



Governing Body

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Committee on Legal Issues and International Labour Standards

LILS

FOR DECISION

THIRD ITEM ON THE AGENDA

Improvements in the standards-related activities of the ILO

ILO standards policy: An approach for a robust and effective international labour code

Overview

Issues covered

This document builds on the consultations and discussions on ILO standards policy that took place in 2010 and contains concrete proposals for its implementation using the ILO Declaration on Social Justice for a Fair Globalization as the overarching framework. The objective is to ensure that the Organization has available to it a clear and up-to-date body of international labour standards – an international labour code. It proposes the establishment of a standards review mechanism in respect of which LILS would play a central role. It makes concrete proposals concerning the establishment of working group(s), including their composition, working methods and the principles to guide the review, options for the standards to be reviewed and possible time frames for the reviews.

Policy implications

This paper deals with one of the most important policy issues for the Organization: its international labour standards policy and the way forward with a view to enhancing the impact of the ILO standards system.

Financial implications

Paragraph 39 refers to the potential financial implications of the proposals contained in the document with respect to the standards review mechanism.

Decision required

Paragraph 42.

References to other Governing Body documents and ILO instruments

GB.309/LILS/4, GB.309/12/2(Rev.), GB.294/LILS/4; see also GB.283/10/2, GB.303/12, GB.304/LILS/4, GB.304/9/2, GB.304/PV, GB.307/10/2(Rev.), GB.310/2.

ILO Declaration on Social Justice for a Fair Globalization.

Background

1. At its 309th Session, the Governing Body requested the Office to prepare a paper for its 310th (March 2011) Session containing further details on the implementation of the standards policy component of the international labour standards strategy, including draft terms of reference of a possible standards review mechanism (SRM).¹
2. In addition to the ongoing efforts to improve the implementation of existing standards and the effectiveness of the supervisory system, there is also an important need for an approach to ensure that the ILO has in place a robust body of international labour standards (the international labour code). One of the aims of such an approach will necessarily be to have an efficient and transparent process for ensuring periodic reviews of the entire body of standards and for assessing their effectiveness. The questions to be considered in the case of each standard would thus be: is it still appropriate to achieve the Organization's wider strategic objectives? and, importantly, can it meet the needs of governments and the social partners? This issue, as well as standard setting and other concerns, has generally been seen as within the purview of the ILO "standards policy" and is linked to, but different from, supervision or activities to support implementation of standards. In that respect, it is to be noted that the ILO standards policy is currently understood as one of the four components of the standards strategy. The other three components are: enhancing the impact and strengthening of the ILO supervisory system; improving the impact of the standards system through technical assistance; and cooperation and enhancing the visibility of the standards system. It is important, however, to see these four components as interrelated and mutually reinforcing. The standards policy and the supervisory system deal with the substantive issues covered by international labour standards; technical assistance and cooperation and a communication strategy are the tools that support these two substantive components.
3. Defining what should be a standards policy for the Organization and its role within the standards strategy has been a matter for active consideration by the LILS Committee since 2005.² This discussion and consultations on these questions and how to ensure overall coherence in the ILO's standards activities, particularly with a view to achieving the key strategic objectives of the ILO, received further impetus with the adoption in June 2008 of the ILO Declaration on Social Justice for a Fair Globalization.³ The Declaration reaffirmed the central role of international labour standards as one of the important means by which the ILO achieves its objectives. Indeed, as stated in the Declaration, the Organization must promote the ILO's standard-setting policy as a cornerstone of ILO activities by enhancing its relevance to the world of work, and ensure the role of standards as a useful means of achieving the constitutional objectives of the Organization.⁴

¹ See GB.309/LILS/4 and GB.309/12/2(Rev.). The Office wishes to acknowledge the further comments made by the Government of Australia following the discussion of the Committee in November 2010.

² *Improvements in the standards-related activities of the ILO: Outlines of a future strategic orientation for standards and for implementing standards-related policies and procedures*, GB.294/LILS/4, para. 13.

³ The ILO Declaration on Social Justice for a Fair Globalization was adopted by the International Labour Conference at its 97th Session, June 2008; see www.ilo.org/global/topics/economic-and-social-development/globalization/WCMS_099766/lang--en/index.htm.

⁴ ILO Declaration on Social Justice for a Fair Globalization, final preambular paragraph.

4. Importantly, the ILO Declaration on Social Justice for a Fair Globalization identified four strategic objectives of the ILO, that can be understood as the organizing framework for all ILO activities. The four strategic objectives are:

- (i) promoting employment by creating a sustainable institutional and economic environment in which:
 - individuals can develop and update the necessary capacities and skills they need to enable them to be productively occupied for their personal fulfilment and the common well-being;
 - all enterprises, public or private, are sustainable, to enable growth and the generation of greater employment and income opportunities and prospects for all; and
 - societies can achieve their goals of economic development, good living standards and social progress;
- (ii) developing and enhancing measures of social protection – social security and labour protection – which are sustainable and adapted to national circumstances, including:
 - the extension of social security to all, including measures to provide basic income to all in need of such protection, and adapting its scope and coverage to meet the new needs and uncertainties generated by the rapidity of technological, societal, demographic and economic changes;
 - healthy and safe working conditions; and
 - policies in regard to wages and earnings, hours and other conditions of work, designed to ensure a just share of the fruits of progress to all and a minimum living wage to all employed and in need of such protection;
- (iii) promoting social dialogue and tripartism as the most appropriate methods for:
 - adapting the implementation of the strategic objectives to the needs and circumstances of each country;
 - translating economic development into social progress, and social progress into economic development;
 - facilitating consensus building on relevant national and international policies that impact on employment and decent work strategies and programmes; and
 - making labour law and institutions effective, including in respect of the recognition of the employment relationship, the promotion of good industrial relations and the building of effective labour inspection systems; and
- (iv) respecting, promoting and realizing the fundamental principles and rights at work, which are of particular significance as both rights and enabling conditions that are necessary for the full realization of all of the strategic objectives, noting:
 - that freedom of association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the four strategic objectives; and

- that the violation of fundamental principles and rights at work cannot be invoked or otherwise used as a legitimate comparative advantage and that labour standards should not be used for protectionist trade purposes.
5. As noted in the Declaration, “[t]he four strategic objectives are inseparable, interrelated and mutually supportive. The failure to promote any one of them would harm progress towards the others. To optimize their impact, efforts to promote them should be part of an ILO global and integrated strategy for decent work. Gender equality and non-discrimination must be considered to be cross-cutting issues in the abovementioned strategic objectives”.⁵ It is also to be noted that the annex containing the follow-up to the Declaration required the ILO Director-General to take all necessary steps with a view to the identification, updating and promotion of the list of standards that are the most significant from the viewpoint of governance. The following Conventions have been identified in the Declaration as governance instruments: the Labour Inspection Convention, 1947 (No. 81); the Employment Policy Convention, 1964 (No. 122); the Labour Inspection (Agriculture) Convention, 1969 (No. 129); and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).⁶ It is proposed that activities, including standards-related action, be organized with a view to achieving these key objectives.
 6. It will be recalled that since 1919 the ILO has adopted 188 Conventions, five Protocols and 200 Recommendations. These instruments cover all four strategic objectives. The status of these instruments has been reviewed periodically, including the last review in the 1990s – the “Cartier Working Party”.⁷ Based on the results of the Cartier Working Party, 76 Conventions, five Protocols and 80 Recommendations have been classified as up to date,⁸ 24 Conventions and 22 Recommendations have an interim status, two Conventions and eight Recommendations require additional information for their classification, nine Conventions and nine Recommendations remain to be revised, 55 Conventions – of which 25 have been shelved – and 14 Recommendations have been classified as outdated, 22 Recommendations have been replaced and five Conventions and 36 Recommendations have been withdrawn by the International Labour Conference (ILC).⁹ No conclusions were reached concerning one Convention and one Recommendation¹⁰ and two Conventions were not examined.¹¹

⁵ ILO Declaration on Social Justice for a Fair Globalization, Part I(B).

⁶ See the annex to the ILO Declaration on Social Justice for a Fair Globalization, Part II(A)(vi).

⁷ Since the 1960s, in-depth discussions on ILO standards policy have taken place regularly in the International Labour Conference and the Governing Body. Three Governing Body working parties have conducted an evaluation of the entire body of ILO standards at different times: the Ventejol Working Parties which concluded their work in 1979 and 1987 and the Cartier Working Party from 1995 to 2002. The Cartier Working Party undertook the last review of international labour standards adopted before 1985, with the exception of the fundamental and priority/governance Conventions.

⁸ For the list of the instruments by status, see www.ilo.org/ilolex/english/subjectE.pdf.

⁹ See GB.283/10/2.

¹⁰ This concerns the Termination of Employment Convention, 1982 (No. 158), and the Termination of Employment Recommendation, 1982 (No. 166), which are the subject of a tripartite meeting in April of this year.

¹¹ This relates to the two Final Articles Revision Conventions, Nos 80 and 116, adopted in 1946 and 1961, respectively.

7. The review of the Cartier Working Party has been followed by a process of consolidation of standards in certain areas. Based on that review and the recommendations of the Joint Maritime Commission in 2001, the Governing Body established a High-level Tripartite Working Group and Subgroup to review the maritime instruments in terms of sectoral needs and to move forward to the best approach. These groups recommended the development of an instrument to consolidate and modernize the group of maritime labour Conventions and Recommendations. Some 36 maritime labour Conventions, one Protocol and 29 maritime labour Recommendations are now consolidated into the Maritime Labour Convention, 2006 (MLC, 2006). In addition, four other fishing Conventions have been consolidated in the Work in Fishing Convention, 2007 (No. 188), and the related Recommendation, 2007 (No. 199), replaced two Recommendations.
8. The future role of labour standards must be determined with due regard to the important changes that have occurred in recent years. Globalization and the economic and financial crisis have brought tremendous changes in the world. While international labour standards are one of the many tools available to the Organization to assist member States, they remain – as recalled under the ILO Declaration on Social Justice for a Fair Globalization¹² – with tripartism the unique advantage of the Organization. International labour standards must, however, be able to respond to present-day needs and conditions, and the procedures and activities aimed at securing their implementation must be made even more effective. While international labour standards cover most concerns now embedded in the four ILO strategic objectives, it would be illusory to think that they address – or at some point in the future could fully address – all questions which require international regulation. The world of work is constantly changing and doing so at a very rapid pace today. Needs, conceptions, practices and technological conditions are in constant and rapid change. International labour standards must therefore be constantly adapted and supplemented where necessary so as to ensure that they remain relevant and are capable of providing protection to the greatest number of people. Today, international labour standards must thus include built-in mechanisms enabling them to adapt to this constantly changing environment and to ensure at the same time the observance of fundamental rights supported by the implementation of the governance instruments.
9. An Office note¹³ prepared following the adoption of the ILO Declaration on Social Justice for a Fair Globalization pointed to a proposed process for intensive tripartite consultation on international labour standards policy. The culmination of this consultation led to preliminary views on both the nature of the standards policy itself, as well as possible approaches and potential principles that might be employed in a mechanism for reviewing standards to ensure that they remain relevant to constituents' needs and are well aligned to the four strategic objectives of the Organization.
10. The remainder of this document summarizes the outcomes of the consultation with respect to the essential element of a standards policy for the Organization and, within it, a potential approach to a review mechanism, including principles that might be applied, for the body of standards.

¹² See Part II(A).

¹³ A summary of the Note prepared for informal consultations with the tripartite constituents as well as the results of the consultations were reflected in the document prepared for the LILS Committee at the November 2010 session of the Governing Body: see GB.309/LILS/4, paras 3–23, and Appendix I.

Consultation on the core elements of the standards policy

11. As noted above, the core components of an ILO standards policy have been the subject of consultations since 2005, which were intensified in 2009 and 2010. After discussion during the 309th Session of the Governing Body, a consensus emerged that the ILO standards policy involves the following core elements:
- the determination of the best means for keeping the body of standards up to date;
 - the identification of standards in need of revision;
 - the identification of up-to-date standards, and their promotion;
 - the determination of new subjects and approaches for standard setting;
 - the preparation and adoption of standards; and
 - the effective implementation of ILO standards.¹⁴

Consultation on an approach for a standards review mechanism

12. There was broad agreement that the ILO Declaration on Social Justice for a Fair Globalization should provide the overarching framework for a standards policy and a standards review mechanism (SRM). The standards-related conclusions that the ILC adopt, following the recurrent discussions of each of the strategic objectives, should take into account the General Survey report of the Committee of Experts and the outcome of the discussions in the Conference Committee on the Application of Standards. These conclusions could provide a unique opportunity for the Organization to have a comprehensive view, to the maximum extent possible, of the status of the ILO instruments covered by each of the strategic objectives.¹⁵ Working within the Declaration framework

¹⁴ “The effective implementation of ILO standards” has been added as a result of the discussions in November 2010 reflecting comments made by the Employers’ group and the Governments of Australia, Bangladesh, China and India. They were of the view that the impact of standards was not limited to ratification but also that account should be taken of the overall action for the implementation of labour standards. The importance of technical cooperation and assistance was highlighted in order to improve implementation thereby ensuring the effective protection of workers worldwide.

¹⁵ It was recognized that the General Survey could not cover all the instruments falling within a strategic objective and thus only a limited number of instruments can usefully be selected for that purpose, considering the primary objective of these General Surveys which is to provide guidance to member States on how best to give effect to, or to apply, these instruments. In order to take maximum advantage of the conclusions that could result from the recurrent discussions, it was also considered necessary that the recurrent discussion on a strategic objective should include sufficient information on ILO standards to ensure a stronger focus on these standards in the recurrent discussions at the Conference. This should enable the Organization to have a complete picture of the status of all standards falling within a strategic objective and what action would be required: i.e. which standards are to be promoted, revised or consolidated, the possible need for new standards and the need for technical assistance to support the ratification or implementation of, or the effect given to, up-to-date standards. In view of the inherent limitation of General Surveys in terms of the instruments that they can cover and the recurrent report depending on its focus, it was agreed that the LILS Committee could play a useful and complementary role in providing a comprehensive picture of the standards falling within each strategic objective.

will also help ensure a more coordinated and efficient approach to the review of standards, as it can build upon and follow up on ongoing ILC reports and discussions on each of the strategic objectives.

13. A question that was considered in the discussions in the LILS Committee in November 2010 related to the appropriate institutional location of an SRM. The LILS Committee itself seems to be the most appropriate forum since, although the SRM would need to build on ILC outcomes, it is one of the components of the standards policy and the discussion of that policy is initiated in the LILS Committee. It will be recalled that, subject to the result of the ongoing reforms of the Governing Body, the document prepared by the Office for the November 2010 session of the Governing Body proposed an important role for the LILS Committee in an SRM process.¹⁶ LILS could also potentially play an important role in assisting the Governing Body in the consideration of items on the agenda of the ILC, in particular as regards standard-setting items.
14. During the consultations, there was consensus on the following general principles that should guide the discussions on standards policy and should, ultimately, be the basis of the recommendations under the SRM:
 - Proposals made should not have the effect of reducing the protection already afforded to workers by ratified Conventions.
 - The capital consisting of existing rights, updated where necessary, should be faithfully preserved without prejudice to the need for innovation.
 - Decisions should be responsive and relevant to the needs of the world of work.
 - The approach should be holistic, taking into account for each strategic objective the need for standards on new items, the need for the revision of existing standards, and the need to promote standards and provide technical assistance to assist in their ratification and implementation.
 - Decisions should be based on in-depth analyses.
 - Decisions should be adopted by consensus.

It was understood that underlying these guiding principles are the principles of good faith and a commitment by all constituents to effectively implement the conclusions adopted. It is also a clear legal principle that, in the absence of a new decision resulting from the consensus approach, the pre-existing decision taken in respect of any instrument would remain valid until replaced.

15. The document prepared by the Office in November 2010 proposed a number of options regarding the selection of subject areas to launch the review process.¹⁷ During the discussions, the Employers' group expressed a preference for the first review to begin with the social dialogue strategic objective. The Workers' group expressed a preference for the strategic objective on fundamental principles and rights at work. The industrialized market economy countries (IMEC group) expressed a preference for the strategic objective on employment, while India and Mexico expressed a preference for social security.

¹⁶ See GB.309/LILS/4, paras 14–16.

¹⁷ See GB.309/LILS/4, para. 18.

16. As suggested above, in accordance with the approach based on the ILO Declaration on Social Justice for a Fair Globalization as a framework, a review of the standards under each strategic objective *after* the recurrent discussion on that strategic objective would benefit from the latest General Survey of the Committee of Experts on the subject, the discussion in the Conference Committee on the Application of Standards and the conclusions of the Conference. The first reports and discussions concerned the employment strategic objective and took place in 2010. This means that the standards under the strategic objective on employment could be the first to be reviewed. This would provide a solid basis on which the LILS Committee could immediately begin work and establish a tripartite working group along the lines proposed below. It would also allow the tripartite working group(s) to build on the momentum established following the 2010 recurrent discussion.
17. The consultations and the discussion in the LILS Committee in November 2010 also led to some conclusions regarding the purpose and expected outcomes of a review mechanism. At the end of the process of reviewing standards relating to each strategic objective, the Governing Body should be in a position to take decisions on:
- the status of the instruments examined;
 - the specific actions to be taken for the effective promotion of up-to-date standards, including technical cooperation;
 - the standards in need of revision and the follow-up action, including consolidation of standards; and
 - possible gaps in standard setting which will require standards on new subjects.
18. A review mechanism would provide an ongoing programme of work for the LILS Committee and the Office¹⁸ more generally and would serve to reinvigorate and reinforce the international labour code by ensuring that ILO instruments effectively provide strong protection for all workers in the workplace of today, which also implies their effective implementation.

Proposal for an approach to an SRM

19. Based on the above-noted consultations since 2005 and the subsequent discussions in the LILS Committee,¹⁹ there appears to be a consensus with respect to the setting-up of an SRM operating under the auspices of the LILS Committee and within the framework of the ILO Declaration on Social Justice for a Fair Globalization. Thus, an SRM is proposed that would be: structured around the recurrent discussions of the four strategic objectives complemented by an emphasis on a follow-up to the recommendations of the Cartier Working Party; coordinated by, and reporting to, the LILS Committee; and accompanied by a commitment by ILO member States to follow up on the outcomes of the recommendations of a review.
20. The following sections outline the operational aspects of the proposal for an SRM, including: the central role of the LILS Committee; the establishment upon

¹⁸ In this regard, the involvement of relevant technical units of the Office would be crucial in bringing to bear their expertise for the review and any follow-up action required, including technical cooperation.

¹⁹ See GB.309/12/2(Rev.), para. 33.

recommendation by the LILS Committee of tripartite working groups, including their composition, working methods and the selection of the principles to guide reviews; the selection of standards to be reviewed; and the possible time frames for the reviews.

A. The central integrating/coordinating role of the LILS Committee

21. The proposal is that the SRM take the form of tripartite working groups operating under the auspices of the LILS Committee.²⁰ The LILS Committee would be responsible for:
- proposing to the Governing Body the creation of tripartite working groups to undertake the reviews;
 - monitoring the progress of each review, including proposing interim recommendations and direction, where necessary;
 - receiving, considering and reporting to the Governing Body on the recommendations of the tripartite working groups and on its own recommendations where they differ from those of the working groups; and
 - giving effect to the recommendations that the Governing Body has accepted and monitoring them regularly.
22. As the foregoing suggests, the effectiveness of any SRM will hinge on the capacity of the LILS Committee to flexibly consider, monitor and implement the decisions taken on the recommendations of each review. It would be important for that Committee to first agree on a clear process for the SRM, whilst at the same time retaining the possibility to amend it, as needed, to respond to emerging issues and take account of lessons learned.
23. An emphasis on accountability will help to ensure the legitimacy of the SRM and allow the LILS Committee to support the mechanism's role, and address any resource implications it may have for the ILO, on the basis that the SRM is an essential component of an effective standards policy as well as a necessary aspect in achieving the ILO's strategic goals.

B. The establishment of the LILS–SRM tripartite working groups

The appropriate number of tripartite working groups

24. For the SRM to function effectively, it will be necessary for the LILS Committee to propose to the Governing Body the creation of tripartite working groups with a mandate to examine the entire body of instruments that fall within each of the four strategic objectives. There appear to be two options. The first option would be to establish one tripartite working group to work sequentially through all the instruments, grouped in accordance with the four strategic objectives, following on from the ILC recurrent review discussions, as discussed in paragraphs 16–18 above. However, this could mean the establishment of a

²⁰ The LILS Committee has in the past established working parties to deal with the review of international labour standards. This was the case with the Cartier Working Party which was set up in 1995. When the discussion of international labour standards fell within the mandate of the Programme, Financial and Administrative Committee, it established the first working party to review standards, the Ventejol Working Party, in 1977.

tripartite working group to operate for as long as a decade. Ideally, an efficient review mechanism should operate in a cycle that follows the cycle agreed upon for the recurrent reviews, a seven-year cycle. Also, with a single tripartite working group the potential for ensuring a composition with the necessary expertise to review specific bodies of standards would be reduced or even lost, along with the potential for achieving the important goal of increasing diverse regional perspectives in the review mechanism. It also seems likely that the workload of reviewing the standards under all four strategic objectives at the same time would be too great for one tripartite working group. For these reasons, a second, preferred, option is proposed that would call for four separate tripartite working groups to be established that could operate in parallel but with differing establishment dates and work programmes, that would be aligned to the ILC discussions (see section C below on selection). There would need to be flexibility in reviewing instruments that cut across the four strategic objectives, like those relating to specific categories of workers.

The composition of the tripartite working group(s)

25. Whether a single tripartite working group is established or, as proposed, four tripartite working groups, it is suggested that a tripartite working group comprises 15 members, five appointed by each of the Governing Body groups to ensure diverse regional representation, as well as appropriate expertise for the strategic objective concerned if more than one working group is created. In this regard, it may be necessary to give consideration to the appointment of non-Governing Body members where this is appropriate to ensure the required expertise within the groups.

The terms of reference of the tripartite working group(s)

26. The tripartite working group(s) should have clear terms of reference with a mandate to make far-reaching recommendations to the LILS Committee on ways to revitalize and reform the international labour code in light of the principles identified in the consultations (see paragraphs 14 and 17 above). The terms of reference should also describe the operation of the working groups with enough specificity to ensure that the working groups can be formed and commence their work autonomously, whilst also allowing a means for the LILS Committee to amend the terms of reference in future if necessary. The terms of reference of the tripartite working group(s) should consist of two parts: one procedural and one substantive.
 - (1) Procedural matters: Methods of work of the tripartite working group(s)
27. In accordance with the decisions of the Governing Body, the tripartite working group(s) would be expected to consider papers to be prepared for their meetings by the Office and would also need to guide the Office in the preparation of papers for consideration by the LILS Committee. As explained above, the tripartite working group(s) would be advisory only, and would make recommendations to the LILS Committee following directions received from the Governing Body. Accordingly, the tripartite working group(s) would work on the basis of tripartite consensus. In the event that consensus could not be reached, direction would then be sought from the Governing Body through the LILS Committee. The number of meetings is a matter of resources depending on timing, including resource capacity of the Office, costs for preparatory work, translations and interpretation. However, once established, it is expected that the tripartite working group(s) would meet at least once (twice) a year during the meetings of the Governing Body and might hold other meetings, as considered appropriate, subject to funding.

(2) Substantive matters

28. The terms of reference should include a tentative programme of work with projected completion dates for identified elements and stages. They should also set out the criteria for the review. These would be based on the principles identified in the consultations (see paragraphs 14 and 17 above).
29. The tripartite working group(s) would aim at ensuring that the aspect of the international labour code being reviewed is consistent with, and effectively supports, the ILO Declaration on Social Justice for a Fair Globalization. They would also follow up, to the extent they deem still appropriate, the recommendations of the Cartier Working Party,²¹ and would provide a non-exhaustive list of the possible types of recommendations for consideration by the LILS Committee, including:
- removing duplication by amending or consolidating standards where appropriate;
 - suggesting topics for new standards;
 - recommending that plans of action be developed or that technical assistance be provided to promote the ratification or effective implementation of up-to-date standards; and
 - recommending an appropriate time frame for the implementation of interim and final recommendations.

C. The selection of standards to be reviewed

30. As noted above, setting aside the outdated, withdrawn, replaced and the recently consolidated Conventions and Recommendations,²² a total of 99 Conventions, four Protocols and 107 Recommendations would need to be reviewed, which would include the 64 Conventions, four Protocols and 71 Recommendations that are up to date. This could be a first option for consideration. If, on the other hand, only the instruments which have not been reviewed by the Cartier Working Party are to be the subject of consideration, i.e. those adopted between 1985 and 2000,²³ then the number of instruments to be

²¹ In this regard, in order to undertake the full review process as articulated in the definition of the standards policy, as well as ensuring that the work of the Cartier Working Party is not duplicated, it may be appropriate for the tripartite working group(s) to have in their terms of reference the requirement that they take the recommendations of the Cartier Working Party as the basis upon which they undertake their work. For example, in relation to those standards which the Cartier Working Party concluded were in need of revision, the work of the new working group(s) could focus on how these should be revised and, if there was a need to consolidate them, with which instruments and how. In the same way, if the Cartier Working Party had concluded that certain standards should be promoted, then unless there were new elements to the contrary, concrete proposals would need to be made as to the action to be taken. This pragmatic approach balances the need to follow up the recommendations of the Cartier Working Party with the capacity to implement the full range of options under the new review process. For those standards not reviewed by the Cartier Working Party, the new working group(s) would need to undertake this preliminary work.

²² Including the MLC, 2006, and the Work in Fishing Convention, 2007 (No. 188), and Recommendation, 2007 (No. 199).

²³ These standards would not include those reviewed in the recent General Surveys (since 2010): Convention No. 182 and Recommendation No. 190, as well as the Maritime Conventions and Recommendations that were revised by the MLC, 2006.

reviewed would be 14 Conventions, one Protocol and 13 Recommendations. Those instruments for which the Cartier Working Party requested further information, namely 11 Conventions and 17 Recommendations, would also be included.²⁴ This would make a total of 25 Conventions, one Protocol and 30 Recommendations. This would represent a second option.

31. It is being proposed that the entire body of standards be subject to review relative to the four ILO strategic objectives. Taking into account the discussions at the 2010 November session of the Governing Body, a revised possible list of instruments by strategic objective is set out in the appendix. This list could be used on an indicative basis for the review. The purpose of this proposal is to ensure that there is a global picture of the coverage of specific issues. The only body of standards that it is proposed not to cover in the review would be the maritime standards that were consolidated by the MLC, 2006, and those consolidated in the Work in Fishing Convention, 2007 (No. 188). Thus, the tripartite working group(s) could review all the standards that fall within each strategic objective. These include:

- standards that have been adopted since 2000;
- standards that were recently reviewed in General Surveys;
- standards that were classified as up to date by the Cartier Working Party; and
- the fundamental and the governance Conventions taking into account the special emphasis placed by the ILO Declaration on Social Justice for a Fair Globalization on those instruments.²⁵

32. Concerning the proposal to include the fundamental Conventions, it is clear that the intention is not in any way to put them into question. On the contrary, the ILO Declaration on Social Justice for a Fair Globalization identified these instruments as containing principles that are considered to be of particular significance both as rights and as enabling conditions that are necessary for the full realization of all the strategic objectives. It called on member States to review their situation “as regards the ratification or implementation of ILO instruments with a view to achieving a progressively increasing coverage of each of the strategic objectives, with special emphasis on the instruments classified as core labour standards as well as those regarded as most significant from the viewpoint of governance covering tripartism, employment policy and labour inspection”.²⁶

33. A third option could be not to include the eight fundamental Conventions in the review, while a fourth option could be to exclude both the eight fundamental and four governance instruments, in addition to those excluded in paragraph 31 above.

34. Furthermore, the standards to be reviewed should be considered as an entire body of standards rather than on a case-by-case basis as was done by the Cartier Working Party. However, due to the high number of standards that fall under two of the strategic

²⁴ See GB.309/LILS/4, para. 16, and Appendix III.

²⁵ See ILO Declaration on Social Justice for a Fair Globalization, Part I(A)(iv) and Part II(B)(iii) and its follow-up, Part II(A)(vi). The proposal to include the fundamental Conventions is not in any way to put them into question. It reflects instead the importance of obtaining a global picture of the standards falling under each strategic objective and of being in a position to address, in an optimal way, any gaps that may need to be addressed.

²⁶ See ILO Declaration on Social Justice for a Fair Globalization, Part I(A)(iv) and Part II(B)(iii).

objectives (namely, employment and social protection), it may be appropriate for a decision to be taken by the Governing Body to divide these instruments into groups that may be reviewed separately (for example, “social security” under social protection and “labour administration” under social dialogue). A decision may also need to be taken with respect to standards that relate to specific categories of workers.

35. A possible sequence of the reviews would follow the sequence of the recurrent discussions in the ILC, for example:
1. Employment (2010); a working group could be established in March 2011 or November 2011.
 2. Social protection (social security) (2011); a working group could be established in November 2011 or March 2012.
 3. Fundamental principles and rights at work (2012); a working group could be established in November 2012 or March 2013.
 4. Social dialogue (likely in 2013); a working group could be established in November 2013 or March 2014.

D. The proposed time frame for the reviews

36. In order to ensure the effectiveness and timeliness of the process, the time frames for the review mechanism would need to be agreed upon. The time frames should take into account both the timely undertaking of the reviews and the follow-up to the approved recommendations of the working group(s). This will be important considering the fact that a review of another strategic objective will commence during each of the next four years, and that the recommendations of the working group(s) must be followed up in a timely manner to ensure that the activities are consistent with the recommendations (i.e. that they are still current).
37. A proposal could be to link the time frame for each review to the timing of the recurrent discussions, where the strategic objectives on employment, social protection and fundamental principles and rights at work will be discussed twice in the seven-year cycle (and social dialogue once). For example, the review on the standards falling under the strategic objective on employment could commence first, with a view to it being completed by the time that the second recurrent discussion on employment is held, which will likely be in 2014. This means that the findings and recommendations of the working party could be presented to the LILS Committee for, at the latest, the November 2012 session in time for them to: (1) be considered by the Committee in terms of follow-up actions, including the coverage of instruments for the General Survey to be undertaken by the Committee of Experts; and (2) be incorporated into the recurrent report and subsequently discussed at the recurrent discussion. In effect, this means a potential of a maximum of 12 or 18 months for the work of each tripartite working group. There is indeed one caveat: the short time frame for a review.
38. The above proposals would no doubt imply a significant effort for reviewing the standards. It is therefore important that appropriate time frames accompany each review to ensure its timely completion and subsequent commencement of follow-up action. This notwithstanding, it is important that the time frames be set flexibly to allow for rolling commencement and follow-up to avoid too great a workload being placed on the LILS Committee to satisfactorily monitor the progress of the working group(s) and implement their recommendations.

Potential budgetary implications

39. Based on the proposals contained in paragraphs 24, 25 and 27, the Office notes that the cost of holding one meeting of a working group per year outside of the sessions of the Governing Body would amount to US\$146,500. This would cover the costs for travel and DSA of 15 members of a tripartite working group, as well as interpretation and translation costs. Additional costs for one session of the Governing Body (translation) have been estimated at \$11,500. A more complete cost estimate will be made based on the decision of the Governing Body, together with a re-ordering of spending priorities in order to meet the additional expense.

Conclusion

40. The foregoing proposal is based on the assumption that the ILO Declaration on Social Justice for a Fair Globalization should be the framework for the implementation of the Organization's standards policy and that the best approach is to build on and integrate the reviews carried out in the ILC with respect to standards in the context of the four strategic objectives. If this assumption is confirmed, then it is essential that the Governing Body move quickly to develop the mechanism for the review of standards so that the momentum on this issue is not lost.
41. The fundamental question raised in this document is, how can the ILO ensure that, in this complex, rapidly changing, global and yet heterogeneous world, international labour standards as one of the Organization's most important means of action continue to respond to present-day needs and conditions? The aim should be to obtain a clear and up-to-date body of international labour standards that could be clearly identified as constituting a modern "international labour code". This is a role that an efficient, strategic, accountable and representative review mechanism along the lines indicated above can serve.
42. ***The Committee on Legal Issues and International Labour Standards is invited to review the above proposal, with a view to making an appropriate recommendation to the Governing Body on the basis of the proposal, subject to the changes that it considers necessary, concerning:***
- (a) the setting-up of a standards review mechanism (SRM) for international labour standards based on the proposals made in paragraphs 19 and 20;***
 - (b) the establishment by the Governing Body, upon recommendation by the Committee, of a tripartite working group, including its composition, working methods, terms of reference, relationship to the Committee and time frames for the reviews as set out in paragraphs 24–29 and 36–38; and***
 - (c) the standards to be selected for review based on the elements contained in paragraphs 30–35.***

Geneva, 21 February 2011

Point for decision: Paragraph 42

Appendix

A possible classification of international labour standards by strategic objective

(instruments in square brackets and italics have been shelved)

1. ***Fundamental principles and rights at work (FPRW) (and related instruments)***

1.1. Freedom of association and collective bargaining

Fundamental Conventions

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

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

Other instruments on freedom of association and collective bargaining

Right of Association (Agriculture) Convention, 1921 (No. 11)

Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)

Workers' Representatives Convention, 1971 (No. 135)

Workers' Representatives Recommendation, 1971 (No. 143)

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

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

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

Labour Relations (Public Service) Recommendation, 1978 (No. 159)

Collective Bargaining Convention, 1981 (No. 154)

Collective Bargaining Recommendation, 1981 (No. 163)

1.2. Forced labour

Fundamental Conventions (and related Recommendation)

Forced Labour Convention, 1930 (No. 29)

Forced Labour (Indirect Compulsion) Recommendation, 1930 (No. 35)

Abolition of Forced Labour Convention, 1957 (No. 105)

1.3. Child labour

Fundamental Conventions (and related Recommendations)

Minimum Age Convention, 1973 (No. 138)

Minimum Age Recommendation, 1973 (No. 146)

Worst Forms of Child Labour Convention, 1999 (No. 182)

Worst Forms of Child Labour Recommendation, 1999 (No. 190)

Protection of children and young persons

- Minimum Age (Industry) Convention, 1919 (No. 5)
- Night Work of Young Persons (Industry) Convention, 1919 (No. 6)
- Minimum Age (Agriculture) Convention, 1921 (No. 10)
- Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14)
- Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)
- Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41)
- Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
- Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52)
- Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
- Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
- Medical Examination of Young Persons Recommendation, 1946 (No. 79)
- Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
- Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80)
- Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)
- Minimum Age (Underground Work) Convention, 1965 (No. 123)
- Minimum Age (Underground Work) Recommendation, 1965 (No. 124)
- Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)
- Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125)
- [Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)]*
- [Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)]*

1.4. Equality of opportunity and treatment

Fundamental Conventions (and related Recommendations)

- Equal Remuneration Convention, 1951 (No. 100)
- Equal Remuneration Recommendation, 1951 (No. 90)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Discrimination (Employment and Occupation) Recommendation, 1958 (No. 111)

Workers with family responsibilities

- Workers with Family Responsibilities Convention, 1981 (No. 156)
- Workers with Family Responsibilities Recommendation, 1981 (No. 165)

2. Employment

2.1. Employment policy

Governance Convention (and related Recommendations)

Employment Policy Convention, 1964 (No. 122)

Employment Policy Recommendation, 1964 (No. 122)

Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

Other instruments on employment policy

Unemployment Convention, 1919 (No. 2)

Employment (Transition from War to Peace) Recommendation, 1944 (No. 71)

Employment Service Convention, 1948 (No. 88)

Employment Service Recommendation, 1948 (No. 83)

Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)

Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168)

Private Employment Agencies Convention, 1997 (No. 181)

Private Employment Agencies Recommendation, 1997 (No. 188)

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

Promotion of Cooperatives Recommendation, 2002 (No. 193)

Employment Relationship Recommendation, 2006 (No. 198)

[Fee-Charging Employment Agencies Convention, 1933 (No. 34)]

2.2. Skills

Special Youth Schemes Recommendation, 1970 (No. 136)

Paid Educational Leave Convention, 1974 (No. 140)

Paid Educational Leave Recommendation, 1974 (No. 148)

Human Resources Development Convention, 1975 (No. 142)

Human Resources Development Recommendation, 2004 (No. 195)

2.3. Employment security

Termination of Employment Convention, 1982 (No. 158)

Termination of Employment Recommendation, 1982 (No. 166)

3. Social protection

3A. Social protection (social security)

3A.1. Comprehensive standards

- Social Insurance (Agriculture) Recommendation, 1921 (No. 17)
- Income Security Recommendation, 1944 (No. 67)
- Social Security (Armed Forces) Recommendation, 1944 (No. 68)
- Social Security (Minimum Standards) Convention, 1952 (No. 102)

3A.2. Protection provided in the different branches of social security

Medical care and sickness benefit

- Sickness Insurance (Industry) Convention, 1927 (No. 24)
- Sickness Insurance (Agriculture) Convention, 1927 (No. 25)
- Sickness Insurance Recommendation, 1927 (No. 29)
- Medical Care Recommendation, 1944 (No. 69)
- Medical Care and Sickness Benefits Convention, 1969 (No. 130)
- Medical Care and Sickness Benefits Recommendation, 1969 (No. 134)

Old-age, invalidity and survivors' benefit

- Invalidity, Old Age and Survivors' Benefits Convention, 1967 (No. 128)
- Invalidity, Old-Age and Survivors' Benefits Recommendation, 1967 (No. 131)
- [Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)]*
- [Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)]*
- [Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)]*
- [Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)]*
- [Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)]*
- [Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)]*

Employment injury benefit

- Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
- Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
- Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
- Workmen's Compensation (Minimum Scale) Recommendation, 1925 (No. 22)
- Workmen's Compensation (Jurisdiction) Recommendation, 1925 (No. 23)
- Workmen's Compensation (Occupational Diseases) Recommendation, 1925 (No. 24)
- Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)
- Employment Injury Benefits Convention, 1964 (No. 121)
- Employment Injury Benefits Recommendation, 1964 (No. 121)

Unemployment benefit

Unemployment Provision Recommendation, 1934 (No. 44)

Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

Employment Promotion and Protection against Unemployment Recommendation, 1988 (No. 176)

[Unemployment Provision Convention, 1934 (No. 44)]

3A.3. Social security for migrant workers

Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)

Equality of Treatment (Accident Compensation) Recommendation, 1925 (No. 25)

Equality of Treatment (Social Security) Convention, 1962 (No. 118)

Maintenance of Social Security Rights Convention, 1982 (No. 157)

Maintenance of Social Security Rights Recommendation, 1983 (No. 167)

[Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)]

3B. Social protection (labour protection)**3B.1. Occupational safety and health***General provisions*

Prevention of Industrial Accidents Recommendation, 1929 (No. 31)

Protection of Workers' Health Recommendation, 1953 (No. 97)

Welfare Facilities Recommendation, 1956 (No. 102)

Occupational Safety and Health Convention, 1981 (No. 155)

Protocol of 2002 to the Occupational Safety and Health Convention, 1981 (No. 155)

Occupational Safety and Health Recommendation, 1981 (No. 164)

Occupational Health Services Convention, 1985 (No. 161)

Occupational Health Services Recommendation, 1985 (No. 171)

List of Occupational Diseases Recommendation, 2002 (No. 194)

Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197)

Protection against specific risks

Anthrax Prevention Recommendation, 1919 (No. 3)

Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4)

White Phosphorus Recommendation, 1919 (No. 6)

White Lead (Painting) Convention, 1921 (No. 13)

Radiation Protection Convention, 1960 (No. 115)

Radiation Protection Recommendation, 1960 (No. 114)

Guarding of Machinery Convention, 1963 (No. 119)

Guarding of Machinery Recommendation, 1963 (No. 118)

Maximum Weight Convention, 1967 (No. 127)
Maximum Weight Recommendation, 1967 (No. 128)
Benzene Convention, 1971 (No. 136)
Benzene Recommendation, 1971 (No. 144)
Occupational Cancer Convention, 1974 (No. 139)
Occupational Cancer Recommendation, 1974 (No. 147)
Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
Working Environment (Air Pollution, Noise and Vibration) Recommendation, 1977 (No. 156)
Asbestos Convention, 1986 (No. 162)
Asbestos Recommendation, 1986 (No. 172)
Chemicals Convention, 1990 (No. 170)
Chemicals Recommendation, 1990 (No. 177)

Protection in specific branches of activity

Underground Work (Women) Convention, 1935 (No. 45)
Safety Provisions (Building) Convention, 1937 (No. 62)
Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
Hygiene (Commerce and Offices) Recommendation, 1964 (No. 120)
Safety and Health in Construction Convention, 1988 (No. 167)
Safety and Health in Construction Recommendation, 1988 (No. 175)
Prevention of Major Industrial Accidents Convention, 1993 (No. 174)
Prevention of Major Industrial Accidents Recommendation, 1993 (No. 181)
Safety and Health in Mines Convention, 1995 (No. 176)
Safety and Health in Mines Recommendation, 1995 (No. 183)
Safety and Health in Agriculture Convention, 2001 (No. 184)
Safety and Health in Agriculture Recommendation, 2001 (No. 192)

3B.2. Wages

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)
Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30)
Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
Labour Clauses (Public Contracts) Recommendation, 1949 (No. 84)
Protection of Wages Convention, 1949 (No. 95)
Protection of Wages Recommendation, 1949 (No. 85)
Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
Minimum Wage-Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89)
Minimum Wage Fixing Convention, 1970 (No. 131)
Minimum Wage Fixing Recommendation, 1970 (No. 135)
Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)
Protection of Workers' Claims (Employer's Insolvency) Recommendation, 1992 (No. 180)

3B.3. Working time

Hours of work, weekly rest and paid leave

Hours of Work (Industry) Convention, 1919 (No. 1)
 Weekly Rest (Industry) Convention, 1921 (No. 14)
 Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)
 Forty-Hour Week Convention, 1935 (No. 47)
 Holidays with Pay Convention, 1936 (No. 52)
 Holidays with Pay Recommendation, 1936 (No. 47)
 Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
 Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93)
 Holidays with Pay Recommendation, 1954 (No. 98)
 Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
 Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103)
 Reduction of Hours of Work Recommendation, 1962 (No. 116)
 Holidays with Pay Convention (Revised), 1970 (No. 132)
 Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)
 Hours of Work and Rest Periods (Road Transport) Recommendation, 1979 (No. 161)
 Part-Time Work Convention, 1994 (No. 175)
 Part-Time Work Recommendation, 1994 (No. 182)
[Sheet-Glass Works Convention, 1934 (No. 43)]
[Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)]
[Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)]

Night work

Night Work of Women (Agriculture) Recommendation, 1921 (No. 13)
 Night Work (Women) Convention (Revised), 1948 (No. 89)
 Protocol of 1990 to the Night Work (Women) Convention (Revised), 1948 (No. 89)
 Night Work Convention, 1990 (No. 171)
 Night Work Recommendation, 1990 (No. 178)
[Night Work (Women) Convention, 1919 (No. 4)]
[Night Work (Bakeries) Convention, 1925 (No. 20)]
[Night Work (Women) Convention (Revised), 1934 (No. 41)]

3B.4. Maternity protection

Maternity Protection Convention, 1919 (No. 3)
 Maternity Protection Convention (Revised), 1952 (No. 103)
 Maternity Protection Convention, 2000 (No. 183)
 Maternity Protection Recommendation, 2000 (No. 191)

3B.5. *Social policy*

Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)

Workers' Housing Recommendation, 1961 (No. 115)

Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)

4. Social dialogue

4.1. Tripartite consultations

Governance Convention (and related Recommendation)

Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152)

4.2. Labour administration and inspection

*Governance Conventions on labour inspection
(and related instruments)*

Labour Inspection Convention, 1947 (No. 81)

Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81)

Labour Inspection Recommendation, 1947 (No. 81)

Labour Inspection (Agriculture) Convention, 1969 (No. 129)

Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)

Other instruments on labour inspection

Labour Inspection Recommendation, 1923 (No. 20)

Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)

Labour administration

Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

Labour Administration Convention, 1978 (No. 150)

Labour Administration Recommendation, 1978 (No. 158)

Labour Statistics Convention, 1985 (No. 160)

Labour Statistics Recommendation, 1985 (No. 170)

4.3. Industrial relations

Collective Agreements Recommendation, 1951 (No. 91)

Voluntary Conciliation and Arbitration Recommendation, 1951 (No. 92)

Co-operation at the Level of the Undertaking Recommendation, 1952 (No. 94)

Consultation (Industrial and National Levels) Recommendation, 1960 (No. 113)

Communications within the Undertaking Recommendation, 1967 (No. 129)

Examination of Grievances Recommendation, 1967 (No. 130)

**Instruments cutting across strategic objectives
and specific categories of workers**
(related strategic objectives are in brackets) ¹

**A. Indigenous and tribal peoples (1. FPRW;
2. Employment; 3A. Social protection –
Social security; 3B. Social protection –
Labour protection; 4. Social dialogue)**

Indigenous and Tribal Populations Convention, 1957 (No. 107)

Indigenous and Tribal Populations Recommendation, 1957 (No. 104)

Indigenous and Tribal Peoples Convention, 1989 (No. 169)

[Recruiting of Indigenous Workers Convention, 1936 (No. 50)]

[Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)]

[Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)]

[Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)]

[Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)]

**B. Migrant workers (1. FPRW; 2. Employment;
3B. Social protection – Labour protection)**

Migration Statistics Recommendation, 1922 (No. 19)

Migration for Employment Convention (Revised), 1949 (No. 97)

Migration for Employment Recommendation (Revised), 1949 (No. 86)

Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100)

Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

Migrant Workers Recommendation, 1975 (No. 151)

[Inspection of Emigrants Convention, 1926 (No. 21)]

C. HIV and AIDS

HIV and AIDS Recommendation, 2010 (No. 200) (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

D. Non-Metropolitan Territories

Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83) (1. FPRW; 3B. Social protection – Labour protection)

¹ The relevant strategic objectives are mentioned as a reference. No specific classification is proposed for the time being for these instruments.

E. Seafarers

Consolidated Convention

Maritime Labour Convention, 2006 (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

General provisions (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

- * National Seamen's Codes Recommendation, 1920 (No. 9)
- * Seafarers' Engagement (Foreign Vessels) Recommendation, 1958 (No. 107)
- * Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- * Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)
- * Merchant Shipping (Improvement of Standards) Recommendation, 1976 (No. 155)
- Seafarers' Identity Documents Convention, 1958 (No. 108)
- Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)

Protection of children and young persons (1. FPRW)

- * Minimum Age (Sea) Convention, 1920 (No. 7)
- * Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)
- * Minimum Age (Sea) Convention (Revised), 1936 (No. 58)
- * Protection of Young Seafarers Recommendation, 1976 (No. 153)

Skills (2. Employment)

- * Vocational Training (Seafarers) Recommendation, 1946 (No. 77)
- * Vocational Training (Seafarers) Recommendation, 1970 (No. 137)

Access to employment (2. Employment)

- * Placing of Seamen Convention, 1920 (No. 9)
- * Officers' Competency Certificates Convention, 1936 (No. 53)
- * Certification of Ships' Cooks Convention, 1946 (No. 69)
- * Certification of Able Seamen Convention, 1946 (No. 74)
- * Employment of Seafarers (Technical Developments) Recommendation, 1970 (No. 139)
- * Recruitment and Placement of Seafarers Convention, 1996 (No. 179)
- * Recruitment and Placement of Seafarers Recommendation, 1996 (No. 186)

General conditions of employment (3B. Social protection – Labour protection)

- * Seamen's Articles of Agreement Convention, 1926 (No. 22)
- * Repatriation of Seamen Convention, 1926 (No. 23)
- * Holidays with Pay (Sea) Convention, 1936 (No. 54)
- * Hours of Work and Manning (Sea) Convention, 1936 (No. 57)

- * Revised by the Maritime Labour Convention, 2006.

- * Hours of Work and Manning (Sea) Recommendation, 1936 (No. 49)
- * Paid Vacations (Seafarers) Convention, 1946 (No. 72)
- * Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)
- * Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
- * Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)
- * Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- * Repatriation of Seafarers Convention (Revised), 1987 (No. 166)
- * Repatriation of Seafarers Recommendation, 1987 (No. 174)
- * Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)
- * Seafarers' Wages, Hours of Work and the Manning of Ships Recommendation, 1996 (No. 187)
- [* Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)]

Safety, health and welfare (3B. Social protection – Labour protection)

- * Seamen's Welfare in Ports Recommendation, 1936 (No. 48)
- * Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- * Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946 (No. 78)
- * Medical Examination (Seafarers) Convention, 1946 (No. 73)
- * Seafarers (Medical Care for Dependants) Recommendation, 1946 (No. 76)
- * Accommodation of Crews Convention, 1946 (No. 75)
- * Accommodation of Crews Convention (Revised), 1949 (No. 92)
- * Ships' Medicine Chests Recommendation, 1958 (No. 105)
- * Medical Advice at Sea Recommendation, 1958 (No. 106)
- * Social Conditions and Safety (Seafarers) Recommendation, 1958 (No. 108)
- * Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
- * Crew Accommodation (Air Conditioning) Recommendation, 1970 (No. 140)
- * Crew Accommodation (Noise Control) Recommendation, 1970 (No. 141)
- * Prevention of Accidents (Seafarers) Recommendation, 1970 (No. 142)
- * Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)
- * Seafarers' Welfare Recommendation, 1970 (No. 138)
- * Seafarers' Welfare Convention, 1987 (No. 163)
- * Seafarers' Welfare Recommendation, 1987 (No. 173)
- * Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)

Security of employment (2. Employment)

- * Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- * Continuity of Employment (Seafarers) Recommendation, 1976 (No. 154)

- * Revised by the Maritime Labour Convention, 2006.

Social security (3A. Social protection – Social security)

- * Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- * Unemployment Insurance (Seamen) Recommendation, 1920 (No. 10)
- * Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
- * Sickness Insurance (Sea) Convention, 1936 (No. 56)
- * Social Security (Seafarers) Convention, 1946 (No. 70)
- Seafarers' Pensions Convention, 1946 (No. 71)
- * Seafarers' Social Security (Agreements) Recommendation, 1946 (No. 75)
- * Social Security (Seafarers) Convention (Revised), 1987 (No. 165)

Inspection (4. Social dialogue)

- * Labour Inspection (Seafarers) Convention, 1996 (No. 178)
- * Labour Inspection (Seafarers) Recommendation, 1996 (No. 185)

F. Dockworkers (2. Employment; 3B. Social protection – Labour protection)

- Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
- Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
- Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40)
- Dock Work Convention, 1973 (No. 137)
- Dock Work Recommendation, 1973 (No. 145)
- Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160)
- [Protection against Accidents (Dockers) Convention, 1929 (No. 28)]

G. Fishers

Consolidated instruments

- Work in Fishing Convention, 2007 (No. 188) (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)
- Work in Fishing Recommendation, 2007 (No. 199) (1. FPRW; 2. Employment; 3A. Social protection – Social security; 3B. Social protection – Labour protection; 4. Social dialogue)

Other instruments concerning fishers (1. FPRW; 2. Employment; 3B. Social protection – Labour protection)

- ** Minimum Age (Fishermen) Convention, 1959 (No. 112)
- ** Medical Examination (Fishermen) Convention, 1959 (No. 113)
- ** Fishermen's Articles of Agreement Convention, 1959 (No. 114)
- Fishermen's Competency Certificates Convention, 1966 (No. 125)
- ** Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)
- Vocational Training (Fishermen) Recommendation, 1966 (No. 126)

- * Revised by the Maritime Labour Convention, 2006.
- ** Revised by the Work in Fishing Convention, 2007 (No. 188).

H. Other specific categories of workers

Hours of Work (Inland Navigation) Recommendation, 1920 (No. 8) (3B. Social protection – Labour protection)

Plantations Convention, 1958 (No. 110) (1. FPRW; 2. Employment; 3B. Social protection – Labour protection; 4. Social dialogue)

Protocol of 1982 to the Plantations Convention, 1958 (No. 110) (1. FPRW; 3B. Social protection – Labour protection; 4. Social dialogue)

Plantations Recommendation, 1958 (No. 110) (1. FPRW; 2. Employment; 3. Social protection; 4. Social dialogue)

Tenants and Share-croppers Recommendation, 1968 (No. 132) (2. Employment; 3. Social protection; 4. Social dialogue)

Nursing Personnel Convention, 1977 (No. 149) (3B. Social protection – Labour protection)

Nursing Personnel Recommendation, 1977 (No. 157) (2. Employment; 3. Social protection; 4. Social dialogue)

Older Workers Recommendation, 1980 (No. 162) (1. FPRW; 2. Employment; 3. Social protection)

Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172) (1. FPRW; 3B. Social protection – Labour protection)

Working Conditions (Hotels and Restaurants) Recommendation, 1991 (No. 179) (1. FPRW; 3B. Social protection – Labour protection)

Home Work Convention, 1996 (No. 177) (1. FPRW; 2. Employment; 3B. Social protection – Labour protection)

Home Work Recommendation, 1996 (No. 184) (1. FPRW; 3. Social protection)