



THIRD ITEM ON THE AGENDA

Improvements in the standards-related activities of the ILO: A progress report**Introduction**

1. Following the adoption of the standards strategy by the Governing Body at its 294th Session (November 2005)¹ and of an interim plan of action for the implementation of the strategy at its 300th Session (November 2007),² the Committee began discussions in November 2009 on the elaboration of a final plan of action in light of the ILO Declaration on Social Justice for a Fair Globalization (Social Justice Declaration). The components of the interim plan of action that still need to be completed concern standards policy and the supervisory system. The components relating to technical cooperation and information and communication were defined in November 2007.
2. In November 2009 the Governing Body invited the Office³ to take immediate steps to continue consultations on standards policy and to launch consultations on the interpretation of international labour standards. Concerning these two questions, separate consultations with governments and social partners took place on 15 and 16 February 2010. Background papers were prepared for these discussions. An oral update on the consultations will be provided to the Committee. There was consensus to continue the discussions through tripartite informal consultations on 17 March 2010, on the basis of the same background papers.

¹ GB.294/LILS/4 and GB.294/9(Rev.). The standards strategy covers four main components: (1) developing, keeping up to date and promoting ILO standards (standards policy); (2) enhancing the impact and strengthening the supervisory system; (3) improving the impact of the standards system through technical assistance and cooperation; and (4) enhancing the access to the ILO standards system and its visibility (information and communication).

² GB.300/LILS/6 and GB.300/13.

³ GB.306/LILS/4 and GB.306/10/2.

3. The Governing Body also approved the holding and financing of a meeting of a tripartite group of experts during the 2010–11 biennium to examine the Termination of Employment Convention, 1982 (No. 158), and Recommendation (No. 166).⁴ The date for the meeting will be established when further progress has been made in the preparation of the background material requested.
4. For the present session of the Governing Body, the Office was asked to prepare a plan of action for the promotion of occupational safety and health (OSH) standards. The Governing Body also decided to further discuss the need to revise the article 22 report forms on the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105). Finally, in deciding to extend the cycle for the submissions of article 22 reports from two to three years for the fundamental and governance Conventions, the Governing Body invited the Office to request the Committee of Experts on the Application of Conventions and Recommendations to examine the criteria on the basis of which it will examine comments received from the social partners outside that cycle.
5. The present document deals with these three questions, which are related to the standards policy and the supervisory system components of the strategy, and gives an update on progress made on the implementation of the interim plan of action concerning the components of technical cooperation and communication and information. In addition, it includes some information about recent developments as regards ongoing work on measuring decent work and international labour standards.

Development of plans of action

A proposed plan of action to achieve widespread ratification and effective implementation of the Occupational Safety and Health Convention, 1981 (No. 155), its 2002 Protocol and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

6. The development of plans of action appears to be the most effective way for the promotion of instruments identified by the Governing Body, as it takes a strategic approach and emphasizes the importance of implementation in the promotion of Conventions. It also provides a framework that involves the Office as a whole (including the field structure), the International Training Centre of the ILO (Turin Centre) and tripartite constituents. At the same time it constitutes a tool for the mobilization of resources. In November 2009 the Governing Body approved a plan of action for the ratification and effective implementation of the four governance Conventions (i.e. 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)).⁵ A plan of

⁴ GB.304/9/2, para. 51(iii), and GB.306/9/1(Rev.), para. 124.

⁵ GB.306/LILS/6(&Corr.) and GB.306/10/2.

action for the Maritime Labour Convention, 2006, already exists. Following electronic tripartite consultations the Office was asked to submit to the Governing Body a third plan of action on Convention No. 155, its 2002 Protocol and Convention No. 187. The attached plan of action responds to this request (see Appendix I). Governments and social partners were invited by electronic means to comment on a draft. The next plans of action that should be submitted to the Governing Body concern the fundamental Conventions⁶ and the Work in Fishing Convention, 2007 (No. 188), and Recommendation (No. 199).⁷ The action plans adopted by the Governing Body as follow-up to the Global Reports will form the basis for the plan of action concerning the fundamental Conventions.

7. In June 2009 the Conference Committee on the Application of Standards discussed a General Survey on occupational safety and health⁸ and unanimously concluded in favour of the elaboration of a plan of action in this area.⁹ In line with the Strategic Policy Framework 2010–15, the proposed plan of action aims at improving OSH conditions globally by motivating decision-makers and policy planners in government agencies and social partner organizations, to commit to improvements in OSH through the development and implementation of national policies and action programmes in line with ILO standards.
8. This plan of action has a wide scope. It proposes targeted action to: (a) promote and support the development of a preventative safety and health culture; (b) promote and support the ratification and implementation of the relevant OSH Conventions; (c) reduce the implementation gap in respect of ratified Conventions; and (d) support efforts to increase the impact of OSH measures. Furthermore, as the ultimate aim of national OSH programmes and other action taken at the national level is to improve OSH at the workplace, promotion of the provisions directed at the enterprise level is also essential. Workshops, seminars, training courses, awareness-raising activities and meetings will be organized to reinforce national mechanisms and programmes to support enterprise-level action. The theoretical underpinnings of action in this area will be strengthened through research on the impact of legislation on OSH improvements, as well as the role of legislation in the reinforcement of national OSH systems, the relationship between a safe and healthy working environment and productivity and competitiveness, and the relevance of international labour standards in this context. Research will also target OSH applications or practices particularly cost-effective, affordable or suitable to the needs of small and medium-sized enterprises (SMEs).
9. The Committee may wish to discuss this plan of action and recommend any necessary adjustment.

⁶ See GB.306/10/2, para. 44.

⁷ See GB.300/LILS/6.

⁸ ILO: *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*, Report of the Committee of Experts on the Application of Conventions and Recommendations (articles 19, 22, and 35 of the Constitution), Report III (Part 1A), International Labour Conference, 98th Session, Geneva, 2009.

⁹ ILO: *Provisional Record No. 16 (Part One)*, International Labour Conference, 98th Session, Geneva, 2009, para. 209(a).

Streamlining of the sending and processing of information and reports

Extension of the article 22 reporting cycle for the fundamental and governance Conventions and treatment of comments received from employers' and workers' organizations in a non-reporting year

10. In November 2009, the Committee discussed an evaluation of the grouping of Conventions by subject for reporting purposes under article 22 of the Constitution. It also discussed options for a global approach to the streamlining of reporting in light of the Social Justice Declaration. On the recommendation of the Committee, the Governing Body decided that for reporting purposes: Conventions should be grouped by strategic objective; the article 22 reporting cycle should be extended from two to three years for fundamental and governance Conventions; and a five-year cycle should be maintained for technical Conventions. It also invited the Office to request the Committee of Experts to examine the criteria for the treatment of the comments received from the social partners outside of the reporting cycle.
11. At its 80th Session, the Committee of Experts discussed how best to implement the decisions taken by the Governing Body. The conclusions of this examination, as reflected in the General Report under the heading "Treatment of comments received from employers' and workers' organizations in a non-reporting year" are the following:

The Committee recalls that, at its 77th Session (November–December 2006), it gave guidance to the Office as to the procedure to be followed in determining the treatment of comments received from workers' and employers' organizations concerning the application of a ratified Convention in a non-reporting year. This year, the Committee examined this procedure in light of the decision of the Governing Body at its 306th Session (November 2009) to extend the cycle for the submission of reports from two to three years for the fundamental and governance Conventions. In this respect, the Committee is fully conscious of the need to apply in a fair and judicious manner the decisions taken by the Governing Body to extend the reporting cycle and to ensure that employers' and workers' organizations' comments may effectively draw its attention to areas of concern, even when no report on the Convention in question is due from the government that year.

The Committee confirms that, where the comments received from employers' and workers' organizations simply repeat comments made in previous years, or refer to matters already raised by the Committee, they will be examined in accordance with the normal cycle in the year when the government's report is due, and a report will not be requested from the government outside that cycle. This procedure may also be followed in the case of comments which provide additional information on law and practice concerning matters already raised by the Committee, or on minor legislative changes, although consideration may be given, depending on the specific circumstances, to requesting an advanced report in such cases.

However, where the comment raises more serious allegations of important acts of non-compliance with a particular Convention – as opposed to mere repetitions – the government will be requested to reply to these allegations outside the normal reporting cycle and the Committee will consider the comments in the year in which they are received, where the allegations go beyond mere declarations. Comments referring to important legislative changes, or to proposals which have a fundamental impact on the application of a Convention will be considered in the same manner, as will comments which refer to minor, new legislative proposals or draft laws, not yet examined by the Committee, where their early examination may assist the government at the drafting stage.

The Committee emphasizes that the procedure set out above aims at giving effect to decisions taken by the Governing Body which have both extended the reporting cycle and provided for safeguards in that context to ensure that effective supervision of the application

of ratified Conventions is maintained. One of these safeguards consists in giving due recognition to the possibility afforded to employers' and workers' organizations to draw the attention of the Committee to matters of particular concern arising from the application of ratified Conventions, even in a year when no report is due; in such cases, comments received directly by the Office are communicated to the governments concerned in a timely fashion so as to ensure respect for due process. The Committee will continue to give full and careful consideration to all the elements made available to it in order to ensure the effective, up to date and regular monitoring of the application of ratified Conventions in the context of the new extended reporting cycle for the fundamental and governance Conventions.¹⁰

12. The Committee may wish to take note of these conclusions.

Review of the report forms

13. Obtaining high-quality information on the application of standards is key to the functioning of the supervisory system. The review of the article 22 report forms is an important element of the interim plan of action for the implementation of the standards strategy in this respect. The review began with the examination of the fundamental Conventions. The conclusion of this first review, which was conducted in consultation with the Committee of Experts, was that the report forms for the fundamental Conventions were globally accessible and comprehensible. The only substantial changes proposed concerned the report forms on Conventions Nos 29 and 105 (forced labour). The changes were proposed on the basis of the article 19 report forms adopted by the Governing Body in 2005. At its 306th Session (November 2009), the Governing Body considered that it needed to discuss this question further. It invited the Office to seek advice from the tripartite constituents on the need to revise the report forms concerning Conventions Nos 29 and 105 and to report back to the Committee. Due to time constraints and in view of the number of parallel consultations on various questions, the Office proposes that the Committee re-examine this question on the basis of a revised proposal (see Appendix II).
14. The proposed modifications to the report form on Convention No. 29 are limited to the following:
- the text of Article 22 of the Convention has been removed from the introductory part of point II and inserted after Article 21;
 - after the first paragraph of point II, the following sentence has been added: “Information under Article 1(2) and (3) and Articles 3–24 is no longer requested”. This amendment has been proposed, since the information concerned is no longer considered to be useful for the examination of the application of the Convention by the Committee of Experts, taking into account the transitional function of the above provisions. The amendment should facilitate the drafting of reports under the Convention by governments of ratifying States. As a result, all questions under these Articles have been deleted.
15. Furthermore, a few adjustments have been made to align the Spanish version of the report form with the English and French versions.
16. The Committee may wish to examine the new proposal for a revised article 22 report form on Convention No. 29.

¹⁰ ILO: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part 1A), International Labour Conference, 99th Session, Geneva, 2010, paras 77–80.

17. The report form on Convention No. 105 remains unchanged.
18. The Office is currently reviewing, in consultation with the Committee of Experts, the report forms concerning OSH Conventions and will report to the Committee on the progress of this review in November 2010. This should assist with the implementation of the plan of action on OSH referred to in paragraphs 7–9 above.

Enhanced access to the standards system and broader visibility

Database unification project and the upcoming online reporting system

19. The first phase of the International Labour Standards Department (NORMES) database unification project and the subsequent development of an online reporting system was launched in August 2009 and completed at the end of December 2009. The primary objective of the online reporting system is to facilitate and streamline the reporting burden on governments. The first phase focused on the unification of four databases (APPLIS, ILOLEX, LIBSYND and NATLEX) and the design of a unified data model. This new data model will be both robust, since all the data will be coded and can be linked as needed, and flexible, since new codes or information can be added without having to change the model. The second phase should include the specifications for the unified application and the migration of data contained in three of the current databases (NATLEX being already on an Oracle platform), while the third phase will focus on the development of a comprehensive online reporting system. The project also represents an opportunity to improve and streamline certain business processes in the management of the standards-related activities of NORMES. The new technology should provide the necessary technical solutions to achieve such streamlining. After several test versions of the new application during 2010, the whole project should be completed during the first semester of 2011.

Recent publications

20. In terms of publications, NORMES has just released a *Digest of principles and comments of the ILO's supervisory bodies related to the informal economy*. This *Digest*, which is based on the wealth of the comments formulated by the supervisory bodies on the application of ILO instruments in the informal economy, should be seen as a first step to try to overcome the identified obstacles to the application of relevant international labour standards to workers in the informal economy. It is intended to serve as a tool to put forward proposals which may assist tripartite constituents in developing laws, policies and institutions at the national level to tackle the problems faced by workers in the informal economy. In addition, the annual Information Document on ratifications and standards-related activities, which is published every year in March, has been improved through an expansion of the country profiles in Part III of the document, which provides information by country on the ratification and application of Conventions.

A technical cooperation programme

21. It may be recalled that NORMES has elaborated a major technical cooperation programme proposal, the goals of which were the following: strengthen the capacity of ILO constituents in 25 countries to ratify and implement international labour standards effectively, in accordance with the Governing Body's decisions and the supervisory

bodies' comments; include and mainstream international labour standards in national and international programming processes, including the human rights-based approach and the Common Country Assessments–United Nations Development Assistance Frameworks (CCA–UNDAFs) programming mechanisms; facilitate the sharing of experience, lessons learned and good practices for the implementation of labour standards; and provide access to high-quality information resources and online reporting on international labour standards and their implementation.

22. The proposed programme would act as the framework for the various plans of action that are developed or implemented for the promotion of the ratification and implementation of targeted standards (see paragraphs 6–9 above). With a view to mobilizing resources, this proposed programme has been submitted to the Partnerships and Development Cooperation Department. In addition, in the context of the implementation planning for the Programme and Budget for 2010–11, it has been included in the global product related to the outcome on international labour standards, on the basis of which resource gaps have been assessed. It is hoped that this proposal will be able to attract donor funding.

Measuring decent work and international labour standards

23. The Committee may also wish to take note of ongoing work on measuring decent work and in particular on the development of numerical indicators for progress on fundamental principles and rights at work, starting with freedom of association and the right to collective bargaining. This work and the consultations with the Committee of Experts are the subject of a separate report to the Governing Body.¹¹

Conclusion

24. The next steps towards the finalization of the plan of action for implementation of the standards strategy would be the following:
- follow-up, as appropriate, to the consultations on standards policy and the interpretation of international labour Conventions;
 - follow-up, as appropriate, as regards the preparation of the meeting of the tripartite working group of experts to examine Convention No. 158 and Recommendation No. 166;
 - development of plans of action for the fundamental Conventions, if considered necessary, and the work in fishing standards;
 - implementation of the modifications to the article 22 reporting cycle adopted by the Governing Body at its 306th Session (November 2009);
 - review of article 22 report forms concerning OSH Conventions;
 - mobilization of resources for the implementation of the proposed technical cooperation programme;
 - completion of the NORMES database unification project and the subsequent development of an online reporting system.

¹¹ GB.307/16/3.

25. The Committee may wish to recommend that the Governing Body:

- (a) approve the plan of action on OSH standards contained in Appendix I, including any adjustments that it deems necessary;**
- (b) approve the revised article 22 report form concerning Convention No. 29, contained in Appendix II; and**
- (c) invite the Office to:**
 - (i) report back to the Committee regarding further consultations on standards policy and the interpretation of international labour Conventions;**
 - (ii) report back to the Committee regarding the preparation of the meeting of the tripartite group of experts to examine Convention No. 158 and Recommendation No. 166;**
 - (iii) develop further plans of action for the ratification and effective implementation of fundamental Conventions and the work in fishing standards;**
 - (iv) report to the Committee on the ongoing review of the article 22 report forms concerning OSH Conventions;**
 - (v) report to the Committee on the implementation of the modifications to the article 22 reporting cycle adopted at the 306th Session (November 2009) of the Governing Body; and**
 - (vi) report to the Committee on progress made regarding the mobilization of resources for the implementation of the proposed technical cooperation programme, and on the unification of the current databases and the development of an online reporting system.**

Geneva, 23 February 2010.

Point for decision: Paragraph 25.

Appendix I

Proposed plan of action to achieve widespread ratification and effective implementation of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and Convention No. 187)

I. *Background and justification*

1. The right to decent, safe and healthy working conditions and environment has been a central issue for the ILO since its creation, as reaffirmed in the 1944 Declaration of Philadelphia and the ILO Declaration on Social Justice for a Fair Globalization.¹ About half of all ILO Conventions and Recommendations are either wholly or partly concerned with issues related to OSH. The past 90 years have also witnessed the development of a significant body of laws and regulations at the national level, covering many areas relevant to OSH. Progress has been achieved in numerous countries and working conditions have improved significantly in many parts of the world.
2. Many problems persist, however, and there is general agreement that further sustained and coordinated action is needed at the international and national levels to reinforce mechanisms for continued improvement of national OSH systems. ILO estimates in 2008 (for 2003) indicate that about 358,000 fatal and 337 million non-fatal occupational accidents occurred in the world and that 1.95 million persons died from work-related diseases. The annual economic cost of major occupational accidents alone is estimated at US\$5 billion.² In the context of the current crisis, increased and more efficient focus on prevention to ensure sustainably safe workplaces appears to be of particular importance.
3. Since the conclusion in 2002 of the review of international labour standards, based on the work of the Cartier Working Party, and the articulation of the Decent Work Agenda in 2001, the ILO and its constituents have devoted a great deal of attention to improving the global OSH situation as well as to enhancing the relevance and impact of existing OSH-related tools and actions. The general discussion on standards-related activities in the area of OSH at the 91st Session (2003) of the International Labour Conference resulted in a strong consensus that increased awareness of and attention to OSH concerns was needed globally. The adoption of the Global Strategy on OSH resulting from this discussion³ and the development and adoption of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), responded to these needs.
4. In 2008, based on contributions from over 100 countries, the Committee of Experts on the Application of Conventions and Recommendations concluded an article 19 General Survey on the application of the Occupational Safety and Health Convention, 1981 (No. 155), its

¹ Adopted by the International Labour Conference at its 97th Session (2008).

² ILO: *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*, Report of the Committee on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Report III (Part 1B), Geneva, 2009, paras 3 and 272–275.

³ ILO: *ILO standards-related activities in the area of occupational safety and health*, Report IV, and *Provisional Record No. 22*, International Labour Conference, 91st Session, Geneva, 2003.

2002 Protocol and the Occupational Safety and Health Recommendation, 1981 (No. 164).⁴ This General Survey, which was discussed at the 98th Session (June 2009) of the Conference, constitutes a comprehensive up to date analysis of the global situation regarding OSH and provides useful guidance on the application in practice of these instruments. Based on the conclusions of this discussion,⁵ which also took account of recent developments, including the adoption of Convention No. 187, the Office proposed to develop a plan of action for the effective implementation and promotion of ratification of what are now considered the key instruments in this area – Convention No. 155, its 2002 Protocol and Convention No. 187. Following a discussion of this proposal as part of the ILO's plan of action for the implementation of the standards strategy,⁶ the Governing Body decided at its 306th Session (November 2009) to invite the Office to submit such a plan of action. The present plan of action responds to this invitation. It will initially be implemented within the limits of existing budgetary frameworks, but implementation of substantial parts of this plan of action will depend on additional extra-budgetary funding.

5. The strategy and activities proposed are particularly timely as there are several indications that efforts over recent years have created an important window of opportunity for high impact. As further detailed in the General Survey on OSH, in many countries, in all regions of the world, efforts are made to improve the OSH situation at the policy, legislative and operational levels. Since the adoption of the global strategy in 2003 on OSH, Convention No. 155, its 2002 Protocol and Convention No. 187 have together attracted 35 new ratifications.⁷ According to information submitted in the context of reporting pursuant to article 19, ten new ratifications are in the process of being finalized.⁸ Furthermore, 33 countries have reported their intention to ratify, or are considering ratification of, Convention No. 155, its 2002 Protocol and Convention No. 187.⁹ It is thus timely to assist constituents in pursuing their efforts to bring their OSH systems in line with international standards.

⁴ GB.300/LILS/6 and GB.300/13.

⁵ ILO: *Report of the Committee of Experts on the Application of Standards, Provisional Record No. 16 (Part One (Rev.))*, International Labour Conference, 98th Session, Geneva, 2009, paras 206–209.

⁶ GB.306/LILS/4(Rev.) and GB.306/10/2(Rev.), paras 1–44.

⁷ **Convention No. 155:** 16 ratifications by *Albania, Algeria, Australia, Bahrain, Central African Republic, China, Fiji, Republic of Korea, Montenegro, New Zealand, Niger, Sao Tome and Principe, Seychelles, Syrian Arab Republic, Tajikistan and Turkey*; and **2002 Protocol to Convention No. 155:** six ratifications by *Albania, El Salvador, Finland, Luxembourg, Sweden and the Syrian Arab Republic*; and **Convention No. 187:** 13 ratifications by *Czech Republic, Cuba, Cyprus, Denmark, Finland, Japan, Republic of Korea, Republic of Moldova, Niger, Serbia, Spain, Sweden and the United Kingdom*.

⁸ **Convention No. 155:** *Belgium and Trinidad and Tobago*; **2002 Protocol:** *Portugal*; and **Convention No. 187:** *Austria, Belgium, Burkina Faso, Mongolia, Philippines, Portugal and Singapore*.

⁹ **Convention No. 155:** *Azerbaijan, Congo, Lebanon, Madagascar, Mali, Mauritius, Mozambique, Philippines, Syrian Arab Republic, Yemen and Zambia*; **2002 Protocol:** *Australia, Congo, Latvia, Lebanon, Malaysia, Mali, Mauritius, Mozambique, Namibia, Poland, Qatar, Romania and Thailand*; and **Convention No. 187:** *Brazil, Cameroon, Lithuania, Malawi, Peru, Seychelles, Syrian Arab Republic, Yemen and Zambia*.

II. *Strategic goals*

6. The Strategic Policy Framework 2010–15 provides the context for the present plan of action, which aims at improving the OSH situation globally by motivating decision-makers and policy planners among the constituents, in government agencies and social partner organizations, to commit to improving the national OSH system through the development and implementation of national policies and action programmes in line with ILO standards. There is a general need for awareness raising to increase the understanding of the purpose and usefulness of the systems approach and the need for continuous attention to OSH, as well as of the three targeted OSH instruments. This plan of action aims at contributing thereto. It also includes a series of actions targeted at the specific needs of countries prior to as well as after ratification of Convention No. 155, its 2002 Protocol and Convention No. 187. The three instruments are complementary, but have certain distinctive features and focus which will be taken into account in the development of national strategies to improve OSH conditions.

1. Implementing partners

7. With NORMES and the Programme on Safety and Health at Work and the Environment (SafeWork) as lead units, and in close cooperation with the Bureaux for Employers' and Workers' Activities, this plan of action aims at enhancing coherent Office-wide collaboration for its implementation. It is expected that this collaboration will involve headquarters, field offices, including OSH and standards specialists as well as other relevant specialists in the field, the Sectoral Activities Department, Industrial and Employment Relations Department, Labour Administration and Inspection Programme, and the Turin Centre.
8. The plan of action will seek synergies with other ILO activities that have an impact on the promotion of the target instruments, including the plan of action of the four governance instruments. Efforts will be made to ensure that OSH and the three instruments – Convention No. 155, its 2002 Protocol and Convention No. 187 – are taken into account in the follow-up to the Global Jobs Pact, the recurrent discussion on employment and the conclusions on promoting rural employment for poverty reduction. The plan of action also aims at inclusion, as appropriate, of Convention No. 155, its 2002 Protocol and Convention No. 187 in Decent Work Country Programmes, in consultation with the field offices concerned.
9. NORMES and SafeWork will work with all other relevant departments, in particular those dealing with social dialogue and labour inspection as well as with the Bureaux for Workers' and for Employers' Activities, to provide advice when requested. Collaboration would include, for instance, the provision of technical advice on the design and implementation of technical cooperation programmes concerning OSH; regular and mutual exchange of information on technical assistance needs and projects; and information sharing on the progress made and best practices in the application of Conventions.
10. With regard to capacity building, the existing partnership with the Turin Centre will be reinforced with a view to rationalizing and making the best possible use of human and financial resources, as most training activities will be planned and carried out at the Turin Centre or with its assistance and in the field. The plan of action will include, as an integral part, a major effort to train national officials, and workers' and employers' organizations on the provisions of Convention No. 155, its 2002 Protocol and Convention No. 187 so as to build national capacities for implementation and appropriate monitoring of the effectiveness of OSH measures.
11. The efforts to raise the visibility of Convention No. 155, its 2002 Protocol and Convention No. 187 will be made in cooperation with other relevant international and regional bodies as appropriate, including the European Agency for Safety and Health at Work (EU-OSHA), Food and Agriculture Organization of the United Nations (FAO),

International Atomic Energy Agency (IAEA), International Commission on Occupational Health (ICOH), International Maritime Organization (IMO), International Social Security Association (ISSA), the World Health Organization (WHO), United Nations Institution for Training and Research (UNITAR) and United Nations Environment Programme (UNEP) The plan of action will also seek to reinforce or promote synergies with public–private partnerships, where appropriate.

2. Strategy

12. Building on the momentum that has been created in recent years, and in line with the strategic objectives of the ILO as they relate to OSH and international labour standards, the plan of action has the following main objectives: creating a global environment increasingly aware of the importance of OSH standards; the need to place concern for OSH high on national agendas; and to improve the OSH situation at the workplace level.

2.1. *Promote and support the development of a preventative safety and health culture*

Increase awareness of all the elements necessary for establishing and sustaining a preventative safety and health culture

13. The fostering and promotion of a preventative safety and health culture is a fundamental basis for improving OSH performance in the long term. A preventative safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties. Since the promotion of such a preventative culture is very much a leadership issue, the ILO has to play an advocacy role. Building and maintaining a preventative safety and health culture requires making use of all available means to increase general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled, and introducing a systems approach to OSH management at national and enterprise levels and creating a high level of political commitment on the importance of OSH at the international and national levels.

14. The related advocacy and awareness-raising activities will include the organization of the annual global knowledge and awareness campaign: “World Day on Safety and Health at Work” (28 April) which is an effective means for the promotion of a preventative safety and health culture at the international, national and enterprise levels. The activities will also include strategic use of international meetings to promote a preventative safety and health culture in order to give higher priority to OSH at international and national levels and to engage all social partners to initiate and sustain mechanisms for a continuous improvement of national OSH systems. Attention will be given to incorporating follow-up to the promotion of the Seoul Declaration on Safety and Health at Work¹⁰ adopted on the occasion of the XVIII triennial World Congress on Safety and Health at Work organized jointly by the ILO, ISSA and the Korea Occupational Safety and Health Agency. Efforts will be made to raise the visibility of the ILO’s OSH instruments through participation in other international congresses and events, elaboration of promotional materials and regular updating of relevant web sites.

15. In several aspects the present plan of action will depend on development of the knowledge base and capacity building in relation to OSH. The objective is to develop practical and easy-to-use training materials and materials for the dissemination of information to support

¹⁰ The Seoul Declaration on Safety and Health at Work was adopted on 29 June 2008 by the Safety and Health Summit on the occasion of the XVIII World Congress on Safety and Health at Work in Seoul. See www.seouldeclaration.org/.

OSH specialists in the field and improve capacities in those offices without an OSH specialist, in collaboration with the Turin Centre. The information material will include brochures on the content and approach of Convention No. 155, its 2002 Protocol and Convention No. 187, their complementarity and distinctive features.

16. Training tools will be developed which will focus on key principles of good practices regarding OSH and will complement the provisions of ILO standards in this field in order to contribute to their ratification through capacity building in ILO member States. In the field of OSH, adequate capacities to develop, process, disseminate and access knowledge that meets the needs of governments, employers and workers are a prerequisite for identifying key priorities, developing coherent and relevant strategies, and implementing national OSH programmes. Such knowledge includes: technical guidelines; methodologies for recording and notification of occupational accident and disease statistics; sharing of good practices and educational and training tools on OSH; and hazard and risk-assessment methods taking into account that OSH is an area which is in constant technical evolution. As part of these efforts support for the translation of the key instruments into local languages will also be promoted.
17. Targeted training programmes will be organized in cooperation with the Turin Centre. In supporting national implementation of OSH Conventions, the tools and methodologies developed will be used in relevant national training courses. Based on the experience of these courses, training methodologies and materials will be regularly reviewed. Training for ILO staff, with a view to improving the integration of OSH aspects in Decent Work Country Programmes, will also be organized on a stand-alone basis or as a part of courses with wider objectives. Integration of OSH elements, particularly OSH Conventions and Recommendations in the courses organized by the Turin Centre will be pursued, particularly those involving employers and workers. Efforts will be made to develop partnerships for the design of training tools with other relevant United Nations (UN) agencies within the framework of the UN reform process.

2.2. *Promote and support the ratification and implementation of key OSH instruments*

Promote and support the ratification and effective implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 taking into account the context of each country and the particular needs of its constituents

18. Widespread ratification and implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 is of particular strategic importance. It will trigger an important process which has the potential not only for an overall improvement in the area of OSH but also to boost the ratification of other instruments.¹¹ Countries selected for priority action should primarily include those that have demonstrated a political will to take action in this area and awareness raising should be addressed to the highest possible levels of government through high-level tripartite workshops or meetings to elicit national commitment to implement OSH policies or strategies. Efforts will also be made to use or establish national mechanisms to sustain high-level tripartite dialogue. Account must be taken of the fact that, in practice, overall country situations, the nature of problems and the national capacities to cope with OSH-related problems differ widely from country to country and a flexible approach is therefore required.
19. The basic rationale is to promote a systems approach to OSH at the national level which will help governments and social partners work together to develop a national programme and strategy to continuously improve OSH infrastructure and conditions. Support will be

¹¹ Convention No. 187 specifically provides that ratifying parties shall carry out a periodical review of what measures could be taken to ratify relevant OSH Conventions. The instruments relevant for Convention No. 187 are listed in the annex to Recommendation No. 197.

provided in the form of guidance material to develop, on a step-by-step basis, a national OSH profile, policy and programmes, and action plans to address targeted improvements in national OSH infrastructures and systems. The development of national OSH profiles – including a legislative gaps analysis – is important as the information collected will enhance the possibilities to provide targeted assistance to countries so that they can effectively implement the corresponding legislations once the Conventions have been ratified.

20. Policy guidance will be developed, through technical cooperation projects' workshops and OSH training networks, in such areas as OSH inspection, recording and notification of occupational accidents and diseases, and establishing or strengthening tripartite mechanisms for dialogue on OSH. The development of guidance material and model documents for the formulation of national policies will also be considered. Such material will include guidance aiming at ensuring consultation and cooperation of workers and their representatives on OSH-related issues as well as at enhancing capacities of employers' and workers' organizations to provide support services to their members in OSH.
21. Available information on demonstrated political will to take action in this area will be used to select countries and to prioritize targeted action through technical assistance. This includes information concerning countries which have: (a) prepared or are in the process of preparing national OSH profiles; (b) developed or are in the process of developing a national OSH policy; (c) launched or are in the process of launching national OSH programmes; (d) requested ILO support in developing legislation relevant to OSH; and (e) declared ratification intents in the context of reporting under article 19 or in another form. Particular attention will be given to declared obstacles to ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 in order to seek to remove these obstacles. Assistance will also be given to countries that have only ratified outdated OSH Conventions or where no OSH Conventions have been ratified. As part of general awareness-raising efforts, good examples of national OSH policies and programmes will be made available on the SafeWork web site to support countries considering ratification of Conventions Nos 155 and 187.
22. Office assistance will include support for the preparation of legislative gap analyses, research and development of tools to support action on OSH and to enhance the visibility of the benefits of improving OSH. Such tools could be used to convince policy-makers to consider OSH as an essential ingredient in development. They will include a methodology to determine more accurately the number of occupational accidents and diseases in a country, tools to enable countries to make their own estimate of the costs of occupational accidents and diseases to the national economy, templates for country profiles to support policy decisions regarding OSH and training courses for policy-makers on prioritizing OSH.
23. The ultimate aim of national OSH programmes and other action taken at the national level is to improve OSH at the workplace. Promotion of the provisions directed at the enterprise level in Convention No. 155 is thus essential. Depending on expressed needs and prior consultation, workshops, seminars, training courses, awareness-raising activities and meetings will be organized to reinforce national mechanisms and programmes to support enterprise level action. These activities will be organized with government institutions and organizations of employers and workers taking into account, in particular, relevant provisions in Convention No. 155 and its 2002 Protocol, specifying duties and responsibilities in relation to OSH at the enterprise level. Actions will be taken to:
 - implement the management systems approach in the enterprise, based on the *ILO Guidelines on occupational safety and health management systems (ILO-OSH 2001)*;
 - establish and support effective safety and health committees;
 - promote OSH-related information products designed for the enterprise such as codes of practice, databases of the Occupational Safety and Health Information Centre

(CIS), the International Programme on Chemical Safety's (IPCS) chemical safety cards, and the Globally Harmonized System of Classification and Labelling of Chemical (GHS);

- establish and implement systems for the recording and notification of occupational accidents and diseases; and
- develop manuals and methodologies to assist enterprises in the technical and practical aspects of applying OSH requirements.

24. Fatal and non-fatal occupational accidents and diseases have economic costs due to compensation, lost working time, interruption of production, training, medical expenses and the like. These increased costs are in the final analysis a burden to social security systems of countries. There is thus a close link between OSH and social security, in the sense that a preventative OSH culture may have a positive impact on social security systems.

25. As a follow-up to research initiated at the ILO on the economic impact of international labour standards, research will be pursued on the impact of legislation on OSH improvements, the role of legislation in the reinforcement of national OSH systems, as well as the relationship between a safe and healthy working environment and productivity and competitiveness, and the relevance of international labour standards in this context. Research should also target OSH applications or practices which are particularly cost-effective, affordable or suitable to the needs of SMEs.

2.3. *Reducing the implementation gap in respect of ratified Conventions*

Promote and support efforts to reduce the implementation gap in respect of Convention No. 155, its 2002 Protocol and Convention No. 187

26. The effort to improve the impact of standards-related activities is a process with different characteristics depending on the stage at which action is taken. The comments of the Committee of Experts are evidence that in a number of cases there are significant implementation gaps in respect of ratified Conventions. Part of the objective of this plan of action is to assist parties to the three key instruments in improving their capacity to implement their undertakings effectively. In these cases, the Office will provide advice and support, for instance in the development of implementation plans, drafting legislation and facilitating tripartite dialogue for developing plans of action. Support that can be offered at this stage will be critical for effective implementation. This strategy will also include efforts, involving the field offices, to assist countries to prepare their first report under article 22 of the Constitution.

27. Particular attention should be given to a follow-up of issues identified by the Committee of Experts on the Application of Conventions and Recommendations on the basis of these first reports. This will increase the possibilities for an early resolution of obstacles to implementation. Such issues will be systematically monitored in order to target and prioritize assistance in this respect. Relevant issues and target countries will be identified in close consultation with the countries concerned and a plan for assistance developed accordingly. It will be proposed and implemented, on a tripartite basis, in interested countries.

28. Countries where implementation problems appear to persist are another target. Based on information submitted in the context of article 22 reports, targeted assistance may be instrumental to overcome obstacles to implementation and may speed up the process towards effective implementation. Awareness-raising action including information on the content and application of the instrument(s) at issue and on the practices in other countries may also contribute to resolving certain obstacles to an effective implementation. A systematic inventory of existing problems of implementation will be carried out in order to

identify countries for priority action. Technical assistance will be implemented on a tripartite basis.

2.4. Other action to support the impact of OSH measures

Promote and support efforts to increase the impact of Convention No. 155, its 2002 Protocol and Convention No. 187 as a means to reinforce national OSH systems and improving OSH conditions

29. Given the constantly evolving nature of the world of work, OSH is by necessity an area where adequate preventive and protective measures have to be developed on a continuous basis to address new and emerging occupational hazards and situations inherent in technological and scientific advances as well as socio-economic changes. As noted in the context of the development of Convention No. 155, achieving in absolute terms a safe and healthy environment may, in many ways, be an unattainable objective. Consequently, effective implementation of OSH standards must rely on continuous efforts to improve the working conditions and the application of the systems approach to the management of OSH based on the Plan–Do–Check–Act model reflected in the three instruments targeted in the plan of action.
30. As emphasized in the General Survey on OSH and in the conclusions resulting from the discussion of this Survey, the application of the systems approach relies, inter alia, on a periodic assessment of outcomes to emulate improvements or to take new or better focused actions and to resolve identified obstacles and further improve the situation. There is, however, a lack of reliable statistical data regarding the general level of effectiveness of national OSH systems and particularly the number and nature of occupational accidents and diseases. In addition, the structures and methodology of national systems for recording and notification of occupational accidents and diseases vary greatly. International comparisons and analyses are therefore difficult to carry out, which hampers the possibility to learn from experience. It is thus essential to improve the collection, evaluation and dissemination of statistical data relevant to OSH. In cooperation with the Department of Statistics, and as appropriate with other units within the ILO, targeted promotional efforts will be made, and technical assistance provided. The objective is also to compile systematically, and render publicly available, existing global data in cooperation with units such as the CIS and the Department of Statistics. In this connection, increased awareness and use of the recently adopted¹² list of occupational diseases will be promoted.
31. A closely related objective is to develop a methodology for evaluating OSH in practice, particularly in the form of specific OSH indicators. Convention No. 187 provides that national OSH programmes shall include objectives, targets and indicators of progress. Building on national developments and mindful of the methodological issues raised in the context of the ongoing efforts related to measuring decent work,¹³ member States will be assisted in the development and use of indicators in this area and research will be carried out into the relevant methodological issues. Information used will be systematically made available, as appropriate, including through the Internet.
32. Effective implementation also depends on adequate and appropriate *inspection systems*, which should not only ensure enforcement of national laws and regulations through monitoring and sanctioning but also assist enterprises in understanding OSH regulations and in preventive efforts. The crucial role of national inspection systems was underscored

¹² Adopted at the Meeting of Experts on the Revision of the List of Occupational Diseases (Recommendation No. 194) (Geneva, 27–30 October 2009); see GB.307/STM/2/4.

¹³ See, inter alia, GB.306/17/5.

in the General Survey on labour inspection in 2006.¹⁴ Efforts will thus be made to link action with the promotion of ratification and implementation of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

33. An effort will also be made to examine ways to address the challenges faced by SMEs and in the informal economy with regards to implementation of OSH measures. Available information on national practice in this area will be systematically collected and analysed in order to determine an appropriate strategy. Further application of practical action-oriented approaches will be promoted through the Work Improvement in Small Enterprises (WISE)¹⁵ and Work Improvement in Neighbourhood Development (WIND)¹⁶ programmes.

III. Implementation framework

1. Strategic and budgetary frameworks

34. The plan of action will contribute to the realization of outcomes 6 and 18 of the Strategic Policy Framework 2010–15.¹⁷ It will also contribute to the realization of the Programme and Budget for 2010–11, which, in relation to international labour standards and social protection, provides for a “firm commitment to ensure that transparent and tangible progress is made in the area of OSH and in the ratification and application of up to date standards”. The targets set in indicator 18.1 (progress in the application of international labour standards) and indicator 18.3 (ILO action should lead to the ratification of up to date Conventions) are to be reached through the use of regular budget and extra-budgetary resources and through concerted work throughout the ILO at both headquarters and in the field.
35. As part of the plan of action to enhance the effectiveness of ILO standards, NORMES has sought extra-budgetary resources by submitting a technical cooperation proposal aimed at strengthening the ratification and implementation of international labour standards guided by the ILO supervisory bodies. In addition to the targeted actions proposed for the governance instruments, the proposal includes as a priority the implementation of Convention No. 155, its 2002 Protocol and Convention No. 187. Together with regular budget allocations allocated to SafeWork and NORMES, it will serve as the vehicle to implement the present plan of action. It will be linked, to the extent possible, to the plan of action for the governance instruments. Technical cooperation project proposals for the implementation of the plan of action will be prepared and donor support will be sought in order to implement substantial parts of the plan of action.

¹⁴ ILO: *General Survey of the reports concerning the Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 to the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)*, Report III(1B), International Labour Conference, 95th Session, Geneva, 2006.

¹⁵ Designed to promote practical, voluntary action to improve working conditions by owners and managers of SMEs.

¹⁶ Designed to promote practical improvements in agricultural households by the initiatives of village families.

¹⁷ Respectively “As a result of ILO policy guidance, at least 30 member States have adopted national OSH profiles, programmes or policies and/or started to implement measures based on the programmes to improve safety and health at work” and “specific standards-related improvements are made in at least 100 member States”.

36. Given the central role of the Decent Work Country Programmes in the delivery of technical cooperation projects, it is important to ensure that those in the countries targeted for action include an OSH component and that due account is taken of relevant ratification prospects, as well as of comments made by the supervisory bodies on the application of the target Conventions.

2. Activities and time frame

2.1. *Initial phase (0–18 months)*

37. The initial phase of the action plan will be devoted to building a body of information on the OSH situation in each of the selected countries to serve as a baseline for selecting target countries and future monitoring of progress of actions taken. It will also focus on establishing the necessary communication, consultation and collaboration channels with the tripartite constituents, and technical assistance agreements defining priorities for action with the selected countries as well as formulation and submission of technical cooperation proposals to support the implementation. A number of informative and promotional documents will be developed to be used in workshops and seminars to introduce the plan of action, its purpose and the OSH standards. A database assembling all the relevant key information, particularly the data relevant to the OSH indicators mentioned above, will be developed for each country. More specifically the activities will include:

- systematic compilation of relevant country-specific OSH information to support the process of selecting countries targeted for action;
- developing promotional packages and other general awareness-raising tools concerning Convention No. 155, its 2002 Protocol and Convention No. 187, including presentation materials for use by ILO field specialists and field offices and support for translation of materials into local languages;
- developing a training programme on the management systems approach to OSH;
- assisting countries to undertake legislative gaps analyses to enable them to give effect to and implement relevant OSH Conventions;
- developing programmes for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187; for the provision of assistance at the different stages of the implementation process of these instruments including support for the preparation and updating of the different components of national OSH systems;
- promotion of the integration of OSH in Decent Work Country Programmes as they are developed or reviewed and in other UN programming processes;
- participation in conferences, symposia and other meetings including the World Day for Safety and Health at Work;
- ensuring Office-wide collaboration, involving headquarters, the field and the Turin Centre, on the basis of the targets and indicators set;
- carrying out research on the effects of safe and healthy working conditions on productivity and competitiveness in developing as well as in industrialized countries and the relevance of international labour standards in this context;
- formulating technical cooperation projects and negotiating with donors.

2.2. *Main phase (19–72 months)*

- Implementing programmes in selected countries for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 and for the provision of assistance to the implementation process of these instruments including

support for the preparation and updating of the different components of national OSH systems envisaged.

- Technical assistance for the reinforcement of selected national OSH system components such as legislation, inspection and training, particularly through field specialists on OSH and standards.
- Implementation of the technical cooperation programme for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 and other OSH Conventions in selected countries.
- Promotion of the integration of OSH in Decent Work Country Programmes and other UN programming processes.
- National and subregional seminars and workshops to promote national OSH systems and programmes and the roles of OSH Conventions.
- Supporting the preparation and updating of national OSH profiles.
- Awareness-raising activities at the regional and international levels.
- Compilation and dissemination of information on good practices with a view to encouraging a systems approach to OSH at the national level.
- Continuous updating of the information database.

3. Indicators

38. While the primary objectives of the plan of action are awareness raising and support for ratification and effective implementation of Convention No. 155, its 2002 Protocol and Convention No. 187, ratification and effective implementation of other up to date OSH Conventions¹⁸ may also be seen as a sign of progress in countries that are parties to Convention No. 155 and, in particular, to Convention No. 187. Progress will be monitored on the basis of all or some of the following indicators:

- number of ratifications of Convention No. 155, its 2002 Protocol and Convention No. 187;
- number of ratifications of other up to date OSH Conventions;
- number of countries which have developed and adopted a national OSH profile;
- number of countries which have developed and adopted a national OSH policy and programme;
- number of countries tabling or adopting national legislation necessary for ratification or implementation;
- number of communications by member States of decisions to take steps for the effective application of Convention No. 155, its 2002 Protocol and Convention No. 187 and of other OSH instruments;
- number of requests for assistance for the purpose of ratification or implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 and of other OSH instruments;
- number of countries which have set up, or substantially improved, national systems for recording and notification of occupational accidents and diseases;
- number of countries that have developed a methodology for and use specific OSH indicators;

¹⁸ See annex to Convention No. 187.

- number of requests for assistance for purposes of ratification or implementation of the OSH instruments, notably requests from national authorities for legal opinions or advice necessary for ratification;
- number of countries which applied the *ILO Guidelines on occupational safety and health management systems (ILO–OSH 2001)*.
- number of cases of improved implementation as reflected by positive comments (expression of interest or satisfaction) by the Committee of Experts on the application of Convention No. 155, its 2002 Protocol and Convention No. 187 and other OSH Conventions;
- number of persons effectively trained by the ILO in OSH-related capacity-building activities at national, regional and interregional levels;
- number of requests for training materials, thematic and research papers to be produced;
- number of Decent Work Country Programmes which include commitments to improve the OSH system.

IV. Monitoring and evaluation

39. Progress of the plan of action will be monitored on a yearly basis and evaluated using the above indicators. Monitoring and evaluation will take place in accordance with standard ILO procedures.

V. ILO institutional input

40. The plan of action will be the joint responsibility of NORMES and SafeWork. It will be implemented in close collaboration with the Bureaux for Employers' and for Workers' Activities and in collaboration with the relevant units at headquarters. Collaboration will also be sought with ILO field offices, in particular OSH and standards specialists, as well as relevant units of the Turin Centre. Short-term consultants and external collaborators will be engaged to provide advice and assistance as required.

Appendix II

Appl. 22.29
29. Forced Labour, 1930

INTERNATIONAL LABOUR OFFICE GENEVA

**REPORT FORM
FOR THE
FORCED LABOUR CONVENTION, 1930 (NO. 29)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

First report

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

Subsequent reports

In subsequent reports, information need normally be given only on the following points:

- (a) any new legislative or other measures affecting the application of the Convention;
- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been addressed to your Government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Article 22 of the Constitution of the ILO

Report for the period from _____ to _____
made by the Government of _____

on the

FORCED LABOUR CONVENTION, 1930 (No. 29)

(ratification registered on _____)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit, or as a result of, ratification.

- II. ~~Article 22 of the Convention is as follows:~~**

~~The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.~~

~~Please indicate in detail, in application of this Article, for each of the following Articles of the Convention the provisions of the legislation and administrative regulations, and the measures taken by the competent authorities, which ensure the application of the various provisions of the Convention. In addition, please provide any indication specifically requested below under individual Articles. The information under Articles 1(2) and (3) and 3–24 is no longer requested.~~

If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts on the Application of Conventions and Recommendations or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a further transitional period and the desirability of placing this question on the agenda of the Conference.

~~Please state whether recourse to forced or compulsory labour in any form is still authorized in one or more of the territories to which the ratification of this Convention applies and, if so, the forms of forced or compulsory labour, the territories where it is authorized and the law or regulation authorizing such exaction.~~

~~If the transitional period provided for by paragraph 2 of this Article is still running, please state what measures are contemplated in the territories concerned to ensure the effective application of the first paragraph of this Article, and the date on which these measures may be expected to come into force.~~

Article 2

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term “forced or compulsory labour” shall not include:

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Please give information on measures taken by the competent authority to establish and enforce a distinction between the forms of compulsory service which are, in accordance with this Article, excepted from the definition given to the term “forced or compulsory labour” and other forms of compulsory service. Please state in particular what guarantees are provided to ensure that services exacted for military purposes are used for purely military ends; to ensure that work exacted in case of emergency shall cease as soon as the circumstances that endanger the population or its normal living conditions

no longer exist; and to prevent any confusion between “minor communal services” and public works which are normally the responsibility of the Government.

Please state whether certain forms of compulsory work or service mentioned in this Article to which the citizens of the metropolitan territory are not liable have in fact been exacted during the period under review from the inhabitants of the non-metropolitan territories. If so, please furnish any information on the nature and importance of the work or services performed.

Article 3

For the purposes of this Convention the term “competent authority” shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member’s ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

~~*If forced or compulsory labour for the benefit of private individuals, companies or associations existed at the date of ratification of this Convention, please indicate the measures taken for its suppression.*~~

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

~~*If concessions granted to private individuals, companies or associations exist which contain provisions involving forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilize or in which they trade, please indicate the character and extent of the labour involved and state what measures have been taken to rescind such provisions and the date on which the rescission takes effect.*~~

Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

~~*Please give full information on the application of this Article.*~~

Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Please state the nature of personal services which may be enjoyed by chiefs who are duly recognized and who do not receive adequate remuneration. If possible please indicate the proportion of the local community which is obliged to render these services and the number of days of work in each year which the carrying out of these obligations entails for each individual concerned.

Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Please indicate the manner in which the competent authority ensures observance of the safeguards mentioned in clauses (a) to (d) of Article 9.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or the service is of present or imminent necessity;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

~~Please state whether there has been recourse to forced or compulsory labour exacted as a tax or to forced or compulsory labour exacted for the execution of public works by chiefs who exercise administrative functions.~~

~~Please state whether any forced or compulsory labour to which recourse is had by chiefs who exercise administrative functions is confined to work exacted as a tax and for the execution of public works, apart from the personal services mentioned in Article 7.~~

~~If possible please state whether work exacted as a tax means work carried out by a defaulting taxpayer in order to free himself by that work from his obligations in respect of payment of taxes. If possible please indicate the number of taxpayers from whom work as a tax has been exacted and the number of days of work exacted.~~

~~If possible please indicate the number of individuals obliged to take part in the execution of public works during the period under review and the average number of days of work which the fulfilment of this obligation entails for each individual in each year; also the nature of the work exacted for the execution of public works.~~

~~Please indicate the measures taken to ensure the effective application by the authorities of the criteria set out in clauses (a), (b), (c), (d) and (e) of this Article and the measures taken to abolish forced or compulsory labour exacted as a tax or such labour for the execution of public works which is levied by chiefs who exercise administrative functions.~~

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

- (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
- (b) exemption of school teachers and pupils and of officials of the administration in general;

- (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
- (d) respect for conjugal and family ties.

2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

~~Please state what proportion has been fixed for the resident adult able-bodied male population which may be taken at any one time for forced or compulsory labour.~~

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes

or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

~~Please state what measures have been taken to ensure the application of the provisions of Article 14 concerning the payment of wages.~~

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

~~If persons from whom forced or compulsory labour is exacted have had to be transferred in conditions referred to in paragraph 1 of this Article, please indicate what was the special necessity under which such transfer took place and what measures were taken under paragraphs 2, 3 and 4 to safeguard their health and to habituate them to the new conditions of diet, climate and work.~~

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself:

- (1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water,

food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;

- (2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;
- (3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;
- (4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;
- (5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

~~Where recourse has been had to forced or compulsory labour at work places for considerable periods, please state the measures taken by the competent authority to fulfil the requirements of paragraphs (1) to (5) above.~~

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

~~Please state what steps have been taken towards the abolition of forced or compulsory labour for the transport of persons or goods.~~

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

~~Please state whether there has been recourse to compulsory cultivation and, if so, for what purposes such recourse was authorized.~~

~~Please indicate roughly the number of days of work which the carrying out of compulsory cultivation entailed for each individual concerned during the period under review.~~

~~Please state what guarantees are provided to ensure that the individuals or community which have produced food or produce by compulsory cultivation shall enjoy full property rights in respect of such food or produce, including the right to dispose of it freely.~~

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

~~Please summarize the provisions of the regulations made in pursuance of Article 23, in so far as this has not already been done in connection with other Articles.~~

~~Please furnish any relevant information concerning complaints received under the rules drawn up in accordance with the provisions of paragraph 2 of Article 23 and concerning any measures taken as a consequence.~~

Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

~~Please state what arrangements have been made for the inspection of forced or compulsory labour and what measures have been taken to bring the regulations to the knowledge of the persons affected.~~

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

~~Please furnish information on any legal proceedings which have been instituted as a consequence of the application of this Article and on any penalties imposed.~~

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating:

- (1) the territories to which it intends to apply the provisions of this Convention without modification;
- (2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;
- (3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions, unless this has already been done in connection with Article 25.

- IV. Please add a general appreciation of the manner in which the Convention is applied, for example by giving extracts from official reports, and information on any practical difficulties encountered in the application of the Convention or in the suppression of forced or compulsory labour.**
- V. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organisation.¹ If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate the observations received, together with any comments that you consider useful.

¹ Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."