAL, Bilal G., Mr., Labour Commissioner, Zanzibar.

Advisers and substitute delegates

MKULO, M.H.M., Mr., Director-General, National Provident Fund (NPF).

RUTABANZIBWA, A.C., Mr., Private Secretary to the Minister; Labour Officer Legal Matters.

MANGACHI, M.W., Mr., Minister Counsellor, Chargé d'affaires a.i., Permanent Mission, Geneva.

MVULA, C.H., Mr., Second Secretary, Permanent Mission, Geneva.

KALANJE, C.M., Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

MAENDA, A.T., Mr., Executive Director, Association of Tanzanian Employers (ATE).

Adviser and substitute delegate

MATTAKA, D.E., Mr., Director-General, Parastatal Pension Fund (PPF).

Adviser

MAGANYA, P.A., Mr., Principal, High Precision Center (HPTC).

Workers' Delegate

NYAMUHOKYA, P.B., Mr., Chairman, Organization of Tanzanian Trade Unions (OTTU).

Adviser and substitute delegate

KACHIMA, M.T., Mr., Director, OTTU.

Tchad Chad Chad

Ministre assistant à la Conférence

GARBA, Salibou, M., Ministre de la Fonction Publique et du Travail.

Délégués gouvernementaux

KEYTERO MWABANYOL, Gabriel, M., Directeur général adjoint, Ministère de la Fonction Publique et du Travail.

KADE NDILGUEM, Elisabeth, Mme, Chef de service des normes internationales, Ministère de la Fonction Publique et du Travail.

Délégué des employeurs

FROUD, Nicole, Mme, Secrétaire général du conseil national du patronat tchadien.

Délégué des travailleurs

DJIBRINE ASSALI, Hamdallah, M., Secrétaire général, Union des Syndicats du Tchad (UST).

République tchèque Czech Republic República Checa

Minister attending the Conference

VODICKA, Jindrich, Mr., Minister of Labour and Social Affairs.

Government Delegates

VENERA, Zdenek, Mr., Chargé d'affaires a.i., Permanent Mission, Geneva.

VONKOVA, Jirina, Mr., Deputy Minister of Labour and Social Affairs.

Advisers and substitute delegates

BERÁNEK, Milan, Mr., Deputy Director of Department, Ministry of Foreign Affairs.

FUCHS, Miroslav, Mr., Deputy Director of Department, Ministry of Labour and Social Affairs.

Advisers

RYCHLY, Ludek, Mr., Director of Department, Ministry of Labour and Social Affairs.

UCHYTIL, Ales, Mr., Director of Department, Ministry of Labour and Social Affairs.

PRENOSILOVA, Vera, Ms., Head of Division, Ministry of Labour and Social Affairs.

BARTOS, Josef, Mr., Chairman, Czech Mining Office.
MASNICA, Milan, Mr., Ministry of Labour and Social Affairs.

SKODA, Pavel, Mr., Second Secretary, Permanent Mission, Geneva.

Employers' Delegate

PRIOR, Pavel, Mr., Vice-President of the Union of Industries.

Adviser and substitute delegate

KUBÍCKOVÁ, Daniela, Ms., Union of Industries.

Advisers

PAUL, Roman, Mr., Vice-President of the Union of Entrepreneurs.

SKÁLA, Jiri, Mr., Union of Entrepreneurs in Building.

KOTZ, Erhard, Mr., Union of Industries.

Workers' Delegate

FALBR, Richard, Mr., Chairman, Czech-Moravian Chamber of Trade Unions, Member, Governing Body of the ILO.

Adviser and substitute delegate

BERAN, Vlastimil, Mr., Head of International Division, Czech-Moravian Chamber of Trade Unions.

Advisers

JINDRÁK, Miroslav, Mr., Czech-Moravian Chamber of Trade Unions.

KEMPA, Viktor, Mr., Trade Union of Workers in Mining, Geology and Oil Industry.

BELOHLÁVKOVÁ, Libuse, Ms., Czech-Moravian Chamber of Trade Unions.

Thaïlande Thailand Tailandia

Government Delegates

BUNNAG, Tej, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

RANANAND, Prasong, Mr., Deputy Permanent Secretary, Ministry of Labour and Social Welfare.

Advisers and substitute delegates

SINGHAKOWIN, Ampol, Mr., Director-General, Department of Public Welfare, Ministry of Labour and Social Welfare.

NELAYOTHIN, Amphorn, Mr., Deputy Director-General, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

SOOKSAMRIT, Pairote, Mr., Director, Office of Labour and Social Welfare Studies, Ministry of Labour and Social Welfare.

INDRASUKHSRI, Chuthatawat, Mr., Director, Occupational Safety and Health Inspection Division, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

Advisers

NAMTIP, Prachab, Mr., Director, Social Studies and Planning Division, Department of Public Welfare, Ministry of Labour and Social Welfare.

PAYAKANITI, Supatra, Mrs., Director, International Affairs Division, Office of the Permanent Secretary, Ministry of Labour and Social Welfare.

VACHARATHIT, Viraphand, Mr., Minister Counsellor, Permanent Mission, Geneva.

NAKCHUEN, Kamjorn, Mr., Director, International Labour Affairs Division, Department of Labour Protection and Welfare, Ministry of Labour and Social Welfare.

SINGHAKOWIN, Soodkasem, Mrs., Senior Public Welfare Officer.

KANCHANAGUHA, Patratipa, Ms., Chief, Technical Studies and Labour Standards Sub-Division, International Affairs Division, Office of the Permanent-Secretary, Ministry of Labour and Social Welfare.

BONNPRAONG, Ittiporn, Mr., First Secretary, Permanent Mission, Geneva.

CHAKKAPHAK, Chaksuda, Ms., Third Secretary, Social Affairs Division, International Organizations Department, Ministry of Foreign Affairs.

Employers' Delegate

KUNANANTAKUL, Anantachai, Mr., President, Employers' Confederation (ECOT).

Advisers and substitute delegates

HOTRAKUL, Somboon, Mr., Adviser, Employers' Confederation of Thai Trade and Industry.

MUHUMAD, Davuth, Mr., Vice-President, Thai Industrial Employers' Confederation.

SUCKRASORN, Chit, Mr., Member, Board of Employers' Confederation.

INTHARAPATHOM, Somchat, Mr., Administrative Vice-President, Employers' Confederation.

Advisers

BHAKDIBADHANABANIJ, Prasert, Mr., Secretary-General, Employers' Confederation.

RUJIROJANASKUL, Kanatat, Mr., Member of the Board, Employers' Confederation.

SANTAVAMAITREE, Supakij, Mr., Vice-President, Employers' Confederation.

SANTAVAMAITRI, Bunlue, Mr., Member, Board, Employers' Confederation.

Persons appointed in accordance with Article 2, paragraph 3(i)

WONGTHONGLUA, Samphour, Mr., Member of the Board Employers' Confederation.

WICHIENTKUER, Chumaphan, Mrs., Deputy Secretary, Employers' Confederation.

NOIKAEW, Krongkaew, Ms., Deputy Director, Thailand Council of Industrial Labour.

Workers' Delegate

THAILUAN, Panus, Mr., President, National Congress of Thai Labour.

Advisers and substitute delegates

CHAROENPHAO, Panit, Mr., President, Thai Trade Union Congress.

KLAEWKLARD, Piyachate, Mr., Vice-President, Labour Congress.

DEEYING, Tavee, Mr., Acting President, Thailand Council of Industrial Labour.

KOSAISOOK, Somsak, Mr., Vice Secretary-General, State Enterprises Relations Confederation.

Adviser

ANGTHONG, Chalerm, Mr., Vice-President, National Congress of Thai Labour.

Togo

Délégués gouvernementaux

BINGUITCHA-FARE, Kpandja Ismaïl, M., Ministre de l'emploi, du travail, de la fonction publique et de affaires sociales.

BLEDJE, Max Djifa, M., Directeur général du travail et des lois sociales.

Délégué des employeurs

N'GUISSAN, Komlan, M., Membre du conseil national du patronat (CNP).

Délégué des travailleurs

AKOUETE, Béliké Adrien, M., Secrétaire général, Confédération syndicale des travailleurs, (CSTT).

Conseillers techniques

DOEVI-TSIBIAKU, Dolayi, M., Secrétaire général,
Confédération nationale des travailleurs, (CNTT).
TOZOUN, Kokou Biossey, M., Secrétaire général, Union
générale des syndicats libres, (UGSL).
GBIKPI-BENISSAN, Tetevi, M., Secrétaire général,
Union Nationale des Syndicats Indépendants (UNSI).

Trinité-et-Tobago Trinidad and Tobago Trinidad y Tabago

Government Delegates

MC SHINE, Louis, Mr., Permanent Secretary, Ministry of
Labour and Cooperatives.
ASHMAN, Ian, Mr., Acting Senior Labour Relations
Officer, Ministry of Labour and Cooperatives.

Advisers and substitute delegates

SPENCER, Trevor, Mr., Ambassador, Permanent
Representative, Permanent Mission, Geneva.
GONZALES, Annette, Mrs., Senior Counsellor,
Permanent Mission, Geneva.
PLACIDE, Lawrence, Mr., First Secretary, Permanent
Mission, Geneva.
HENRY-PLACIDE, Donna, Mrs., First Secretary,
Permanent Mission, Geneva.

Employers' Delegate

HILTON-CLARKE, Waton Allisson, Mr., Executive
Committee Member, Employers' Consultative
Association.

Adviser

PINARD, Gérard, Mr., Vice-President, Employers'
Consultative Association.

Workers' Delegate

JOHN, Selwyn, Mr., General Secretary, National Trade
Union Centre.

Advisers and substitute delegates

ABERDEEN, Albert, Mr., First Vice President, National
Trade Union Centre.
WEATHERHEAD, Clyde, Mr., Fourth Vice-President,
National Trade Union Centre.
HINDS, Owen, Mr., Trustee, National Trade Union
Centre.

Tunisie Tunisia Túnez

Ministre assistant à la Conférence

RABEH, Sadok, M., Ministre des Affaires sociales.

Personne accompagnant le Ministre

ENNACEUR, Mohamed, M., Ambassadeur, Représentant
permanent, Mission permanente à Genève.

Délégués gouvernementaux

KCHAOU, Mohamed, M., Directeur général du travail,
Ministère des Affaires sociales; Représentant
gouvernemental suppléant, Conseil d'administration du
BIT.
BAATI, Moncef, M., Conseiller, Mission permanente à
Genève.

Conseiller technique et délégué suppléant

CHOUBA, Samia, Mme, Sous-Directeur des Relations
Extérieures, Ministère des Affaires Sociales.

Conseillers techniques

YOUMBAI, Ammar, M., Directeur général de l'inspection
du travail, Ministère des Affaires Sociales.
MAMOU, Hédi, M., Directeur général de l'emploi et de
l'émigration, Ministère de la Formation professionnelle
et de l'Emploi.
EL GHARSI, Mohsen, M., Ingénieur de sécurité, Institut
de la santé et de la sécurité du travail.
JMAL, Abderraouf, M., Chef de service, Ministère des
Affaires sociales.
BACCAR, Kadhem, M., Conseiller, Mission permanente à
Genève.

Délégué des employeurs

DJILANI, Hédi, M., Président, Union tunisienne de
l'industrie, du commerce et de l'artisanat.

Conseillers techniques et délégués suppléants

M'KAISSI, Ali, M., Directeur, Département des relations
du travail et des affaires sociales (UTICA); Membre
adjoint suppléant, Conseil d'administration du BIT.
BOUMIZA, Khaled, M., Responsable au département des
Relations du Travail et des Affaires Sociales.

Conseillers techniques

BEN M'BAREK, Khaled, M., Membre du bureau exécutif,
UTICA.
DARGOUTH, M'Hamed Ali, M., Membre du bureau
exécutif, UTICA.

Délégué des travailleurs

SAHBANI, Ismaïl, M., Secrétaire général, Union générale tunisienne du travail.

Conseiller technique et délégué suppléant

BOUSLAH, Mohamed Khereddine, M., Membre du bureau exécutif, UGTT.

Conseillers techniques

YACOUBI, Moncef, M., Membre du bureau exécutif, UGTT.

BRIKI, Abid, M., Membre du bureau exécutif, UGTT.

MAJDI, Sliman, M., Membre du Bureau exécutif, UGTT.

TRABELSI, Mohamed, M., UGTT.

Turquie Turkey Turquía

Minister attending the Conference

MOGULTAY, Mehmet, Mr., Minister of Justice.

Government Delegates

ULUCEVIK, Tugay, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

TURKER, Kutlu, Mr., Undersecretary, Ministry of Labour and Social Security.

Advisers and substitute delegates

CANKOREL, Bilge, Mr., Deputy Permanent Representative, Permanent Mission, Geneva.

SEREF, Midhat, Mr., Counsellor, Permanent Mission, Geneva.

Advisers

TASKENT, Savas, Mr., Advisor to the Minister.

EYRENCI, Oner, Mr., Advisor to the Minister.

INAL, Mehmet Ali, Mr., Chairman of the Research, Planning and Coordination Board (APKK), Ministry of Labour and Social Security.

BIRCAN, Ismail, Mr., Deputy Director-General, IIBK.

AKSAHIN, Sahabettin, Mr., Head of the Department (APKK), Ministry of Labour and Social Security.

SABIR UYSAL, Handon, Mrs., Director, Labour Health and Occupational Safety Centre (ISGUM).

KUTLUAY, Banu, Ms., Labour Inspector, Ministry of Labour and Social Security.

ERCAN, Haldun, Mr., Expert APKK, Ministry of Labour and Social Security.

ADALI, Murat, Mr., First Secretary, Permanent Mission, Geneva.

GULDERE, Bogac, Mr., Second Secretary, Permanent Mission, Geneva.

BILEN, Ilhan, Mr.

Employers' Delegate

ATASAYAR, Kubilay, Mr., Secretary-General, Turkish Confederation of Employer's Associations (TISK).

Advisers

EREZ, Mesut, Mr., Chairman, Board Cement Producers Employers' Association of Turkey.

OGUZMAN, Kemal, Mr., Galatasaray University, Faculty of Law.

CIFTER, Algun, Mr., Deputy Secretary-General, Turkish Employer's Association of Metal Industries (MESS).

ALTINBASAK, Talha, Mr., Alternate President of the Executive Board, Textile Industry Employers' Association of Turkey.

OZUSTUN, Engür, Mr., Coordinator of Industrial Relations, Akcimento T.A.S.

RONA, Ercument, Mr., Secretary-General, Textile Industry Employers' Association of Turkey.

ARSLAN, Turker, Mr., Deputy Secretary-General, Textile Industry Employers' Association of Turkey.

PIRLER, Bülent, Mr., Deputy Secretary-General, TISK.

Workers' Delegate

MERAL, Bayram, Mr., President, Confederation of Turkish Trade Unions (TURK-IS).

Advisers

DENIZER, Semsi, Mr., Secretary-General, TURK-IS.

YILMAZ, Sevet, Mr., President, TEKSIF.

BARUT, Faruk, Mr., President, TES-IS.

BALTA, Orhan, Mr., President, TEKIDA-IS.

OZBEK, Mustafa, Mr., President, TURK-METAL.

SARI, Mithat, Mr., President, SELULOZ-IS.

TOPCU, Sabri, Mr., President, TUMTIS.

KOC, Yildirim, Mr., Advisor to the President of TURK-IS.

Ukraine Ukraine Ucraina

Délégués gouvernementaux

KASKEVITCH, Mykhailo, M., Ministre du Travail.

VINOKOUROV, Andriy, M., Chef-adjoint, Département, Ministère des Affaires Etrangères.

Conseiller technique et délégué suppléant

REVA, Sergiy, M., Premier Secrétaire, Mission permanente à Genève.

Délégué des employeurs

MAYKO, Vitali, M., Vice-président, Union ukrainienne des employeurs, Directeur de l'usine Bourevestnik.

Conseiller technique et délégué suppléant

PONOMAREV, Vassyl, M., Directeur général, Groupement industriel de relais et de moyens d'automatisation.

Délégué des travailleurs

STOYAN, Olexandre, M., Président, Fédération des syndicats.

Conseillers techniques et délégués suppléants

CHILOV, Vassyl, M., Chef adjoint de la Division, Fédération des syndicats.

KOSTRYTSA, Vassyl, M., Co-président, Conseil de la collaboration sociale, Président du conseil, Fédération des syndicats de coopératives.

Uruguay

Ministro asistente a la Conferencia

PINEYRUA, Ana Lia, Sra., Ministro de Trabajo y Seguridad Social.

Delegados gubernamentales

MENDEZ ARECO, Elbio, Sr., Inspector General de Trabajo y Seguridad Social.

MANGADO, Juan Ignacio, Sr., Director Nacional de Trabajo.

Consejeros técnicos y delegados suplentes

DONO, Liliana, Sra., Directora, Asesoría Letrada, Inspección del Trabajo.

BERTHET, Miguel, Sr., Embajador, Representante Permanente, Misión permanente en Ginebra.

VANERIO, Gustavo, Sr., Consejero.

DUPUY, Laura, Sra., Secretario.

Consejero técnico

CALLORDA, Ariel, Sr., Asesor Letrado.

Delegado de los empleadores

VARELA, Jacobo, Sr., Cámara nacional de comercio

Consejero técnico y delegado suplente

PIVEL, Jorge, Sr., Cámara de Industrias.

Delegado de los trabajadores

GARCIA SEGOVIA, Julio C., Sr., Secretariado Ejecutivo, PIT/CNT.

Consejero técnico y delegado suplente

VARELA, Raúl, Sr., Asesor jurídico, Central Obrera.

Venezuela

Delegados gubernamentales

GARRIDO MENDOZA, Juan Nepomuceno, Sr., Ministro del Trabajo y Desarrollo Social.

TARRE MURZI, Alfredo, Sr., Embajador, Representante Permanente, Misión Permanente en Ginebra.

Consejeros técnicos

RIVAS LAIRET, Alfredo, Sr., Vicepresidente del Personal de la CVG, Siderúrgica del Orinoco, S.A.

SUÁREZ, Naudy, Sr., Ministro Consejero, Misión Permanente en Ginebra.

ARRÁEZ HURTADO, Gisela, Sra., Consejero, Misión Permanente en Ginebra.

FONSECA, Violeta, Sra., Segundo Secretario, Misión Permanente en Ginebra.

YANETH AROCHA, Lesbia, Sra., Segundo Secretario, Misión Permanente en Ginebra.

TOURON, Ióle, Sra., Agregado, Misión Permanente en Ginebra.

Delegado de los empleadores

DE ARBELOA, Bingen, Sr.

Consejeros técnicos

GARRIDO SOTO, Alexis, Sr.

TRULLAS, Pedro, Sr.

GUEVARA, Arturo, Sr.

Delegado de los trabajadores

RAMÍREZ LEÓN, Federico, Sr., Presidente, CTV.

Consejeros técnicos

ZERPA MIRABAL, Angel, Sr.

GONZÁLEZ, Dagoberto, Sr.

PETIT, Ramón, Sr.

DEUTSCH, Haydée, Sra.

FIGUERA, Oscar, Sr.

TRUJILLO, Pedro León, Sr.

Viet Nam

Ministre assistant à la Conférence

TRAN DINH HOAN, M., Ministre du Travail, des Invalides et des Affaires sociales.

Délégués gouvernementaux

NGUYEN LUONG, M., Ambassadeur, Représentant permanent, Mission permanente à Genève.

NGUYEN KIM PHUONG, M., Expert, Département de la coopération internationale, Ministère du Travail, des Invalides et des Affaires Sociales.

Conseiller technique et délégué suppléant

VU HUY TAN, M., Premier secrétaire, Mission permanente à Genève.

Conseillers techniques

TRAN VAN CHU, M., Premier secrétaire, Mission permanente à Genève.

NGO THI LIEN, M., Deuxième secrétaire, Mission permanente à Genève.

Délégué des employeurs

NGUYEN TIEN QUAN, M., Directeur général, Centre de soutien au développement des entreprises non-étatiques.

Délégué des travailleurs

NGUYEN VAN TU, M., Président, Confédération générale du travail.

Conseiller technique et délégué suppléant

NGUYEN VAN TAM, M., Expert, Département de la coopération internationale, Confédération générale du travail.

Yemen

Minister attending the Conference

AL-BOTANI, Mohamed A., Mr., Minister of Labour and Social Affairs.

Government Delegates

AL-HAKEEM, Yahia A., Mr., Counsellor, Ministry of Labour and Social Affairs.

HAJAR, Zaid Mohamed, Mr., Minister, Permanent Mission, Geneva.

Advisers

BIN GHANEM, Farag Saeed, Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.

AL-NAMIR, Mohamed Saleh H., Mr., Director-General, Foreign and Public Relations.

SAID, Mohamed Rajih, Mr., Director-General, Trade Union Affairs.

Employers' Delegate

TABET, Ahmed, Mr., Counsellor General, Union of Chambers of Commerce and Industry.

Adviser and substitute delegate

AR-ROUBAIDI, Abdellah Hamoud, Mr., Director-General, Chamber of Commerce and Industry.

Workers' Delegate

AL-KOHLAWI, Yahya Mohamed, Mr., President, General Federation of Trade Unions.

Advisers

AL-GADRIE, Mohamed M., Mr., Member, Executive Board, General Federation of Trade Unions.

OBEID, Feisal M.A., Mr., Member, Executive Board, General Federation of Trade Unions.

Zaire

Ministre assistant à la Conférence

OMBA PENE DJUNGA, Raymond, M., Ministre du Travail et de la Prévoyance Sociale.

Délégué gouvernemental

LULE, Luwenyema, M., Directeur, Cabinet du Ministre du Travail et de la Prévoyance Sociale.

Conseiller technique et délégué suppléant

TADY BULAMATADI, M., Ingénieur civil des Mines, Gécamines.

Délégué des employeurs

LUBOYA DIYOKA, Edouard, M., Administrateur délégué, Association nationale des entreprises, (ANEZA).

Conseillers techniques et délégués suppléants

NTAMBWE KITENGE, M., Directeur, Chef de département social, ANEZA.
KASONGO KANYONGA, M., Directeur, Chef de division des relations professionnelles, ANEZA.
ATIBU SALEH, M., Directeur, Chef de division de la formation, ANEZA.
POMA APOPOTSA, M., Directeur des ressources humaines, BRALIMA-CIB.
LIMBUTE, Marie-Jeanne, Mme, Directeur du personnel, MARSAVCO
EFIKA ANGANA, M., Directeur du personnel, Banque Commerciale Zaïroise.
MYNYAMA KUBA, M., Directeur des ressources humaines, UTEXAFRICA.

Délégué des travailleurs

KATALAY MULELI SANGOL, M., Président, Union nationale des travailleurs (UNTZA).

Conseillers techniques et délégués suppléants

KIKONGI DI MWINSA, M., Président national, CSZa.
MUSAS ZAND, Augustin, M., Président national, COOSEPP.
MBIKAYI MABULUKI, Steve, M., Secrétaire rapporteur, COOSEPP.
BINTOU' A-TSHIABOLA, Raphaël, M., Président national, FGTZa.
KISSOLO NZANZA, M., Secrétaire général, UNTZA.
LEPU, Léonard, M., Vice-Président national, COOSEPP.
KALOMBO SUMBANGA, Thomas, M., Secrétaire général, CSLZa.
SONA MINDANA, M., Secrétaire régional, SYNATREG.

Zambie Zambia Zambia

Minister attending the Conference

ZIMBA, Newstead Lewis, Mr., Minister of Labour and Social Security.

Person accompanying the Minister

MBEWE, Naomi D., Mrs.

Government Delegates

NYIRENDA, Gerald Peter, Mr., Permanent Secretary.
NYIRENDA, Evans Julius, Mr., Labour Commissioner.

Advisers and substitute delegates

KALILO, Godfrey C., Mr., Chief, Inspector of Mines.
KATONGO, E.M., Mr., First Secretary, Permanent Mission, Geneva.

Adviser

SINYINZA, P.N., Mr., Chargé d'Affaires, Permanent Mission, Geneva.

Employers' Delegate

SANYAMBE, Mukubesa, Mr., Executive Director, Zambia Federation of Employers.

Adviser and substitute delegate

MUSANA, Davey, Mr., Commissioner, Workers' Compensation.

Advisers

IMASIKU, Francis Lubinda, Mr.
SIMENDA, Francis Zaza, Mr.
MUSENGE, Dann K, Mr., Executive Director, National Provident Fund.

Workers' Delegate

SHAMENDA, Fackson Upham, Mr., Chairmane General, Zambia Congress of Trade Unions.

Adviser and substitute delegate

KUNDA, Francis S., Mr., President, Mine Workers Unions.

Zimbabwe

Minister attending the Conference

SHAMUYARIRA, N.M., Mr., Minister of the Public Service, Labour and Social Welfare.

Person accompanying the Minister

MAKANDE, S, Mr., Personal Assistant to the Minister.

Government Delegates

JOKONYA, T.J.B., Mr., Ambassador, Permanent Representative, Permanent Mission, Geneva.
DZVITI, P.Z., Mr., Chief Labour Relations Officer, Ministry of the Public Service, Labour and Social Welfare.

Advisers and substitute delegates

CHIFAMBA, T.T., Mr., Minister Counsellor, Permanent Mission, Geneva.
HAMADZIRIPI, D., Mr., Counsellor, Permanent Mission, Geneva.

MUTUBUKI, N., Mr., Chief Factory Inspector, National
Social Security Authority.
NDAONA, J.N., Ms., First Secretary, Permanent Mission,
Geneva.
CHIKOROWONDO, M., Mr., First Secretary, Permanent
Mission, Geneva.

Employers' Delegate

CHIWESHE, E., Mr., President of the Employers'
Confederation, (EMCOZ).

Advisers and substitute delegates

DHLAKAMA, L., Mr., Astra PVt Ltd.
JOHNSON, P., Mr., Zimbabwe Clothing Manufacturers
Association.
EAGLING, J.A., Mr., Zimbabwe Chamber of Mines.

Workers' Delegate

SIBANDA, G., Mr., Zimbabwe Congress of Trade Unions.

OBSERVATEURS

OBSERVERS

OBSERVADORES

Bermudes Bermuda Bermudas

Representatives

PEARMAN, John Irving, Mr., Minister of Labour and
Home Affairs.

HOLLIS III, Thaddeus, Mr., Labour Relations Officer.

Representative

TUCKER, Dennis, Mr., Belmont Hotel.

Representative

SIMMONS, Ottiwell A., Mr., President, Bermuda
Industrial Union.

**République pop. démo. de Corée
Democratic people's rep. of Korea
República Popular demo. de Corea**

Représentants

HAN, Chang On, M., Ministre, Représentant permanent
adjoint, Mission permanente à Genève.

KIM, Tcheoul Sou, M., Premier secrétaire, Mission
permanente à Genève.

**Saint-Siège The Holy See
Santa Sede**

Représentants

TABET, Paul F., Mgr., Nonce Apostolique, Observateur
permanent, Mission permanente à Genève.

PIERRE, Christophe, Mgr., Conseiller, Mission
permanente à Genève.

ROCH, Raymond, M.

GUERRA, Paolo, M.

DE GREGORI, Massimo, M.

COLANDREA, Anne-Marie, Mlle

**REPRÉSENTANTS DES NATIONS UNIES, DES
INSTITUTIONS SPÉCIALISÉES ET D'AUTRES
ORGANISATIONS INTERNATIONALES OFFICIELLES**

**REPRESENTATIVES OF THE UNITED NATIONS,
SPECIALIZED AGENCIES AND OTHER OFFICIAL
INTERNATIONAL ORGANIZATIONS**

**REPRESENTANTES DE LAS NACIONES UNIDAS, DE LOS
ORGANISMOS ESPECIALIZADOS Y DE OTRAS
ORGANIZACIONALES OFICIALES**

**Nations Unies
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Naciones Unidas**

KHMELNITSKI, S., Mr., External Relations and Inter-Agency Affairs Officer.
GARAU, P., Mr., Special Representative of the Secretary-General, UNCHS.
SENE, Alioune, Mr., Ambassador, Special Adviser, UNCHS.
LUDVIGSEN, L, Mr., Human Settlements Officer.
MOORE, Sylvia, Mrs., Senior Human Rights Officer.

FONTAINE ORTIZ, Even, Mr., Executive Secretary, Joint Inspection Unit.
HERNANDEZ, Homero L., Mr., Inspector, Joint Inspection Unit.
ABRASZEWSKI, Andrzej, Mr., Inspector, Joint Inspection Unit.
QUIJANO, Raul, Mr., Inspector, Joint Inspection Unit.

**Conférence des Nations Unies sur le
commerce et le développement
United Nations Conference on Trade
and Development
Conferencia de las Naciones Unidas sobre
Comercio y Desarrollo**

OGNIVTSEV, V., Mr., Economic Affairs Officer,
International Trade Division.

**Programme des Nations Unies
pour l'environnement
United Nations Environment Programme
Programa de las Naciones Unidas
para el Medio Ambiente**

ATTAR, Gertrud, Ms.

**Haut Commissariat des Nations Unies pour
les réfugiés
Office of the United Nations High
Commissioner for Refugees
Oficina del Alto Comisionado de las
Naciones Unidas para los Refugiados**

BERGLUND, Stéphane, Mr., Inter-Organization
Cooperation Section, External Relations Division.

**Fonds des Nations Unies
pour la population
United Nations Population Fund
Fondo de Población
de las Naciones Unidas**

EL-HENEIDI, Roushdi, Mr., Director, Geneva Liaison
Office.
SASAKI, Mari, Ms.

**Programme des Nations Unies
pour le développement
United Nations Development Programme
Programa de las Naciones Unidas
para el Desarrollo**

COPPENS, Bertrand, Mr., Deputy Director, European
Office.
BONEV, Evlogui, Mr., Senior Adviser, European Office.

**Programme alimentaire mondial
World Food Programme
Programa Mundial de Alimentos**

KAESS, Bernd, Mr., Director.
UDAS, Bhim, Mr., Programme Officer.

**Organisation des Nations Unies
pour l'alimentation et l'agriculture
Food and Agriculture Organization
of the United Nations**

**Organización de las Naciones Unidas para la
Agricultura y la Alimentación**

PURCELL, A., Mr., Senior Liaison Officer, FAO Liaison
Office in Geneva.

**Organisation des Nations Unies
pour l'éducation, la science et la culture
United Nations Educational, Scientific and
Cultural Organization
Organización de las Naciones Unidas para la
Educación, la Ciencia
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**Organisation mondiale de la santé
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**Organisation des Nations Unies
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**Organización de las Naciones Unidas para el
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**Agence internationale
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**Organisation mondiale du Commerce
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**Organisation internationale
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**Organisation de l'unité africaine
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**Communauté des Caraïbes
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**Organisation arabe du travail
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Organización Árabe del Trabajo**

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**Ligue des Etats arabes
League of Arab States
Liga de Estados Arabes**

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AEID, Salah, M.

**Organisation de la Conférence islamique
Organization of the Islamic Conference
Organización de ka Conferencia Islámica**

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**Union européenne
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BAER, Walter, M., Commission européenne.
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Conseil de l'Europe

Council of Europe

Consejo de Europa

GUTHRIE, Robin, M., Directeur des affaires sociales et
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**Organisation européenne
pour la recherche nucléaire**

European Organization

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Organización Europea

para la Investigación Nuclear

DANEY, Xavier, M., Conseiller juridique, Division du
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Conseil nordique

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STEFANSSON, Gudmundur Arni, Mr., Chairman, Social
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**REPRÉSENTANTS D'ORGANISATIONS
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Alliance coopérative internationale
International Co-operative Alliance
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THORDARSON, Bruce, Mr., Director-General.
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**Confédération internationale
des syndicats libres**

**International Confederation
of Free Trade Unions**

**Confederación Internacional
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JORDAN, Bill, Mr., General Secretary.
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KAILEMBO, Andrew, Mr., Regional Secretary, ICFTU-
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TRENTCHEV, Konstantin, Mr., Podkrepa, Bulgaria.
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OURGESSA, Hailu, Mr., CETU, Ethiopia.
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Unions Federation.
TOP, Yucel, Mr., DISK, Turkey.
CISSÉ, Mamounata, Ms., Women's Committee
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Confédération mondiale du travail
World Confederation of Labour
Confederación Mundial del Trabajo

CUSTER, Carlos L., M., Secrétaire général.
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ROBEL, Blaise, M., Conseiller.
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BERTHOUD, Alain, M.
SALAZAR, Julio, M.
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Fédération syndicale mondiale
World Federation of Trade Unions
Federación Sindical Mundial

NETO, Antonio, M., Président.
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**Organisation internationale
des employeurs**
International Organization of Employers
**Organización Internacional
de Empleadores**

KAPARTIS, Costas, Mr., Secretary-General.
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Organisation de l'unité syndicale africaine
Organisation of African Trade Union Unity
Organización para la Unidad Sindical
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JALLOUD, Salem, Mr., President.
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Migrant African Workers in France.
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Pan-African Federation of WBWI.
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SHAMEKH, Ali, Mr., Secretary-General, Pan-African
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Alliance internationale des femmes
International Alliance of Women
Alianza Internacional de Mujeres

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**Alliance mondiale des unions chrétiennes
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World Young Women's Christian Association
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Association américaine de juristes
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**Association internationale des étudiants
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**International Association of Students
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**Association internationale
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**Association internationale
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**Association internationale
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**Association médicale mondiale
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**Association mondiale des services d'emploi
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**Centrale latinoaméricaine des travailleurs
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**Centre international
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Commission internationale de juristes
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**Commission africaine des promoteurs
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**Commission syndicale consultative
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**Confédération européenne
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**Confédération internationale
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**International Confederation
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Confederacion Internacional de Funcionarios

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Confederación Internacional
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**Confédération syndicale mondiale
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World Confederation of Teachers
Confederación Sindical Mundial
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VAN BENEDEN, Louis, M., Président.
DENIS, Roger, M., Secrétaire général.
VAN OVERBEEK, Cees, M., Trésorier.

**Congrès juif mondial
World Jewish Congress
Congreso Judío Mundial**

LACK, Daniel, Mr., Legal Adviser.
ABRAM, M., Mr., Chairman, UN Watch.
SHOYER, Paula, Mrs.
BLOCK, Erich, Mr.
TEPPERMAN, Jonathan, Mr.

**Conseil international des femmes
International Council of Women
Consejo Internacional de Mujeres**

DE BOCCARD, Jeanne-Marie, Mme, Représentante
Permanente à Genève.
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**Conseil international des femmes juives
International Council of Jewish Women
Consejo Internacional de Mujeres Judías**

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**Conseil international des infirmières
International Council of Nurses
Consejo Internacional de Enfermeras**

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**Conseil des points cardinaux
Four Directions Council
Consejo de los Cuatro Vientos**

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**Conseil Same
Saami Council
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HALONEN, Leif, Mr.
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**Conseil syndical du Commonwealth
Commonwealth Trade Union Council
Consejo Sindical de la Commonwealth**

JOHNSTONE, A., Mr., Director.
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POWER, L., Mr., Education Officer.
BUNYAN, S., Mr., Director's Secretary.

**Fédération abolitionniste internationale
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POLONOVSKI, Brigitte, Mrs., President.
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**Fédération africaine des syndicats
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**African Federation of Miners, Energy,
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**Federación Africana de Sindicatos Mineros,
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**Fédération arabe des employés
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**Arab Federation of Employees in Banking,
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**Federación Arabe de Empleados
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GLIYA, Saleh, M., Secrétaire général
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**Fédération arabe des ouvriers du pétrole,
des mines et industries chimiques**
**Arab Federation of Petroleum, Mines
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**Fédération arabe des travailleurs
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**Federación Arabe de los Trabajadores
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**Fédération des associations
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**Federation of International
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**Federación de Asociaciones
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Fédération graphique internationale
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Federación Gráfica Internacional

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**Fédération internationale
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**International Federation of Associations
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**Federación Internacional
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**Fédération internationale des employés,
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**Fédération internationale des femmes
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