



Governing Body

316th Session, Geneva, 1–16 November 2012

GB.316/LILS/INF/2

Legal Issues and International Labour Standards Section

LILS

FOR INFORMATION

Ratification and promotion of fundamental and governance Conventions and implementation of the plan of action for the governance Conventions

Summary: This paper provides information on developments relating to the ratification, promotion and implementation of the governance Conventions.

Author unit: International Labour Standards Department (NORMES).

Related documents: GB.306/LILS/6(&Corr.), GB.309/LILS/6, GB.310/LILS/5(&Add.), the governance Conventions, the ILO Declaration on Social Justice for a Fair Globalization (2008), the Global Jobs Pact (2009).

Introduction

1. The conclusions and resolution concerning the recurrent discussion on fundamental principles and rights at work, adopted at the 101st Session (2012) of the International Labour Conference (ILC), indicate that steps should be taken to give new impetus to the ratification and implementation of the fundamental Conventions.¹ A proposed plan of action as a follow-up to the resolution is being submitted to the Governing Body at its current session (November 2012) with the aim of implementing the conclusions and, in particular, strengthening the campaign for the universal ratification and implementation of the fundamental Conventions.²
2. In these circumstances, the Office has chosen to await a decision by the Governing Body regarding the plan of action, in the light of which it will make the necessary arrangements to keep the Governing Body informed of the progress made in the ratification and implementation of the fundamental Conventions. Therefore, the Office is only providing information in the present paper within the framework of the implementation of the plan of action towards widespread ratification and effective implementation of the governance Conventions (2010–16).³

The governance Conventions

3. The plan of action to achieve the widespread ratification and effective implementation of the Conventions that are the most significant from the viewpoint of governance,⁴ adopted by the Governing Body in November 2009, is implemented through collaborative action of NORMES, the ILO field offices and relevant technical units, including the Labour Administration and Inspection Programme (LAB/ADMIN), the Industrial and Employment Relations Department (DIALOGUE) and the Employment Policy Department (EMP/POLICY), as well as the Bureau for Employers' Activities (ACT/EMP), the Bureau for Workers' Activities (ACTRAV) and the International Training Centre of the ILO in Turin (Turin Centre).

¹ Resolution concerning the recurrent discussion on fundamental principles and rights at work, conclusions, paras 8–9, *Provisional Record* No. 15, 101st Session, ILC, 2012.

² GB.313/INS/3: Information on the promotion and ratification of the fundamental Conventions was submitted to the Governing Body at its 313th Session (March 2012) in the framework of the Review of annual reports under the follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Since January 2012, eight new ratifications have been registered: Bahrain and Turkmenistan ratified the Minimum Age Convention, 1973 (No. 138); Solomon Islands ratified the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

³ The ILO Declaration on Social Justice for a Fair Globalization (2008) identifies four Conventions as “most significant from the viewpoint of governance”: 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).

⁴ GB.303/PV, para. 253(i); GB.306/LILS/6(&Corr.); GB.306/PV, para. 208(b).

Implementation of the plan of action towards widespread ratification and effective implementation of the governance Conventions (2010–16)

4. Since November 2011, five new ratifications have been registered.⁵

	New ratifications	Total No. of ratifications
Convention No. 81	Togo	142
Convention No. 122	Togo, Viet Nam	106
Convention No. 129	Togo	52
Convention No. 144	Honduras	133

5. In 2011, the Committee of Experts on the Application of Conventions and Recommendations (CEACR) noted 33 cases of progress⁶ in the application of Convention No. 81, five for Convention No. 122, seven for Convention No. 129 and three for Convention No. 144.
6. *Labour inspection Conventions.* The ILO has provided technical assistance to 49 countries,⁷ based on needs assessments and national plans of action agreed upon with the social partners and supported by technical cooperation projects. Guidance has been provided on the design of national labour inspection training strategies in nine countries,⁸ and training workshops based on a comprehensive labour inspector training curriculum, published in collaboration with the Turin Centre, have been held in 22 countries covering 1,800 labour inspectors.⁹ Two separate guidelines for employers and workers have served as a basis for six dedicated workshops.¹⁰ A self-assessment tool for labour inspection systems, developed with the Turin Centre, has been piloted in Indonesia. In five countries, a pilot project is devising a standardized methodology on labour inspection statistics.¹¹

⁵ See also the appendix to this paper on the prospects for the ratification of the governance Conventions.

⁶ ILO: Report of the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 1A), International Labour Conference, 101st Session, Geneva, 2012, pp. 23–29.

⁷ Albania, Algeria, Angola, Armenia, Bosnia and Herzegovina, Brazil, Burkina Faso, Cambodia, Cameroon, Canada, China, Colombia, Costa Rica, Egypt, El Salvador, Ethiopia, Gabon, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Jordan, Kenya, Lebanon, Lesotho, Mali, Republic of Moldova, Namibia, Nepal, Oman, Paraguay, Peru, Philippines, Samoa, Senegal, Serbia, South Africa, Syrian Arab Republic, Ukraine, United Republic of Tanzania, Thailand, The former Yugoslav Republic of Macedonia, Togo, United Arab Emirates, Uruguay, Viet Nam and Yemen.

⁸ Cambodia, India, Indonesia, Lebanon, Oman, Syrian Arab Republic, Thailand, Ukraine and Yemen.

⁹ Albania, Angola, Armenia, Bosnia and Herzegovina, China, India, Indonesia, Lebanon, Malaysia, Mexico (covering participants from 14 Latin American countries), Republic of Moldova, Montenegro, Oman, Serbia, South Africa, Syrian Arab Republic, United Republic of Tanzania, The former Yugoslav Republic of Macedonia, Ukraine and Yemen.

¹⁰ In Lebanon, Republic of Moldova, Oman, Syrian Arab Republic, Ukraine and Yemen.

¹¹ Costa Rica, Oman, South Africa, Sri Lanka and Ukraine.

7. *Employment policy Convention*. The Office has provided technical assistance to countries for the formulation and implementation of national employment policies, as one of the Decent Work Country Programme priority outcomes. A guide to the formulation of national employment policies has been published as a capacity-building tool for the ILO's tripartite constituents, ILO technical staff and national stakeholders. A training module on employment policies and international labour standards is under preparation to promote employment policies through a rights-based approach.

Outcome of the promotional campaign for the governance Conventions

8. In May 2012, the Executive Director for the Standards and Fundamental Principles and Rights at Work Sector sent a letter to the 145 member States that have not ratified all of the governance Conventions requesting information on the most recent examination of the Conventions with a view to ratification, the outcome of the examination, ratification prospects and/or obstacles to ratification and technical assistance needs. The information provided is summarized below, as well as in the appendix.¹²

Labour inspection

Labour Inspection Convention, 1947 (No. 81)

9. The Government of *Samoa* stated that it has submitted the Convention to Parliament with a view to ratification.
10. Following a gap analysis conducted by the ILO, the social partners, through national consultation, recommended the ratification of the Convention to Parliament in *South Africa*. The Government of the *Philippines* indicated that conditions are favourable for ratification.
11. A technical review of conformity with the Convention in *Canada* is being undertaken by the federal, provincial and territorial governments, and will include consultations with the social partners. In *Botswana*, consultations on the issue of ratification have commenced within the National Labour Advisory Board. In *Papua New Guinea* and *Uzbekistan*, a review of the Convention in relation to national legislation and possible ratification is ongoing.
12. The Government of *Eritrea* indicated that obstacles, such as the lack of human and material resources, and insufficient training for labour inspectors, have to be overcome before ratification. The Government of *Gambia* referred to legal difficulties regarding ratification.
13. The Governments of *Eritrea*, *Gambia*, *Papua New Guinea* and *Samoa* indicated the need for technical assistance.

¹² Information was received by 3 October from the following 40 Governments: Bahrain, Bangladesh, Benin, Botswana, Cambodia, Canada, Cape Verde, Cuba, Cyprus, Ecuador, Eritrea, Gambia, Ireland, Japan, Republic of Korea, Kenya, Kuwait, Kyrgyzstan, Lithuania, Malaysia, Mauritius, Mexico, Morocco, Myanmar, New Zealand, Papua New Guinea, Philippines, Qatar, Samoa, Singapore, South Africa, Switzerland, Sudan, Trinidad and Tobago, United Kingdom, Uzbekistan, United Arab Emirates, United States, Bolivarian Republic of Venezuela and Viet Nam.

14. The incompatibility of national legislation with the Convention (Articles 3 and 6) is seen as a major obstacle to ratification by the Government of *Mexico*.
15. The Government of the *United States* indicated that the national consultation process had not yet been initiated and that no indications can therefore be given with regard to prospects for ratification. However, the priority status of the Convention will be an important criterion for decision.
16. The Government of *Cambodia* stated that it does not envisage the ratification of the Convention for the time being.

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

17. The Government of the *Bolivarian Republic of Venezuela* indicated that it is awaiting the ratification of the Convention by the National Assembly.
18. The Government of the *Philippines* indicated that conditions are favourable for ratification.
19. National consultation procedures are ongoing in *Botswana, South Africa* and *Trinidad and Tobago*. Reviews of the Convention are ongoing in *Kyrgyzstan, Papua New Guinea, United Arab Emirates, Uzbekistan* and *Sudan*, while the Government of *Viet Nam* indicated that such a review is envisaged for 2013. The Government of *Malaysia* indicated that technical assistance has been sought from the ILO Regional Office for Asia and the Pacific.
20. The Government of *Eritrea* indicated that, while its legislation is, to a large extent, in conformity with the provisions of the Convention, obstacles in practice, such as the lack of human and material resources and insufficient training for labour inspectors, have to be overcome before ratification. The Government of *Myanmar* indicated that ratification of the Convention will be considered in the future.
21. Other obstacles were mentioned by the Government of *Cyprus* (need for organizational arrangements and mechanisms, which cannot be envisaged at the moment due to the economic situation) and *Mauritius* (need for legislative amendments and other measures to ensure compliance with the provisions of the Convention). The incompatibility of national legislation with the Convention is seen as an obstacle to ratification by the Governments of the *Republic of Korea, Japan, Mexico, Switzerland, Samoa* and *Gambia*.
22. The Governments of *Cape Verde, Eritrea, Gambia, Papua New Guinea, Samoa, Sudan, Viet Nam, Benin* and *Ecuador* indicated the need for technical assistance, mainly for the training of labour inspectors in agriculture, for awareness-raising activities and for conducting a review of the Convention in relation to national legislation.
23. The Government of the *United Kingdom* indicated that no decision has yet been taken on its position regarding ratification. The Government of the *United States* indicated that the national consultation process has not yet been initiated and that no indications with regard to the prospects for ratification can therefore be made. However, the priority status of the Convention will be an important criterion for decision.
24. The Governments of *Bahrain, Kuwait* and *Singapore* considered ratification not to be justified in view of their small agricultural population. The Government of *Cuba* considered ratification to be unnecessary, as the labour inspection system already covers the agricultural sector. The Governments of *Lithuania* and *New Zealand* stated that they have no intention of ratifying the Convention on the grounds that its application would

require the establishment of a separate inspection system for agriculture. The Government of *Bangladesh* indicated that ratification is not under consideration in view of the impracticability of carrying out labour inspections in the country.

25. The Governments of *Cambodia*, *Canada* and *Cape Verde* stated that they do not envisage ratification of the Convention for the time being. However, the Government of *Cape Verde* indicated the need for technical assistance.

Employment Policy

Employment Policy Convention, 1964 (No. 122)

26. The Government of *Switzerland* confirmed that it had submitted the Convention to Parliament for ratification. The State Council approved ratification on 30 May 2012 and the National Council will discuss the matter at its next session. The Government of *Mauritius* indicated that ratification of the Convention will be deferred until after the adoption of the National Employment Policy and the establishment of the relevant monitoring mechanisms. The Governments of *Bahrain*, *Botswana*, *Cape Verde*, *Gambia*, *Malaysia* and *Samoa* indicated that there are prospects for the ratification of the Convention. The Governments of *Kenya*, *Kuwait* and *South Africa* indicated that ratification of the Convention is not under consideration at this stage. The Governments of *Bangladesh*, *Eritrea*, *Gambia*, *Kenya*, *Malaysia* and *Samoa* requested technical assistance.

Tripartite consultation

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

27. The Governments of *Cape Verde*, *Cuba*, *Gambia*, *Myanmar*, *Papua New Guinea*, *Samoa*, *Uzbekistan* and *United Arab Emirates* indicated that there are prospects for the ratification of the Convention. Technical assistance was requested by the Governments of *Bahrain*, *Eritrea*, *Gambia*, *Papua New Guinea*, *Samoa* and *Sudan*.

Conclusion

28. The Office will follow up on requests made for technical assistance.

Geneva, 25 October 2012

Appendix

Prospects for the ratification of the governance Conventions

☒	Convention ratified
○	Ratification process initiated
●	Prospects of ratification
⌘	Convention presents divergences with national legislation and practice
◆	Ratification not considered/deferred/rejected
⋯	No reply or reply contains no indication on prospects of ratification
	Countries shaded in grey have ratified all four Conventions

Member State	C81	C122	C129	C144	Request for technical assistance
Afghanistan	⋯	⋯	⋯	☒	
Albania	☒	☒	☒	☒	
Algeria	☒	☒	⋯	☒	
Angola	☒	⋯	⋯	⋯	
Antigua and Barbuda	☒	☒	⋯	☒	
Argentina	☒	●	☒	☒	
Armenia	☒	☒	⋯	☒	
Australia	☒	☒	◆	☒	
Austria	☒	☒	●	☒	
Azerbaijan	☒	☒	☒	☒	
Bahamas	☒	●	⋯	☒	
Bahrain	☒	●	◆	●	C144 and possibly, C122.
Bangladesh	☒	●	◆	☒	C122
Barbados	☒	☒	⋯	☒	
Belarus	☒	☒	⌘	☒	
Belgium	☒	☒	☒	☒	
Belize	☒	●	⋯	☒	
Benin	☒	○	●	☒	C129
Bolivia, Plurinational State of	☒	☒	☒	●	
Bosnia and Herzegovina	☒	☒	☒	☒	
Botswana	●	●	●	☒	

Member State	C81	C122	C129	C144	Request for technical assistance
Brazil	☒	☒	✕	☒	
Brunei Darussalam	☞	☞	☞	☞	
Bulgaria	☒	☒	☞	☒	
Burkina Faso	☒	☒	☒	☒	
Burundi	☒	●	☞	☒	
Cambodia	◆	☒	◆	◆	
Cameroon	☒	☒	☞	○	
Canada	●	☒	◆	☒	
Cape Verde	☒	●	●	●	C129
Central African Republic	☒	☒	☞	☒	
Chad	☒	☞	☞	☒	
Chile	●	☒	◆	☒	
China	☞	☒	☞	☒	
Colombia	☒	●	☒	☒	
Comoros	☒	☒	☞	☞	
Congo	☒	☞	☞	☒	
Costa Rica	☒	☒	☒	☒	
Côte d'Ivoire	☒	○	☒	☒	
Croatia	☒	☒	☒	☞	
Cuba	☒	☒	◆	●	
Cyprus	☒	☒	◆	☒	
Czech Republic	☒	☒	☒	☒	
Democratic Republic of the Congo	☒	☞	☞	☒	
Denmark	☒	☒	☒	☒	
Djibouti	☒	☒	☞	☒	
Dominica	☒	☞	☞	☒	
Dominican Republic	☒	☒	☞	☒	
Ecuador	☒	☒	●	☒	C129
Egypt	☒	●	☒	☒	
El Salvador	☒	☒	☒	☒	
Equatorial Guinea	☞	☞	☞	☞	
Eritrea	●	●	●	●	C81, C122, C129 and C144
Estonia	☒	☒	☒	☒	

Member State	C81	C122	C129	C144	Request for technical assistance
Ethiopia	≍	●	≍	☒	
Fiji	☒	☒	☒	☒	
Finland	☒	☒	☒	☒	
France	☒	☒	☒	☒	
Gabon	☒	☒	◆	☒	
Gambia	●	●	●	●	C81, C122, C129 and C144
Georgia	⌘	☒	⌘	◆	
Germany	☒	☒	☒	☒	
Ghana	☒	○	≍	☒	
Greece	☒	☒	●	☒	
Grenada	☒	●	●	☒	
Guatemala	☒	☒	☒	☒	
Guinea	☒	☒	≍	☒	
Guinea-Bissau	☒	≍	≍	≍	
Guyana	☒	≍	☒	☒	
Haiti	☒	≍	≍	≍	
Honduras	☒	☒	◆	☒	
Hungary	☒	☒	☒	☒	
Iceland	☒	☒	☒	☒	
India	☒	☒	◆	☒	
Indonesia	☒	●	◆	☒	
Iran, Islamic Republic of	≍	☒	≍	≍	
Iraq	☒	☒	≍	☒	
Ireland	☒	☒	≍	☒	
Israel	☒	☒	◆	☒	
Italy	☒	☒	☒	☒	
Jamaica	☒	☒	⌘	☒	
Japan	☒	☒	⌘	☒	
Jordan	☒	☒	●	☒	
Kazakhstan	☒	☒	☒	☒	
Kenya	☒	◆	☒	☒	C122
Kiribati	≍	≍	●	≍	
Korea, Republic of	☒	☒	⌘	☒	

Member State	C81	C122	C129	C144	Request for technical assistance
Kuwait	☒	◆	◆	☒	
Kyrgyzstan	☒	☒	●	☒	
Lao People's Democratic Republic	≡	≡	≡	☒	
Latvia	☒	☒	☒	☒	
Lebanon	☒	☒	⌘	●	
Lesotho	☒	≡	≡	☒	
Liberia	☒	●	≡	☒	
Libya	☒	☒	≡	●	
Lithuania	☒	☒	◆	☒	
Luxembourg	☒	●	☒	○	
Madagascar	☒	☒	☒	☒	
Malawi	☒	●	☒	☒	
Malaysia	☒	●	●	☒	C122 and C129
Maldives	≡	≡	≡	≡	
Mali	☒	●	◆	☒	
Malta	☒	≡	☒	≡	
Marshall Islands	≡	≡	≡	≡	
Mauritania	☒	☒	≡	≡	
Mauritius	☒	●	◆	☒	C122 depending on the adoption of the National Employment Policy
Mexico	⌘	⌘	⌘	☒	
Moldova, Republic of	☒	☒	☒	☒	
Mongolia	○	☒	◆	☒	
Montenegro	☒	☒	☒	☒	
Morocco	☒	☒	☒	○	
Mozambique	☒	☒	≡	☒	
Myanmar	●	●	●	●	
Namibia	≡	●	≡	☒	
Nepal	≡	●	≡	☒	
Netherlands	☒	☒	☒	☒	
New Zealand	☒	☒	◆	☒	
Nicaragua	≡	☒	⌘	☒	
Niger	☒	≡	≡	≡	

Member State	C81	C122	C129	C144	Request for technical assistance
Nigeria	☒	●	≈	☒	
Norway	☒	☒	☒	☒	
Oman	≈	≈	≈	≈	
Pakistan	☒	≈	≈	☒	
Panama	☒	☒	◆	●	
Papua New Guinea	●	☒	●	●	C81, C129 and C144
Paraguay	☒	☒	≈	≈	
Peru	☒	☒	≈	☒	
Philippines	●	☒	●	☒	
Poland	☒	☒	☒	☒	
Portugal	☒	☒	☒	☒	
Qatar	☒	≈	≈	≈	
Romania	☒	☒	☒	☒	
Russian Federation	☒	☒	≈	≈	
Rwanda	☒	☒	◆	≈	
Saint Kitts and Nevis	≈	≈	≈	☒	
Saint Lucia	≈	◆	≈	≈	
Saint Vincent and the Grenadines	☒	☒	☒	☒	
Samoa	●	●	⋈	●	C81, C122, C129 and C144
San Marino	≈	●	≈	☒	
Sao Tome and Principe	☒	≈	≈	☒	
Saudi Arabia	☒	⋈	◆	≈	
Senegal	☒	☒	≈	☒	
Serbia	☒	☒	☒	☒	
Seychelles	☒	◆	⋈	☒	
Sierra Leone	☒	≈	≈	☒	
Singapore	☒	●	◆	☒	C122
Slovakia	☒	☒	☒	☒	
Slovenia	☒	☒	☒	☒	
Solomon Islands	☒	≈	≈	≈	
Somalia	≈	≈	≈	≈	
South Africa	○	◆	●	☒	
Spain	☒	☒	☒	☒	

Member State	C81	C122	C129	C144	Request for technical assistance
Sri Lanka	☒	●	⊞	☒	
Sudan	☒	☒	●	●	C129 and C144
Suriname	☒	☒	●	☒	
Swaziland	☒	⊞	⊞	☒	
Sweden	☒	☒	☒	☒	
Switzerland	☒	○	⌘	☒	
Syrian Arab Republic	☒	●	☒	☒	
Tajikistan	☒	☒	⊞	○	
Tanzania, United Republic of	*	⊞	⊞	☒	
Thailand	●	☒	●	●	
The former Yugoslav Republic of Macedonia	☒	☒	☒	☒	
Timor-Leste	⊞	⊞	⊞	●	
Togo	☒	☒	☒	☒	
Trinidad and Tobago	☒	○	●	☒	
Tunisia	☒	☒	⊞	⊞	
Turkey	☒	☒	⊞	☒	
Turkmenistan	⊞	⊞	⊞	⊞	
Tuvalu	⊞	⊞	⊞	⊞	
Uganda	☒	☒	⊞	☒	
Ukraine	☒	☒	☒	☒	
United Arab Emirates	☒	●	●	●	
United Kingdom	☒	☒	●	☒	
United States	●	●	●	☒	
Uruguay	☒	☒	☒	☒	
Uzbekistan	●	☒	●	●	
Vanuatu	⊞	⊞	⊞	⊞	
Venezuela, Bolivarian Republic of	☒	☒	○	☒	
Viet Nam	☒	☒	⊞	☒	C129
Yemen	☒	☒	⊞	☒	
Zambia	⊞	☒	⊞	☒	
Zimbabwe	☒	●	☒	☒	

*The ratification by the United Republic of Tanzania of the Protocol of 1995 to the Labour Inspection Convention, 1947, was registered in March 1999.