



► Record of Proceedings

2A

International Labour Conference – 112th Session, Geneva, 2024

Date: 5 June 2024

Report of the General Affairs Committee

Contents

	Page
Introduction	3
Election of the Officers of the Committee and a Reporter.....	3
Proposed abrogation of four international labour Conventions	3
Appendix Final proposals concerning the abrogation of four international labour Conventions	5

Introduction

1. At its opening sitting, on 3 June 2024, the International Labour Conference established the General Affairs Committee. In accordance with article 7(2) of the Standing Orders, the Conference referred to the General Affairs Committee the proposed abrogation of four international labour Conventions for its consideration (item VII on the agenda of the Conference).
2. The Committee had before it the questionnaire and report prepared by the Office in relation to the item (ILC/112/VII(2)).
3. In accordance with article 7(1) of the Standing Orders, the Committee was composed of 56 members (28 members nominated by the Government group, 14 members nominated by the Employers' group and 14 members nominated by the Workers' group).
4. The Committee held one sitting.

Election of the Officers of the Committee and a Reporter

5. In accordance with article 37(2) of the Standing Orders, the Committee elected its Officers, and a Reporter, as follows:

Chairperson: Mr Mehdi Aliabadi (Government member, Islamic Republic of Iran)

Employer Vice-Chairperson: Ms Jacqueline Mugo (Employer member, Kenya)

Worker Vice-Chairperson: Ms Catelene Passchier (Worker member, the Netherlands)

Reporter: Ms Hana Elgallal (Government member, Libya)

6. In accordance with article 37(6) of the Standing Orders, the Officers approved the report of the Committee submitted to them by the Reporter.

Proposed abrogation of four international labour Conventions

7. The Committee examined proposals for the abrogation of four international labour Conventions, namely the Underground Work (Women) Convention, 1935 (No. 45), Safety Provisions (Building) Convention, 1937 (No. 62), Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63) and Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). The proposals were placed on the agenda of the Conference by the Governing Body upon the recommendation of the Standards Review Mechanism Tripartite Working Group (SRM TWG).
8. The Legal Adviser indicated that since the publication of the report, two Member States, Jamaica and Oman, had expressed support for the proposed abrogation.
9. The Worker Vice-Chairperson recalled the role of the SRM TWG and emphasized the need to ensure that the body of international labour standards continued to protect workers. In 2018 when the SRM TWG reviewed the four Conventions in question and recommended their abrogation, the Workers expressed their reluctance to abrogate instruments which, although outdated, were ratified by an important number of Member States and offered a level of protection to workers, such as Conventions Nos 62 and 85. She regretted the inadequate response of governments to the calls made for the ratification of the corresponding up-to-date

Conventions. Once outdated Conventions were abrogated, there was no protection left for workers in the absence of ratification of more modern ILO standards. It was striking that 68 countries were still bound by Convention No. 45 but only one Member State had ratified the Safety and Health in Mines Convention, 1995 (No. 176), since the Governing Body had decided to recommend the abrogation of Convention No. 45. Similarly, 19 Members were still bound by Convention No. 62 but only two had ratified the up-to-date Home Work Convention, 1996 (No. 177). As for Convention No. 63, 14 Members were still parties to it while no new ratifications had been registered for the Repatriation of Seafarers Convention (Revised), 1987 (No. 166). She noted the concerns expressed by two national trade unions with respect to the abrogation of Conventions Nos 45 and 62, as reflected in the Office's report.

10. While not challenging the decision to abrogate the four Conventions, the Worker Vice-Chairperson wished to put on record the very serious concerns of her group that the work of the SRM TWG had become a mere standards abrogation exercise since it did not involve the effective promotion of the ratification of relevant up-to-date Conventions and that the development of new standards following recommendations of the SRM TWG was too slow. With respect to women's work in mining, she stated that while it was true that the prohibition of women's underground work to provide them with protection against the specific hazards of work in mining was contrary to the principle of equality, there was still need for protection of women, and indeed of all workers, men and women, when working in mines, which was exactly what the more modern instrument Convention No. 176 provided for.
11. The Employer Vice-Chairperson reiterated the disagreement of her group with the Workers' position that the abrogation or withdrawal of an instrument necessarily led to a gap in coverage unless States parties ratified a more up-to-date Convention. Whether there was a gap or not could only be decided on a case-by-case basis and not in a mechanical manner. A case in point was Convention No. 45 which banned the work of women and constituted discrimination in violation of a fundamental principle and right at work. The Employers were of the view that the abrogation of outdated instruments was to be achieved as soon as possible in keeping with the mandate of the SRM TWG to ensure that the ILO had a clear, up-to-date and robust body of standards.
12. The Chairperson recalled that the overall objective of the SRM TWG was to ensure that the ILO had an up-to-date body of standards and acknowledged that the abrogation of outdated Conventions should go hand in hand with, or even be conditioned upon, the promotion and formal ratification of more modern and relevant Conventions. At the same time, he noted that this was the fifth time that the Conference was called upon to engage in the abrogation of obsolete instruments and that the applicable procedure had been implemented diligently and successfully so far. This procedure guaranteed thorough preparation by the Office and ample consultations with the tripartite constituents. The procedure was reinforced with the establishment of the SRM TWG that further ensured careful reflection before the abrogation or withdrawal of any obsolete standard was recommended to the Conference.
13. ***The General Affairs Committee decided to recommend to the Conference that it take the decision, pursuant to article 52(2) of the Standing Orders, to submit the final proposals for the abrogation of four international labour Conventions to a final record vote to be held on 6 June 2024.***

Appendix

Final proposals concerning the abrogation of four international labour Conventions

1. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Underground Work (Women) Convention, 1935 (No. 45).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

2. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Safety Provisions (Building) Convention, 1937 (No. 62).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

3. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.

4. The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and

Following consideration of the proposal for the abrogation of four international labour Conventions,

decides this 6 June 2024 to abrogate the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85).

The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.

The English, French and Spanish versions of the text of this decision are equally authoritative.