
INTERNATIONAL LABOUR ORGANIZATION

**Information note for the Group of
independent experts on standards-related
activities and decent work: Prospects in
the field of social security**

Annexes

**International Labour Standards Department
and Social Security Policy and
Development Branch**

September 2003

Working paper (limited distribution)

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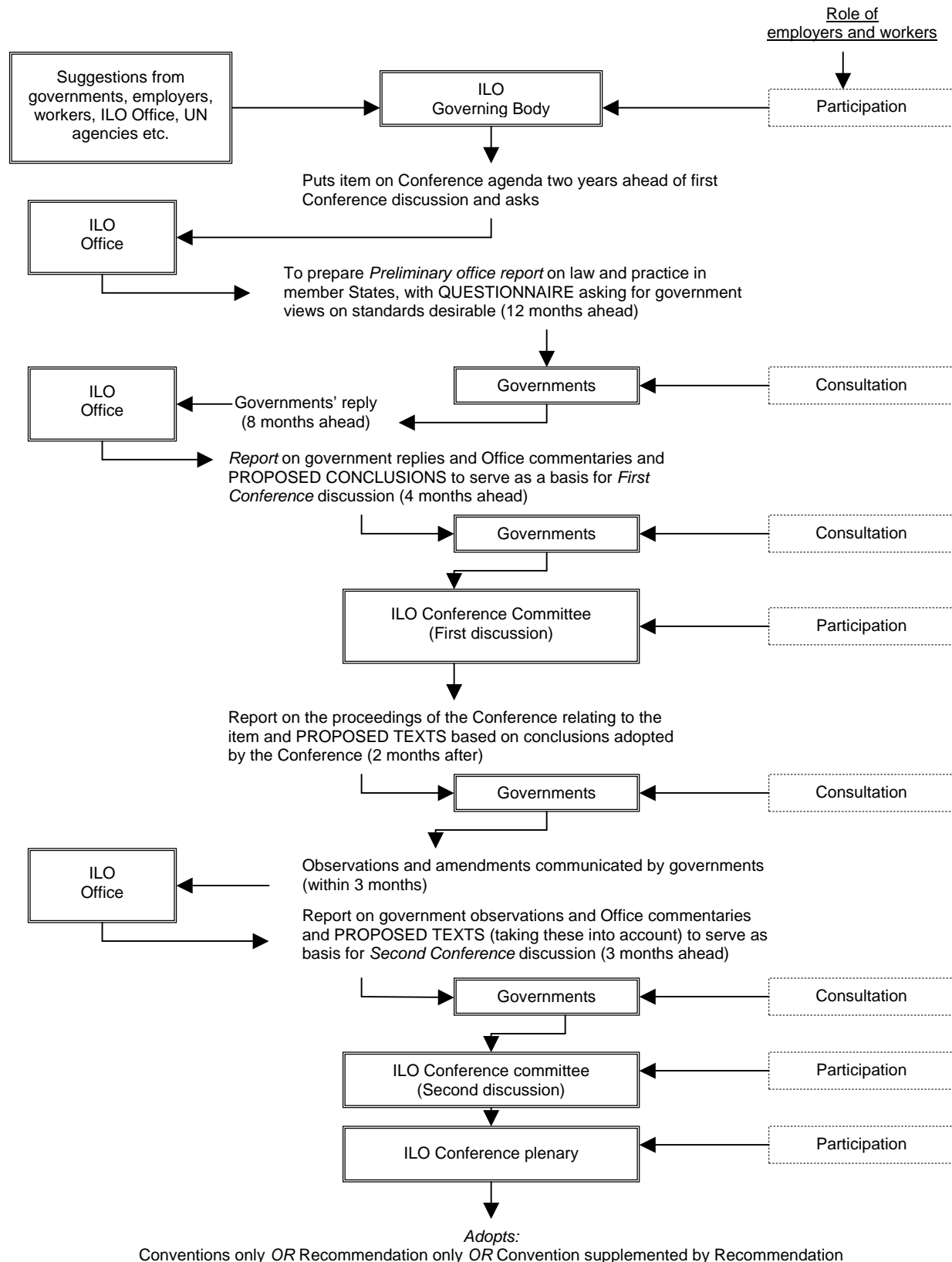
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I. Reflection on the underlying features of ILS

Annex 1

Adoption and elaboration of ILS (Two-year discussion procedure)



Annex 2

Official titles of Conventions adopted by the International Labour Conference

No.	1	Hours of Work (Industry) Convention, 1919
	2	Unemployment Convention, 1919
	3	Maternity Protection Convention, 1919
	4	Night Work (Women) Convention, 1919 (shelved)
	5	Minimum Age (Industry) Convention, 1919
	6	Night Work of Young Persons (Industry) Convention, 1919
	7	Minimum Age (Sea) Convention, 1920
	8	Unemployment Indemnity (Shipwreck) Convention, 1920
	9	Placing of Seamen Convention, 1920
	10	Minimum Age (Agriculture) Convention, 1921
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	12	Workmen's Compensation (Agriculture) Convention, 1921
	13	White Lead (Painting) Convention, 1921
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	17	Workmen's Compensation (Accidents) Convention, 1925
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	20	Night Work (Bakeries) Convention, 1925 (shelved)
	21	Inspection of Emigrants Convention, 1926 (shelved)
	22	Seamen's Articles of Agreement Convention, 1926
	23	Repatriation of Seamen Convention, 1926
	24	Sickness Insurance (Industry) Convention, 1927
	25	Sickness Insurance (Agriculture) Convention, 1927
	26	Minimum Wage-Fixing Machinery Convention, 1928
	27	Marking of Weight (Packages Transported by Vessels) Convention, 1929
	28	Protection against Accidents (Dockers) Convention, 1929 (shelved)
	29	Forced Labour Convention, 1930
	30	Hours of Work (Commerce and Offices) Convention, 1930
	31	Hours of Work (Coal Mines) Convention, 1931 (withdrawn by the ILC – decision of 15 June 2000)
	32	Protection against Accidents (Dockers) Convention (Revised), 1932
	33	Minimum Age (Non-Industrial Employment) Convention, 1932
	34	Fee-Charging Employment Agencies Convention, 1933 (shelved)

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- 35 Old-Age Insurance (Industry, etc.) Convention, 1933 (shelved)
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 - 37 Invalidity Insurance (Industry, etc.) Convention, 1933 (shelved)
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 - 40 Survivors' Insurance (Agriculture) Convention, 1933 (shelved)
 - 41 Night Work (Women) Convention (Revised), 1934 (shelved)
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 - 47 Forty-Hour Week Convention, 1935
 - 48 Maintenance of Migrants' Pension Rights Convention, 1935 (shelved)
 - 49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (shelved)
 - 50 Recruiting of Indigenous Workers Convention, 1936 (shelved)
 - 51 Reduction of Hours of Work (Public Works) Convention, 1936 (withdrawn by the ILC – decision of 15 June 2000)
 - 52 Holidays with Pay Convention, 1936
 - 53 Officers' Competency Certificates Convention, 1936
 - 54 Holidays with Pay (Sea) Convention, 1936
 - 55 Shipowners' Liability (Sick and Injured Seamen) Convention, 1936
 - 56 Sickness Insurance (Sea) Convention, 1936
 - 57 Hours of Work and Manning (Sea) Convention, 1936
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 - 60 Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (shelved)
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 - 62 Safety Provisions (Building) Convention, 1937
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 - 68 Food and Catering (Ships' Crews) Convention, 1946
 - 69 Certification of Ships' Cooks Convention, 1946
 - 70 Social Security (Seafarers) Convention, 1946

71	Seafarers' Pensions Convention, 1946
72	Paid Vacations (Seafarers) Convention, 1946
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74	Certification of Able Seamen Convention, 1946
75	Accommodation of Crews Convention, 1946
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77	Medical Examination of Young Persons (Industry) Convention, 1946
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80	Final Articles Revision Convention, 1946
81	Labour Inspection Convention, 1947
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82	Social Policy (Non-Metropolitan Territories) Convention, 1947
83	Labour Standards (Non-Metropolitan Territories) Convention, 1947
84	Right of Association (Non-Metropolitan Territories) Convention, 1947
85	Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947
86	Contracts of Employment (Indigenous Workers) Convention, 1947 (shelved)
87	Freedom of Association and Protection of the Right to Organise Convention, 1948
88	Employment Service Convention, 1948
89	Night Work (Women) Convention (Revised), 1948
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90	Night Work of Young Persons (Industry) Convention (Revised), 1948
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92	Accommodation of Crews Convention (Revised), 1949
93	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949
94	Labour Clauses (Public Contracts) Convention, 1949
95	Protection of Wages Convention, 1949
96	Fee-Charging Employment Agencies Convention (Revised), 1949
97	Migration for Employment Convention (Revised), 1949
98	Right to Organise and Collective Bargaining Convention, 1949
99	Minimum Wage Fixing Machinery (Agriculture) Convention, 1951
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101	Holidays with Pay (Agriculture) Convention, 1952
102	Social Security (Minimum Standards) Convention, 1952
103	Maternity Protection Convention (Revised), 1952
104	Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (shelved)
105	Abolition of Forced Labour Convention, 1957
106	Weekly Rest (Commerce and Offices) Convention, 1957

107	Indigenous and Tribal Populations Convention, 1957
108	Seafarers' Identity Documents Convention, 1958
109	Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958
110	Plantations Convention, 1958
	Protocol of 1982 to the Plantations Convention, 1958
111	Discrimination (Employment and Occupation) Convention, 1958
112	Minimum Age (Fishermen) Convention, 1959
113	Medical Examination (Fishermen) Convention, 1959
114	Fishermen's Articles of Agreement Convention, 1959
115	Radiation Protection Convention, 1960
116	Final Articles Revision Convention, 1961
117	Social Policy (Basic Aims and Standards) Convention, 1962
118	Equality of Treatment (Social Security) Convention, 1962
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120	Hygiene (Commerce and Offices) Convention, 1964
121	Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980]
122	Employment Policy Convention, 1964
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124	Medical Examination of Young Persons (Underground Work) Convention, 1965
125	Fishermen's Competency Certificates Convention, 1966
126	Accommodation of Crews (Fishermen) Convention, 1966
127	Maximum Weight Convention, 1967
128	Invalidity, Old-Age and Survivors' Benefits Convention, 1967
129	Labour Inspection (Agriculture) Convention, 1969
130	Medical Care and Sickness Benefits Convention, 1969
131	Minimum Wage Fixing Convention, 1970
132	Holidays with Pay Convention (Revised), 1970
133	Accommodation of Crews (Supplementary Provisions) Convention, 1970
134	Prevention of Accidents (Seafarers) Convention, 1970
135	Workers' Representatives Convention, 1971
136	Benzene Convention, 1971
137	Dock Work Convention, 1973
138	Minimum Age Convention, 1973
139	Occupational Cancer Convention, 1974
140	Paid Educational Leave Convention, 1974
141	Rural Workers' Organisations Convention, 1975
142	Human Resources Development Convention, 1975
143	Migrant Workers (Supplementary Provisions) Convention, 1975

144	Tripartite Consultation (International Labour Standards) Convention, 1976
145	Continuity of Employment (Seafarers) Convention, 1976
146	Seafarers' Annual Leave with Pay Convention, 1976
147	Merchant Shipping (Minimum Standards) Convention, 1976
	Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976
148	Working Environment (Air Pollution, Noise and Vibration) Convention, 1977
149	Nursing Personnel Convention, 1977
150	Labour Administration Convention, 1978
151	Labour Relations (Public Service) Convention, 1978
152	Occupational Safety and Health (Dock Work) Convention, 1979
153	Hours of Work and Rest Periods (Road Transport) Convention, 1979
154	Collective Bargaining Convention, 1981
155	Occupational Safety and Health Convention, 1981
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156	Workers with Family Responsibilities Convention, 1981
157	Maintenance of Social Security Rights Convention, 1982
158	Termination of Employment Convention, 1982
159	Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983
160	Labour Statistics Convention, 1985
161	Occupational Health Services Convention, 1985
162	Asbestos Convention, 1986
163	Seafarers' Welfare Convention, 1987
164	Health Protection and Medical Care (Seafarers) Convention, 1987
165	Social Security (Seafarers) Convention (Revised), 1987
166	Repatriation of Seafarers Convention (Revised), 1987
167	Safety and Health in Construction Convention, 1988
168	Employment Promotion and Protection against Unemployment Convention, 1988
169	Indigenous and Tribal Peoples Convention, 1989
170	Chemicals Convention, 1990
171	Night Work Convention, 1990
172	Working Conditions (Hotels and Restaurants) Convention, 1991
173	Protection of Workers' Claims (Employer's Insolvency) Convention, 1992
174	Prevention of Major Industrial Accidents Convention, 1993
175	Part-Time Work Convention, 1994
176	Safety and Health in Mines Convention, 1995
177	Home Work Convention, 1996
178	Labour Inspection (Seafarers) Convention, 1996
179	Recruitment and Placement of Seafarers Convention, 1996

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| 180 | Seafarers' Hours of Work and the Manning of Ships Convention, 1996 |
| 181 | Private Employment Agencies Convention, 1997 |
| 182 | Worst Forms of Child Labour Convention, 1999 |
| 183 | Maternity Protection Convention, 2000 |
| 184 | Safety and Health in Agriculture Convention, 2001 |
| 185 | Seafarers' Identity Documents Convention (Revised), 2003 |

Official titles of Recommendations adopted by the International Labour Conference

No.	1	Unemployment Recommendation, 1919
	2	Reciprocity of Treatment Recommendation, 1919
	3	Anthrax Prevention Recommendation, 1919
	4	Lead Poisoning (Women and Children) Recommendation, 1919
	5	Labour Inspection (Health Services) Recommendation, 1919
	6	White Phosphorus Recommendation, 1919
	7	Hours of Work (Fishing) Recommendation, 1920
	8	Hours of Work (Inland Navigation) Recommendation, 1920
	9	National Seamen's Codes Recommendation, 1920
	10	Unemployment Insurance (Seamen) Recommendation, 1920
	11	Unemployment (Agriculture) Recommendation, 1921
	12	Maternity Protection (Agriculture) Recommendation, 1921
	13	Night Work of Women (Agriculture) Recommendation, 1921
	14	Night Work of Children and Young Persons (Agriculture) Recommendation, 1921
	15	Vocational Education (Agriculture) Recommendation, 1921
	16	Living-in Conditions (Agriculture) Recommendation, 1921
	17	Social Insurance (Agriculture) Recommendation, 1921
	18	Weekly Rest (Commerce) Recommendation, 1921
	19	Migration Statistics Recommendation, 1922
	20	Labour Inspection Recommendation, 1923
	21	Utilisation of Spare Time Recommendation, 1924
	22	Workmen's Compensation (Minimum Scale) Recommendation, 1925
	23	Workmen's Compensation (Jurisdiction) Recommendation, 1925
	24	Workmen's Compensation (Occupational Diseases) Recommendation, 1925
	25	Equality of Treatment (Accident Compensation) Recommendation, 1925
	26	Migration (Protection of Females at Sea) Recommendation, 1926
	27	Repatriation (Ship Masters and Apprentices) Recommendation, 1926
	28	Labour Inspection (Seamen) Recommendation, 1926
	29	Sickness Insurance Recommendation, 1927
	30	Minimum Wage-Fixing Machinery Recommendation, 1928
	31	Prevention of Industrial Accidents Recommendation, 1929
	32	Power-driven Machinery Recommendation, 1929
	33	Protection against Accidents (Dockers) Reciprocity Recommendation, 1929
	34	Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929
	35	Forced Labour (Indirect Compulsion) Recommendation, 1930

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- 36 Forced Labour (Regulation) Recommendation, 1930
 - 37 Hours of Work (Hotels, etc.) Recommendation, 1930
 - 38 Hours of Work (Theatres, etc.) Recommendation, 1930
 - 39 Hours of Work (Hospitals, etc.) Recommendation, 1930
 - 40 Protection against Accidents (Dockers) Reciprocity Recommendation, 1932
 - 41 Minimum Age (Non-Industrial Employment) Recommendation, 1932
 - 42 Employment Agencies Recommendation, 1933
 - 43 Invalidity, Old-Age and Survivors' Insurance Recommendation, 1933
 - 44 Unemployment Provision Recommendation, 1934
 - 45 Unemployment (Young Persons) Recommendation, 1935
 - 46 Elimination of Recruiting Recommendation, 1936
 - 47 Holidays with Pay Recommendation, 1936
 - 48 Seamen's Welfare in Ports Recommendation, 1936
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 - 50 Public Works (International Co-operation) Recommendation, 1937
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 - 65 Methods of Regulating Hours (Road Transport) Recommendation, 1939
 - 66 Rest Periods (Private Chauffeurs) Recommendation, 1939
 - 67 Income Security Recommendation, 1944
 - 68 Social Security (Armed Forces) Recommendation, 1944
 - 69 Medical Care Recommendation, 1944
 - 70 Social Policy in Dependent Territories Recommendation, 1944
 - 71 Employment (Transition from War to Peace) Recommendation, 1944
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 - 73 Public Works (National Planning) Recommendation, 1944

74	Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945
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78	Bedding, Mess Utensils and Miscellaneous Provisions (Ships' Crews) Recommendation, 1946
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81	Labour Inspection Recommendation, 1947
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84	Labour Clauses (Public Contracts) Recommendation, 1949
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| 121 | Employment Injury Benefits Recommendation, 1964 |
| 122 | Employment Policy Recommendation, 1964 |
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| 135 | Minimum Wage Fixing Recommendation, 1970 |
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| 140 | Crew Accommodation (Air Conditioning) Recommendation, 1970 |
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| 142 | Prevention of Accidents (Seafarers) Recommendation, 1970 |
| 143 | Workers' Representatives Recommendation, 1971 |
| 144 | Benzene Recommendation, 1971 |
| 145 | Dock Work Recommendation, 1973 |
| 146 | Minimum Age Recommendation, 1973 |
| 147 | Occupational Cancer Recommendation, 1974 |
| 148 | Paid Educational Leave Recommendation, 1974 |

149	Rural Workers' Organisations Recommendation, 1975
150	Human Resources Development Recommendation, 1975
151	Migrant Workers Recommendation, 1975
152	Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976
153	Protection of Young Seafarers Recommendation, 1976
154	Continuity of Employment (Seafarers) Recommendation, 1976
155	Merchant Shipping (Improvement of Standards) Recommendation, 1976
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158	Labour Administration Recommendation, 1978
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183	Safety and Health in Mines Recommendation, 1995
184	Home Work Recommendation, 1996

185	Labour Inspection (Seafarers) Recommendation, 1996
186	Recruitment and Placement of Seafarers Recommendation, 1996
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193	Promotion of Cooperatives Recommendation, 2002
194	List of Occupational Diseases Recommendation, 2002

Annex 3

Working Party on Policy regarding the Revision of Standards

Follow-up to the recommendations of the Working Party

Information note on the progress of work and decisions taken
regarding the revision of standards
(Doc. GB.283/LILS/WP/PRS/1/2 (March 2002))

Final

(To be published separately)

Annex 4

Report of the Committee on Occupational Safety and Health, ILC, *Provisional Record No. 22*, 91st Session, Geneva, 2003 (extracts)

Resolution concerning occupational safety and health

The General Conference of the International Labour Organization, meeting at its 91st Session, 2003, Having undertaken a general discussion based on an integrated approach on the basis of Report VI, *ILO standards-related activities in the area of occupational safety and health*;

1. Adopts the following conclusions;
2. With a view to increasing the impact, coherence and relevance of ILO standards-related activities in the area of occupational safety and health (OSH), invites the Governing Body of the International Labour Office:
 - (a) to give due consideration to these conclusions in planning future ILO standards related activities in the area of OSH, noting that the opportunity exists for placing an item relating to OSH on the agenda of the 93rd Session (2005) of the International Labour Conference if agreed by the Governing Body in November 2003;
 - (b) to request the Director-General to give them priority when implementing the present and the 2004-05 programmes, when allocating such resources as may be available during the 2004-05 biennium and when preparing future strategic plans and programmes and budgets, in particular for the 2006-07 biennium.

Conclusions concerning ILO standards-related activities in the area of occupational safety and health

1. The magnitude of the global impact of occupational accidents and diseases, as well as major industrial disasters, in terms of human suffering and related economic costs, have been a long-standing source of concern at workplace, national and international levels. Significant efforts have been made at all levels to come to terms with this problem, but nevertheless ILO estimates are that over 2 million workers die each year from work-related accidents and diseases, and that globally this figure is on the increase. OSH has been a central issue for the ILO ever since its creation in 1919 and continues to be a fundamental requirement for achieving the objectives of the Decent Work Agenda.
2. In addition to established measures to prevent and control hazards and risks, new strategies and solutions need to be developed and applied both for well-known hazards and risks such as those arising from dangerous substances, machinery and tools and manual handling as well as for emerging issues, such as biological hazards, psychosocial hazards and musculo-skeletal disorders. Furthermore, as OSH is an intrinsic part of social relations it is affected by the same forces of change that prevail in national and global socio-economic contexts. The effects of demographic factors and dynamics, employment shifts and work organization changes, gender differentiation, the size, structure and life cycles of enterprises, the fast pace of technological progress, are examples of the key issues that can generate new types of patterns of hazards, exposures and risks. The development of an appropriate response to these issues should rely on and make use of the collective body of knowledge, experience and good practice in this area. Safety and health measures are undertaken to create and sustain a safe and healthy working environment; furthermore, such measures can also improve quality, productivity and competitiveness.
3. Although effective legal and technical tools, methodologies and measures to prevent occupational accidents and diseases exist, there is a need for an increased general awareness of the importance of OSH as well as a high level of political commitment for effective implementation of national OSH systems. Efforts to tackle OSH problems, whether at international or national levels, are often dispersed and fragmented and as a result do not have the level of coherence necessary to produce effective impact. There is thus a need to give

higher priority to OSH at international, national and enterprise levels and to engage all social partners to initiate and sustain mechanisms for a continued improvement of national OSH systems. Given its tripartite participation and recognized global mandate in the area of OSH, the ILO is particularly well equipped to make a real impact in the world of work through such a strategy.

4. The fundamental pillars of a global OSH strategy include the building and maintenance of a national preventative safety and health culture and the introduction of a systems approach to OSH management. A national 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, and where the principle of prevention is accorded the highest priority. Building and maintaining a preventative safety and health culture require 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. A systems approach to OSH management at the enterprise level has recently been developed in the ILO Guidelines on Occupational Safety and Health Management Systems (ILO-OSH 2001). Building on this concept and related methodology, the global OSH strategy advocates the application of a systems approach to the management of national OSH systems.

An ILO action plan for the promotion of safety and health at work

I. Promotion, awareness raising and advocacy

5. The fostering and promotion of a preventative safety and health culture is a fundamental basis for improving OSH performance in the long term. Multiple approaches could be taken for this purpose. Since the promotion of such a preventative culture is very much a leadership issue, the ILO has to play an advocacy role with regard to different initiatives. Therefore the ILO should:
 - endorse the establishment of an annual international event or campaign (world day or a safety and health week) aimed at raising widespread awareness of the importance of OSH and promoting the rights of workers to a safe and healthy working environment. Such an initiative should respect the workers' commemoration event organized since 1984 on 28 April;
 - seek ways to raise visibility of the ILO and its OSH instruments;
 - launch a global knowledge and awareness campaign focused on promoting the concept of "sound management of safety and health at work" as the most effective means for achieving strong and sustained preventative safety and health culture at both the national and enterprise levels;
 - strategically use international meetings to promote a preventative safety and health culture including the triennial World Congress on Occupational Safety and Health organized jointly by the ILO and the International Social Security Association;
 - internally implement its own guidelines on OSH management systems;
 - encourage the launching of national OSH programmes by the highest government authorities.

II. ILO instruments

6. A new instrument establishing a promotional framework in the area of OSH should be developed on a priority basis. The main purpose of this instrument should be to ensure that a priority is given to OSH in national agendas and to foster political commitments to develop, in a tripartite context, national strategies for the improvement of OSH based on a preventative safety and health culture and the management systems approach. In its function as an overarching instrument with a promotional rather than prescriptive content, it would also contribute to increasing the impact of existing up-to-date ILO instruments and to a continuous improvement of national OSH systems including legislation, supporting measures and

enforcement. Such a practical and constructive instrument should promote, inter alia, the right of workers to a safe and healthy working environment; the respective responsibilities of governments, employers and workers; the establishment of tripartite consultation mechanisms on OSH; the formulation and implementation of national OSH programmes based on the principles of assessment and management of hazards and risks at the workplace level; initiatives fostering a preventative safety and health culture; and worker participation and representation at all relevant levels. It should strive to avoid duplication of provisions which are in existing instruments. In order to enable an exchange of experience and good practice on OSH in this respect, the instrument should include a mechanism for reporting on achievements and progress.

7. As regards revisions, priority should be given to the revision of the Guarding of Machinery Convention, 1963 (No. 119), and the Guarding of Machinery Recommendation, 1963 (No. 118), and the revision of the Lead Poisoning (Women and Children) Recommendation, 1919 (No. 4), the White Phosphorus Recommendation, 1919 (No. 6), the White Lead (Painting) Convention, 1921 (No. 13), the Benzene Convention, 1971 (No. 136), and the Benzene Recommendation, 1971 (No. 144), in a consolidated manner by a Protocol to the Chemicals Convention, 1990 (No. 170).
8. With a view to increasing the relevance of ILO instruments, the development of new instruments in the areas of ergonomics and biological hazards should be given the highest priority. Priority should also be given to the development of a new instrument on the guarding of machinery in the form of a code of practice. Consideration should also be given to work-related psychosocial hazards for further ILO activities.
9. Occupational safety and health is an area which is in constant technical evolution. High-level instruments to be developed should therefore focus on key principles. Requirements that are more subject to obsolescence should be addressed through detailed guidance in the form of codes of practice and technical guidelines. The ILO should develop a methodology for a systematic updating of such codes and guidelines.

III. Technical assistance and cooperation

10. It is important to provide technical advisory and financial support to developing countries and countries in transition for the timely strengthening of their national OSH capacities and programmes. This is of particular importance in the context of rapid changes in global economy and technology. In developing technical cooperation programmes, priority should be given to the countries where the assistance is most needed and where the commitment for sustained action is obvious, for example in the form of initiated national OSH programmes. The formulation and implementation of technical cooperation projects, beginning with a needs assessment at the national, regional and international levels, are the effective ways in this regard. Where possible, these projects should have a multiplier effect at the regional level and be self-sustaining in the long term. Together with its constituents, the ILO should make special efforts to seek the support of donor countries and institutions as well as innovative funding sources for such purposes along with increasing OSH experts in the regions. Experiences gained through technical cooperation projects should be widely shared, particularly at the regional level.
11. The formulation of national OSH programmes, which has been promoted by the ILO in recent years, is an effective way to consolidate national tripartite efforts in improving national OSH systems. The endorsement and launching of a national OSH programme by the highest government authority, for example by the Head of State, government or parliament, would have a significant impact on strengthening national OSH capacities and mobilization of national and international resources. It is essential to ensure the active participation of employers, workers and all relevant government institutions in the formulation and implementation of the programme. The programme should be developed on the basis of the achievements and needs of each country aiming at the improvement of national OSH systems and their capacity and OSH performance.
12. National OSH programmes should cover key aspects such as national policy, high-level commitment and vision that are publicly expressed and documented, national strategy that would include the development of a national OSH profile, targets, indicators, responsibilities, resources, and government leadership. Such programmes would strengthen national government departments and their OSH inspection and enforcement systems, OSH service

structures, employers' and workers' organizations focused on OSH, information centres and networks, cross-cutting education and training systems, research and analytic structures, occupational injury and disease compensation and rehabilitation systems that include experience rating and incentives, voluntary and tripartite programmes and structures, as well as advocacy and promotion.

13. In developing methodologies to assist in the establishment and implementation of national OSH programmes, consideration should be given to the elaboration of appropriate and practical input, process and output indicators designed to provide a tool for the evaluation of progress by constituents, as well as a basis for periodic review and identification of future priorities for action in the prevention of occupational accidents and diseases.
14. The capacities and expertise of ILO field structures in the area of OSH should be strengthened to better address the needs of constituents in this area. The means of communication between ILO headquarters and its field offices should be streamlined and improved to ensure that available country data can be analysed and used effectively for planning and developing projects.

IV. Knowledge development, management and dissemination

15. In the field of OSH, adequate capacities to develop, process and disseminate knowledge that meets the needs of governments, employers and workers – be it international standards, national legislation, technical guidance, methodologies, accident and disease statistics, best practice, educational and training tools, research or hazard and risk assessment data, in whatever medium, language and format needed – are a prerequisite for identifying key priorities, developing coherent and relevant strategies, and implementing national OSH programmes. The ILO should continue to improve its means to assist constituents in developing their capacities in this area, and responding to their specific needs, particularly in the establishment or strengthening of the national and collaborating centres of the ILO's International Occupational Safety and Health Centre (CIS) and linking these centres through the Internet to form regional networks and a global OSH information exchange system that could also serve as the backbone for a global hazard alert system.
16. The ILO should foster research on particular priority subjects in the area of OSH, preferably in collaboration with other interested organizations, as a basis for decision-making and action.
17. Free access to ILO OSH information to all who need it should be granted through all available dissemination means and networks such as CD-ROM and the Internet. Assistance to constituents in the translation of key OSH documents and materials in local languages is vital. The ILO should collaborate with other interested organizations and bodies in integrating the ILO's information centres and networks into wider global OSH information networks designed to provide constituents with easy access to key quality and multilingual OSH information and databases, particularly in the areas of OSH legislation, technical and scientific guidance, training and education materials, and best practice. The sharing of successful experience and approaches among all those involved in safety and health is the most efficient way of facilitating the development of practical preventative measures for new and traditional problems. Access to such a body of knowledge would also facilitate the ILO's task of identifying key trends and updating its instruments accordingly.
18. The ILO should contribute to international and national efforts aimed at developing harmonized methods for the collection and analysis of data on occupational accidents and diseases. Methodologies should also be designed to assist constituents in the techniques of information collection, analysis, processing and dissemination, and on the use of reliable information in planning, prioritizing and decision-making processes.
19. It is essential to provide education to raise awareness of OSH issues to all starting from schools and other educational and training institutions. In addition, certain groups need more advanced OSH education and training, including management, supervisors, workers and their representatives, and government officials responsible for safety and health.
20. The ILO should develop practical and easy-to-use training materials and methods focused on the "train-the-trainer" approach on key aspects of safety and health at work and improve the capacities of the ILO field structures in the area of OSH information dissemination and provision of training, and in particular those of the ILO's training centres. The ILO should support developing countries in the establishment of relevant OSH training mechanisms to

reach all workers and their representatives and employers. Training should focus on supporting preventative action and on finding practical solutions. Vulnerable workers and workers in the informal economy should be given special consideration. The ILO training package on Work Improvements in Small Enterprises (WISE) has been used in many countries resulting in concrete improvements at enterprises. WISE and other training materials should be further improved and made widely available at low cost. OSH education curricula should be developed at the appropriate level.

V. International collaboration

21. Collaboration with international organizations and bodies involved in various activities related to OSH, in particular with WHO, has proven to be a very effective way of ensuring that ILO values and views are taken into account and used as a basis for the development of technical standards and methodologies pertaining to OSH. This collaboration puts the ILO at the centre of global networks and alliances that are vital mechanisms for maintaining the currency of its technical knowledge base as well as influencing other bodies. It is also very effective in ensuring complementarities of mandates and avoidance of duplication of efforts, and opens opportunities for employer and worker experts to bring their views to bear on outcomes outside the mandate of the ILO.
22. In taking action to further improve the visibility, streamlining and impact of the ILO's role in OSH, consideration should be given to a periodic review of activities in this context and reporting to the Governing Body of the ILO on key issues and outcomes. This type of collaboration should be further encouraged and strengthened, particularly in areas where common interests and mandates are shared between several organizations and where outcomes of activities are of benefit to the ILO's constituents, such as the work of the ILO/WHO Joint Committee on Occupational Health, the International Programme on Chemical Safety, the Inter-Organization Programme for the Sound Management of Chemicals (IOMC) and the International Commission on Occupational Health (ICOH). Within the context of ongoing efforts by the United Nations Environment Programme, the Inter-governmental Forum on Chemical Safety and the IOMC in developing a strategic approach to integrated chemicals management, the ILO should contribute to this work and ensure the full participation of employers' and workers' organizations in this process so that their views and interests are duly taken into account. The final outcome of this process should be presented to the ILO decision-making bodies for consideration.

General considerations

23. In developing and implementing the global strategy, the ILO should make special efforts in relation to countries with particular needs for assistance and willing to strengthen their OSH capacities. Other means that could be considered at a national level as part of strategies to improve working conditions at the enterprise level, including SMEs and informal economy undertakings, and for vulnerable workers, including young, disabled and migrant workers, and the self-employed, include: extending coverage of legal requirements, strengthening the capacities of enforcement and inspection systems, and focusing these capacities towards the provision of technical advice and assistance in the area of OSH; the use of financial incentives; initiatives to strengthen linkages between primary health-care systems and occupational health; the introduction of hazard, risk and prevention concepts in school curricula and educational systems in general (prevention through education) as an effective means to build strong and sustained preventative safety and health cultures on a continuous basis. A further consideration is the need to take account of gender specific factors in the context of OSH standards, other instruments, management systems and practice. Within the Office, the mainstreaming of OSH in other ILO activities should be improved. Furthermore, the integrated approach should be progressively applied to all other areas of ILO activities. Finally, due consideration should be given to the provision of adequate resources to implement this action plan.

II. Diversity of normative instruments

Annex 5

Follow-up to the Report of the Governing Body Working Party on International Labour Standards (Doc. GB.244/SC3/3 (November 1989))

APPENDIX

FLEXIBILITY IN ILO STANDARDS

I. Introduction

1. The ILO Constitution directs that, in drawing up Conventions and Recommendations, regard should be had to the need for flexibility in order to make allowance for differences of conditions prevailing in different countries. Article 19, paragraph 3, provides:

In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organisation, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

2. This principle has been acted upon ever since the Organisation began its standard-setting work in 1919. At the first session of the Conference that year, a separate committee considered the special country clauses which should be included in the texts under consideration. Several of the Conventions adopted excluded certain named countries altogether, permitted several others to apply less exacting standards, or made it possible generally to vary certain requirements on account of climatic factors. Since then, over the years, a wide range of what have come to be known as "flexibility devices" has been developed. In the process of drawing up ILO standards, attention is specifically directed to the possible need for flexibility to take account of variations in the level of development, conditions and practice of ILO member States. The approach to be adopted to this question has been repeatedly discussed: for example, at the Conference in 1984 when considering the Director-General's report on the ILO's standard-setting activities; in the Governing Body in the 1970s when it made an in-depth review of those activities and drew up a classification of existing standards and possible subjects for new or revised standards, and again in the years 1984-87 when it reviewed issues arising out of the 1984 Conference discussion and established a revised classification of existing and potential standards; and at regional meetings when periodically reviewing the application of ILO instruments.

3. These various discussions have revealed agreement on a number of principles,¹ namely:

- (a) ILO standard setting remains important, as a means of promoting balanced development, in justice and freedom, and as a source of inspiration for social policies.
- (b) International labour standards should continue to be adopted on a universal basis. However, they should be drawn up in a spirit of realism and effectiveness, so as to respond to the needs of all member States.
- (c) As provided for in the Constitution, ILO standards should be framed with due regard to differences in levels and conditions of development, with a

¹ See doc. GB.228/4/2 (November 1984), paras. 2, 24 and 25; and the Report of the Working Party on International Labour Standards, Official Bulletin, Vol. LXX, 1987, Series A, Special Issue, paras. 6 and 7.

view to enabling the greatest number of States progressively to ensure the intended protection.

- (d) There are limits to flexibility. In particular, it is generally felt that there should be no flexibility in Conventions dealing with fundamental human rights and freedoms, and that standards aimed at protecting workers' life and health should likewise be universally applicable.

4. Although the above principles are the subject of a large consensus, differences of views exist concerning the extent to which flexibility should go. They have found expression especially in the positions taken by Employer and Worker representatives.¹ The former consider that, in order to be universally applicable, ILO standards should be broad in scope, not too detailed, and not too much in advance of practice in most countries, and that they should incorporate flexibility. In their view, to have Conventions that are ratified by only few countries detracts from the moral pressure to ratify Conventions generally. Minimal Conventions supplemented by more comprehensive Recommendations would be one way to make standards more generally applicable, and Recommendations should also be used in their own right. Worker representatives take the view that ILO standards must set goals to attain in the future and point the direction in which social progress should move. They see little point in setting standards at a low level merely to make ratification possible, since in that case the system would lack dynamism. These positions have also been echoed by governments. In particular, governments of Third World countries have stressed the need for incorporating appropriate flexibility clauses in ILO instruments, both when adopting standards on new subjects and when revising existing texts.

5. The question is therefore not whether there should be flexibility, but how far it should go, and whether the need for flexibility is now receiving adequate attention. It is the purpose of the present note to examine the matter. It is proposed to review the range of flexibility devices which have been used and the extent to which they have found application in the standards adopted in the last 20 years (i.e. in the period 1969-88).² Attention will also be given to procedural steps taken with a view to ensuring that the flexibility issue receives due consideration.

II. Nature and extent of use of flexibility devices

Conventions and Recommendations

6. The essential purpose of flexibility is to afford a choice in the range, nature and level of protection to be provided, instead of imposing a rigid set of requirements. One fundamental determinant concerns the type of instrument in which any particular standards are embodied. Whereas Conventions, if ratified, have to be applied in their integrity, subject only to any exceptions or limitations which they expressly authorise, Recommendations are not designed to generate obligations and may be accepted

¹ See, more particularly, the views expressed in the Working Party referred to in footnote 1, as recorded in Appendix I to its report.

² For an earlier systematic examination of flexibility devices in ILO instruments, see J.F. McMahon: The legislative techniques of the International Labour Organisation, British Year Book of International Law, Vol. 41, 1965-66, pp. 31-69.

to such an extent, or subject to such exceptions or modifications, as a government may deem appropriate. A Recommendation may be used either as a free-standing instrument or for the purpose of supplementing a Convention. Resort to the former type of Recommendation has become relatively rare: of the 44 Recommendations adopted since 1969, only five (three of which concerned work at sea) did not supplement a Convention. On the other hand, it has become the general practice to frame standards in the form of a Convention supplemented by a Recommendation: of the 40 Conventions adopted since 1969, only four (three of which concerned work at sea) did not have a supplementary Recommendation. Within such an approach, the inclusion of particular rules – generally of a more detailed or exacting character – in the Recommendation has the effect of leaving their acceptance, or the extent of their acceptance, to the decision of each State.¹

Promotional Conventions

7. An important form of flexibility is provided by the adoption of "promotional" Conventions. Instead of laying down specific rules, they require ratifying States to accept and pursue defined policy objectives, while leaving considerable freedom in determining the nature and timing of the measures through which to attain those objectives. The degree of flexibility allowed by promotional Conventions is not uniform. For example, the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), while requiring the pursuit of a policy designed to promote equality of opportunity and treatment in employment and occupation, contains a precise definition of what constitutes discrimination and also enumerates a series of measures to be taken with a view to implementing the policy in question (including the repeal or modification of any legislation or administrative practice inconsistent with the policy and pursuit of the policy in respect of employment under the direct control of a national authority). Other promotional Conventions – such as the Employment Policy Convention, 1964 (No. 122) and the Workers with Family Responsibilities Convention, 1981 (No. 156) – are less specific. The prescriptive and promotional approaches may also be combined. This was done in the Rural Workers' Organisations Convention, 1975 (No. 141): it first sets out a series of guarantees to be enjoyed by rural workers and their organisations, and then goes on to provide for measures by the Government to encourage and facilitate the establishment and growth of such organisations. These examples tend to show that, even in standards relating to basic human rights, considerations of flexibility are not excluded.

8. Considerable use has been made of the promotional approach in Conventions adopted during the past 20 years. While bearing in mind that promotional and prescriptive provisions frequently coexist, reference may be made to the Conventions dealing with paid educational leave (No. 140, of 1974), human resources development (No. 142, of 1975), collective bargaining (No. 154, of 1981), occupational safety and health (No. 155, of 1981), workers with family responsibilities (No. 156, of 1981), vocational rehabilitation and employment of disabled persons (No. 159, of 1983), and occupational health services (No. 161, of 1985). Promotional elements are also to be found in various other Conventions, such as those dealing with dock work, rural workers' organisations, continuity of employment of seafarers and nursing personnel.

¹ It is recalled that ILO Conventions may not be ratified subject to reservations. See International Labour Code 1951, Vol. I, pp. xciv-civ.

Flexibility clauses

9. Apart from overall flexibility in the conception of instruments, a wide range of more specific flexibility clauses is to be found in ILO Conventions. They may relate to the scope of the Convention, to its substantive provisions, or to the means of its implementation. Many Conventions combine elements of flexibility on all these scores. To provide an indication of the extent to which flexibility is built into Conventions, it is proposed to examine a few texts by way of illustration before proceeding to a more detailed analysis of the kinds of clauses currently in use.

10. Minimum Age Convention, 1973 (No. 138). This Convention leaves considerable freedom in fixing the parameters of its application. The general age for admission to employment is to be specified by each ratifying State. It may not be less than the age for completion of compulsory schooling or 15 years (with the possibility, where a country's economy and educational facilities are insufficiently developed, of initially fixing a minimum age of 14 years). The age initially specified may subsequently be raised. Light work may be permitted, under stated conditions, for persons between 13 and 15 years (or for those between 12 and 14 years where the general minimum age is 14 years). Permits may also be granted for participation of children in artistic performances. While the Convention lays down an age of 18 years for employment in dangerous or unhealthy work, it leaves the types of work concerned to be determined by the authorities of each State; moreover, subject to certain safeguards, employment may be permitted in such work as from the age of 16 years. A country whose economy and administrative facilities are insufficiently developed may initially limit the application of the Convention to prescribed sectors of activity. In addition, limited categories of work in respect of which special or substantial problems of application arise may be excluded. Under stated conditions, work in schools of general, vocational or technical education, in training institutions, or for purposes of education or training in undertakings is excluded from the Convention. The Convention requires measures to be taken to ensure the effective enforcement of its provisions, including penalties. The nature of the enforcement measures, and of the penalties, is left to be decided by each State. More detailed provisions on the various aspects regulated in the Convention are to be found in the supplementary Minimum Age Recommendation; however, these are non-mandatory standards constituting guidance only.

11. Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153). This Convention applies to the driving of motor vehicles engaged professionally in national or international transport by road of goods or passengers. Certain categories of transport may, however, be excluded, e.g. urban transport, by reference to the particular operating conditions involved and to local conditions, transport by taxi, and transport which, by reason of the type of vehicle used, the capacity of the vehicles, their limited routes or their maximum authorised speed, is considered by the national authorities as not requiring regulation of driving time and rest periods. The extent to which periods of mere attendance or stand-by are to be regarded as hours of work is left to be determined by each country. The Convention limits to four hours the period of continuous driving without a break, but then permits various modifications to that rule: national authorities may, on account of national conditions, authorise the period of continuous driving to be extended up to five hours, and they may also specify cases in which the requirement shall not apply because they consider drivers to have sufficient breaks as a result of the nature of the work. The length of the break, and the way in which it may be split, is also left to be decided by each country. The Convention fixes a maximum total driving time of nine hours per day and 48 hours per week, but permits the averaging of these limits over a number of days or weeks to be decided in each country. It requires driving times to be

reduced in transport activities carried out in particularly difficult conditions, but leaves both the determination of those activities and the fixing of the lower limits to national decisions. The Convention provides for a daily rest period of at least ten consecutive hours; national systems of averaging may, however, reduce the rest period to eight hours twice a week. Exceptions to the rest period provisions may be made for vehicles having a crew of two drivers and for vehicles using a ferry boat or train. Temporary exceptions to the various requirements of the Convention may be permitted for indispensable work in certain cases, e.g. accident, breakdown, unforeseen delay or interruption of traffic. Furthermore, when national or local conditions in which road transport operates do not lend themselves to strict observance of the Convention, subject to providing particulars in a declaration appended to its ratification, a State may authorise extensions of driving time or of continuous working time and reductions in daily rest periods. The Convention sets no limits to such exceptions, but merely requires the State concerned to indicate any progress in its reports on the Convention. The various elements of flexibility permitted by Convention No. 153 are far more extensive than those contained in the earlier Convention (No. 67, of 1939) which it revised. Furthermore, several matters dealt with in the earlier Convention (such as the regulation of working hours, as distinct from driving time, and the maximum daily spreadover of working hours) were omitted from the revising Convention and included instead in the supplementary Recommendation (No. 161).

12. Labour Statistics Convention, 1985 (No. 160). A State which ratifies this Convention undertakes regularly to collect, compile and publish basic labour statistics. The Convention lists nine subjects (relating to the economically active population, employment and unemployment; the structure of the economically active population; earnings and hours of work; wage structure; labour cost; consumer price indices; household expenditure; occupational injuries and diseases; and industrial disputes) to which these statistics are to be progressively expanded. Part II of the Convention defines more specific obligations concerning the compilation of statistics on each of the listed subjects, but leaves ratifying States free to accept those obligations in respect of one or more of the respective subjects, as specified in their ratifications, with the possibility subsequently to extend their obligations. The Convention also permits a State initially to limit the statistics in respect of which it has accepted obligations to specified categories of workers, sectors of the economy, branches of economic activity or geographical areas, subject to providing indications of such limitations in the first report and subsequently reporting on progress. Similar limitations on the technical scope of the statistics in respect of which the obligations of the Convention have been accepted may also be introduced subsequently, by declaration communicated to the Director-General. It should also be noted that the obligations set out in Part II of the Convention are defined very succinctly, in general terms, e.g. "Current statistics of the economically active population, employment, where relevant unemployment, and where possible visible underemployment, shall be compiled in such a way as to be representative of the country as a whole". More detailed indications are set out in the supplementary Recommendation (No. 170). This approach may be contrasted with that adopted in the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), which was revised by Convention No. 160; the earlier text had specified in considerable detail the scope and content of the required statistics.

13. The preceding examples show the great lengths to which efforts have been taken in some of the recent standard-setting work of the ILO to allow for flexibility. The various devices used will now be analysed.

14. Flexibility of scope. The scope of Conventions varies according to their subject-matter. Some relate to work in particular sectors of the economy, such as the rural sector, the public sector, commerce and offices, road transport, nursing, construction, maritime shipping or plantations. Others are of general scope, such as the Conventions relating to basic rights, to employment or training. A number of Conventions state specifically that they apply, in principle, to all branches of economic activity, even if they leave room for limiting the scope of the obligations accepted.

15. Two sectors which have been particularly the subject of permissible limitations are agriculture and seafaring, although the latter has largely been covered by separate instruments. Since its inception, the ILO has held distinct maritime sessions of the Conference to deal with questions concerning seafarers, and general Conventions dealing with employment and working conditions - as distinct from Conventions concerning basic rights or matters of general concern to all workers - normally do not apply to seafarers.¹ For instance, the Holidays with Pay Convention (Revised), 1970 (No. 132) excludes seafarers, and a separate Convention concerning annual leave with pay for seafarers (No. 146) was adopted in 1976. Convention No. 132 permits the acceptance of its provisions separately for persons employed in sectors other than agriculture and for those employed in agriculture. The Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) and the Medical Care and Sickness Benefits Convention, 1969 (No. 130) permit a ratifying State whose legislation protects employees temporarily to exclude employees in agricultural occupations where, at the time of ratification, they are not yet protected by legislation in conformity with their provisions. Seafarers and public servants may also be excluded from the application of these Conventions if they are protected by special schemes which in the aggregate provide benefits equivalent to those required by the respective Conventions (separate standards on these matters have been adopted for seafarers).

16. Considerable flexibility as to scope of application may also be introduced by provisions requiring the protection of given percentages of workers or residents. For instance, the above-mentioned Convention No. 130 contains alternative formulae for defining the persons to be protected in respect of medical care, namely, all employees (and their wives and children), prescribed classes of the economically active population constituting not less than 75 per cent of the whole economically active population (and wives and children), or prescribed classes of residents constituting not less than 75 per cent of all residents. However, countries whose economy and medical facilities are insufficiently developed may confine their obligations to protecting prescribed classes of employees constituting not less than 25 per cent of all employees (and wives and children) or prescribed classes of employees in industrial undertakings constituting not less than 50 per cent of all employees in industrial undertakings (and wives and children). Broadly similar clauses are to be found in the part of the Convention dealing with sickness benefit and in other social security Conventions, such as the Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) and the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168). Under the last-mentioned Convention, unemployment benefit protection should normally cover 85 per cent of all employees, but a ratifying State may limit its obligations to protecting prescribed classes of employees constituting not less than 50 per cent of all employees or, when justified by the level of development, prescribed classes of employees constituting not

¹ See International Labour Code 1951, Vol. I, pp. 755-756.

less than 50 per cent of all employees in industrial undertakings employing 20 or more persons.

17. In some cases, where a Convention applies in principle to all branches of economic activity, it permits the exclusion of particular branches in respect of which special problems of a substantial nature arise. Such a clause is to be found, for instance, in the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) and the Occupational Safety and Health Convention, 1981 (No. 155); the latter refers, by way of example, to maritime shipping and fishing (separate standards for the prevention of accidents to seafarers have been laid down in Convention No. 134, of 1970). In other instruments, the permissible exclusion is defined in narrower terms, referring to limited categories of workers or employment in respect of which special and substantial problems of application arise. Such a clause is to be found, for example, in the Holidays with Pay Convention (Revised), 1970 (No. 132), the Minimum Age Convention, 1973 (No. 138) and the Termination of Employment Convention, 1982 (No. 158). The Occupational Safety and Health Convention, 1981 (No. 155), in addition to the above-mentioned clause permitting the exclusion of particular branches of activity, also permits the exclusion of limited categories of workers in respect of which there are particular difficulties.

18. The Plantations Convention, 1958 (No. 110) originally applied to any agricultural undertaking in tropical or subtropical regions concerned with the production of specified crops for commercial purposes which regularly employed hired workers; only family or small-scale holdings producing for local consumption and not regularly employing hired labour were excluded. This definition was found to constitute an obstacle to the acceptance of the Convention by a number of countries. The protocol to the Convention adopted in 1982 permits the substitution of a revised definition, under which undertakings covering not more than 12.5 acres (5 hectares) and employing not more than ten workers at any time during a calendar year may be excluded from the application of the Convention.

19. Flexibility of scope may be stated not in terms of permissible exceptions, but of optional extension or progressive implementation of the Convention. Thus, the Labour Inspection (Agriculture) Convention, 1969 (No. 129) requires the inspection system for which it provides to apply to agricultural undertakings in which employees or apprentices work; by means of a declaration at the time of ratification or made subsequently, its obligations may be extended to defined categories of non-wage labour, such as share-croppers and members of agricultural co-operatives. The Occupational Health Services Convention, 1985 (No. 161) requires ratifying States to develop progressively occupational health services for all workers in all branches of economic activity and all undertakings.

20. The Workers' Representatives Convention, 1971 (No. 135) provides for protection of workers' representatives against prejudicial acts and for the granting of facilities to enable them to carry out their functions. "Workers' representatives" for the purpose of the Convention are persons recognised as such under national law or practice, and may be either trade union representatives or representatives elected by the workers of the undertaking. The Convention leaves it to national laws or regulations, collective agreements, arbitration awards or court decisions to determine the type or types of workers' representatives entitled to the protection and facilities provided for by it. Similarly, the Minimum Wage Fixing Convention, 1970 (No. 131), which requires the establishment of a minimum wage system covering all groups of wage earners whose terms of employment make such coverage appropriate, leaves it to the competent authority in each country, after

consultation of representative employers' and workers' organisations, to determine the groups of wage earners to be covered.

21. Flexibility in substantive provisions. A great variety of formulae has been employed to introduce flexibility into the substantive requirements of ILO Conventions.

22. One device is to permit the acceptance of Conventions in parts. This approach has been adopted especially in the field of social security. Thus, the Social Security (Minimum Standards) Convention, 1952 (No. 102), which deals with nine branches of social security, may be ratified on the basis of acceptance of its provisions for not less than three of these branches. The obligations of the Equality of Treatment (Social Security) Convention, 1962 (No. 118) may be accepted in respect of any one or more of the same nine branches. The Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128) may be ratified for any one or more of the three types of benefits concerned. The Social Security (Seafarers) Convention (Revised), 1987 (No. 165) requires a ratifying State to provide for seafarers to whom its legislation is applicable social security protection not less favourable than that enjoyed by shoreworkers in respect of each of nine branches of social security for which it has legislation in force. It must, in addition, accept specified standards of protection in respect of at least three of these branches, either at a minimum level defined by reference to provisions of the Social Security (Minimum Standards) Convention, 1952 (No. 102) or at a higher level defined by reference to several subsequent Conventions (Nos. 121, 128 and 130).

23. Partial acceptance is also permitted by certain Conventions outside the social security field. Thus, a State which ratifies the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) may accept either or both of its substantive parts, relating respectively to migrations in abusive conditions and equality of opportunity and treatment. The Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) may be accepted separately in respect of each of the three hazards mentioned. As already indicated in the earlier summary of the provisions of the Labour Statistics Convention, 1985 (No. 160), that Convention leaves ratifying States a choice as to the subjects on which to accept specific obligations concerning the compilation of statistics.

24. Some Conventions leave it to each ratifying State to fix the precise level of the standards to be guaranteed, subject to a defined minimum. For instance, the Holidays with Pay Convention (Revised), 1970 (No. 132) requires each ratifying State to specify the minimum length of the annual paid holiday, which may, however, not be less than three working weeks for a year of service. A similar approach is adopted in the Seafarers' Annual Leave with Pay Convention, 1976 (No. 146), with a floor of 30 calendar days' leave for a year of service. The Minimum Age Convention, 1973 (No. 138) requires ratifying States to specify the minimum age for admission to employment or work, which may, however, not be less than the age for completion of compulsory schooling and, in any case, not less than 15 years (or 14 years for countries whose economy or educational facilities are insufficiently developed). The minimum age for admission to light work also varies according to whether a general minimum age of 15 years or more or of 14 years has been specified.

25. Many kinds of clauses are to be found in Conventions which permit partial exclusions. Clauses which permit the exclusion from the application of a Convention of categories of workers or employment in respect of which problems of application arise may be used also to exclude the workers or employment concerned from only some of the requirements of the Convention.

Conventions. For example, the Termination of Employment Convention, 1982 (No. 158) permits the exclusion from the Convention or certain of its provisions of categories of employed persons whose terms of employment are governed by special arrangements which provide protection at least equivalent to that afforded under the Convention. The Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147) requires ratifying States to have laws or regulations concerning safety standards, social security and (in so far as these are not covered by collective agreements or laid down by competent courts) shipboard conditions of employment and living arrangements, and to satisfy themselves that such laws and regulations are substantially equivalent to specified other ILO Conventions and particular Articles of certain Conventions.

29. It was noted that social security Conventions define their personal scope by means of statistical criteria, and with a choice among different formulae. They follow a similar approach to establishing the level of cash benefits. They also contain various other flexibility clauses. For example, the Medical Care and Sickness Benefits Convention, 1969 (No. 130) permits countries whose economy and medical facilities are insufficiently developed to provide a more limited range of medical care than more developed countries. It also permits such less developed countries to limit the payment of sickness benefit to a period of not less than 26 weeks in each case of incapacity whereas, in general, benefit should be granted for not less than 52 weeks. The Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168) permits States, by means of a declaration at the time of ratification, to limit their obligations in a number of respects, namely, as regards the percentage of employees protected, the level of benefit, the provision of benefit in the event of partial unemployment, the length of any waiting period before payment of benefit, the duration of payment of benefit, the provision of medical care to persons in receipt of unemployment benefit and their dependants, the taking into account of periods during which such benefit is paid for the purposes of other social security benefits, and the extension of protection to new applicants for employment. The Unemployment Provision Convention, 1934 (No. 44) - which Convention No. 168 revised - had defined in precise terms the concept of suitable employment, the refusal of which by an unemployed person might lead to his disqualification from benefit. In contrast, Convention No. 168 merely refers in general terms to a number of factors to be taken into account in assessing suitability of employment; more specific criteria are to be found only in the supplementary Recommendation.

30. Various other instances can be cited where a revising Convention has been formulated in substantially more flexible terms than the earlier text. As already mentioned, a similar trend marked the revision of instruments concerning hours of work and rest in road transport and labour statistics. Another striking illustration is provided by the standards on safety in dock work. Whereas the Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32) laid down a series of precise technical standards (including such details as the minimum width of access and the minimum height of fencing), the provisions of the revising Convention of 1979 (No. 152) are stated in terms of general principles. The Safety Provisions (Building) Convention, 1937 (No. 62) required ratifying States to have laws or regulations which, in addition to ensuring the application of the rules laid down in the Convention, empowered an appropriate authority to make regulations to give effect as far as possible and desirable under national conditions to the provisions of a model code set out in a supplementary Recommendation. When the Conference adopted the Safety and Health in Construction Convention, 1988 (No. 167) - which revised Convention No. 62 - it decided not to include a

similar obligation in respect of the standards set out in the supplementary Recommendation.¹

31. It has been seen that flexibility in Conventions may not only take the form of clauses permitting exceptions, exemptions, derogations or variations, but frequently also results from wording requirements in broad terms which leave wide choice as to the means of implementing them. Several other illustrations of such an approach may be mentioned. The principal requirements of the Workers' Representatives Convention, 1971 (No. 135) are that workers' representatives in the undertaking shall enjoy effective protection against prejudicial acts, including dismissal, based on their status or activities, and that they should be afforded such facilities in the undertaking as may be appropriate to enable them to carry out their functions promptly and efficiently. The provisions of the supplementary Recommendation show the variety of ways in which these standards may be implemented, it enumerates by way of illustration the measures which the protection of workers' representatives "might include". The Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148) requires the competent authority to establish criteria for determining the hazards of exposure to air pollution, noise and vibration in the working environment and, where appropriate, to specify exposure limits on the basis of these criteria. The Convention does not determine the content of the relevant criteria and exposure limits, but merely imposes certain procedural requirements, namely, to take account of the opinion of technically competent persons designated by the most representative employers' and workers' organisations in establishing the criteria and exposure limits, and to establish, supplement and review them in the light of current national and international knowledge and data. The Convention provides that, as far as possible, the working environment shall be kept free from any hazard due to air pollution, noise or vibration; this may be done either by technical measures applied to new plant or processes in design or installation or added to existing plant or processes or, where that is not possible, by supplementary organisational measures. When such measures do not bring air pollution, noise and vibration within the exposure limits which have been specified, the employer is to provide suitable personal protective equipment. The Convention also requires supervision at suitable intervals, on conditions and in circumstances determined by the competent authority, of the health of workers exposed or liable to be exposed to occupational hazards due to air pollution, noise or vibration, including a pre-assignment medical examination and periodic examinations, as determined by the competent authority. All persons concerned are to be adequately and suitably informed of potential occupational hazards due to air pollution, noise and vibration, and instructed in measures for their prevention and control. These various provisions leave considerable latitude in determining the manner of implementing the Convention; thus, exposure limits are to be specified "where appropriate", other measures are to be taken "as far as possible", "adequately and suitably", "at sufficient intervals", or as specified or under conditions determined by the competent authority. Flexible terminology of this kind is to be found in many other Conventions.

32. It will be noted that the Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148), rather than itself laying down precise technical standards, requires ratifying States to establish an institutional framework through which risks can be assessed and given an appropriate response by means of regulations and practical action. Such an approach characterises many of the Conventions adopted over the last 20

¹ International Labour Conference, 75th Session, 1988, Report IV(2B), p. 8 (Article 4(b)), and Record of Proceedings, p. 25/6, paras. 56-57.

years. By way of example, reference may be made to the Labour Administration Convention, 1978 (No. 150), the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), the Human Resources Development Convention, 1975 (No. 142) and the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), the Prevention of Accidents (Seafarers) Convention, 1970 (No. 134), the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Health Services Convention, 1985 (No. 161), and the Nursing Personnel Convention, 1977 (No. 149). Also worthy of note is that comparatively few of the Conventions adopted during that period have dealt with conditions of employment (such as hours of work, paid leave, and minimum age for employment), where more precise standards have their place; even in such instruments, as has been seen, many elements of flexibility have been provided for.

33. Flexibility in means of implementation. In reviewing flexibility in substantive provisions, reference has already been made to the fact that States often enjoy considerable freedom in the choice of methods for implementing Conventions, either because of the general terms in which their requirements are defined or because they specifically leave the determination of the parameters of protection to national decisions. Mention may be made of two types of devices which are widely used in this connection.

34. The first of these devices concerns the form of action through which to make the Convention effective. For example, the Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164) may be given effect "by national laws or regulations, collective agreements, work rules, arbitration awards or court decisions or other means appropriate to national conditions". Other Conventions - such as the Termination of Employment Convention, 1982 (No. 158) - provide that their requirements "shall, in so far as they are not otherwise made effective by means of collective agreements, arbitration awards or court decisions or in such other manner as may be consistent with national practice, be given effect by laws or regulations".

35. The second formula directs the measures provided for in the Convention to be adapted to or determined in accordance with national conditions and practice. Provisions to that effect are to be found especially in promotional Conventions and in institutional framework Conventions to which reference has been made above. It is also common to define enforcement measures in a manner which leaves their form and content to be decided by each State. For example, the Safety and Health in Construction Convention, 1988 (No. 167) requires ratifying States to take "all necessary measures, including the provision of appropriate penalties and corrective measures, to ensure the effective enforcement of the provisions of the Convention" and to provide "appropriate inspection services to supervise the application of the measures to be taken in pursuance of the Convention and [to] provide these services with the necessary resources for the accomplishment of their task, or [to] satisfy itself that appropriate inspection is carried out".

III. Procedural aspects

36. In addition to considering the extent to which flexibility finds reflection in the standards adopted, it is appropriate to mention various procedural questions which may affect the decisions taken.

37. Attention to the need for flexibility in drawing up ILO standards. It is the practice of the Office to include in all questionnaires appended to law and practice reports that mark the first stage in the process of drawing up ILO instruments a section headed "special problems". It asks for information on any particularities of national law or practice which are

liable to create difficulties in the application of the instruments contemplated, and for suggestions on how such difficulties might be met. It also asks governments of federal States for indications concerning the authorities which would be competent to act on the subject-matter. Finally, it inquires whether there are any other problems not covered by the questionnaire which ought to be taken into account when the proposed instrument is drafted. The answers to these questions naturally lead both the relevant Conference committees, in their discussions, and the Office, in preparing the further Conference reports, to give careful attention to the need for flexibility. These considerations affect decisions on the type of instrument to be adopted, on the inclusion of particular matters in a Convention or in its supplementary recommendation, and on the specific terms of individual provisions.

38. In the report on international labour standards which the Director-General presented to the Conference in 1984, he recalled that the general practice in the case of standards adopted under the double-discussion procedure was to take decisions on the form of the instrument at the first discussion, so as to allow adequate time for the preparation of the draft texts and for consultations on the drafts prior to the second discussion. He noted that on several occasions in recent years a decision during the first discussion to adopt a Recommendation had been reversed during the second discussion in favour of the adoption of a Convention supplemented by a Recommendation. Such decisions had a double disadvantage: they made it necessary to draft the final texts under great time pressure, and led to the adoption of instruments which had not been the subject of adequate consultations, as required by the ILO Constitution. Both these drawbacks were liable also to result in insufficient consideration of the need for flexibility.¹ Following discussion of this question in the Governing Body, the Conference changed its Standing Orders in 1987. While the possibility has been retained of deciding, in the course of a second discussion, to adopt a Convention (or a Convention plus a Recommendation) rather than a Recommendation, such a decision now requires a two-thirds majority of those voting in the competent committee.²

39. The time available for preparing ILO standards. The above-mentioned report on international labour standards also raised the question whether the standard timetable for decisions by the Governing Body on the agenda of the Conference might not be altered so as to permit earlier dispatch of the initial law and practice report, and thus give more time to governments to prepare replies to the questionnaires and to consult employers' and workers' organisations on those replies.³ The Governing Body considered this suggestion, but decided not to change the standard timetable.⁴ An opportunity may however present itself to re-examine this question from a somewhat different perspective. The Governing Body has recently initiated discussions on possible changes in the system of ILO meetings, including the International Labour Conference.⁵ Should such changes be adopted, they

¹ Report of the Director-General, International Labour Conference, 70th Session, 1984, Part I, p. 21.

² Article 40, para. 2, of the Standing Orders of the Conference.

³ Report of the Director-General, op. cit., p. 19.

⁴ GB.234/13/24, para. 8.

⁵ See doc. GB.242/13/4 (February-March 1989).

would entail consequential adaptations in the arrangements for preparation and circulation of Conference reports. The desirability of allowing more time for study of proposals and consultations would receive careful attention.

40. Facilitating greater participation by developing countries in the standard-setting process. Since flexibility is of particular interest for developing countries, it is important that their needs and views receive adequate attention in the preparation of ILO instruments, not only in the course of written consultations, but also during the discussions at the Conference. It has been recognised that financial constraints make it difficult for many developing countries to send sufficiently large delegations to the Conference to be able to follow the discussions in the various committees. It was accordingly suggested in the 1984 Conference report on international labour standards that renewed consideration be given to the financing of Conference delegations out of the budget of the Organisation.¹ This question was subsequently examined by a Governing Body working party. So far, it has not been possible to reach agreement. The matter remains under consideration, in conjunction with possible changes in the pattern of meetings.²

41. The structure of Conventions. During the discussion on international labour standards at the Conference in 1984, and during subsequent discussions in the Governing Body, the Government of India suggested that Conventions might be divided into three parts: the first would enunciate principles and objectives; the second would lay down minimum standards within early reach even of developing countries; the third would set higher standards, as a longer-term objective.³ The overall effect of flexibility devices is often similar to that sought by the Indian proposal, and in particular instances it may be possible to structure Conventions on the pattern suggested. However, it appears difficult to use this as a general method. As has been noted, flexibility often does not take the form of distinct rules for countries at different stages of development, but results from the generality of the terms used and from the latitude left to governments in determining the form and timing of implementing measures. This is true especially of promotional Conventions and what have been described as institutional framework Conventions. Even where flexibility relates to more specific technical aspects, it may not be easy to establish rigid distinctions between rules appropriate to countries at different stages of development. This may be seen, for example, in the case of the Minimum Age Convention, 1973 (No. 138), in regard to such matters as the regulation of access to employment in dangerous occupations, the exclusion of limited categories of work in respect of which substantial problems of application would arise, and possibilities of permitting light work by persons below the general minimum age for admission to employment. Similarly, the various flexibility clauses in the Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153) do not lend themselves to classification according to the type of countries likely to make use of them.

42. In the light of the Indian proposal, it may nevertheless be appropriate to consider whether, in given cases, Conventions might not be

¹ Report of the Director-General, op. cit., p. 19.

² See docs. GB.241/15/17 (November 1988) and GB.242/13/4 (February-March 1989).

³ See doc. GB.228/4/2 (November 1984), para. 24, and Report of the Working Party on International Labour Standards, op. cit., p. 12, para. 11.

drafted to make clear the various - or, at least, the main - forms of flexibility for which they make allowance, for instance, by identifying the relevant clauses in an initial article (as has indeed already been done in a number of social security Conventions). More generally, it would be desirable for the Office, in its promotional and advisory activities, to seek to increase awareness among the Organisation's constituents of the possibilities of flexibility afforded by existing Conventions.

43. Revision of Conventions which have not been widely ratified. In recent discussions on international labour standards, Employer representatives have stressed that it was undesirable to have Conventions that were ratified by only very few countries, because that detracted from the moral pressure to ratify Conventions generally. They suggested that, before embarking on the adoption of new standards, a systematic examination should be undertaken of the numerous Conventions which had not been widely ratified, in order to see how they could be revised.¹

44. The use of the number of ratifications as a criterion for measuring the value of Conventions, and the consequences drawn therefrom by Employer representatives as regards the search for flexibility, has been questioned by Worker representatives and also by a number of governments.²

45. It is not proposed here to enter into a discussion of the arguments advanced by the various parties on this question. On the other hand, it may be useful to analyse the extent to which the process of revision has already been pursued.

46. In the period 1919 to 1939, 67 Conventions were adopted. Of these Conventions:

- 39 have been formally revised by later Conventions;
- in the case of seven other Conventions, subsequent standards have been adopted on their subject-matter, without formal revision;³
- three further Conventions never received the number of ratifications needed for their entry into force, and can be considered to be spent;⁴

¹ Report of the Working Party on International Labour Standards, op. cit., pp. 10-11, paras. 5-7.

² *ibid.*, pp. 26-27, paras. 51-53.

³ Standards on hours of work (Conventions Nos. 1, 30 and 47) were reconsidered at the time of adoption of Recommendation No. 116. The questions relating to unemployment dealt with in Convention No. 2 have been the subject of more detailed standards concerning employment policy, employment services and unemployment benefits (including Conventions Nos. 88, 122 and 168). The right of association in agriculture (Convention No. 11) has been the subject of further standards in Conventions Nos. 87 and 141. Equality of treatment with respect to accident compensation (Convention No. 19) has been covered also in Convention No. 118. Minimum wage fixing machinery (Convention No. 26) was the subject of new standards in Convention No. 131.

⁴ Conventions Nos. 46, 51 and 61.

- seven Conventions have been identified by the Governing Body as out of date, and detailed reports on their application are no longer requested.¹

This leaves only 11 of the 67 Conventions (roughly one-sixth) which have not been affected by subsequent standard setting and are not considered as out of date. With one exception, all were identified as instruments to be promoted on a priority basis in the classification of existing ILO instruments approved by the Governing Body in 1987, none as instruments to be revised.

47. In the period 1946 to 1960, 48 further Conventions were adopted. Of these:

- two dealt with purely procedural matters (the revision of final Articles in previous Conventions and declarations in respect of non-metropolitan territories);
- eight have been formally revised, and one is in the process of revision;
- in five instances, further standards have been adopted on the same subject-matter, without formal revision;²
- two Conventions have been identified as out of date, and detailed reports on their application are no longer requested.³

Of the remaining 30 Conventions, all except three (which relate to non-metropolitan territories) were identified as Conventions to be promoted on a priority basis in the Governing Body classification of 1987. Only four were identified as instruments to be revised: three concerning night work (a question now before the Conference), the fourth concerning wages, hours of work and manning at sea.

48. The overall picture emerging from the preceding analysis is that a substantial effort has been made over the years to revise or otherwise reconsider the Conventions adopted in the earlier periods of the ILO's existence, and that only a handful of the remaining Conventions then adopted have been identified by the Governing Body as calling for revision. While the conclusions reached by the Governing Body in 1987 are in no way definitive, there would have to exist both sufficient substantive grounds and the prospects of sufficient consensus to justify the initiation of the revision of other Conventions. In the case of Conventions which have been adopted in more recent times, these considerations would apply with added force, since any revision would imply the reopening of conclusions of relatively recent date; moreover, their full ratification potential would in general not yet have been achieved. It would also be well to bear in mind that unratified Conventions

¹ Conventions Nos. 20, 21, 43, 49, 50, 64 and 65.

² Crew accommodation (originally dealt with in Convention No. 92) has been the subject of supplementary standards (Convention No. 133). This has also been the case for migrant workers (Conventions Nos. 97 and 143). Minimum wage fixing in agriculture (Convention No. 99) is also covered in Convention No. 131. The matters dealt with in Convention No. 102 (minimum standards of social security) have been the subject of a series of further Conventions, the ratification of which generally has the effect of replacing obligations under the corresponding part of the previous instrument. The Convention relating to work on plantations (No. 110) was the subject of a protocol adopted in 1982.

³ Conventions Nos. 86 and 104.

often influence national policy and legislation,¹ and in fact perform a function corresponding to that of a Recommendation (a form of instrument whose value has been emphasised particularly by Employer spokesmen).

IV. Conclusions

49. The main conclusions which emerge from the preceding review are as follows:

- (a) A wide range of flexibility devices has been developed with a view to giving effect to the directive contained in article 19, paragraph 3, of the ILO Constitution that, in the drawing up of Conventions and Recommendations, regard be had to differences of conditions and levels of development.
- (b) As a result of the systematic attention given to the need for flexibility in the course of the preparation of ILO standards, the instruments adopted over the past two decades allow for many and varied forms of flexibility. These may arise not only from clauses permitting specific exceptions, derogations or variations, but also from the basic conception of the instruments, such as the adoption of promotional Conventions and institutional framework Conventions, and from the division of standards into those included in a Convention and those considered appropriate only for non-mandatory Recommendations. Flexibility may affect the personal or material scope of instruments, their substantive provisions, and the means by which to bring about their implementation.
- (c) Substantial efforts have been made to revise Conventions adopted during the earlier periods of the ILO's existence. Frequently, revising Conventions offer significantly greater possibilities of flexibility than the instruments which they are intended to replace.
- (d) Flexibility depends not only on specific decisions taken in the course of the standard-setting process, but also on various practical and procedural arrangements which may facilitate awareness of and responsiveness to the needs of countries at different stages of development. Some of these procedural aspects call for consideration within wider discussions concerning the functioning of the Organisation.
- (e) In the course of its promotional and advisory activities the Office should seek to increase awareness among the Organisation's constituents of existing flexibility devices.

50. While the need for flexibility must continue to receive systematic and informed attention, it has to be recognised that the degree of flexibility to be allowed in any given instance can never be the result of an automatic process of analysis or of bureaucratic dictation. The Organisation's constituents have a responsibility to give due consideration to this aspect at all stages of the preparation of standards. The decisions themselves remain to be taken in the framework of a democratic deliberative process. They will reflect the differing perceptions held by the participants of the balance to be maintained between the need for realism and the need to endow international labour standards with a dynamic thrust.

¹ See The impact of international labour Conventions and Recommendations, ILO, 1976, Chapter 2.

III. Complementarity of the constitutional machinery for the application of Conventions

Annex 6

Evolution of ratifications since 1945

Decades	Americas	Africa	Asia and Pacific	Europe	Total	Total number of ratifications	Total number of Conventions
Situation on the 31 December 1944:							
– Total number of ratifications	237.0	11.0	87.0	521.0	856.0	856	
– Number of member States on 31.12.44	22.0	4.0	9.0	26.0	61.0		
– Average rate of ratification on 31.12.44	10.8	2.8	9.7	20.0	14.0		67
1945-54:							
– New ratifications	156.0	7.0	112.0	331.0	606.0	1 462	
– Number of member States on 31.12.54	22.0	5.0	17.0	30.0	74.0		
– Average rate of ratification on 31.12.54	17.9	3.6	11.7	28.4	19.8		103
1955-64:							
– New ratifications	258.0	690.0	190.0	377.0	1 515.0	2 977	
– Number of member States on 31.12.64	24.0	34.0	23.0	31.0	112.0		
– Average rate of ratification on 31.12.64	27.1	20.8	16.9	39.6	26.6		122
1965-74:							
– New ratifications	285.0	253.0	171.0	367.0	1 076.0	4 053	
– Number of ratifications on 31.12.74	26.0	37.0	33.0	33.0	129.0		
– Average rate of ratification on 31.12.74	36.0	26.0	17.0	48.4	31.4		140
1975-84:							
– New ratifications	338.0	281.0	149.0	346.0	1 114.0	5 167	
– Number of member States on 31.12.84	33.0	49.0	36.0	34.0	152.0		
– Average rate of ratification on 31.12.84	38.6	25.3	19.7	57.1	34.0		159

Source: GB.262/58-1.

Annex 7

Progress of ratifications of up-to-date Conventions adopted between 1951 and 2003

	Average number of ratifications by Convention				
	End 1963	End 1973	End 1983	End 1993	2003
Conventions adopted in 1951-1960	20	35	44	49	58
Conventions adopted in 1961-1970	–	18	27	34	37
Conventions adopted in 1971-1980	–	–	21	31	43
Conventions adopted in 1981-1990	–	–	–	14	22
Conventions adopted in 1991-2000	–	–	–	–	20 (9) ¹
Conventions adopted in 2001-2003	–	–	–	–	2

¹ The number in brackets does not take into account the ratifications registered for Convention No 182.

Annex 8

Ratifications of up-to-date Conventions

Ratifications	1 to 20	21 to 40	41 to 60	61 to 80	81 to 100	More than 100
Conventions Nos.	110, 128, 130, 145, 146, 152, 157, 163- 175, 177- 181, 183, 184	78, 102, 118, 121, 139-141, 149, 154- 156, 161, 162	77, 94, 115, 120, 124, 129, 131, 147, 148, 150, 151, 160	106, 108, 135, 142, 159	95, 122	14, 29, 81, 87, 98, 100, 105, 111, 138, 144, 182

Annex 9

Ratifications of Conventions by sector (using numbers)

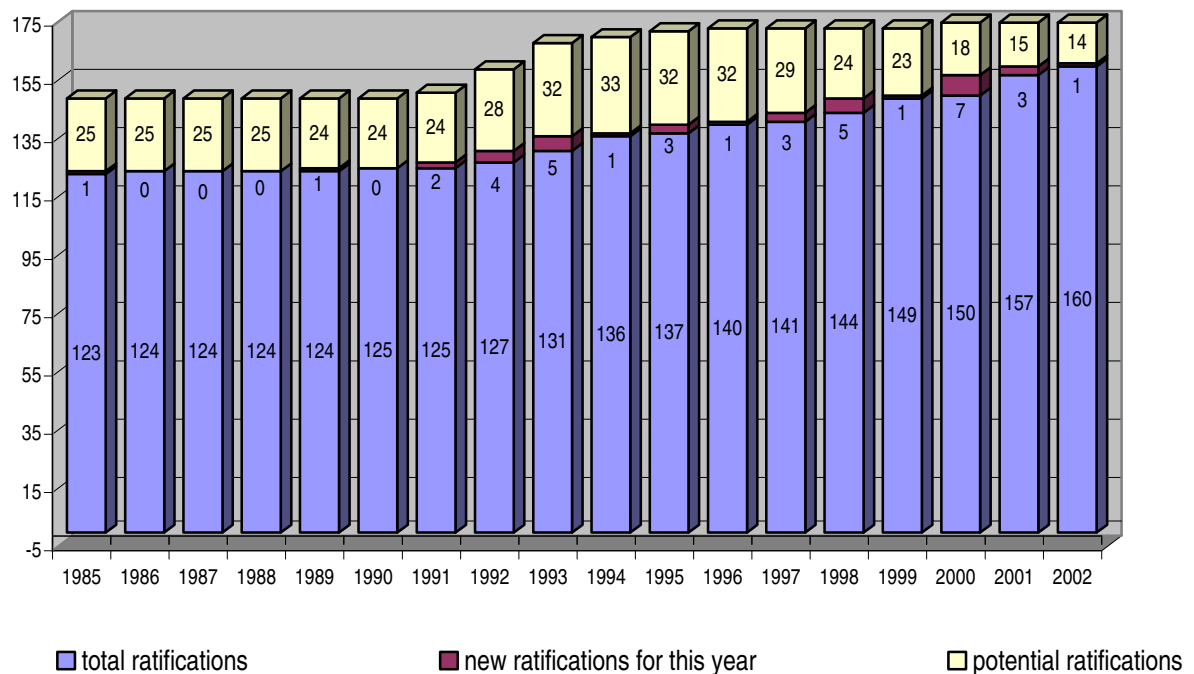
Sector	Ratifications					
	1-20	21-40	41-60	61-80	81-100	more than 100
Fundamental rights						
Freedom of association		141	151	135		87, 98
Forced labour						29, 105
Equality of opportunity and treatment		156	160			100, 111
Child labour						138, 182
Employment						
Employment policy					122	
Private employment agencies	181					
Human resources development				142		
Vocational rehabilitation and employment (disabled persons)				159		
Employment security						
Labour administration						
Social policy						
General			150			
Labour inspection			129			81
Labour statistics			160			
Tripartite consultation						144
Professional relations		154				
Working conditions						
Wages	173		94, 131		95	
General working conditions	171, 175, 177	140		106		14
Occupational safety and health	152, 167, 170, 174, 184	139, 155, 161, 162	115, 120, 148,			
Social security						
Global norms	157	102, 118				
Protection within different branches of social security	128, 130, 168, 183	121				
Women's work	183					
Young persons' work		78	77, 124			
Old-age workers						
Migrant workers						
Indigenous and tribal peoples	169					

Sector	Ratifications					
	1-20	21-40	41-60	61-80	81-100	more than 100
Specific categories of workers						
Seafarers	145, 146, 163, 164, 165, 166, 178, 179, 180		147	108		
Fishermen						
Dockers	152					
Plantations	110					
Agriculture						
Nursing personnel		149				
Hotels and restaurants	172					

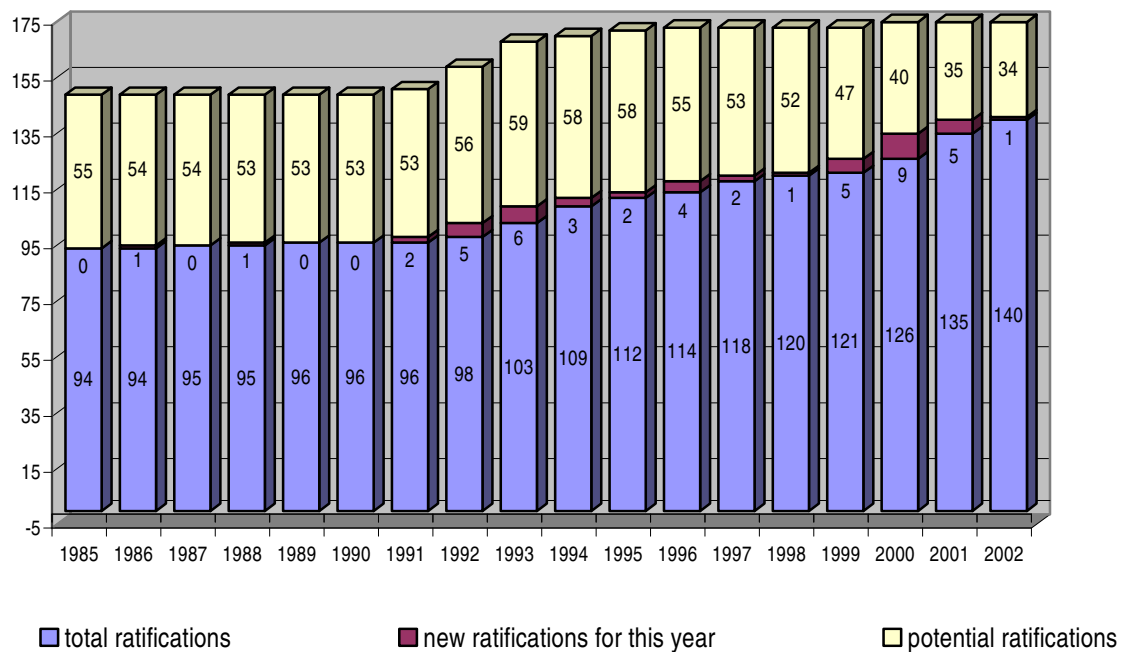
Annex 10

Ratification of fundamental and priority Conventions

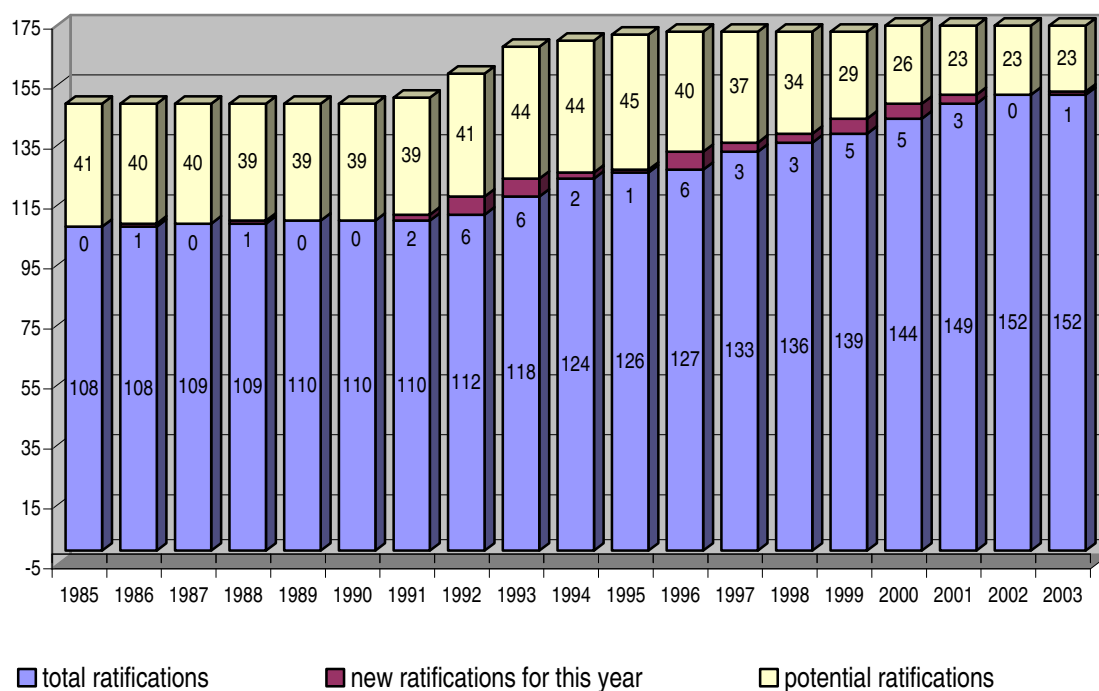
Forced Labour Convention, 1930 (No. 29)



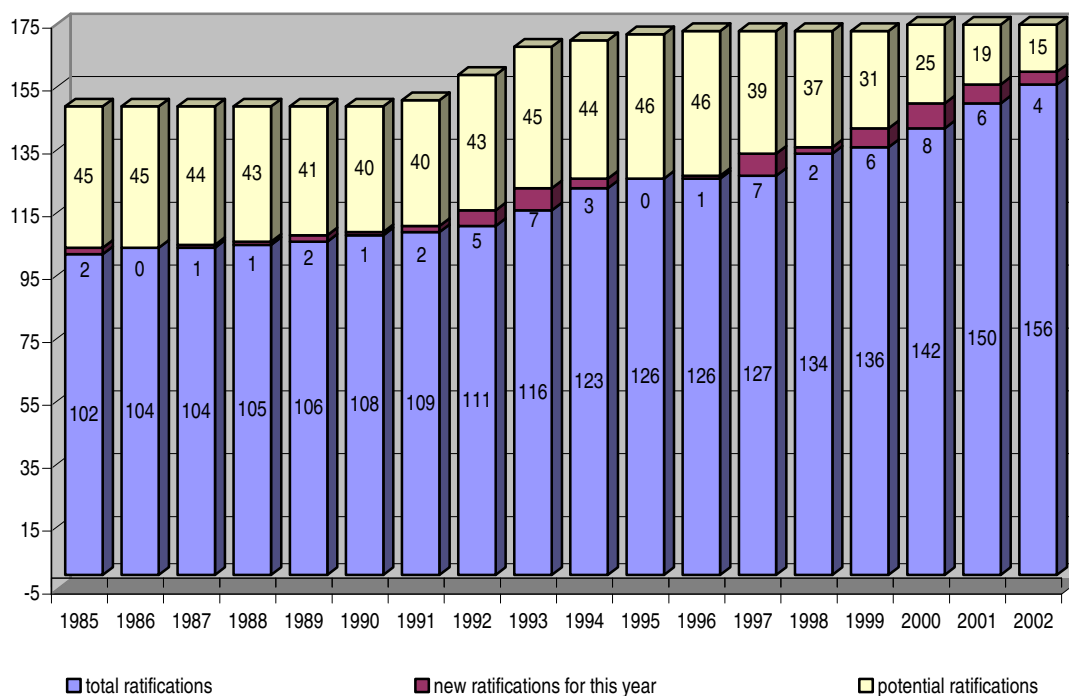
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)



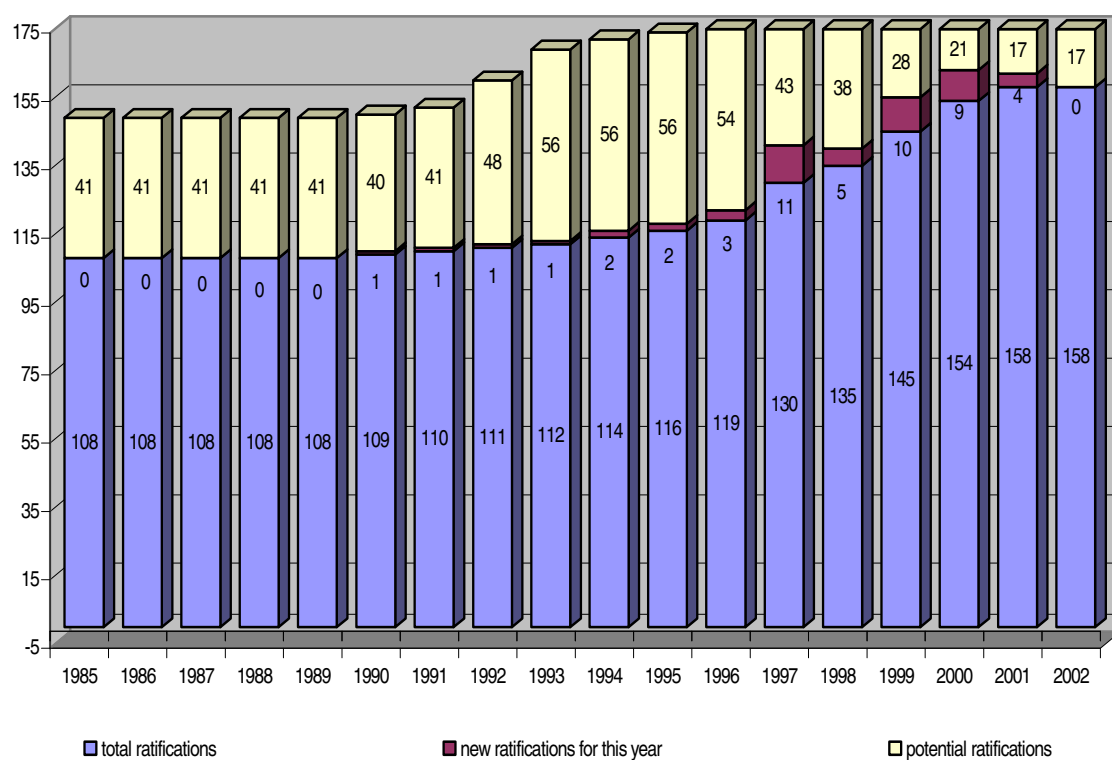
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)



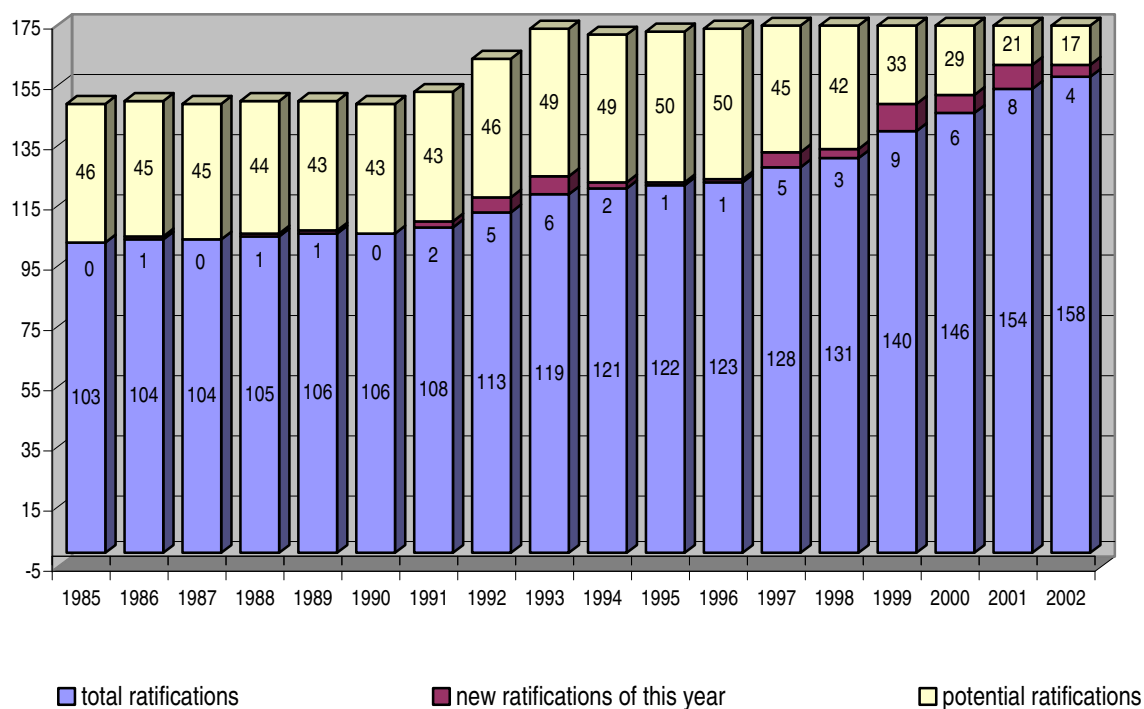
Equal Remuneration Convention, 1951 (No. 100)



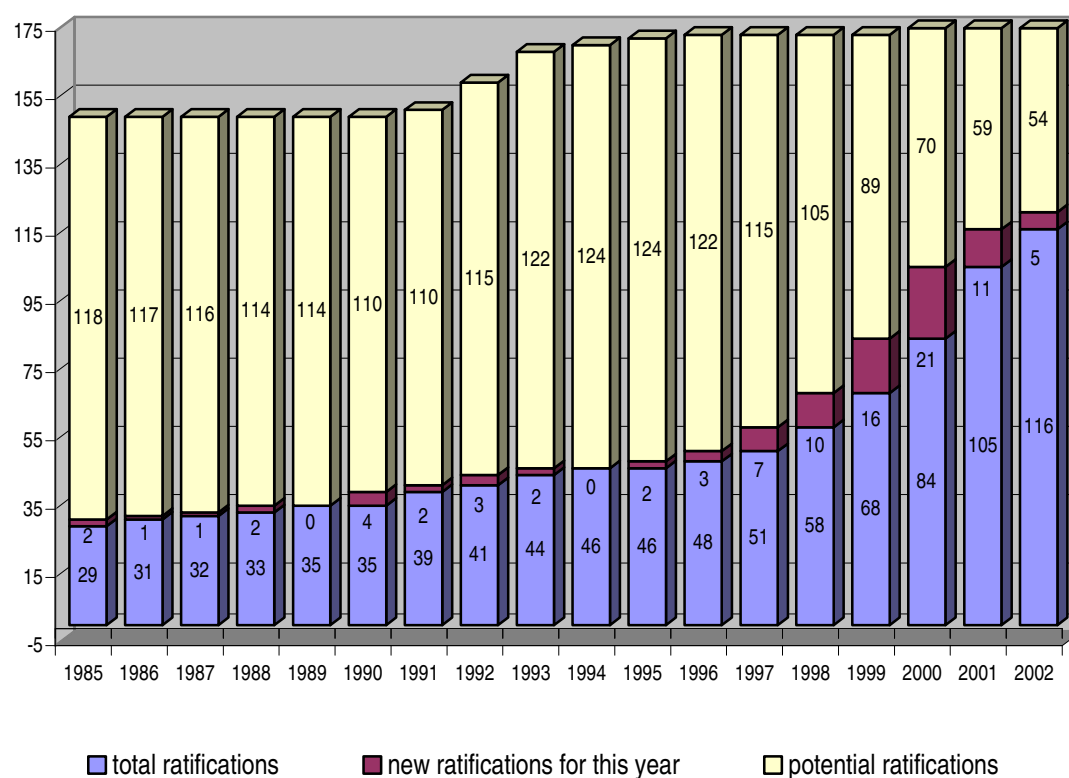
Abolition of Forced Labour Convention, 1957 (No. 105)



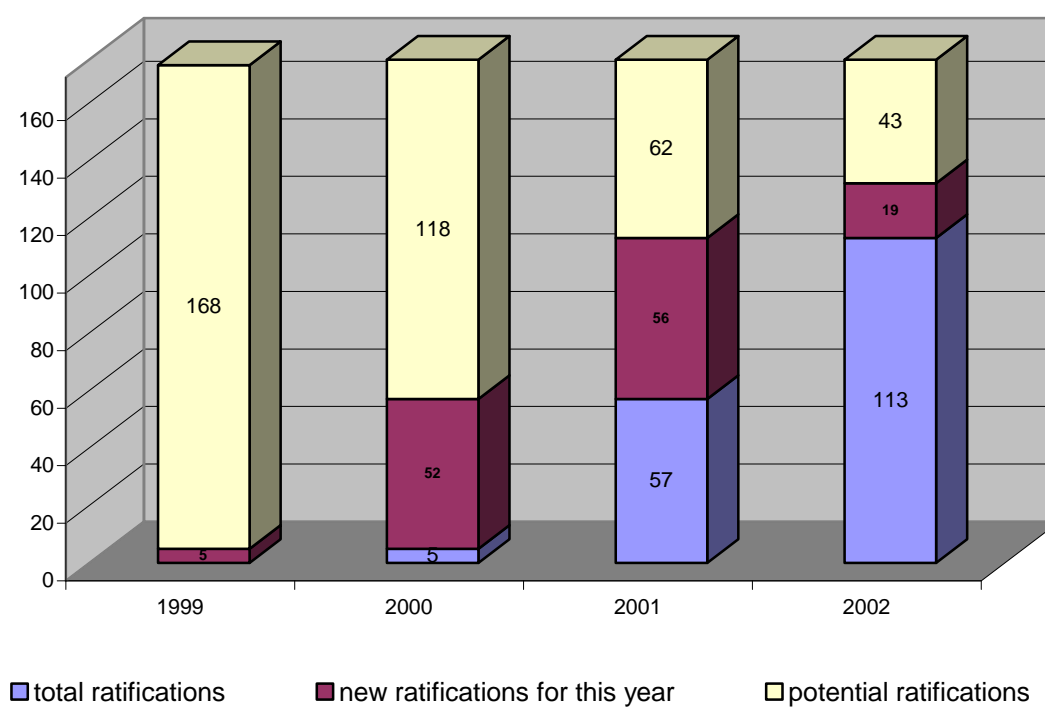
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)



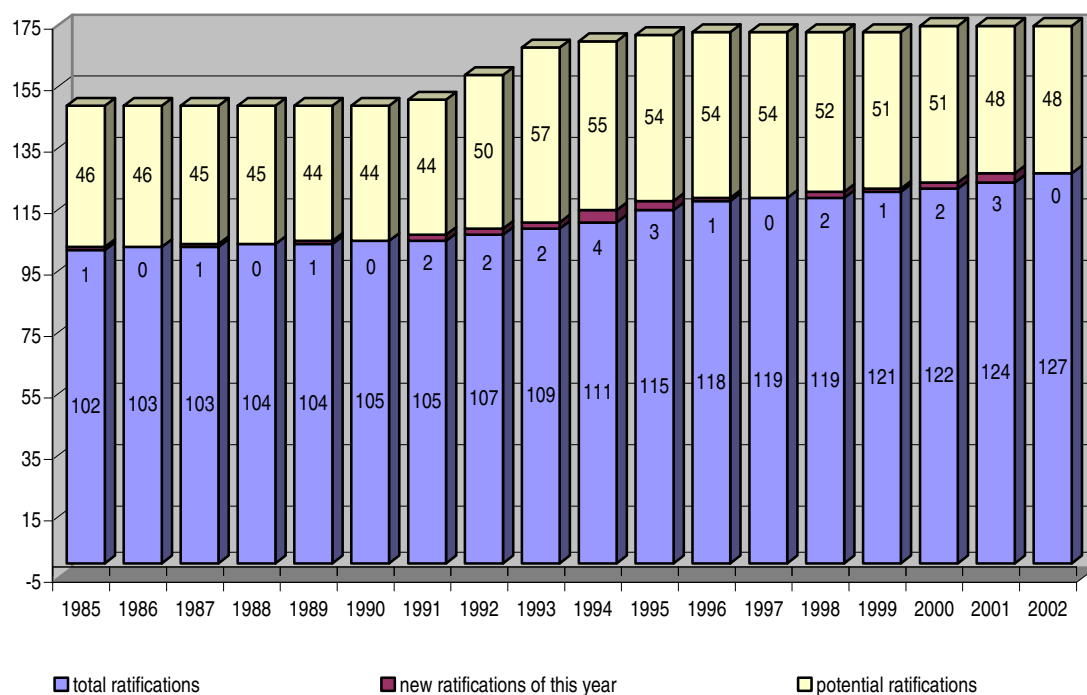
Minimum Age Convention, 1973 (No. 138)



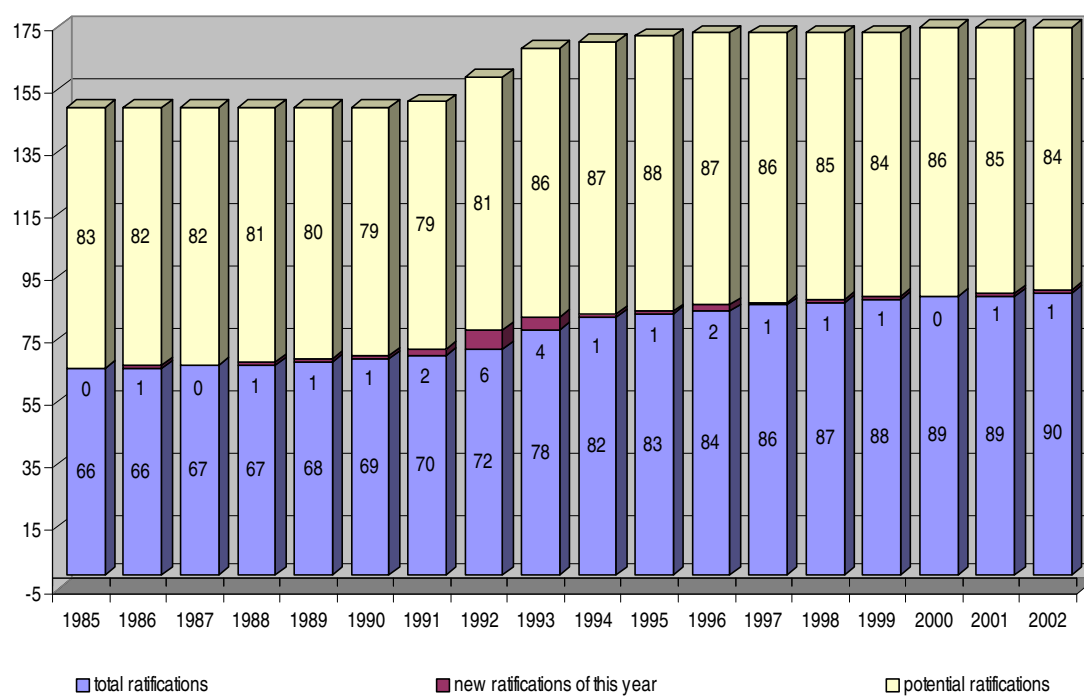
Worst Forms of Child Labour Convention, 1999 (No. 182)



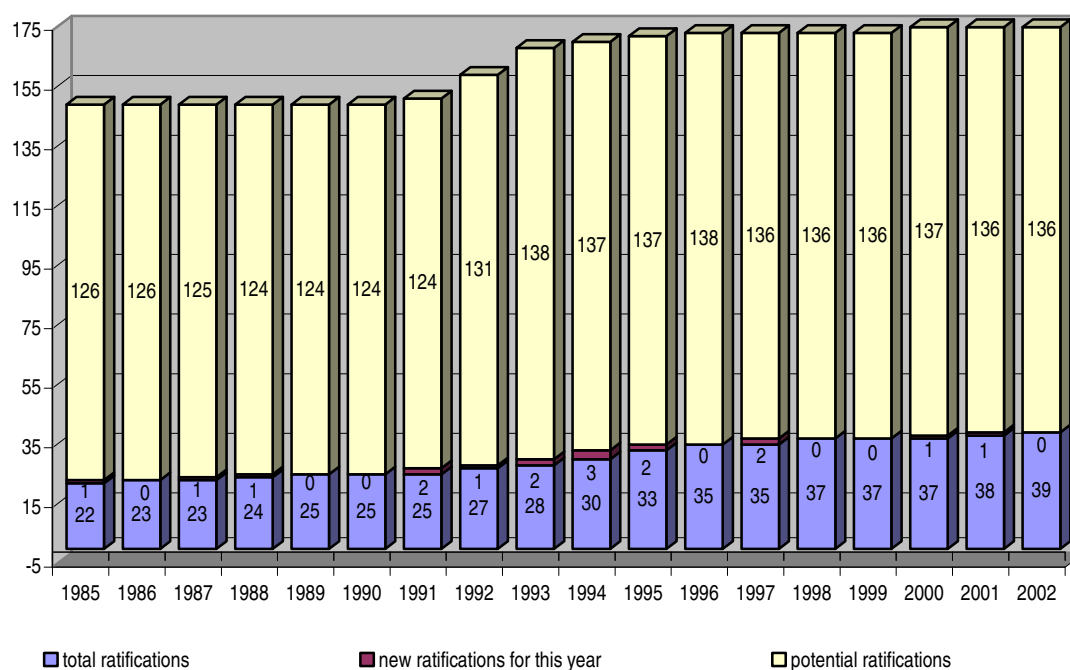
Labour Inspection Convention, 1947 (No. 81)



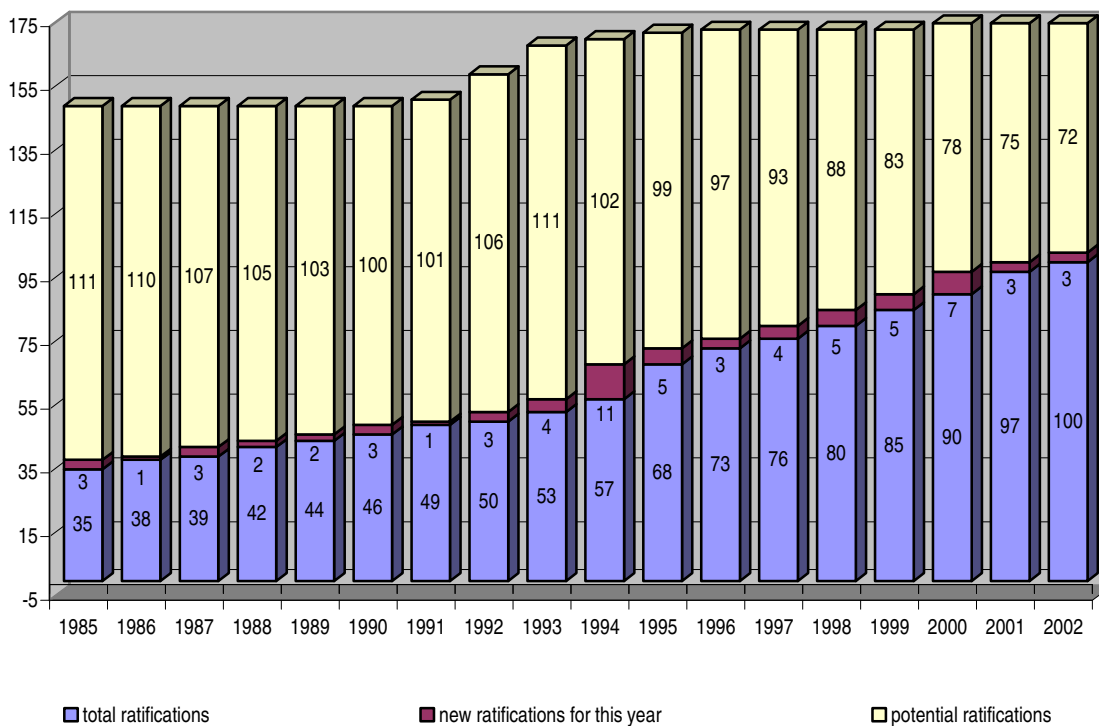
Employment Policy Convention, 1964 (No. 122)



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



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



Annex 11

Comments by workers' and employers' organizations on ratified Conventions (by Convention and by year)

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
C1		1	2	2	1		1	1	1	1	3	3	3	2	2	3	1	1	1	1	1	31
C2			1	3			1	4	1	1	1	2	1				2	1				18
C3						2				2	1	1							1	1	1	9
C4						3			1													4
C5				1						1												2
C6								1						1					1			3
C7										1												1
C8	4				3					2	1	1	4	1	2			2				20
C9	1	1	2	2	3	1	2	2		1	4	5	6	1	2	2					1	36
C10											1					1				2		4
C11	2	1		2	2	1	1	1	6	3	7		3					5	3			37
C12				1		1		2		1		3		1				4				13
C13						1														1		2
C14	2				6	1	1		3	2	1	2	8	3			1		11	2	1	44
C15									1		1	1	1		1							5
C16		1				1				2	2	2	1		3	1						13
C17				1				1	1	2	2	3	2		1		2	5	1	2		23
C18										1		2	1					3				7
C19		2				2				5		1								1	3	14
C20				1		1					1	1										4
C21																						-
C22		1			4	1	2	2	3	3	1	4	7	1	4	1			4		1	39
C23										1	1	1	4		2						1	10
C24											2	1	2				1		1		1	8
C25										1		1									2	4
C26	1	2	10		1	2	4	1	2		9	3	7	4	3	5		3	1	2	7	67
C27		2			1			1	1	1	1						1					8
C28	1																					1
C29	1	1	4	4	2	7	4	5	7	13	4	8	4	5	13	12	14	14	22	16	37	197
C30							2				1				1		2	1				8

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
C31																						-
C32										3		1	1	2	1					3		11
C33																1				1		2
C34												1										
C35											1	2	2	1	1	1	1	1	8			18
C36												1					1		8			10
C37							1	1				1						1	8			12
C38												1							8			9
C39												1										1
C40												1										1
C41								1														1
C42				1	1			2				3	5		2		2	7	1			24
C43																						-
C44	3				1	1			2		1	1	5	1	1		4	1			1	22
C45								1		1		4	1	1			4					12
C46																						-
C47			1							1	1						2					5
C48																2	1		1			4
C49																						-
C50																						-
C51																						-
C52									2		1	1	3	2	3	1			4			17
C53		1			2	1	1			2	1	2	2	1	4							17
C54																						-
C55					1								2					11	1		2	17
C56		2			1	2	1	1		1	1			1				11	1		3	25
C57																						-
C58					1						3	3	4		3	2	2					18
C59		1								1	1			2		1	4					10
C60																					1	1
C61																						-
C62		1				1				2					3					1		8
C63										1								2				3
C64																						-
C65																						-
C66																						-
C67																						-
C68				1		1	2			1	5	1	1		1					1	1	15
C69					1	1	2				2	1	1		2							10

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
C70																						-
C71		1			1		1			1			2		1		1		1	1	2	12
C72																						-
C73											1	2	2		3	1				1		10
C74		2			1					1	1	1	1		2					3		12
C75																						-
C76																						-
C77													3						4			7
C78									1	1		1	1						1		1	6
C79				2				2				1										5
C80																						-
C81		3	1	11	2	5	2	12	4	13	10	15	10	17	7	18	6	19	6	12	10	183
C82																						-
C83																						-
C84	1								1													2
C85																						-
C86																						-
C87	6	4	13	11	13	6	15	12	14	14	18	11	14	9	18	10	20	16	34	23	52	333
C88	3			1			1	3	2	1	2	7	2	3			8	2		2	2	39
C89				5		1		3				1	3					2				15
C90				2				3				1	1						1		1	9
C91			2				1				1					1						5
C92		1	2				1	1			4	2	3		2						2	18
C93																						-
C94						2				1			4	1	1	1			2		2	14
C95	1		1	3	6	3	1		6	3	2	4	11	8	20	7	12	7	11	5	6	117
C96		5		1	1	4	1		1	5	4	4	2	1	1		2	1		1		34
C97			5		1	1	1	1	2	1	3	2	3						2			22
C98	8	2	7	10	12	4	11	8	21	14	14	23	13	14	21	22	18	19	25	28	40	334
C99			2				3	1	2		4	1	1			3	2		1		3	23
C100	1	5	1	13	1	12		6	1	8	6	14	7	3	13	2	12	4	16	8	35	168
C101	1												2						2			5
C102			1	1			2	2	2	1	7	3	7	2	5	7	3	4	3	4	4	58
C103		1	5				3	1	1		3	3	1			2	2	2	1	1	5	31
C104																						-
C105			1	2	1	3	5	3	5	6	3	1	4	3	4	7	1	12	3	8	14	86
C106					2				5	2	1		2						3			15
C107		1	1	1	4	4	1	1	1	1	1		2		3	1						22
C108											1	3	1		2			2			1	10

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
C109																						-
C110																					3	3
C111	4	2	9	1	9	10	17	8	6	11	20	6	10	20	6	15	4	16	10	11	16	211
C112																						-
C113						2						1										3
C114		1																				1
C115					1	1			1		1		5						6	1		16
C116																						-
C117					2	2						2	2		1							9
C118						2				3			3		1	1		3		2		15
C119		1					2						1	1		4	1	1			3	14
C120		1	1			1					4		1	1			2				3	14
C121			1	2				5		1						1		3	1			14
C122	7	4	12	2	12	10	11	1	9	4	18	6	11	4	9	6	12	4	14	4	14	174
C123						2					1		1							1	2	7
C124						2						1										3
C125						1																1
C126																						-
C127	1							1				2								1		5
C128	1		1		1		3		2		2			1	2	1		1				15
C129		1		3	1	1	1	1	1	1	3	3			2	2	3		3	1	5	32
C130			1						2	1	1		1				2		1			9
C131	1		1	2	4	4	4	2	1		3	1	1	1	1	4	3	1	41		9	84
C132	1				1	1			1	1			1						2			8
C133											1	2	2		2						1	8
C134	1	1				1				3	1	1	1		2					1		12
C135		1		3		7		5	3	3	5	1	4	3	1	4	5	2			9	56
C136	1				1	2	1	1		1												7
C137			1		1		2	1	1		3				2	9	1	1			2	24
C138	1			4						1		1			1			1	6	3	18	36
C139		1				1				1					6	1		1		1	1	13
C140	1	2			2				3	2	1		4				2		3	3		23
C141							2	1			1					3					2	9
C142	1	4			1	5	1		1	6	3			2			7		3	2		36
C143			5								2			1						1		9
C144	3		13		9		7	1	13	4	10	2	11	13	5	16	8	16	1	12		144
C145	3	1		1	3	1	1	1	1	2			5	1						2	1	23
C146		2	1	1	1	1	1	1			4	1	1		2	1						17
C147	1	1		2	1	2	1	2		1	1	7	3		3			1	1	1		28

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
C148	1	1		7	3			6				1	4	2			1	2	2			30
C149		2		2		1		2		1		6						1	4			19
C150	2		4	5		1			2		1	1	3					2				21
C151		2	3	2	2		1	6	1	6	1	2	1	3		3	1	1	3		2	40
C152		1	1			1					1	2			1	1	3				3	14
C153											1		1	1							1	4
C154				1		1		3		1	2	1		2	2	1	1	4			2	21
C155						2	2	1		2		2	4	2	4	1	1	3	6			30
C156				4		3						6	1		1		1	3	4	2	1	26
C157																						-
C158						1	1	1		2		3	1	7	12	8	1	3		2		42
C159						2		2				1						4	2		1	12
C160							1			1	1	2	2	1			1	9				18
C161											2		3					3			1	9
C162												1						1	1		1	4
C163											3				8	2					1	14
C164												1							1		2	4
C165																						-
C166																					1	1
C167													2									2
C168												4					3					7
C169															1	1	2	3	1	5	1	14
C170																	1	1			2	4
C171																1		1				2
C172																		1			1	2
C173																	1				4	5
C174																						-
C175																						-
C176																			1			1
C177																					3	3
C178																						-
C179																						-
C180																						-
C181																						-
C182																				4	13	17
C183																						-
C184																						-

Comments by workers' and employers' organizations

	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Workers' organizations	61	79	95	98	121	123	113	118	127	153	187	208	245	121	232	174	205	189	258	161	327
Employers' organizations	21	23	54	49	34	59	41	35	56	48	47	43	60	38	13	37	41	53	53	34	73
Total	82	102	149	147	155	182	154	153	183	201	234	251	305	159	245	211	246	246	311	195	400

Annex 12

Names and short curricula of Experts on the CEACR

(extracts from the 2002-03 CEACR report)

Mr. Rafael ALBURQUERQUE (Dominican Republic)

Doctor of Law; Professor of Labour Law, Pontificia Universidad Católica Madre y Maestra; former Minister of Labour from 1991 to August 2000; Special Representative of the Director-General of the ILO for cooperation with Colombia from September 2000 to June 2001; Doctor of Law honoris causa of the Universidad Central del Este of the Dominican Republic; Academic Adviser, San Martín de Porres University (Lima); member of the Drafting Committee for the Labour Code and its implementing regulations; member of the “Academia Iberoamericana de Derecho del Trabajo y de la Seguridad Social”; former President and Secretary-General of the “Instituto Latinoamericano de Derecho del Trabajo y la Seguridad Social”.

Mr. Anwar Ahmad Rashed AL-FUZAIE (Kuwait)

Professor of Private Law of the University of Kuwait; attorney; member of the International Court of Arbitration of the International Chamber of Commerce (ICC); member of the Administrative Board of the Centre of Arbitration of the Chamber of Commerce and Industry of Kuwait; former Director of Legal Affairs of the Municipality of Kuwait; former Adviser to the Embassy of Kuwait (Paris).

Ms. Janice R. BELLACE (United States)

Samuel Blank Professor and Professor of Legal Studies and Management of the Wharton School, University of Pennsylvania; Vice-Chairman and Founding President, Singapore Management University; Senior Editor, Comparative Labor Law and Policy Journal; member of the Executive Board of the International Industrial Relations Association; member of the Executive Board of the US branch of the International Society of Labor Law and Social Security; member of the Public Review Board of the United Automobile, Aerospace and Agricultural Implements Workers' Union; former secretary of the Section on Labor Law, American Bar Association.

Mr. Prafullachandra Natvarlal BHAGWATI (India)

Former Chief Justice of India; former Chief Justice of the High Court of Gujarat; former Chairman, Legal Aid Committee and Judicial Reforms Committee, Government of Gujarat; former Chairman, Committee on Juridicare, Government of India; former Chairman of the Committee appointed by the Government of India for implementing legal aid schemes in the country; member of the International Committee on Human Rights of the International Law Association; member of the Editorial Committee of Reports of the Commonwealth; Chairman of the Advisory Board of the Centre for Independence of Judges and Lawyers, Geneva; Vice-President of “El Taller”; Chairman of the Standing Independent Group for scrutinizing and monitoring mega power projects in India; Chairman of the United Nations Human Rights Committee; former member of the International Panel of Eminent Persons for investigating causes of genocide in Rwanda by the OAU; Regional Adviser to the High Commissioner for Human Rights for the Asia Pacific Region; member of the International Advisory Council of the World Bank for Legal and Judicial Reform; Fellow of the American Academy of Arts and Sciences.

Ms. Laura COX, QC (United Kingdom)

Justice of the High Court, Queen's Bench Division; LL B, LL M of the University of London; previously a Barrister specializing in employment law, discrimination and human rights; Head of Cloisters Chambers, Temple, and Chairperson of the Bar Council Sex Discrimination Committee (1995-1999) and Equal Opportunities Committee (1999-2002); Benchers of the Inner Temple;

member of the Independent Human Rights Organisation Justice (former Council member) and one of the founding Lawyers of Liberty (the National Council for Civil Liberties); previously a Vice-President of the Institute of Employment Rights and member of the Panel of Experts advising the Cambridge University Independent Review of Discrimination Legislation; currently Chairperson of the Board of INTERIGHTS, the International Centre for the Legal Protection of Human Rights.

Ms. Blanca Ruth ESPONDA ESPINOSA (Mexico)

Doctor of Law; Professor of International Public Law at the Law Faculty of the National Autonomous University of Mexico; former President of the Senate of the Republic (1989) and of the Foreign Relations Committee; former President of the Population and Development Committee of the Chamber of Deputies and member of the Labour and Social Security Committee; former President of the Inter-American Parliamentary Group on Population and Development and former Vice-President of the Global Forum of Spiritual and Parliamentary Leaders; member of the National Federation of Lawyers and of the Lawyers' Forum of Mexico; recipient of the award for Juridical Merit "the Lawyer of the Year (1993)"; former Director-General of the National Institute for Labour Studies; former Commissioner of the National Migration Institute and former editor of the Mexican Labour Review.

Ms. Robyn A. LAYTON, QC (Australia)

LL M, Barrister-at-Law; Director, National Rail Corporation; Chairperson of the Human Rights Committee of the Law Society of South Australia; former Commissioner on Health Insurance Commission; former Chairperson of the Australian Health Ethics Committee of the National Health and Medical Research Council; former Honorary Solicitor for the South Australian Council for Civil Liberties; former Solicitor for the Central Aboriginal Land Council; former Chairman of the South Australian Sex Discrimination Board; former Judge and Deputy President of the South Australian Industrial Court and Commission; former Deputy President of the Federal Administrative Appeals Tribunal.

Ms. Ewa LETOWSKA (Poland)

Professor of Civil Law (Institute of Legal Studies of the Polish Academy of Sciences); former parliamentary ombudsman; former Justice, Highest Administrative Court; Justice, Constitutional Tribunal; member of the Helsinki Committee; member of the International Commission of Jurists; member of the Polish Academy of Arts and Sciences; member of the Academy of Comparative Law, Paris.

Mr. Pierre LYON-CAEN (France)

Advocate-General, Court of Cassation (Social Division); President, Journalists Arbitration Commission; Former Deputy Director, Office of the Minister of Justice; Graduate of the Ecole Nationale de la Magistrature.

Mr. Sergey Petrovitch MAVRIN (Russian Federation)

Professor of Labour Law (Law Faculty of the St. Petersburg State University); Doctor of Law; Chief of the Labour Law Department; former Director of the Interregional Association of Law Schools; Expert of the Labour Committee of the State Duma and Regional Legislative Assembly of St. Petersburg.

Baron Bernd von MAYDELL (Germany)

Professor of Civil Law, Labour Law and Social Security Law; former Director of the Max Planck Institute for Foreign and International Social Law (Munich); Vice-President of the International Society of Labour Law and Social Security and President of the German Section of the Society.

Mr. Cassio MESQUITA BARROS (Brazil)

Barrister-at-Law specializing in labour relations (São Paulo); Titular Professor of Labour Law at the Law School of the public University of São Paulo and the Law School of the private Pontifical Catholic University of São Paulo; President of the Arcadas Support Foundation for the Faculty of Law of the University of São Paulo; Founder and President of the Centre for the Study of International Labour Standards of the University of São Paulo; Professor honoris causa of the ICA University of Peru and the University Constantin Brancusi (Romania); Academic Adviser, San Martín de Porres University (Lima); honorary member of the Association of Labour Lawyers (São Paulo); Honorary President of the “Asociación Iberoamericana de Derecho del Trabajo y Seguridad Social” (Buenos Aires, Argentina); Honorary President of the “Academia Nacional do Direito do Trabalho” (Rio de Janeiro); member of the International Academy of Law and Economy (São Paulo); member of the Standing Committee on Social Rights, the advisory body to the Ministry of Labour; titular member of the “Academia Iberoamericana de Derecho del Trabajo y de la Seguridad Social” (based in Madrid).

Mr. Benjamin Obi NWABUEZE (Nigeria)

LL D (London); Hon. LL D (University of Nigeria); Senior Advocate of Nigeria; Laureate of the Nigerian National Order of Merit; former Professor of Law at the University of Nigeria; former Professor and Dean of the Faculty of Law at the University of Zambia; former member of the Governing Council, Nigerian Institute of International Affairs; Fellow of the Nigerian Institute of Advanced Legal Studies; former member, Council of Legal Education; former Minister of Education for Nigeria; former Constitutional Adviser to the Government of Kenya (1992), Ethiopia (1992) and Zambia (1993); Honourable Fellow of four higher educational institutions in Nigeria; International Intellectual of the Year for the year 2001.

Mr. Edilbert RAZAFINDRALAMBO (Madagascar)

Honorary First President of the Supreme Court of Madagascar; former President of the High Court of Justice; former Professor of Law at the University of Madagascar and at the Malagasy Institute for Judiciary Studies; former Arbitrator of the ICSID and of the International Civil Aviation Organization; former member of the International Council for Commercial Arbitration; former member of the International Court of Arbitration of the International Chamber of Commerce; Arbitrator at the Joint Court of Justice and Arbitration, ECOWAS (Africa); former Judge of the Administrative Tribunal of the ILO; former Alternate Chairman of the Staff Committee of Appeals, African Development Bank; former Vice-Chairman of the United Nations International Law Commission.

Mr. Miguel RODRIGUEZ PIÑERO Y BRAVO FERRER (Spain)

Doctor of Law; President of the Second Section of the Council of State (Legal, Labour and Social Matters); Professor of Labour Law; Doctor honoris causa of the University of Ferrara (Italy); President Emeritus of the Constitutional Court; Vice-President of the Spanish Association of Labour Law and Social Security; member of the European Academy of Labour Law, the Ibero-American Academy of Labour Law and the Andalusian Academy of Social Sciences and the Environment; Director of the review Relaciones Laborales; President of the SIGLO XXI Club; recipient of the gold medallion of the University of Huelva; former President of the National Advisory Commission on Collective Agreements and President of the Andalusian Industrial Relations Council; former Dean of the Faculty of Law of the University of Seville; former Director of the University College of La Rábida.

Mr. Amadou SÔ (Senegal)

Honorary President of the Council of State; Judge of the Constitutional Court.

Mr. Boon Chiang TAN (Singapore)

BB M(L), PP A, LL B (London), Dip. Arts; Barrister-at-Law and Solicitor, Singapore; former President of the Industrial Arbitration Court of Singapore; former member of the Court and Council of the University of Singapore; former Vice-President (Asia) of the International Society of Labour Law and Social Security.

Mr. Budislav VUKAS (Croatia)

Professor of Public International Law at the University of Zagreb, Faculty of Law; Vice-President of the International Tribunal for the Law of the Sea; member of the Institute of International Law; member of the Permanent Court of Arbitration; member of the OSCE Court of Conciliation and Arbitration; member of the International Council of Environmental Law; member of the Commission on Environmental Law of the International Union for Conservation of Nature and Natural Resources.

Mr. Toshio YAMAGUCHI (Japan)

Honorary Professor of Law at the University of Tokyo; former Chairman of the Central Labour Relations Commission of Japan; former member of the Executive Committee of the International Society of Labour Law and Social Security; full member of the International Academy of Comparative Law.

Annex 13

General Surveys since 1979

2003	91st Session	C.95/R.85	Protection of Wages
2002	90th Session	C.137/R.145	Dock Work
2001	89th Session	C.4/C.41/C.89	Night Work of Women in Industry
2000	88th Session	C.144/R.152	Tripartite Consultation
1999	87th Session	C.97/R.86	Migrant Workers
		C.143/R.151	
1998	86th Session	C.159/R.168	Vocational Rehabilitation and Employment of Disabled Persons
1997	85th Session	C.150/R.158	Labour Administration
1996	83rd Session	C.111/R.111	Equality in Employment and Occupation
1995	82nd Session	C.158/R.166	Protection Against Unjustified Dismissal
1994	81st Session	C.87/C.98	Freedom of Association and Collective Bargaining
1993	80th Session	C.156/R.165	Workers with Family Responsibilities
1992	79th Session	C.26/R.30	Minimum Wages
		C.99/R.89	
		C.131/R.135	
1991	78th Session	C.140/R.148	Human Resources Development
		C.142/R.150	
1990	77th Session	C.147/R.155	Labour Standards on Merchant Ships
1989	76th Session	C.102	Social Security Protection in Old-Age
		C.128/R.131	
1988	75th Session	C.111/R.111	Equality in Employment and Occupation
1987	73rd Session	C.119/R.118	Safety in the Working Environment
		C.148/R.156	
1986	72nd Session	C.100/R.90	Equal Remuneration
1985	71st Session	C.81/R.82	Labour Inspection
		C.129/R.133	
1984	70th Session	C.14/R.116	Working Time
		C.106/R.103	
		C.132	
1983	69th Session	C.87/C.98	Freedom of Association and Collective Bargaining
		C.141	
1982	68th Session	C.144/R.152	Tripartite Consultation
1981	67th Session	C.138/R.146	Minimum Age
1980	66th Session	C.97/C.143	Migrant Workers
		R.86/R.151	
1979	65th Session	C.29/C.105	Abolition of Forced Labour

Annex 14

List of Representations (article 24 of the Constitution)

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| 1924 | Representation submitted by the Japan Seamen's Union concerning the application by Japan of the Placement of Seamen Convention, 1920 (No. 9) (International Labour Code, Vol. I, p. 761, footnote 16). |
| 1930 | Representation submitted by the Latvian Central Trade Union Bureau concerning the application by Latvia of the Placement of Seamen Convention, 1920 (No. 9) (Ibidem, p. 762). |
| 1935 | Representation submitted by the Madras and Southern Mahratta Railway Employees' Union concerning the application of certain international labour Conventions by France in certain French possessions in India (Ibidem, pp. 1096-1097). |
| 1936 | Representation submitted by the Madras Labour Union of Textile Workers concerning the application by India of the Unemployment Convention, 1919 (No. 2) (Ibidem, pp. 43-45). |
| 1937 | Representation submitted by the Agricultural Workers' Union of Estonia concerning the application by Estonia of the Right of Association (Agriculture) Convention, 1921 (No. 11) (Ibidem, pp. 687-690). |
| 1937 - | Representation submitted by the Labour Party of the Island of Mauritius concerning the application of certain international labour Conventions ratified by the United Kingdom (Ibidem, pp. 1097-1098). |
| 1937 | Representation submitted by the Société de bienfaisance des travailleurs of the Island of Mauritius concerning the application of certain international labour Conventions ratified by the United Kingdom (Ibidem, pp. 1097-1098). |
| 1955 | Representation submitted by the International Confederation of Trade Unions concerning the application by the Netherlands to the Netherlands Antilles of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ¹ (O.B., Vol. XXXIX, 1956, No. 4). |
| 1965 | Representation submitted by the Association of Federal Servants of the State of Sao Paulo concerning the application by Brazil of the Labour Inspection Convention, 1947 (No. 81) (O.B., Vol. L, No. 2, 1967). |
| 1970 | Representation submitted by the General Confederation of Italian Agriculture concerning the application by Italy of the Employment Service Convention, 1948 (No. 88) (O.B., Vol. LV, 1972, Nos. 2, 3, 4). |
| 1975 | Representation presented by the Swedish Dockworkers' Union alleging non-observance by France , the Netherlands and Poland of the Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27) (GB.202/5/1). |

¹ Netherlands: The case was referred to the Committee on Freedom of Association.

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- 1976 Representation presented by the World Federation of Trade Unions alleging non-observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by the **Federal Republic of Germany, Italy, the Netherlands and Denmark** (GB.202/6/3, GB.205/8/17).
- 1977 Representation submitted by the International Confederation of Free Trade Unions alleging non-observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by **Czechoslovakia** (GB.202/16/8, O.B., Vol. LXI, 1978, Series A, No. 3, Supplement).
- 1978 Representation made by the World Federation of Trade Unions alleging the failure by the **Federal Republic of Germany** to implement the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.205/21/11, O.B., Vol. LXIII, 1980, Series A, No. 1).
- 1981 Representation presented by the International Organisation of Employers alleging non-observance of the Abolition of Forced Labour Convention, 1957 (No. 105) by **Nicaragua** (GB.219/16/8, O.B., Vol. LXVI, 1983, Series B, No. 1).
- 1982 Representation presented by the Norwegian Federation of Trade Unions (LO) alleging non-observance of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by **Norway** (GB.220/16/28, O.B., Vol. LXVI, 1983, Series B, No. 1).
- 1982 Representation submitted by the General Confederation of Norwegian Trade Unions concerning non-observance of the Right of Association (Agriculture) Convention, 1921 (No. 11), and the Right to Organise and Collective Bargaining Convention, 1948 (No. 98) by **Turkey**² (GB.220/16/27, O.B., Vol. LXV, 1982, Series B, Nos. 3; Vol. LXVI, 1983, Series B, Nos. 1, 2, 3; Vol. LXVII, 1984, Series B, Nos. 2, 3; Vol. LXVIII, 1985, Series B, No. 3; O.B., Vol. LXIX, 1986, Series B, Nos. 2, 3; O.B., Vol. LXX, 1987, Series B, No. 1; O.B., Vol. LXXI, 1988, Series B, No. 3; O.B., Vol. LXXII, 1989, Series B, Nos. 1, 2; O.B., Vol. LXXIII, 1990, Series B, Nos. 1, 2, 3; O.B., Vol. LXXIV, 1991, Series B, No. 3; O.B., Vol. LXXV, 1992, Series B, Nos. 1).
- 1982 Representation presented by the Swedish Trade Union Confederation, the Swedish Central Organisation of Salaried Employees and the International Confederation of Free Trade Unions alleging non-observance of the Employment Injury Benefits Convention, 1964 (No. 121) by **Sweden** (GB.221/19/22, GB.222/18/25).
- 1983 Representation presented by the Portuguese Association of Bank Employees for Co-operation alleging non-observance by **Portugal** of the Declaration concerning the Aims and Purposes of the International Labour Organisation (GB.223/14/14).
- 1983 Representation made by the General Federation of Labour of Belgium alleging the failure by **Belgium** to implement international labour Conventions Nos. 1, 4, 6, 14, 41, 87, 89, 98 and 89 and 102 (GB.223/14/15, GB.225/20/15).
- 1983 Representation presented by the National Trade Union Co-ordinating Council (CNS) of Chile alleging non-observance of international labour Conventions Nos. 1, 2, 29, 30 and 122 by **Chile** (GB.223/14/39, O.B., Vol. LXVIII, 1985, Series B, Special Suppl. 2/1985).

² Turkey: The case was referred to the Committee on Freedom of Association.

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- 1984 Representation made by the Confederation of Private Employers of Bolivia alleging non-observance by **Bolivia** of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), and of the Minimum Wage Fixing Convention, 1970 (No. 131) (GB.226/13/9, GB.227/5/1, O.B., Vol. LXVIII, 1985, Series B, Special Suppl. 1/1985).
- 1984 Representation made by the General Confederation of Portuguese Workers alleging non-observance by **Portugal** of the Forced Labour Convention, 1930 (No. 29), the Labour Inspection Convention, 1947 (No. 81), the Protection of Wages Convention, 1949 (No. 95), the Abolition of Forced Labour Convention, 1957 (No. 105), the Labour Inspection (Agriculture) Convention, 1969 (No. 129) and the Holidays with Pay Convention (Revised), 1970 (No. 132) (GB.226/13/10, GB.227/6/2, GB.228/10/10, GB.229/6/16, GB.230/11/13, O.B., Vol. LXVIII, 1985, Series B, Special Suppl. 4/1985).
- 1984 Representation made by the Confederation of Costa Rican Workers (CTC), the Authentic Confederation of Democratic Workers (CATD), The United Confederation of Workers (CUT), the Costa Rican Confederation of Democratic Workers (CCTD) and the National Confederation of Workers (CNT) alleging the failure by **Costa Rica** to implement international labour Conventions Nos. 81, 95, 102, 122, 127, 130, 131, 138 and 144 (GB.227/8/13, GB.230/11/13, O.B., Vol. LXVIII, 1985, Series B, Special Suppl. 3/1985).
- 1984 Representation made by the World Federation of Trade Unions alleging the failure by the **Federal Republic of Germany** to implement the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)³ (GB.227/8/14, GB.229/5/11, GB.231/5/15).
- 1985 Representation presented by the National Trade Union Co-ordinating Council (CNS) of Chile alleging non-observance of international labour Conventions Nos. 1, 2, 24, 29, 30, 35, 37, 38 and 111 by **Chile** (GB.234/23/28).
- 1986 Representation submitted by the Egyptian Trade Unions alleging non-observance of the Protection of Wages Convention, 1949 (No. 95), and of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) by the **Libyan Arab Jamahiriya** (GB.232/17/32, GB.238/22/31, GB.240/14/25, GB.251/10/7).
- 1986 Representation submitted by the General Confederation of Labour of France alleging non-observance by **France** of Conventions Nos. 87, 98, 111, 135 and 151⁴ (GB.232/17/31).
- 1986 Representation made by Japanese trade unions alleging non-observance by **Japan** of the Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96) (O.B., Vol. LXXI, 1988, Series B, Suppl. 1).
- 1986 Representation submitted by the Union of Building and Construction Workers of Nablus and thirteen other trade unions alleging non-observance by **Israel** of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) (GB.233/16/30).

³ Federal Republic of Germany: Inquiry under article 26 of the Constitution, in application of article 10 of the Standing Orders concerning representations.

⁴ France: excerpt as regards Conventions Nos. 111 and 151 (for which the representation was declared irreceivable), the matters raised were referred to the Committee on Freedom of Association.

1986	Representation made by the State Federation of Associations of Employees and Workers of the State Administration alleging non-observance by Spain of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) (O.B., Vol. LXXI, 1988, Series B, 1988, Suppl. 1).
1987	Representation made by the Hellenic Airline Pilots Association, alleging non-observance by Greece of the Forced Labour Convention, 1930 (No. 29), and the Abolition of Forced Labour Convention, 1957 (No. 105) (O.B., Vol. LXXI, 1988, Series B, Suppl. 1).
1987	Representation submitted by the Oil, Chemical and Atomic Workers International Union, AFL-CIO, alleging non-observance by the Federal Republic of Germany of Conventions Nos. 29, 62, 81, 87, 98, 99, 100, 102, 111, 132, 135, 138, 139, 144, 148, 154, 155 and 156 (GB.235/17/11).
1987	Representation submitted by the Ontario Secondary School Teachers' Federation, alleging non-observance by the Government of the USSR of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Employment Policy Convention, 1964 (No. 122) (GB.238/22/7, GB.244/18/4).
1988	Representation submitted by the Trade Union Confederation of Workers' Commissions under article 24 of the Constitution of the ILO, alleging non-observance by Spain of the Minimum Wage Fixing Convention, 1970 (No. 131) (GB.239/18/15, GB.243/6/22).
1988	Representation submitted by the International Organisation of Employers under article 24 of the Constitution of the ILO, alleging non-observance by Panama of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ⁵ (O.B., Vol. LXXII, 1989, Series B, No.2).
1988	Representation made by the Industrial Union of Argentina (UIA) under article 24 of the Constitution of the ILO, alleging violation of the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) ⁵ by the Government of Argentina ⁶ (O.B., Vol. LXXIII, 1990, Series B, No. 2).
1990	Representation made by the National Confederation of Workers of Senegal under article 24 of the ILO Constitution alleging non-observance by Mauritania of the Protection of Wages Convention, 1949 (No. 95), the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Equality of Treatment (Social Security) Convention, 1962 (No. 118) and the Employment Policy Convention, 1964 (No. 122) (O.B., Vol. LXXIV, 1991, Ser. B, Suppl. 1).
1990	Representation made by the Egyptian Trade Union Federation, under article 24 of the ILO Constitution alleging non-observance by Iraq of the Protection of Wages Convention, 1949 (No. 95), the Abolition of Forced Labour Convention, 1957 (No. 105), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118) (GB.248/20/21, GB.250/15/25).

⁵ Panama: This case was referred to the Committee on Freedom of Association.

⁶ Argentina: The case was referred to the Committee on Freedom of Association.

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- 1991 Representation made by the International Confederation of Free Trade Unions under article 24 of the ILO Constitution alleging non-observance by **Yugoslavia** of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.250/15/27, GB.253/15/27).
- 1991 Representation made by the International Organisation of Employers (IOE) and the Venezuelan Federation of Chambers and Associations of Commerce and Production (FEDECAMARAS) alleging non-observance by **Venezuela** of international labour Conventions Nos. 4, 81, 87, 88, 95, 98, 100, 111, 143, 144 and 158⁷ (GB.251/20/15, GB.256/15/16). (O.B., Vol. LXXVI, 1993, Series B, No. 2 - for Conventions Nos. 87 and 98, GB.262/7/2).
- 1991 Representation made by the Trade Union Association of Bohemia, Moravia and Slovakia alleging non-observance by the **Czech and Slovak Federal Republic** of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (O.B., Vol. LXXV, 1992, Series B, Suppl. 1).
- 1993 Representation made by the International Confederation of Free Trade Unions (ICFTU) under article 24 of the ILO Constitution alleging non-observance by **Myanmar** of the Forced Labour Convention, 1930 (No. 29) (GB.255/12/8, GB.261/13/7).
- 1993 Representation made by the Swedish Trade Union Confederation (LO), the Swedish Confederation of Professional Employees (TCO) and the International Confederation of Free Trade Unions (ICFTU) under article 24 of the ILO Constitution alleging non-observance by **Sweden** of the Employment Injury Benefits Convention, 1964 (No. 121) (GB.255/12/9, GB.258/13/14).
- 1993 Representation made by the All-Poland Alliance of Trade Unions (OPZZ) under article 24 of the ILO Constitution alleging non-observance by **Poland** of the Employment Policy Convention, 1964 (No. 122) (GB.257/4/3, GB.265/12/5).
- 1993 Representation made by the Latin American Central of Workers (CLAT) under article 24 of the ILO Constitution alleging non-observance by **Brazil** of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) (GB.258/14/5, GB.264/16/7).
- 1994 Representation made by the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF) and Public Services International (PSI) under article 24 of the ILO Constitution alleging non-observance by **Guatemala** of the Forced Labour Convention, 1930 (No. 29) and the Abolition of Forced Labour Convention, 1957 (No. 105) (GB.259/15/20, GB.267/15/3).
- 1994 Representation made by the General Confederation of Labour "Force Ouvrière" (FO) under article 24 of the ILO Constitution alleging non-observance by **France** of the Protection of Wages Convention, 1949 (No. 95), and the Minimum Wage Fixing Convention, 1970 (No. 131). (GB.259/15/30).
- 1994 Representation made by the Trade Union of Bohemia, Moravia and Silesia (OS-CMS) under article 24 of the ILO Constitution alleging non-observance by the **Czech Republic** of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). (GB.260/6/5, GB.264/16/2).

⁷ Venezuela: The aspects concerning the observance of Conventions Nos. 87 and 98 were referred to the Committee on Freedom of Association (GB.256/7/15).

1994	Representation made by the independent and autonomous trade union “Solidarnosc” in accordance with article 24 of the ILO Constitution, alleging non-observance by Poland of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). (GB.260/6/6). ⁸
1994	Representation made by the International Organization of Energy and Mines (IOEM) alleging non-observance by Congo of the Protection of Wages Conventions, 1949 (No. 95) (GB.261/14/8, GB.265/12/6, GB.265/12/6 (Corr.)).
1994	Representation made by the Latin American Central of Workers (CLAT) alleging non-observance by Costa Rica of the Employment Policy Convention, 1964 (No. 122) (GB.261/14/9, GB.266/8/1).
1994	Representation made by the Federation of Miners, Oil and Other Workers (FETRAMIP of Congo) and International Organization of Energy and Mines (IOEM) alleging non-observance by Gabon of the Protection of Wages Convention, 1949 (No. 95) (GB.261/14/10).
1994	Representation made by the Latin American Central of Workers (CLAT) alleging non-observance by Nicaragua of the Protection of Wages Convention, 1949 (No. 95), the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117), and the Employment Policy Convention, 1964 (No. 122) (GB.261/14/11, GB.264/16/3).
1994	Representation made by the Latin American Central of Workers (CLAT) alleging non-observance by Paraguay of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26) (GB.261/14/12, GB.264/16/4).
1994	Representation made by the Latin American Central of Workers (CLAT) alleging non-observance by Peru of the Social Security (Minimum Standards) Convention, 1952 (No. 102) (GB.261/14/13, GB.264/16/1, GB.264/16/6).
1994	Representation made by the Confederation of Turkish Trade Unions (TURK-IS) alleging non-observance by Turkey of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) (GB.261/14/14, GB.265/6/2). ⁹
1994	Representation made by the Inter-Union Assembly of Workers – National Convention of Workers (PIT-CNT) and the National Single Trade Union in Construction and Similar Activities (SUNCA) alleging non-observance by Uruguay of the Safety Provisions (Building) Convention, 1937 (No. 62), the Labour Inspection Convention, 1947 (No. 81), the Labour Administration Convention, 1978 (No. 150), the Occupational Safety and Health Convention, 1981 (No. 155) and the Occupational Health Services Convention, 1985 (No. 161) (GB.261/14/15, GB.267/15/4).
1994	Representation made by the World Federation of Trade Unions (WFTU) alleging non-observance by France of the Labour Inspection Convention, 1947 (No. 81) and the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82) (GB.261/14/25, GB.265/12/7).

⁸ Poland: The case was referred to the Committee on Freedom of Association.

⁹ Turkey: The case was referred to the Committee on Freedom of Association.

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- 1995 Representation made by the Seafarers' Union of Russia under article 24 of the ILO Constitution alleging non-observance by the **Russian Federation** of the Seafarers' Identity Documents Conventions, 1958 (No. 108) (GB.263/5/1, GB.265/12/8).
- 1995 Representation made by the Federation of the Associations of Public Servants of the Ministry of Labour of Greece under article 24 of the ILO Constitution alleging non-observance by **Greece** of the Labour Inspection Convention, 1948 (No. 81) (GB.264/17/1, GB.268/14/7).
- 1995 Representation submitted by the Trade Union Confederation of Congo Workers (CSTC) under article 24 of the ILO Constitution, alleging non-observance by **Congo** of the Protection of Wages Convention, 1949 (No. 95)(GB.265/13/1, GB.268/14/6).
- 1995 Representation made by the General Confederation of Workers of Peru (CGTP) under article 24 of the ILO Constitution alleging non-observance by **Peru** of the Night Work (Women) Convention (Revised), 1934 (No. 41); the Underground Work (Women) Convention, 1935 (No. 45); and the Social Security (Minimum Standards) Convention, 1952 (No. 102) (GB.264/17/2, GB.266/8/4).
- 1995 Representation made by the Senegal Teachers' Single and Democratic Trade Union under article 24 of the ILO Constitution alleging non-observance by **Senegal** of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Abolition of Forced Labour Convention, 1957 (No. 105) (GB.265/13/3, GB.270/15/3).
- 1995 Representations made by the Latin American Central of Workers (CLAT) and the Single Confederation of Workers of Peru (CUT) under article 24 of the ILO Constitution alleging non-observance by **Peru** of the Right of Association (Agriculture) Convention, 1921 (No. 11), the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and Employment Policy Convention, 1964 (No. 122) (GB. 265/13/2, GB.267/15/2).
- 1996 Representation made by the Confederation of Turkish Trade Unions (TÜRK-İS) under article 24 of the ILO Constitution alleging non-observance by **Turkey** of the Termination of Employment Convention, 1982 (No. 158) (GB.265/13/4, GB.268/14/5).
- 1996 Representation made by the Iberoamerican Confederation of Labour Inspectors under article 24 of the ILO Constitution alleging non-observance by **Peru** of the Labour Inspection Convention, 1947 (No. 81), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) (GB.266/9/2).
- 1996 Representation submitted by the Danish Union of Journalists under article 24 of the ILO Constitution, alleging non-observance by **Denmark** of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (GB.266/9/3).
- 1996 Representation made by the Venezuelan Workers' Confederation (CTV), the Single Central Organization of Workers of Venezuela (CUTV), the General Confederation of Workers of Venezuela (CGT), the Confederation of Autonomous Trade Unions (CODESA), and the National Trade Union of Public Employees and Officials of the Judiciary and of the Council of the Magistracy (ONTRAT) under article 24 of the ILO Constitution alleging non-observance by **Venezuela** of the Protection of Wages Convention, 1949 (No. 95) and the Termination of Employment Convention, 1982 (No. 158) (GB.267/16/1, GB.268/14/9).

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- 1996 Representation made by the Trade Union of Workers of the Construction and Furniture Industries of Santos under article 24 of the ILO Constitution alleging non-observance by **Brazil** of the Termination of Employment Convention, 1982 (No. 158) (GB.267/16/3, GB.268/14/4).
- 1996 Representation made by the Association of Danish Salaried Employees in the Air Transportation Business under article 24 of the ILO Constitution, alleging non-observance by **Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden** and **United Kingdom** of the Employment Policy Convention, 1964 (No. 122) (GB.267/16/4).
- 1996 Representation submitted on behalf of the Association of the SiD at Ri-bus in Esbjerg, the Association of Dustmen in Arhus, the Joined Association at Gate Gourmet, the Association of Scaffolders in Arhus, the Joined Pedagogic Associations of Tarnby and Dragør, the Association of Workers of the Danish Socialist People's Party and the Association of Brewers at the Ceres Breweries in Arhus in accordance with article 24 of the ILO Constitution, alleging non-observance by **Denmark** of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) (GB.268/15/2).
- 1996 Representation alleging non-observance by the **Russian Federation** of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by Education International and the Education and Science Employees' Union of Russia (GB.268/15/3, GB.270/15/5).
- 1996 Representation alleging non-observance by **Uruguay** of the Occupational Safety and Health Convention, 1981 (No. 155), made under article 24 of the ILO Constitution by the Latin American Central Workers (CLAT) (GB.268/15/4, GB.270/15/6).
- 1996 Representation alleging non-observance by **Venezuela** of the Employment Policy Convention, 1964 (no. 122), made under article 24 of the ILO Constitution by the Latin American Central of Workers (CLAT) and the Latin American Federation of Commerce (FETRALCOS) (GB.271/18/3, GB.273/14/5).
- 1997 Representation alleging non-observance by **Denmark** of 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), and the Employment Policy Convention, 1964 (No. 122), made under article 24 of the ILO Constitution by Dansk Magisterforening (GB.270/16/1, GB.271/18/2, GB.274/16/5).
- 1997 Representation alleging non-observance by **Hungary** of the Employment Policy Convention, 1964 (No. 122) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the National Federation of Workers' Councils (NFWC) (GB.270/16/2, GB.275/7/3).
- 1997 Representation alleging non-observance by **Mexico** of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Trade Union Delegation, D-III-57, section XI of the National Trade Union of Education Workers (SNTE), Radio Education (GB.270/16/3, GB.272/7/2).
- 1997 Representation alleging non-observance by **Peru** of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the General Confederation of Workers of Peru (CGTP) (GB.270/16/4, GB.273/14/4).

1997	Representation alleging non-observance by Spain of the Migration for Employment Convention (Revised), 1949 (No. 97), the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Employment Policy Convention, 1964 (No. 122), made under article 24 of the ILO Constitution by the General Confederation of Labour of Argentina (CGT) (GB.270/16/5, GB.272/73).
1997	Representation alleging non-observance by Turkey of the Labour Clauses (Public Contracts) Convention, 1949 (No. 94), made under article 24 of the ILO Constitution by the Confederation of Turkish Trade Unions (TURK-IS) (Interim report) (GB.270/16/6).
1997	Representation alleging non-observance by Chile of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35) and the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37) submitted under article 24 of the ILO Constitution by the College of Teachers of Chile A.G. (GB.271/18/1, GB.274/16/4).
1998	Representation alleging non-observance by Bolivia of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Bolivian Central of Workers (COB) (GB. 272/8/1; GB.274/16/7).
1998	Representation alleging non-observance by Denmark of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) , and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), made under article 24 of the ILO Constitution by the Association of Salaried Employees in the Air Transportation Sector and the Association of Cabin Crew at Maersk Air (GB.272/8/2).
1998	Representation alleging non-observance by Bosnia and Herzegovina of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) made under article 24 of the ILO Constitution by the Union of Bosnia and Herzegovina (GB.273/15/3, GB. 276/16/4).
1998	Representationn alleging non-observance by Chile of the Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35), the Old-Age Insurance (Agriculture) Convention, 1933 (No. 36), the Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37) and the Invalidity Insurance (Agriculture) Convention, 1933 (No. 38), made under article 24 of the ILO Constitution, by a number of national trade unions of workers of the Private Sector Pension Funds (AFP) (GB.273/15/4, GB.277/17/5).
1998	Representation alleging non observance by Ethiopia of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) and the Termination of Employment Convention, 1982 (No. 158) made under article 24 of the ILO Constitution by the National Confederation of Eritrean Workers (NCEW) (GB.273/15/5, GB. 277/17/6, GB.280/18/6; GB.282/14/5).
1998	Representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Radical Trade Union of Metal and Associated Workers (GB.273/15/6, GB.276/16/3).
1999	Representation alleging non-observance by New Zealand of the Forced Labour Convention, 1930 (No. 29) made under article 24 of the ILO Constitution by the New Zealand Trade Union Federation (GB.275/8/3, GB.281/10/2).
1999	Representation alleging non-observance by Colombia of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Central Unitary Workers' Union (CUT) and the Colombian Medical Trade Union Association (ASMEDAS (GB.276/17/1; GB.277/18/1; GB.282/14/3; GB.282/14/4).

1999	Representation alleging non-observance by the Republic of Moldova of the Protection of Wages Convention, 1949 (No. 95), made under article 24 of the ILO Constitution by the General Federation of Trade Unions of the Republic of Moldova (GB.276/17/2).
1999	Representation alleging non-observance by Czech Republic of the Protection of Wages Convention, 1949(No. 95), made under article 24 of the ILO Constitution by the Czech-Moravian Confederation of Trade Unions (CMKOS) (GB.277/18/2).
1999	Representation alleging non-observance by Denmark of the Indigenous and Tribal Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Sulinermik Inuussutissarsiateqartut Kattuffiat (SIK) (GB.277/18/3; GB.280/18/5).
1999	Representation alleging non-observance by Ecuador of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Ecuadorian Confederation of Free Trade Union Organizations (CEOSL) (GB.277/18/4; GB.282/14/2).
2000	Representation alleging non-observance by Turkey of the Termination of Employment Convention, 1982 (No. 158), made under article 24 of the ILO Constitution by the Confederation of Turkish Trade Unions (TURK-IS) (GB.277/18/5).
2001	Representation alleging non-observance by Ecuador of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Association of Human Resources Consultancies (ASECORH) (GB.282/15/1). Not receivable.
2001	Representation alleging non-observance by Chile of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), made under article 24 of the ILO Constitution by the Workers Union No. 3 of the national Cooper Corporation of Chile (CODELCO), Chuquicamata Division (GB.282/15/2). Not receivable.
2001	Representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Workers of the Autonomous University of Mexico (STUNAM) and the Independent Union of Workers of La Jornada (SITRAJOR) (GB.282/15/3).
2001	Representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Union of Academics of the National Institute of Anthropology and History (SAINAH) (GB.282/15/4).
2001	Representation alleging non-observance by Guatemala of the Tripartite Consultation (International Labour Standards) Convention, 1976 (núm. 144), made under article 24 of the ILO Constitution by the Popular Labour Action Unity (UASP) and the Trade Union of Workers of Guatemala (UNSITRAGUA) (GB.282/15/6).
2002	Representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Authentic Workers' Front (FAT) (GB.283/17/1).
2002	Representation alleging non-observance by Mexico of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by nine worker's organizations (GB.285/19).

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- 2003 Representation alleging non-observance by *Mexico* of the Indigenous and Tribal Peoples Convention, 1989 (No. 169), made under article 24 of the ILO Constitution by the Authentic Workers' Front (FAT) and the Union of Metal, Steel, Iron and Allied Workers (STIMAHCS) (GB.286/20/1).
- 2003 Representation alleging non-observance by *China* of the Migration for Employment Convention (Revised), 1949 (No. 97), made under article 24 of the ILO Constitution by the Trade Union Congress of the Philippines (TUCP) (GB.286/20/2).

Annex 15

List of Commissions of Inquiry

Complaints under article 26, par 1, of the ILO Constitution

A complaint lodged in 1961 by the Government of Ghana concerning Portugal's observation of the Abolition of Forced Labour Convention, 1957 (No. 105). The Commission's report is reprinted in Official Bulletin, 1962, Vol. XLV, No. 2, Supplement II, 269 pp. A complaint lodged in 1962 by the Government of Portugal concerning Liberia's observation of the Forced Labour Convention, 1930 (No. 29). The Commission's report is reprinted in Official Bulletin, 1963, Vol. XLVI, No. 2, Supplement II, 181 pp.

Complaints under article 26, par 4, by Conference delegates

A complaint lodged in 1968 by worker delegates at the 52nd session of the Conference concerning Greece's implementation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Commission's report is reprinted in Official Bulletin, 1971, Vol. LIV, No. 2, Special Supplement, 94 pp. A Commission examined complaints lodged by worker delegates at the 67th session of the Conference (1981) concerning Haiti's observation of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), as well as one lodged by the workers' delegate of Suriname at the same session of the Conference concerning the Dominican Republic's implementation of the Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105), the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Commission's report is reprinted in Official Bulletin, 1983, Vol. LXVI, Series B, Special Supplement, 206 pp. A complaint lodged in 1982 by workers' delegates at the 68th session of the Conference concerning Poland's observation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The Commission's report is reprinted in Official Bulletin, 1984, Vol. LXVII, Series B, Special Supplement, 150 pp. A complaint lodged by employers' delegates at the 73rd session of the Conference (1973) calling for an examination of Nicaragua's observation of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). The Commission's report is reprinted in Official Bulletin, 1991, Vol. LXXIV, Series B, Supplement 2, 144 pp. A complaint lodged by workers' delegates at the 76th session of the Conference (1990) concerning Romania's observation of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The Commission's report is reprinted in Official Bulletin, 1991, Vol. LXXIV, Series B, Supplement 3, 264 pp. Complaints lodged by 25 workers' delegates at the 83rd session of the Conference (1996) calling for an examination of Myanmar's observation of the Forced Labour Convention, 1930 (No. 29). The Commission's report is reprinted in Official Bulletin, 1998, Vol. LXXXI, Series B, Special Supplement, 389 pp.

Commissions of Inquiry set up under article 26, par 4, after a decision on its own initiative by the Governing Body

A Commission of Inquiry into Chile's application of the Hours of Work (Industry) Convention, 1919 (No. 1) and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111) was set up by the Governing Body in line with a Conference resolution in 1974. The Commission's report is reprinted in doc. ILO GB.196/4/10 (1975). Another was set up, at the request of the government concerned, following the referral of a representation (art. 24 of the

Constitution) made by the world trade union federation in 1985 which alleged that the Federal Republic of Germany had failed to implement the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), in application of article 10 of the standing orders of the Governing Body concerning the examination of representations. The Commission's report is reprinted in Official Bulletin, 1987, Vol. LXX, Series B, Supplement 1, 265 pp. Lastly, in March 1998, the Governing Body, on its own initiative, decided to set up a Commission of Inquiry into Nigeria's compliance with the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98): doc. ILO GB.271/18/5 (March 1998). Because of the significant positive changes in Nigeria since then, the Governing Body decided to call a halt to the work of the Commission of Inquiry: doc. ILO GB.275/8/2 (June 1999).

Annex 16

Arrangement of Conventions ¹ by group in the two-year and five-year ² reporting cycles for reporting purposes

1st year	2nd year	3rd year	4th year	5th year
Due in 2003	Due in 2004	Due in 2005	Due in 2006	Due in 2007
Two-year cycle				
<i>Freedom of association and collective bargaining (A-J)</i>	<i>Freedom of association and collective bargaining (K-Z)</i>	<i>Freedom of association and collective bargaining (A-J)</i>	<i>Freedom of association and collective bargaining (K-Z)</i>	<i>Freedom of association and collective bargaining (A-J)</i>
87	87	87	87	87
98	98	98	98	98
<i>Forced labour (K-Z)</i>	<i>Forced labour (A-J)</i>	<i>Forced labour (K-Z)</i>	<i>Forced labour (A-J)</i>	<i>Forced labour (K-Z)</i>
29	29	29	29	29
105	105	105	105	105
<i>Equality of opportunity and treatment (A-J)</i>	<i>Equality of opportunity and treatment (K-Z)</i>	<i>Equality of opportunity and treatment (A-J)</i>	<i>Equality of opportunity and treatment (K-Z)</i>	<i>Equality of opportunity and treatment (A-J)</i>
100	100	100	100	100
111	111	111	111	111
<i>Child labour (K-Z)</i>	<i>Child labour (A-J)</i>	<i>Child labour (K-Z)</i>	<i>Child labour (A-J)</i>	<i>Child labour (K-Z)</i>
138	138	138	138	138
182	182	182	182	182
<i>Employment policy (A-J)</i>	<i>Employment policy (K-Z)</i>	<i>Employment policy (A-J)</i>	<i>Employment policy (K-Z)</i>	<i>Employment policy (A-J)</i>
122	122	122	122	122
<i>Labour inspection (K-Z)</i>	<i>Labour inspection (A-J)</i>	<i>Labour inspection I (K-Z)</i>	<i>Labour inspection (A-J)</i>	<i>Labour inspection (K-Z)</i>
81	81	81	81	81
129	129	129	129	129
<i>Tripartite consultations (A-J)</i>	<i>Tripartite consultations (K-Z)</i>	<i>Tripartite consultations (A-J)</i>	<i>Tripartite consultations (K-Z)</i>	<i>Tripartite consultations (A-J)</i>
144	144	144	144	144
Five-year cycle				
<i>Working Time</i>	<i>Occupational safety and health (K-Z)</i>	<i>Occupational safety and health (A-J)</i>	<i>Social security (K-Z)</i>	<i>Social security (A-J)</i>
1	13	13	12	12
14	45	45	17	17
30	62	62	18	18
47	115	115	19	19
52	119	119	24	24
89	120	120	25	25
101	127	127	42	42
106	136	136	44	44
132	139	139	102	102
153	148	148	118	118

¹ The following Conventions are not subject to reporting under article 22 of the Constitution: withdrawn Conventions – Conventions Nos. 31, 46, 51, 61, 66; Conventions that have not entered into force – Conventions Nos. 54, 57, 70, 72, 75, 76, 93, 109, 180, 184; Conventions on final provisions – Conventions Nos. 80, 116. The following Conventions have been shelved and reports on their application are not requested on a regular basis: Conventions Nos. 4, 15, 20, 21, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 48, 49, 50, 60, 64, 65, 67, 86, 91, 104. In addition, monitoring of Convention No. 83 takes place as part of the monitoring process for the Conventions listed in the annex to that instrument.

² The two cycles are presented together in order to give a complete overview of the reports requested each year.

1st year	2nd year	3rd year	4th year	5th year
Due in 2003	Due in 2004	Due in 2005	Due in 2006	Due in 2007
171	155	155	121	121
175	161	161	128	128
<i>Social policy</i>	162	162	130	130
82	167	167	157	157
117	170	170	168	168
<i>Labour administration</i>	174	174	<i>Protection of children and young persons (A-J)</i>	<i>Protection of children and young persons (K-Z)</i>
63	176	176	5	5
85	<i>Seafarers (A-J)</i>	<i>Seafarers (K-Z)</i>	6	6
150	7	7	10	10
160	8	8	33	33
<i>Maternity protection</i>	9	9	59	59
3	16	16	77	77
103	22	22	78	78
183	23	23	79	79
<i>Specific categories of workers</i>	53	53	90	90
110	55	55	123	123
149	56	56	124	124
172	58	58		
177	68	68	<i>Wages (A-J)</i>	<i>Wages (K-Z)</i>
<i>Indigenous and tribal peoples</i>	69	69	26	26
107	71	71	94	94
169	73	73	95	95
<i>Vocational guidance and training</i>	74	74	99	99
140	92	92	131	131
142	108	108	173	173
	133	133	<i>Fishermen</i>	<i>Dockworkers</i>
	134	134	112	27
	145	145	113	32
	146	146	114	137
	147	147	125	152
	163	163	126	<i>Migrant workers</i>
	164	164	<i>Workers with family responsibilities</i>	97
	165	165	156	143
	166	166	<i>Security of employment</i>	
	178	178	158	
	179	179	<i>Freedom of association (agriculture, NMTs)</i>	
	<i>Employment promotion (K-Z)</i>	<i>Employment promotion (A-J)</i>	11	
	2	2	84	
	88	88	141	
	96	96		
	159	159		
	181	181		
	<i>Industrial relations</i>			
	135			
	151			
	154			

Source: Document GB.283/LILS/6 (March 2002).

Annex 17

Evolution of ratifications of up-to-date Conventions since 1995

C014	117ratifications	1998	2
1999	1	Fédération de Russie	02-07-1998
Belize	22-06-1999	Saint-Vincent-et-les Grenadines	21-10-1998
2000	1	1999	1
Serbie-et-Monténégro	24-11-2000	Congo	26-11-1999
C029	163ratifications	2000	3
1995	3	Kirghizistan	26-07-2000
Saint-Marin	01-02-1995	Azerbaïdjan	09-08-2000
El Salvador	15-06-1995	Serbie-et-Monténégro	24-11-2000
Uruguay	06-09-1995	2001	3
1996	1	Bénin	11-06-2001
Estonie	07-02-1996	Lesotho	14-06-2001
1997	3	Kazakhstan	06-07-2001
Afrique du Sud	05-03-1997	2003	1
Turkménistan	15-05-1997	Libéria	25-03-2003
Botswana	05-06-1997	C087	142ratifications
1998	5	1995	2
Qatar	12-03-1998	Namibie	03-01-1995
Zimbabwe	27-08-1998	Sri Lanka	15-09-1995
Saint-Vincent-et-les Grenadines	21-10-1998	1996	4
Oman	30-10-1998	Afrique du Sud	19-02-1996
Turquie	30-10-1998	République de Moldova	12-08-1996
1999	1	Zambie	02-09-1996
Malawi	19-11-1999	Mozambique	23-12-1996
2000	7	1997	2
Kiribati	03-02-2000	Turkménistan	15-05-1997
Erythrée	22-02-2000	Botswana	22-12-1997
République de Moldova	23-03-2000	1998	1
Gambie	04-09-2000	Indonésie	09-06-1998
Saint-Kitts-et-Nevis	12-10-2000	1999	5
Namibie	15-11-2000	Chili	01-02-1999
Serbie-et-Monténégro	24-11-2000	Cap-Vert	01-02-1999
2001	3	Géorgie	03-08-1999
Kazakhstan	18-05-2001	Cambodge	23-08-1999
Rwanda	23-05-2001	Malawi	19-11-1999
Guinée équatoriale	13-08-2001	2000	9
2002	1	Kiribati	03-02-2000
Népal	03-01-2002	Erythrée	22-02-2000
2003	2	République-Unie de Tanzanie	18-04-2000
Mozambique	16-06-2003	Papouasie-Nouvelle-Guinée	02-06-2000
Ethiopie	02-09-2003	Saint-Kitts-et-Nevis	25-08-2000
C077	43ratifications	Gambie	04-09-2000
1995	1	Jamahiriya arabe libyenne	04-10-2000
El Salvador	15-06-1995	Serbie-et-Monténégro	24-11-2000
C078	39ratifications	Kazakhstan	13-12-2000
1995	1	2001	5
El Salvador	15-06-1995	Angola	13-06-2001
C081	129ratifications	Bahamas	14-06-2001
1995	3	République démocratique du Congo	20-06-2001
Pologne	02-06-1995	Guinée équatoriale	13-08-2001
El Salvador	15-06-1995	Saint-Vincent-et-les Grenadines	09-11-2001
Bélarus	25-09-1995	2002	1
1996	1	Fidji	17-04-2002
République de Moldova	12-08-1996	2003	1
C094	59ratifications	Zimbabwe	09-04-2003
1996	1	1996	1
Norvège	12-02-1996	Norvège	12-02-1996

C094	59ratifications
1998	1
Saint-Vincent-et-les Grenadines	21-10-1998

C095	95ratifications
1996	1
République de Moldova	12-08-1996
1997	1
Botswana	05-06-1997
1998	1
Saint-Vincent-et-les Grenadines	21-10-1998
2001	1
Albanie	02-08-2001

C098	153ratifications
1995	1
Namibie	03-01-1995
1996	6
Afrique du Sud	19-02-1996
Suriname	05-06-1996
République de Moldova	12-08-1996
Zambie	02-09-1996
Népal	11-11-1996
Mozambique	23-12-1996
1997	3
Turkménistan	15-05-1997
Burundi	10-10-1997
Botswana	22-12-1997
1998	3
Madagascar	03-06-1998
Zimbabwe	27-08-1998
Saint-Vincent-et-les Grenadines	21-10-1998
1999	5
Chili	01-02-1999
Suisse	17-08-1999
Cambodge	23-08-1999
Seychelles	04-10-1999
Congo	26-11-1999
2000	5
Kiribati	03-02-2000
Erythrée	22-02-2000
Saint-Kitts-et-Nevis	04-09-2000
Gambie	04-09-2000
Serbie-et-Monténégro	24-11-2000
2001	3
Kazakhstan	18-05-2001
Guinée équatoriale	13-08-2001
Mauritanie	03-12-2001
2003	1
Nouvelle-Zélande	09-06-2003

C100	161ratifications
1996	1
Estonie	10-05-1996
1997	7
Emirats arabes unis	24-02-1997
Turkménistan	15-05-1997
Trinité-et-Tobago	29-05-1997
Botswana	05-06-1997
Malaisie	09-09-1997
Viet Nam	07-10-1997
République de Corée	08-12-1997
1998	2
Lesotho	27-01-1998

Bangladesh 28-01-1998

1999	6
Thaïlande	08-02-1999
Ethiopie	24-03-1999
Belize	22-06-1999
Cambodge	23-08-1999
Seychelles	23-11-1999
Congo	26-11-1999

2000	8
Erythrée	22-02-2000
République de Moldova	23-03-2000
Afrique du Sud	30-03-2000
Papouasie-Nouvelle-Guinée	02-06-2000
Saint-Kitts-et-Nevis	25-08-2000
Gambie	04-09-2000
El Salvador	12-10-2000
Serbie-et-Monténégro	24-11-2000

2001	6
Kenya	07-05-2001
Kazakhstan	18-05-2001
Bahamas	14-06-2001
Pakistan	11-10-2001
Mauritanie	03-12-2001
Saint-Vincent-et-les Grenadines	04-12-2001

2002	4
République-Unie de Tanzanie	26-02-2002
Fidji	17-04-2002
Singapour	30-05-2002
Maurice	18-12-2002

2003	1
Antigua-et-Barbuda	02-05-2003

C102	40ratifications
2000	1
Serbie-et-Monténégro	24-11-2000

C105	161ratifications
1995	2
Saint-Marin	01-02-1995
Bélarus	25-09-1995
1996	3
Estonie	07-02-1996
République tchèque	06-08-1996
Géorgie	23-09-1996
1997	11
Emirats arabes unis	24-02-1997
Albanie	27-02-1997
Croatie	05-03-1997
Afrique du Sud	05-03-1997
Mauritanie	03-04-1997
Turkménistan	15-05-1997
Botswana	05-06-1997
Slovénie	24-06-1997
Burkina Faso	25-08-1997
Slovaquie	29-09-1997
Ouzbékistan	15-12-1997

1998	5
Fédération de Russie	02-07-1998
Bahreïn	14-07-1998
Roumanie	03-08-1998
Zimbabwe	27-08-1998
Saint-Vincent-et-les Grenadines	21-10-1998

C105**161ratifications****1999****10**

Chili	01-02-1999
Kirghizistan	18-02-1999
Bulgarie	23-03-1999
Ethiopie	24-03-1999
Indonésie	07-06-1999
Togo	10-07-1999
Cambodge	23-08-1999
Tadjikistan	23-09-1999
Malawi	19-11-1999
Congo	26-11-1999

2000**9**

Kiribati	03-02-2000
Erythrée	22-02-2000
Inde	18-05-2000
Azerbaïdjan	09-08-2000
Gambie	04-09-2000
Saint-Kitts-et-Nevis	12-10-2000
Bosnie-Herzégovine	15-11-2000
Namibie	15-11-2000
Ukraine	14-12-2000

2001**4**

Kazakhstan	18-05-2001
Lesotho	14-06-2001
République démocratique du Congo	20-06-2001
Guinée équatoriale	13-08-2001

2003**3**

Sri Lanka	07-01-2003
Serbie-et-Monténégro	10-07-2003
Ex-République yougoslave de Macédoine	15-07-2003

C106**62ratifications****2000****1**

Serbie-et-Monténégro	24-11-2000
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2001**1**

Pays-Bas	02-05-2001
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C108**62ratifications****1995****1**

Sri Lanka	24-11-1995
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1996**2**

République tchèque	06-08-1996
Estonie	11-12-1996

1997**1**

Lituanie	19-11-1997
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1998**1**

Saint-Vincent-et-les Grenadines	21-10-1998
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2000**1**

République de Moldova	23-03-2000
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2001**1**

Maroc	15-10-2001
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2003**1**

Slovénie	30-01-2003
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C110**12ratifications****1995****1**

Sri Lanka	24-04-1995
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C111**159ratifications****1995****1**

El Salvador	15-06-1995
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1996**1**

République de Moldova	12-08-1996
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1997**5**

Albanie	27-02-1997
Afrique du Sud	05-03-1997
Turkménistan	15-05-1997
Botswana	05-06-1997
Viet Nam	07-10-1997

1998**3**

Lesotho	27-01-1998
Sri Lanka	27-11-1998
République de Corée	04-12-1998

1999**9**

Irlande	22-04-1999
Indonésie	07-06-1999
Royaume-Uni	08-06-1999
Belize	22-06-1999
Zimbabwe	23-06-1999
Cambodge	23-08-1999
Seychelles	23-11-1999
Congo	26-11-1999
Kazakhstan	06-12-1999

2000**6**

Erythrée	22-02-2000
Papouasie-Nouvelle-Guinée	02-06-2000
Saint-Kitts-et-Nevis	25-08-2000
Gambie	04-09-2000
Bahrein	26-09-2000
Serbie-et-Monténégro	24-11-2000

2001**8**

Luxembourg	21-03-2001
Kenya	07-05-2001
Bahamas	14-06-2001
République démocratique du Congo	20-06-2001
Emirats arabes unis	28-06-2001
Guinée équatoriale	13-08-2001
Saint-Vincent-et-les Grenadines	09-11-2001
Namibie	13-11-2001

2002**4**

République-Unie de Tanzanie	26-02-2002
Fidji	17-04-2002
Nigéria	02-10-2002
Maurice	18-12-2002

2003**1**

Grenade	14-05-2003
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C115**47ratifications****C118****38ratifications****C120****49ratifications****1995****1**

Uruguay	06-09-1995
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C121**23ratifications****1999****1**

Chili	30-09-1999
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2000**1**

Serbie-et-Monténégro	24-11-2000
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C122**94ratifications****1995****1**

El Salvador	15-06-1995
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C122**94ratifications**

1996	2	
République de Moldova		12-08-1996
Mozambique		23-12-1996
1997	1	
Chine		17-12-1997
1998	1	
Inde		17-11-1998
1999	1	
Kazakhstan		06-12-1999
2000	1	
Serbie-et-Monténégro		24-11-2000
2001	1	
République dominicaine		29-03-2001
2002	1	
Antigua-et-Barbuda		16-09-2002
2003	1	
Estonie		12-03-2003

C124**41ratifications****C128****16ratifications****C129****41ratifications**

1995	2	
Pologne		02-06-1995
El Salvador		15-06-1995
1997	2	
Belgique		08-09-1997
République de Moldova		09-12-1997
2000	2	
Azerbaïdjan		09-08-2000
Serbie-et-Monténégro		24-11-2000
2001	1	
Kazakhstan		06-07-2001
2003	1	
Egypte		20-06-2003

C130**14ratifications****C131****45ratifications**

1995	1	
El Salvador		15-06-1995
1999	1	
Chili		13-09-1999
2000	2	
République de Moldova		23-03-2000
Serbie-et-Monténégro		24-11-2000
2001	1	
République de Corée		27-12-2001
2002	1	
Antigua-et-Barbuda		16-09-2002

C135**74ratifications**

1995	1	
Mali		12-06-1995
1996	4	
Chypre		03-01-1996
Estonie		07-02-1996
République de Moldova		12-08-1996

Mongolie

08-10-1996

1997**2**Burundi
Ouzbékistan10-10-1997
15-12-1997**1998****3**Tchad
Lesotho
Zimbabwe07-01-1998
27-01-1998
27-08-1998**1999****2**Belize
Chili22-06-1999
13-09-1999**2000****3**République tchèque
Serbie-et-Monténégro
Kazakhstan09-10-2000
24-11-2000
13-12-2000**2001****3**Bénin
République démocratique du Congo
République de Corée11-06-2001
20-06-2001
27-12-2001**2002****2**Maroc
Antigua-et-Barbuda05-04-2002
16-09-2002**2003****1**

Ukraine

03-09-2003

C138**130ratifications****1995****2**Saint-Marin
Tunisie01-02-1995
19-10-1995**1996****3**El Salvador
Géorgie
Argentine23-01-1996
23-09-1996
11-11-1996**1997****7**Népal
Botswana
Bolivie
Malaisie
Slovaquie
Chypre
Danemark30-05-1997
05-06-1997
11-06-1997
09-09-1997
29-09-1997
02-10-1997
13-11-1997**1998****10**Albanie
Jordanie
Guyana
Portugal
Hongrie
Philippines
Lituanie
Emirats arabes unis
Turquie
République-Unie de Tanzanie16-02-1998
23-03-1998
15-04-1998
20-05-1998
28-05-1998
04-06-1998
22-06-1998
02-10-1998
30-10-1998
16-12-1998

C138**130ratifications****1999****16**

République de Corée	28-01-1999
Chili	01-02-1999
Burkina Faso	11-02-1999
Chine	28-04-1999
Ethiopie	27-05-1999
Indonésie	07-06-1999
Egypte	09-06-1999
République dominicaine	15-06-1999
Suisse	17-08-1999
Cambodge	23-08-1999
République de Moldova	21-09-1999
Koweït	15-11-1999
Malawi	19-11-1999
Congo	26-11-1999
Islande	06-12-1999
Sénégal	15-12-1999

2000**21**

Barbade	04-01-2000
Maroc	06-01-2000
Sri Lanka	11-02-2000
Erythrée	22-02-2000
Belize	06-03-2000
Seychelles	07-03-2000
Afrique du Sud	30-03-2000
Madagascar	31-05-2000
Papouasie-Nouvelle-Guinée	02-06-2000
Japon	05-06-2000
Zimbabwe	06-06-2000
Royaume-Uni	07-06-2000
Yémen	15-06-2000
République centrafricaine	28-06-2000
Burundi	19-07-2000
Gambie	04-09-2000
Autriche	18-09-2000
Equateur	19-09-2000
Panama	31-10-2000
Namibie	15-11-2000
Serbie-et-Monténégro	24-11-2000

2001**11**

Colombie	02-02-2001
Kazakhstan	18-05-2001
Bénin	11-06-2001
Angola	13-06-2001
Lesotho	14-06-2001
République démocratique du Congo	20-06-2001
Brésil	28-06-2001
Cameroon	13-08-2001
République arabe syrienne	18-09-2001
Bahamas	31-10-2001
Mauritanie	03-12-2001

2002**5**

Mali	11-03-2002
Nigéria	02-10-2002
Swaziland	23-10-2002
Pérou	13-11-2002
Mongolie	16-12-2002

2003**9**

Fidji	03-01-2003
Côte d'Ivoire	07-02-2003
Soudan	07-03-2003
Ouganda	25-03-2003
Grenade	14-05-2003
Guinée	06-06-2003
Liban	10-06-2003
Mozambique	16-06-2003
Viet Nam	24-06-2003

C139**35ratifications****1995****1**

Irlande	04-04-1995
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1996**1**

Belgique	11-10-1996
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1999**1**

Portugal	03-05-1999
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2000**2**

Liban	23-02-2000
Serbie-et-Monténégro	24-11-2000

C140**33ratifications****1998****1**

Zimbabwe	27-08-1998
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1999**2**

Belize	22-06-1999
Chili	13-09-1999

2000**1**

Serbie-et-Monténégro	24-11-2000
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2003**1**

Ukraine	07-03-2003
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C141**38ratifications****1995****2**

Mali	12-06-1995
El Salvador	15-06-1995

1997**1**

Burkina Faso	25-08-1997
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1999**1**

Belize	22-06-1999
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2003**1**

République de Moldova	04-04-2003
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C142**62ratifications****1995****1**

El Salvador	15-06-1995
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2000**2**

Liban	23-02-2000
Serbie-et-Monténégro	24-11-2000

2001**2**

Luxembourg	21-03-2001
République de Moldova	19-12-2001

2002**1**

Antigua-et-Barbuda	16-09-2002
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C144**110ratifications****1995****5**

Namibie	03-01-1995
Népal	21-03-1995
Trinité-et-Tobago	07-06-1995
El Salvador	15-06-1995
Guinée	16-10-1995

1996**3**

République de Moldova	12-08-1996
Jamaïque	23-10-1996
Mozambique	23-12-1996

1997**4**

Slovaquie	10-02-1997
Madagascar	22-04-1997
Botswana	05-06-1997
Burundi	10-10-1997

C144	110ratifications			C148	41ratifications
1998	5			1996	2
Tchad		07-01-1998		Guatemala	22-02-1996
Lesotho		27-01-1998		Kazakhstan	30-07-1996
Fidji		18-05-1998		1999	1
Bulgarie		12-06-1998		Seychelles	23-11-1999
Mongolie		10-08-1998		2000	1
1999	5			Serbie-et-Monténégro	24-11-2000
République dominicaine		15-06-1999			
Albanie		30-06-1999		C149	37ratifications
Colombie		09-11-1999		1995	1
République de Corée		15-11-1999		Guatemala	09-05-1995
Congo		26-11-1999		2003	1
2000	7			Slovénie	30-01-2003
Belize		06-03-2000			
Yémen		15-06-2000		C150	57ratifications
Suisse		28-06-2000		1995	1
Koweït		15-08-2000		Etats-Unis	03-03-1995
République tchèque		09-10-2000		1996	1
Saint-Kitts-et-Nevis		12-10-2000		Namibie	28-06-1996
Kazakhstan		13-12-2000		1997	1
2001	3			République de Corée	08-12-1997
Bénin		11-06-2001		1998	2
République démocratique du Congo		20-06-2001		Fédération de Russie	02-07-1998
Burkina Faso		25-07-2001		Zimbabwe	27-08-1998
2002	4			1999	4
Dominique		29-04-2002		République dominicaine	15-06-1999
Japon		14-06-2002		Cambodge	23-08-1999
Malaisie		14-06-2002		Malawi	19-11-1999
Antigua-et-Barbuda		16-09-2002		Seychelles	23-11-1999
2003	3			2000	2
Afrique du Sud		18-02-2003		Belize	06-03-2000
Libéria		25-03-2003		République tchèque	09-10-2000
Jordanie		05-08-2003		2001	4
C145	17ratifications			El Salvador	02-02-2001
C146	13ratifications			Luxembourg	21-03-2001
1998	1			Bénin	11-06-2001
Brésil		24-09-1998		Lesotho	14-06-2001
C147	44ratifications			2002	3
1995	2			Chine	07-03-2002
Pologne		02-06-1995		Albanie	24-07-2002
Chypre		19-09-1995		Antigua-et-Barbuda	16-09-2002
1996	3			2003	2
Croatie		19-07-1996		Libéria	02-06-2003
Inde		26-09-1996		Jordanie	10-07-2003
Israël		06-12-1996			
1998	1			C151	41ratifications
Lettonie		12-11-1998		1995	1
1999	3			Mali	12-06-1995
Islande		11-05-1999		1996	1
Trinité-et-Tobago		03-06-1999		Grèce	29-07-1996
Slovénie		21-06-1999		1997	2
2001	2			Bélarus	08-09-1997
Bahamas		03-01-2001		Botswana	22-12-1997
Roumanie		15-05-2001		1998	1
2002	1			Tchad	07-01-1998
Malte		10-01-2002		1999	3
2003	1			Belize	22-06-1999
Bulgarie		24-02-2003		Albanie	30-06-1999
				Seychelles	23-11-1999

C151**41ratifications**

2000	2	
Chili		17-07-2000
Colombie		08-12-2000
2001	1	
Luxembourg		21-03-2001
2002	1	
Antigua-et-Barbuda		16-09-2002
2003	1	
République de Moldova		04-04-2003

C152**20ratifications**

1998	1	
Pays-Bas		13-05-1998
2000	1	
Italie		07-06-2000

C154**34ratifications**

1995	1	
Saint-Marin		01-02-1995
1996	3	
Suriname		05-06-1996
Grèce		17-09-1996
Guatemala		29-10-1996
1997	3	
République de Moldova		14-02-1997
Bélarus		08-09-1997
Ouzbékistan		15-12-1997
1998	1	
République-Unie de Tanzanie		14-08-1998
1999	1	
Belize		22-06-1999
2000	2	
Sainte-Lucie		06-12-2000
Colombie		08-12-2000
2002	2	
Albanie		24-07-2002
Antigua-et-Barbuda		16-09-2002

C155**40ratifications**

1995	2	
Irlande		04-04-1995
Danemark		10-07-1995
1996	1	
Kazakhstan		30-07-1996
1998	2	
Mongolie		03-02-1998
Fédération de Russie		02-07-1998
1999	1	
Belize		22-06-1999
2000	5	
République de Moldova		28-04-2000
Bélarus		30-05-2000
Cap-Vert		09-08-2000
El Salvador		12-10-2000
Serbie-et-Monténégro		24-11-2000
2001	2	
Luxembourg		21-03-2001
Lesotho		01-11-2001
2002	1	
Antigua-et-Barbuda		16-09-2002
2003	2	

Afrique du Sud
Zimbabwe

18-02-2003
09-04-2003

C156**34ratifications**

1995	2	
Japon		09-06-1995
Guinée		16-10-1995
1998	2	
Fédération de Russie		13-02-1998
Bolivie		01-09-1998
1999	1	
Belize		22-06-1999
2000	4	
Ukraine		11-04-2000
Islande		22-06-2000
El Salvador		12-10-2000
Serbie-et-Monténégro		24-11-2000
2001	1	
République de Corée		29-03-2001
2002	1	
Slovaquie		14-06-2002

C157**3ratifications****C159****75ratifications**

1995	2	
Mali		12-06-1995
Guinée		16-10-1995
1996	2	
Cuba		03-10-1996
Bolivie		19-12-1996
1998	4	
Mongolie		03-02-1998
Madagascar		03-06-1998
Koweït		26-06-1998
Zimbabwe		27-08-1998
1999	5	
Bahreïn		02-02-1999
Portugal		03-05-1999
Trinité-et-Tobago		03-06-1999
Côte d'Ivoire		22-10-1999
République de Corée		15-11-1999
2000	4	
Liban		23-02-2000
Italie		07-06-2000
Turquie		26-06-2000
Serbie-et-Monténégro		24-11-2000
2001	2	
Luxembourg		21-03-2001
Mexique		05-04-2001
2003	2	
Jordanie		13-05-2003
Ukraine		15-05-2003

C160**45ratifications**

1995	2	
Irlande		27-10-1995
Canada		22-11-1995
1996	1	
Panama		03-04-1996
1997	1	
République de Corée		08-12-1997

C160	45ratifications		
1999 Lituanie	1 10-06-1999		
2000 Bénin	1 06-04-2000		
2001 Costa Rica Nouvelle-Zélande	2 13-02-2001 06-11-2001		
C161	22ratifications		
1997 Burkina Faso	1 25-08-1997		
1998 Bénin	1 10-11-1998		
1999 Chili	1 30-09-1999		
2000 Serbie-et-Monténégro	1 24-11-2000		
2001 Colombie	1 25-01-2001		
2002 Antigua-et-Barbuda	1 16-09-2002		
2003 Zimbabwe	1 09-04-2003		
C162	27ratifications		
1995 Uruguay	1 06-09-1995		
1996 Belgique	1 11-10-1996		
1999 Portugal Pays-Bas	2 03-05-1999 15-09-1999		
2000 Fédération de Russie Serbie-et-Monténégro	2 04-09-2000 24-11-2000		
2001 Colombie	1 25-01-2001		
2003 Zimbabwe	1 09-04-2003		
C163	12ratifications		
1997 Brésil	1 04-03-1997		
2002 Roumanie	1 11-03-2002		
C164	11ratifications		
1995 Finlande	1 17-01-1995		
1997 Brésil	1 04-03-1997		
1999 Norvège	1 11-06-1999		
2002 Italie	1 07-11-2002		
C165	2ratifications		
C166	9ratifications		
1995 Australie	1 29-08-1995		
1996 Guyana	1 10-06-1996		
1997 Brésil	1 04-03-1997		
2000 Roumanie	1 11-10-2000		
2003 Bulgarie	1 30-07-2003		
C167	17ratifications		
1995 Danemark	1 10-07-1995		
1997 Finlande	1 23-01-1997		
1998 Lesotho République dominicaine	2 27-01-1998 04-06-1998		
2001 Biélorus	1 21-11-2001		
2002 Chine	1 07-03-2002		
2003 Italie	1 12-02-2003		
C168	6ratifications		
C169	17ratifications		
1995 Honduras	1 28-03-1995		
1996 Danemark Guatemala	2 22-02-1996 05-06-1996		
1998 Pays-Bas Fidji Equateur	3 02-02-1998 03-03-1998 15-05-1998		
2000 Argentine	1 03-07-2000		
2002 Venezuela Dominique Brésil	3 22-05-2002 25-06-2002 25-07-2002		
C170	11ratifications		
1995 Chine	1 11-01-1995		
1996 Brésil	1 23-12-1996		
1997 Burkina Faso	1 15-09-1997		
1998 Zimbabwe	1 27-08-1998		
1999 République-Unie de Tanzanie	1 15-03-1999		
2002 Italie	1 03-07-2002		
2003 République de Corée	1 11-04-2003		

C171	8ratifications	Albanie Zimbabwe	03-03-2003 09-04-2003
1995 Portugal	1 27-11-1995		
1996 République tchèque	1 06-08-1996		
1997 Belgique	1 28-05-1997		
2002 Slovaquie Brésil	2 11-02-2002 18-12-2002		
C172	13ratifications		
1995 Uruguay	1 06-09-1995		
1996 Guyana	1 20-08-1996		
1997 Chypre Barbade	2 28-02-1997 22-06-1997		
1998 République dominicaine Irlande	2 04-06-1998 09-06-1998		
2000 Liban	1 23-02-2000		
2001 Iraq	1 09-07-2001		
2003 Luxembourg	1 06-03-2003		
C173	15ratifications		
1995 Espagne Suisse	2 16-05-1995 16-06-1995		
1996 Autriche	1 20-12-1996		
1997 Botswana	1 05-06-1997		
1998 Zambie Madagascar Slovaquie	3 25-05-1998 03-06-1998 24-09-1998		
1999 Burkina Faso	1 11-02-1999		
2000 Tchad	1 15-12-2000		
2001 Slovénie	1 08-05-2001		
2002 Lettonie	1 22-02-2002		
C174	9ratifications		
1996 Arménie	1 03-01-1996		
1997 Pays-Bas Colombie	2 25-03-1997 09-12-1997		
2000 Estonie	1 13-09-2000		
2001 Brésil Arabie saoudite	2 02-08-2001 08-10-2001		
2003	2		
C175	10ratifications		
1996 Maurice	1 14-06-1996		
1997 Chypre Guyana	2 28-02-1997 03-09-1997		
1999 Finlande	1 25-05-1999		
2000 Italie	1 13-04-2000		
2001 Pays-Bas Luxembourg Slovénie	3 05-02-2001 21-03-2001 08-05-2001		
2002 Suède	1 10-06-2002		
2003 Albanie	1 03-03-2003		
C177	4ratifications		
1998 Finlande	1 17-06-1998		
1999 Irlande	1 22-04-1999		
2002 Albanie Pays-Bas	2 24-07-2002 31-10-2002		
C178	8ratifications		
1999 Finlande Irlande Norvège	3 24-02-1999 22-04-1999 11-06-1999		
2000 Maroc Suède	2 01-12-2000 15-12-2000		
2002 Albanie Pologne	2 24-07-2002 09-08-2002		
2003 Royaume-Uni	1 02-07-2003		
C179	7ratifications		
1998 Philippines	1 13-03-1998		
1999 Irlande Finlande Norvège	3 22-04-1999 25-05-1999 11-06-1999		
2000 Maroc	1 01-12-2000		
2001 Fédération de Russie	1 27-08-2001		
2003 Bulgarie	1 12-06-2003		
C180	13ratifications		
1999 Irlande	1 22-04-1999		

C180**13ratifications**

2000	3
Roumanie	11-10-2000
Maroc	01-12-2000
Suède	15-12-2000
2001	1
Royaume-Uni	20-12-2001
2002	4
Saint-Vincent-et-les Grenadines	08-02-2002
Grèce	14-05-2002
Finlande	04-07-2002
Malte	19-09-2002
2003	4
Bulgarie	24-02-2003
Belgique	10-06-2003
Pays-Bas	16-06-2003
Danemark	10-07-2003

Yémen	15-06-2000
Suisse	28-06-2000
République centrafricaine	28-06-2000
Mexique	30-06-2000
Mali	14-07-2000
Chili	17-07-2000
Bulgarie	28-07-2000
Danemark	14-08-2000
Koweït	15-08-2000
Togo	19-09-2000
Equateur	19-09-2000
Jamahiriya arabe libyenne	04-10-2000
Saint-Kitts-et-Nevis	12-10-2000
El Salvador	12-10-2000
Barbade	23-10-2000
Niger	23-10-2000
Panama	31-10-2000
Bélarus	31-10-2000
Tchad	06-11-2000
Nicaragua	06-11-2000
Malaisie	10-11-2000
Namibie	15-11-2000
République dominicaine	15-11-2000
Chypre	27-11-2000
Philippines	28-11-2000
Sainte-Lucie	06-12-2000
Zimbabwe	11-12-2000
Roumanie	13-12-2000
Ukraine	14-12-2000
Viet Nam	19-12-2000
Norvège	21-12-2000

C181**13ratifications**

1999	8
Ethiopie	24-03-1999
Maroc	10-05-1999
Finlande	25-05-1999
Espagne	15-06-1999
Albanie	30-06-1999
Japon	28-07-1999
Panama	10-08-1999
Pays-Bas	15-09-1999
2000	2
Italie	01-02-2000
République tchèque	09-10-2000
2001	1
République de Moldova	19-12-2001
2002	2
Portugal	25-03-2002
Géorgie	27-08-2002

C182**144ratifications**

1999	5
Seychelles	28-09-1999
Malawi	19-11-1999
Etats-Unis	02-12-1999
Slovaquie	20-12-1999
Irlande	20-12-1999
2000	52
Botswana	03-01-2000
Finlande	17-01-2000
Brésil	02-02-2000
Tunisie	28-02-2000
Belize	06-03-2000
Saint-Marin	15-03-2000
Royaume-Uni	22-03-2000
Indonésie	28-03-2000
Hongrie	20-04-2000
Jordanie	20-04-2000
Rwanda	23-05-2000
Islande	29-05-2000
Qatar	30-05-2000
Sénégal	01-06-2000
Papouasie-Nouvelle-Guinée	02-06-2000
Canada	06-06-2000
Italie	07-06-2000
Afrique du Sud	07-06-2000
Maurice	08-06-2000
Ghana	13-06-2000
Portugal	15-06-2000

C182**144ratifications****2001****56**

Dominique	04-01-2001
Guyana	15-01-2001
Maroc	26-01-2001
Argentine	05-02-2001
Algérie	09-02-2001
Thaïlande	16-02-2001
Mongolie	26-02-2001
Sri Lanka	01-03-2001
Paraguay	07-03-2001
Bangladesh	12-03-2001
Luxembourg	21-03-2001
Bahrein	23-03-2001
Gabon	28-03-2001
République de Corée	29-03-2001
Espagne	02-04-2001
Kenya	07-05-2001
Slovénie	08-05-2001
Oman	11-06-2001
Suède	13-06-2001
Angola	13-06-2001
Bahamas	14-06-2001
Lesotho	14-06-2001
Singapour	14-06-2001
Nouvelle-Zélande	14-06-2001
Malte	15-06-2001
Japon	18-06-2001
République tchèque	19-06-2001
République démocratique du Congo	20-06-2001
Ouganda	21-06-2001
Emirats arabes unis	28-06-2001
Gambie	03-07-2001
Iraq	09-07-2001
Croatie	17-07-2001
Burkina Faso	25-07-2001
Turquie	02-08-2001
Albanie	02-08-2001
Uruguay	03-08-2001
Guinée équatoriale	13-08-2001
Costa Rica	10-09-2001
France	11-09-2001
Liban	11-09-2001
République-Unie de Tanzanie	12-09-2001
Estonie	24-09-2001
Madagascar	04-10-2001
Bosnie-Herzégovine	05-10-2001
Arabie saoudite	08-10-2001
Guatemala	11-10-2001
Pakistan	11-10-2001
Cap-Vert	23-10-2001
Honduras	25-10-2001
Grèce	06-11-2001
Bénin	06-11-2001
Mauritanie	03-12-2001
Autriche	04-12-2001
Saint-Vincent-et-les Grenadines	04-12-2001
Zambie	10-12-2001

2002**19**

Népal	03-01-2002
Pérou	10-01-2002
Pays-Bas	14-02-2002
Fidji	17-04-2002
Allemagne	18-04-2002
Egypte	06-05-2002
République islamique d'Iran	08-05-2002
Belgique	08-05-2002
Ex-République yougoslave de Macédoine	30-05-2002
Cameroun	05-06-2002

Burundi	11-06-2002
République de Moldova	14-06-2002
Géorgie	24-07-2002
Chine	08-08-2002
Pologne	09-08-2002
Congo	23-08-2002
Antigua-et-Barbuda	16-09-2002
Nigéria	02-10-2002
Swaziland	23-10-2002

2003**12**

Côte d'Ivoire	07-02-2003
Kazakhstan	26-02-2003
Soudan	07-03-2003
Fédération de Russie	25-03-2003
Trinité-et-Tobago	23-04-2003
Grenade	14-05-2003
Libéria	02-06-2003
Guinée	06-06-2003
Bolivie	06-06-2003
Mozambique	16-06-2003
Serbie-et-Monténégro	10-07-2003
Ethiopie	02-09-2003

C183**4ratifications****2000****1**

Slovaquie	12-12-2000
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2001**2**

Italie	07-02-2001
Bulgarie	06-12-2001

2002**1**

Roumanie	23-10-2002
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C184**3ratifications****2002****2**

Slovaquie	14-06-2002
République de Moldova	20-09-2002

2003**1**

Finlande	21-02-2003
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IV. Decent Work Agenda: Strengthening the effectiveness of ILS

Annex 18

Strategic Objective No. 1

Promote and realize fundamental principles and rights at work

Operational objectives	Indicators	Targets
1a – Standards and fundamental principles and rights at work Member States (MS) give effect to the principles and rights concerning freedom of association and collective bargaining and the elimination of forced labour, child labour and discrimination in employment and occupation	1a1 – Ratification of fundamental Conventions:	
	(i) MS that have ratified all eight fundamental Conventions; or	(i) two-thirds of MS (116)
	(ii) MS that have ratified at least one Convention in each of the four categories of fundamental principles and rights	(ii) 155 MS
	1a2 – Realizing fundamental principles and rights at work:	
	MS introduce significant changes in their policies, legislation or institutions in order to realize fundamental principles and rights at work, as indicated in Annual Reports or Global Reports under the Follow-up to the Declaration	10 MS
	1a3 – Implementing gender-sensitive technical cooperation under the Declaration	
	MS that have begun implementation of gender-sensitive technical cooperation that specifically addresses needs or problems identified in reports submitted under the Declaration, in the introduction by the ILO Declaration Expert-Advisers and in plans of action adopted by the Governing Body	20 MS

Operational objectives	Indicators	Targets
1b – Child Labour Child labour is progressively eliminated through capacity building and strengthening of the worldwide movement against child labour, with priority given to the urgent elimination of child labour in its worst forms and the provision of alternatives for children and families	1b1 – Ratification of Convention no 138	
	MS that ratify Convention No. 138	20 additional MS
	1b2 – Generating and using knowledge on child labour	
	MS that use methodologies, approaches and information developed and produced either by the ILO or with the ILO support, concerning : global trends and measurement of child labour; research on the causes and consequences of child labour; good practices and models of intervention to combat child labour; and guidelines and training packages.	30 additional MS
	1b3 – Making progress through time-bound programmes	
	MS that have drawn on ILO support to make significant progress in applying Conventions Nos. 138 and 182 as reflected in the implementation of at least two interventions associated with time-bound programmes	40 MS
	1b4 – Benefiting from ILO action and support	
	Children who benefit from ILO action with a particular focus on the worst forms of child labour and the girl child, as reflected by :	
	(i) those benefiting directly from pilot projects executed by the ILO	300,000 children
	(ii) those indirectly benefiting from initiatives executed by other development partners (MS, organizations and other agencies) as a result of ILO support and advocacy	1 million children
1c – Normative action ILS and the standards supervisory process influence legislation and policies of MS for achieving decent work and international development goals	1c1 – Improving the application of ILS	

Operational objectives	Indicators	Targets
	Cases in which MS improve the application of ILS	<ul style="list-style-type: none"> – 350 cases of improvement noted by the Committee of Experts – 50 cases of improvement noted by the Committee on Freedom of Association
	1c2 – Increasing the influence of ILS	
	Increased account taken of ILS in international development assistance	All PRSPs to which the ILO contributes refer to ILS
	1c3 – ILS policy	
	Improved effectiveness of service to ILO-policy-making bodies in relation to ILS policy	<ul style="list-style-type: none"> (i) The supervisory bodies complete reviews of their work methods (ii) The progress made in the review of ILS-related activities is in line with the timeframe decided by the Governing Body (iii) The results of the review are given increased effects by all parts of the ILO

Strategic Objective No. 2

Create greater opportunities for women and men to secure decent employment and income

Operational objectives	Indicators	Targets
2a – Employment policy support ILO constituents are better equipped to analyse trends in national and global employment and labour markets, and to elaborate, advocate and implement effective strategies for the promotion of decent employment for men and women	2a1 – Using employment policy knowledge	
	ILO constituents that make use of the ILO knowledge base	Constituents in 35 MS
	2a2 – Applying employment policy recommendations	
	Global and national employment policies that are influenced by recommendations of ILO policy advice	National employment policy in 10 MS
2b – Knowledge, skills and employability ILO constituents invest more in training and skills development to provide men and women improved and equal access to decent jobs	2b1 – Applying skills and training policies	
	ILO constituents that adopt policies and invest in improvements in the quality and effectiveness of skills development and training	Constituents in 15 MS
	2b2 – Applying labour market policies	
	ILO constituents adopt labour market strategies, including innovative approaches to skills acquisition, effective employment services and related support, to promote greater labour market participation of young persons, people with disabilities and other disadvantaged men and women	Constituents in 15 MS

Operational objectives	Indicators	Targets
2c – Employment creation ILO MS and constituents are better equipped to design and implement employment promotion programmes in the areas of enterprise development and employment-intensive investment, including in post-crisis situations, paying particular attention to the situation of women	2c1 Applying enterprise development policies	
	ILO constituents and other institutions that apply ILO advice and practical tools for enterprise development	– Constituents in 60 MS – Institutions in 30 MS
	2c2 – Applying employment-intensive investment policies	
	ILO MS that adopt or implement employment-intensive approaches and related ILO policies in national and local level public investment programmes in the infrastructure and construction sectors	15 MS (new programmes or major new elements in existing country programmes)
	2c3 – Applying post-crisis reconstruction policies	
	ILO MS and institutions that include the ILO's approach to post-crisis reintegration and reconstruction in their policies and programmes	– 4 new crisis-affected MS – 5 crisis-affected MS – 10 institutions

Strategic Objective No. 3

Enhance the coverage and effectiveness of social protection for all

Operational objectives	Indicators	Targets
3a – Social security MS broaden the scope and the instruments of social security schemes (including for the informal economy and the poor), improve and diversify benefits, strengthen governance and management, and develop policies to combat the adverse effects of social and economic insecurity	3a1 – Social security schemes to combat poverty and social exclusion	
	MS that adopt voluntary or public schemes, including the improvement of existing social security schemes, to extend social security coverage to previously uncovered sections of their populations	25 MS
	3a2 – Improved governance and sustainability of social security schemes	
	MS or regions that initiate actions based on ILO action or support either to improve or to establish the financial, economic and fiscal sustainability of national security schemes and systems, and their governance	15 MS
	3a3 – National data development and monitoring of social protection	
	MS in which improved data are generated and comprehensive social policies are developed as a result of tripartite consultations that take into account ILO policy recommendations	20 MS

Operational objectives	Indicators	Targets
3b – Labour protection ILO constituents target and take effective action to improve safety and health and conditions of employment, with special attention to the most hazardous conditions of the workplace	3b1 – Improved national programming and reporting on occupational safety and health	
	MS that make major progress in their occupational safety and health policies or capacities through ratification or application of ILO standards, implementation of ILO codes or guides, or launching of national programmes of action	32 MS
	3b3 – Protection of the rights and equal treatment of migrants	
	MS that establish policies and programmes for the protection of the rights and equal treatment of women and men migrants, and against their trafficking	10 MS
	3b4 – National plans for combating HIV/AIDS in the world of work	
	MS that have incorporated a world of work component for both the formal and the informal economy, and workplace initiatives involving ILO tripartite constituents, into their national action plans to combat HIV/AIDS	20 MS

Strategic Objective No. 4

Strengthen tripartism and social dialogue

Operational objectives	Indicators	Targets
4a – Social partners The representation, services and influence of the social partners are strengthened	4a1 New or improved services	
	Employers' or workers' organizations that provide new or improved services to their members or strengthen their capacity to provide such services	(i) EO in 35 MS (ii) WO dans 40 MS
	4a2 – Expanded representation	
	EO or WO that take policy or practical initiatives to extend representation of their organizations	(i) EO in 20 MS (ii) WO in 40 MS
	4a3 – Influencing social policy	
	MS in which the social partners have greater capacity to influence economic and social policies and programmes	30 additional MS
4b – Governments and institutions of social dialogue The legal frameworks, institutions, machinery and processes for social dialogue are strengthened and used	4b1 – Applying social dialogue Conventions	
	MS that ratify and effectively apply ILO Conventions addressing the institutions of social dialogue	(i) 3 ratifications of Convention No. 144 (ii) 5 ratifications of Convention No. 154 (iii) 5 MS implement Convention No. 144 more effectively (iv) 15 ratifications of Conventions in specific sectors

Operational objectives	Indicators	Targets
	4b2 – Adopting legislation using social dialogue	
	MS that adopt legislation based on ILO standards and advice, with the involvement of the social partners	10 additional MS that adopt labour laws or other employment-related legislation based on ILO advice and involving a tripartite consultative process
	4b3 – Establishing institutions and frameworks for social dialogue	
	MS that establish or strengthen legal frameworks, institutions, machinery or processes for bipartite and tripartite social dialogue	(i) 5 MS establish or strengthen tripartite institutions (ii) 5 MS improve the collective bargaining framework and processes (iii) 5 MS establish or strengthen dispute prevention or resolution mechanisms so that disputes are dealt with more efficiently, effectively and equitably
	4b4 – Gender-responsive dialogue institutions	
	MS where social dialogue institutions or processes, labour administrations and labour laws are more gender-responsive	(i) 5 MS increase the number of women represented in social dialogue institutions (ii) 5 MS increase the number of issues that are addressed in a gender-responsive way through social dialogue institutions and processes

Operational objectives	Indicators	Targets
		<p>(iii) 5 MS where gender-responsive tripartite consultations are undertaken in the drafting of labour laws</p> <p>(iv) 5 MS improve gender balance in relation to procedures established under Convention No. 15</p>
	4b5 – Stronger labour administrations	
	MS that strengthen labour administrations in their policy-making capacity, their responsibility for the implementation of decent work policies and their enforcement of labour law	<p>(i) 5 MS modernize their labour ministries</p> <p>(ii) 5 MS upgrade the skills of officials in labour administrations</p> <p>(iii) 5 MS ratify Convention No. 150</p>
	4b6 – Expanded use of social dialogue	
	MS and regional and subregional groupings where social dialogue is more widely used for consensus building, economic and social development, and good governance	<p>(i) 3 regional or subregional groupings that integrate a tripartite approach to economic and social policy-making</p> <p>(ii) 10 MS that include the social partners in the PRSP process</p> <p>(iii) 5 MS that extend the subject matters of social dialogue</p>

Annex 19

Figure 1. Summary of regular budget, extra-budgetary and 2000-01 surplus resources by strategic objective for 2002-03 (in US dollars)

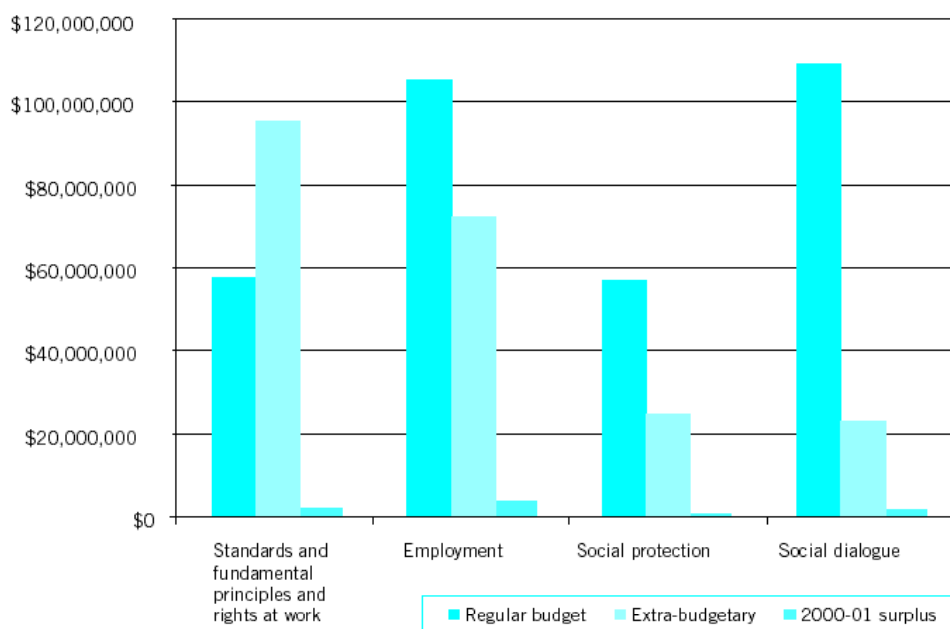
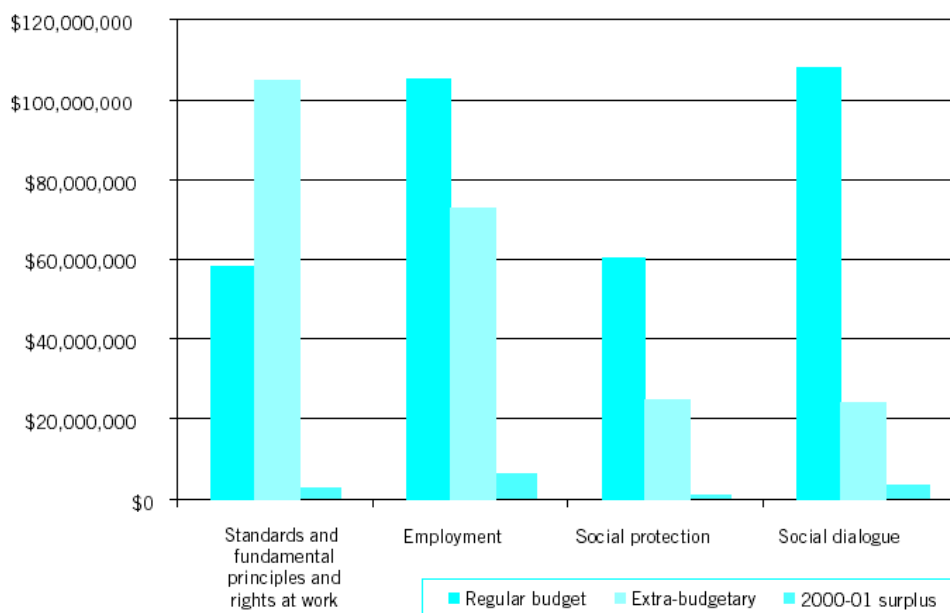


Figure 2. Summary of regular budget, extra-budgetary and 2000-01 surplus resources by strategic objective for 2004-05 (in US dollars)



Source: Doc. GB.286/PFA/9 (Mar. 2003).

V. Technical cooperation and ILS

Annex 20

Report of the Committee on Technical Cooperation, ILC, *Provisional Record No. 22*, 87th Session, Geneva, June 1999 (extracts)

Resolution concerning the role of the ILO in technical cooperation

The General Conference of the International Labour Organization, meeting in its 87th Session (1999),

Having undertaken a thorough review of the ILO's technical cooperation programme on the basis of Report VI, "The role of the ILO in technical cooperation", its supplement by the Director-General entitled "Technical cooperation: A strategic perspective. Note by the Director-General", the Director-General's Report to the Conference, and the Programme and Budget proposals for 2000-01, and having taken into account the Declaration on the Fundamental Principles and Rights at Work and its Follow-up,

Adopts the following conclusions and invites the Governing Body of the International Labour Office to request the Director-General to give due consideration to them for the future technical cooperation programme and, more immediately, to take them into account during the November session of the Governing Body for finalizing the programme and budget for the 2000-01 biennium.

Conclusions concerning the role of the ILO in technical cooperation

1. Since the last discussion on technical cooperation by the International Labour Conference in 1993, there have been major changes in the social, political and economic environment.
 2. This provides the backdrop against which the ILO will need to develop its blueprint for action in the next century.
- I. Future orientation of ILO technical cooperation policy
- (a) *A renewed commitment*
3. The ILO renews its commitment to technical cooperation as a fundamental means of action to achieve its mission and realize its objectives. Technical cooperation, including both advisory services and operational activities, must remain a major instrument of the ILO to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity. The role of ILO technical cooperation is to help create the enabling environment, at the national and the international levels, for the realization of the values and principles of the Organization in terms of development, institutional capability, legislation and economic and social policy.
 4. It must do so by promoting the four strategic objectives: promote and realize fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment and income; enhance the coverage and effectiveness of social protection for all; and strengthen tripartism and social dialogue; and the two cross-cutting issues: development and gender, all of which embrace respect for international labour standards and contain the implicit goal of promoting them. Such a commitment implies a greater focus for the ILO's technical cooperation activities and a closer integration – in both programme and organizational terms – with the work of the ILO as a whole.
 5. These activities have to be carried out within the new and changing framework of an emerging global economy and rapidly evolving national needs. The ILO must assist member States in the adaptation of national economies and national institutions to global change, as well as the adaptation of global change to human needs. The ILO will be called upon to help its constituents in what will be a long period of adjustment and engagement with these emerging realities, in addition to

addressing the persistent challenges of poverty elimination, employment creation, gender equality, creation of wealth, promotion of entrepreneurship and security of individuals, families and communities. The ILO must organize itself for this purpose.

6. Effective marketing strategies are important in reinforcing the ILO's reputation as a global point of reference for issues related to the world of work. The InFocus programmes provide an opportunity to publicize the ILO's technical cooperation activities and a means to gain public resonance for the ILO mandate.
7. Technical cooperation programmes that support enterprise promotion and entrepreneurial activity must be continued. Programmes that contribute to the creation of small enterprises must be strongly supported. Small enterprises are major engines of employment growth and therefore contribute to the Director-General's cross-cutting goal of development.

(b) A coherent approach

8. Technical cooperation should have coherence in its focus and implementation. Coherence refers to both how resources are allocated, and to the subject-matter of technical cooperation. In general, resources should be concentrated on more focused programmes. The success of technical cooperation is not measured primarily by the number of programmes implemented, but by the impact of the programmes as a whole. While recognizing this aspect of programme development, it is important to point out that this approach does not negate the role for smaller projects, particularly in building capacity. Rather, it seeks to shift the focus of measuring the success of technical cooperation from quantity to a more qualitative appreciation of outcomes.
9. One vital contribution of technical cooperation is in building the expertise, the capacity and the know-how of constituents. It makes the engagement in the ILO and outside it richer, deeper and capable of far-reaching consensus being forged. In the world we live in, the demands for capacity-building have not only expanded in quantitative terms – they have grown too in the areas of focus of the Organization and its constituents.
10. Regional integration has become, for some, a contemporary reality. This requires that the emerging economic and social requirements of regional integration receive attention, and are incorporated in the technical cooperation programme of the ILO.
11. It is recalled that the ILO constituents affirmed in 1944, in the Declaration of Philadelphia, that “it is a responsibility of the ILO to examine and consider all international economic and financial policies and measures” against the fundamental objectives of the Organization.
12. In today's world, clearly this is more urgent and more necessary, as the social impact of financial and economic crises in Asia, Brazil and Russia, and the changes in developing countries and central Europe have shown.
13. It is in that context that the ILO needs to build and strengthen a capacity for engagement in macroeconomic issues. There is also a similar need, in addition to the current valuable institution-building and organizational strengthening work of the ILO, to strengthen the capacity of the trade unions, employers' organizations, and governments in order that they are capable, for example, of evaluating the trade-offs inherent in economic policy and globalization, such as employment effects of different monetary policy regimes, the labour market impact of different fiscal policy options, and the social impact of changes in the capital market regulatory arrangements. This will facilitate a deeper exchange and interaction among the three parties and in responding to the Bretton Woods institutions.

(c) Responding to constituents' needs

14. The ILO should adopt a participative, flexible and dynamic policy of technical cooperation, drawing upon the experience of decentralization and regional programmes of the 1970s and 1980s and upon the new global, socio-economic developments. However, to achieve its full potential, the Active Partnership Policy needs to be reviewed and placed in the new strategic context of the programme and organizational change initiated by the Governing Body in March 1999. It must be sensitive and responsive, above all, to regional diversity and the specificity of national needs within, of course, the framework of the four strategic objectives and the promotion of the Declaration on Fundamental Principles and Rights at Work. There can be no single global model for universal application. Country objectives must capture the changing interests and priorities of the national constituents of the ILO. From the preparatory stage, implementation modalities must draw on national institutional capacities, and programmes must be conceived to reflect constituents' needs through a process of systematic consultations and involvement at the national, subregional and regional levels.

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15. The quality and impact of ILO technical cooperation are central to the constituents' concerns. It must be focused to serve the strategic objectives of ILO constituents as a whole, and to maximize impact. It must be realistic in terms of the institutional competencies of the ILO and available resources. Technical cooperation policy must address improvements in the content of substantive programmes, as well as improvements in the management of the process itself. It must re-examine organizational systems as well as seek procedural improvements. Technical cooperation must, in short, be seen as an integrated part of the ILO's activities as a whole, serving not merely to deliver "products" but contributing to the design of those products and to ILO policies in general.

(d) *Tripartism*

16. The unique composition of the ILO within the UN family as a body made up of trade unions, employers' organizations and governments, is a real strength which can be used to advantage in technical cooperation. This advantage must be used more systematically and more effectively.
17. Specific programmes requiring autonomy excepted, the ILO needs to draw the tripartite constituents into all aspects of technical cooperation. This shall not preclude independent evaluations.
18. This should embrace involvement in a real and substantive manner.

(e) *Gender equality*

19. When pursuing the four strategic objectives and when implementing the InFocus programmes, it is crucial to secure that gender aspects and questions of equal opportunity are being mainstreamed in all the programmes, thus ensuring that issues of vital importance to women all over the world are not neglected or under-resourced. The gender equality aspect and questions of equal opportunity must be emphasized and integrated in all technical cooperation programme activities of the ILO.
20. The process of tripartite involvement itself should be gender-sensitive, and secure strong and effective involvement of women in all aspects, in order to increase the quality of the programmes and their credibility, and improve the working conditions of women throughout the world.

(f) *Follow-up to the Declaration*

21. The Declaration on Fundamental Principles and Rights at Work and its Follow-up, and the strategic objectives provide a clear framework for future technical cooperation, which is an essential component of their full implementation.
22. It constitutes a pledge by all member States to respect the fundamental principles and rights set out in it, namely freedom of association and effective recognition of the right to collective bargaining, elimination of all forms of forced or compulsory labour, the effective abolition of child labour, and the elimination of discrimination in employment and occupation.
23. The Declaration recognizes the obligation of the Organization: to assist Members by offering technical cooperation and advisory services to promote the ratification and implementation of the fundamental Conventions; to assist Members not yet in a position to ratify, to promote and realize the principles behind those Conventions; and to create a climate for economic and social development.
24. The ILO must support States in their efforts to give effect to the principles and rights of the Declaration.
25. The ILO's technical cooperation should also contribute to the continuation and strengthening of the Campaign for the ratification of core Conventions launched in 1995, in accordance with the decisions of the Governing Body.

(g) *Partnerships*

26. The whole of the multilateral system should better integrate its technical cooperation activities. The ILO must become a full team player by fostering partnerships and networking not only in the design but also in the implementation of its programmes. Partnerships are essential to upgrade services and mobilize resources; to obtain multiplier effects; to develop knowledge networks; and to ensure participation by the social partners and the development of national institutions. The core partnership is between the Office and its primary constituents: governments, employers and workers.
27. This is the basis of a series of external alliances: with the donor community and development banks; with the United Nations system and the Bretton Woods institutions; and with national, regional and international bodies for research, analysis, and economic and social cooperation. A special effort

must be made to enhance partnerships with the organizations that are concerned with regional and subregional integration and cooperation.

28. The ILO must intensify its efforts to ensure the active promotion of all its core values as embedded in the Declaration, throughout the UN system and the Bretton Woods institutions. Their programmes and activities should encourage the promotion of the relevant ILO standards.
29. Relationships should be intensified to ensure the mutual appreciation of the role played by technical cooperation and the promotion of the Declaration in the development programmes of the international financial institutions.
30. At the country level, the ILO must be active in the United Nations Development Assistance Framework (UNDAF) to ensure that its constituents' priorities are effectively pursued, while optimizing the potential capacities of the United Nations system as a whole. All these partnerships must be built on a realistic perception of both the common objectives and the specific interests of the partners concerned, so that the ILO can uphold the values and concerns of its own constituents more effectively in a wider arena. The follow-up to major United Nations conferences, such as the World Summit for Social Development, the Fourth World Conference on Women, and the Second United Nations Conference on Human Settlements (Habitat II), must be an important setting for these activities.
31. As a knowledge, service and advocacy organization, the ILO should, without weakening tripartism, develop relations with other actors in civil society that share its values and objectives.

II. Plan of action

32. Several steps must be taken to carry out a strategic orientation of the ILO's technical cooperation policy.

Guiding principles

(a) Improving focus and impact

33. The four strategic objectives, and more particularly the eight related InFocus programmes, approved by the Governing Body, and the Declaration will provide the point of departure and the rationale for all ILO technical cooperation. The evolving requirements of ILO constituents will need to be matched with institutional competencies and resource constraints in terms of the strategic objectives themselves. The broad policy guidelines for operational activities will be provided by the general constitutional mandate of the Organization.
34. The technical cooperation components of the InFocus programmes must be identified. Each of the current global programmes will be reviewed and integrated, as appropriate, with the InFocus programmes, while retaining their project identity where necessary. Extensive tripartite consultations will be undertaken at the national level to ensure that country objectives reflect the specificity of the constituents' demands and are realistic in terms of organizational objectives, capabilities and the resources available. Greater focus will also imply that operational objectives will include activities necessary to promote the concepts and notions underlying the programmes in order to help mobilize public opinion, external support and consciousness-raising and help expand ownership of the results and outcomes.

(b) A new programming framework

35. The strategic objectives provide the basis for a common programming framework which links regular budget programmes with those financed through extra-budgetary resources. The Programme and Budget proposals for 2000-01 reflect this intention to move towards an integrated programming structure. Such an integrated programming approach will promote operational and policy synergies. It will help resource mobilization by giving the ILO's development partners a much clearer indication of the contribution they could make towards the ILO technical cooperation programme. It will also facilitate the identification of regular budget commitments to technical cooperation programmes.

(c) Consolidating and developing technical excellence

36. The knowledge base of an institution is the foundation of relevant and reliable advice. The ILO must ensure its technical cooperation projects are of the highest quality. The process of identification of its strengths and limitations both at headquarters and in the field must be reviewed and improved. The appropriate policies must stimulate and enhance the excellence and

modernization of the Organization's capacities. The Organization seeks new funds in an environment of diminishing international resources and of intense competition. This demands a strengthening of the knowledge capacity of the ILO in terms of research, statistics and economic analysis. Ultimately, quality in design and delivery is the basic requirement for recipient and donor satisfaction.

37. A vital element of the Organization's programme will be to build and enhance this technical excellence within the ILO constituents, particularly in the area of research and economic analysis. In addition, analytical tools should be provided by the ILO to its constituents. There should be a regular flow of information and dissemination of innovative and new approaches at the global level. Opportunities should be provided for debates and interaction like the recent seminar on the East Asian crisis, assembling global economic expertise as resource for the constituents.

(d) *Management of technical cooperation*

38. The success of technical cooperation depends on sound management, a coordinated approach, and an effective support machinery for delivery. The process towards more efficient management, coordination and greater transparency and accountability through the establishment of a Senior Management Team organized on the basis of the four strategic objectives has just been initiated. Upgrading the management capacity of the Organization as a whole, including the capacity for technical cooperation, is the key to ensuring clarity of institutional objectives and to securing necessary support services for the ILO's field structures.
39. In the same way, it would be necessary to clarify the respective competence and responsibility between headquarters' external institutions and beneficiary States with better or improved coordination of field activities.

(e) *More effective resource mobilization*

40. Resource mobilization must be boosted to reverse the quantitative decline of technical cooperation. The strategic approach described above will provide a more transparent map of the ILO's activities and objectives for the donor community.
41. A more substantive relationship with the international development community, including the development cooperation ministries or agencies and the Development Assistance Committee of the OECD must be developed. This must involve not only more systematic contacts with technical specialists in the donor community but also more systematic dialogue with ministries of labour and other relevant ministries, trade unions and employers' organizations so as to involve them more directly in resource mobilization and in ensuring support at the political level. It is important to intensify relationships with the United Nations system and the Bretton Woods institutions. New relationships should be fostered with the private sector, with foundations and with other non-traditional partners, within the framework of the Organization's values and principles. It should be recognized that effective, efficient and timely product delivery are key elements in a successful resource mobilization strategy.
42. Extra-budgetary contributions are by definition voluntary. They normally respond to general policy priorities and preferences established by parliaments in the regular budget appropriation process. It is a function of the Office to integrate donor-driven and demand-driven specificities into a coherent whole to the satisfaction of all, by promoting dialogue between all the parties concerned, and through programme design and innovation.
43. here is a need to produce a report on funding sources for technical cooperation projects.

(f) *Developing a coherent and effective system for programme delivery*

44. Certain problems arise from the lack of sufficient clarity of roles and responsibilities between headquarters and the field structure and within headquarters and within the field structure. This problem must be looked into urgently. The aim will be to provide a more efficient and a more accessible presence and service structure of the ILO in the field, which is able to respond flexibly and rapidly to constituents' needs, drawing upon the resources of the Organization as a whole. Wherever relevant, use should be made of expertise over longer periods in major projects as that could have a significant impact on the development of the capacities of tripartite constituents. In addition to technical policy guidelines, headquarters should provide the field structure with information on international comparative experience of various social policy measures, together with assessments of the economic and budgetary implications of social initiatives. The Office must

combine an appropriate level of decentralization – thereby bringing decision-making closer to its clients – with overall strategic coherence in order to project a clear ILO identity worldwide. Pending the outcome of the review of the management of technical cooperation and the review of the current field structure in full respect of the Director-General's mandate, the long-established practice is respected that employers' and workers' specialists in the MDTs report to their respective headquarters' bureaux while working with other members of the team. This practice is satisfactory to the two constituents concerned and from the employers' and workers' perspectives does not need any change.

(g) *Improved monitoring and evaluation*

45. Performance indicators are essential for the ILO, its constituents and its partners. Wherever possible, identifiable targets should have verifiable and clear performance indicators. The existing system provides a self-evaluation mechanism which needs to be improved. Thematic evaluations which take place annually and are discussed in the Governing Body should be made more meaningful. Traditional projects have built-in evaluation mechanisms but little impact analysis. There is need to improve mechanisms to evaluate programmes and their impact at the national or regional level. As part of the overall evaluation system to be established within the ILO, methods of systematic and scientific evaluation of technical cooperation with recipient countries should be introduced, and donor and external evaluations should be undertaken as appropriate. This should be followed up with dissemination of best practices and lessons learnt.

(h) *Better delivery*

46. Concern has been voiced about the ILO's delivery rate of technical cooperation. This is an important issue, as the delivery rate is often an indicator of efficiency and effectiveness in the interaction between the ILO, its donors and recipients. A series of measures, both to define the extent of the problem and to deal with it, must be initiated. To begin with, relevant information and data must be analysed to identify the reasons for slippage. In future, data should also be presented in a more meaningful way to bring greater accuracy and transparency to the implementation of technical cooperation. A delivery-control mechanism must rapidly be put in place. This mechanism should serve as both a control and an early-warning system, as well as improving communication between headquarters, field structure and the constituents. Furthermore, it would be necessary to have recourse to horizontal cooperation for all three constituents so as to make use of its potential to increase relevance and reduce costs of the programmes.

(i) *Rapid response capacity*

47. The ILO must be capable of responding rapidly to emerging problems, whether these arise from economic crisis, natural calamity, conflict or social upheaval. This will require the ability to monitor developments, plan the responses, mobilize existing ILO capabilities, and coordinate external partnerships and resources. Steps must be taken to develop such a capacity within the ILO. Dealing with such crises will often require a system-wide United Nations response within which the ILO will contribute within its mandate and areas of competence. In this regard, the ILO is requested to liaise with the IFIs to ensure that the social dimension is adequately reflected in structural adjustment programmes and crisis response capacity. At the same time, the Office will work with the constituents in the recipient States in order to strengthen their capacity to respond to these new challenges.

III. Programme of action for the ILO

48. Technical cooperation must remain an essential means of realizing the strategic vision of the ILO.
49. Technical cooperation includes applied research and its dissemination, advisory services as well as the various programmes and projects.
50. In the future, the ILO must:

(a) Enhance the relevance and effectiveness of ILO's technical cooperation.

- (1) Technical cooperation should support the four strategic objectives: promote and realize fundamental principles and rights at work; create greater opportunities for women and men to secure decent employment and income; enhance the coverage and effectiveness of social protection for all; and strengthen tripartism and social dialogue; and the two cross-cutting issues: development and gender. In that context:

- it should be responsive to demands and needs of the constituents;
 - country objectives should be developed regularly with focus on the priorities of all the constituents and with their involvement. The objectives should be supplemented with the regional and subregional priorities of the constituents.
- (2) There should be a common programming framework for all programmes of the ILO, including the InFocus programmes, linking regular budget programmes of the ILO with those financed through extra-budgetary sources.
 - (3) The gender aspects must be emphasized in all aspects of technical cooperation.
 - (4) The emerging economic and social requirements of regional integration and cooperation must be --taken into account. This will include, inter alia, that the ILO:
 - help to build or strengthen tripartism within the regions;
 - assist regions to develop a framework for social development;
 - use its unique expertise to provide economic, social and labour market information and research on a comparative basis within a region;
 - strengthen the capacity of national constituents to address regional economic integration issues.
 - (5) An effective plan of technical cooperation assistance to ensure implementation of the Declaration on Fundamental Principles and Rights at Work and its Follow-up is necessary.
 - (6) An enabling environment for the promotion, realization and implementation of the international labour standards must be created with a view to ensuring that technical cooperation can assist in the ratification of international labour standards and help the countries which have ratified standards to implement them effectively.
 - (7) Micro, small and medium-sized enterprises which are a major engine of employment generation must be promoted, inter alia, consistent with the subparagraph 6 above.

(b) Improve the quality, visibility, effectiveness and impact of ILO technical cooperation.

51. To do so, the ILO should:

- (1) emphasize high quality and more focused programmes as well as efficient and effective structures;
- (2) enhance technical capacity through training, making full use of the ILO's International Training Centre in Turin and other centres of the ILO or supported by it and an exchange of experiences amongst constituents;
- (3) develop methods of evaluation to assess relevance, impact and efficiency; more specifically, in order to ensure quality and delivery, create and implement systems for monitoring as well as for internal and external scientific evaluations based on verifiable and identifiable targets, bearing in mind the need for the Governing Body to play an active supervisory role in the process;
- (4) establish a mechanism to collect and disseminate best practices and lessons learnt;
- (5) design communications strategies to increase the visibility of ILO activities and to promote wider partnerships;
- (6) specific programmes requiring autonomy excepted, integrate tripartite involvement at all stages of technical cooperation from its formulation to its management and implementation with a view to strengthening the capacity of the constituents. In this context, within existing reporting requirements, establish the form of contemplated and actual tripartite involvement providing that this will not preclude independent evaluation processes when required;
- (7) grant a larger role for local experience in the formulation and implementation of technical cooperation.

(c) Strengthen partnerships.

52. To this end, the ILO must:

- (1) improve the process of interaction with constituents to ensure ILO programmes based on their priorities, tap their resources and involve them actively;

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- (2) strengthen relationships with the UN system, especially in the context of UNDAF, the Bretton Woods institutions and the regional development banks so that they take into account the core principles and values of the ILO when designing and implementing their activities;
 - (3) strengthen and develop linkages with other actors in civil society that share ILO's values and objectives without weakening tripartism;
 - (4) strengthen and extend partnerships with a view to mobilizing resources;
 - (5) ensure regular budget funding for the major technical cooperation programmes in each of the four strategic objectives, the Declaration and its Follow-up, and promotion of international labour standards.

(d) Establish an implementation plan.

53. The Office should provide:

- (1) an implementation plan including a timetable to the November 1999 session of the Committee on Technical Cooperation of the Governing Body for:
 - implementing reforms in the management of technical cooperation;
 - examining the current field structure with a view to making it more coherent and efficient, with the active assistance of the national authorities involved;
 - a review of the Active Partnership Policy as called for by the Director-General; and
 - implementing the new evaluation strategy.
- (2) a mid-term comprehensive and focused report between the Conference discussions (i.e. within two and a half years) on technical cooperation to be provided to the Governing Body Committee on Technical Cooperation in addition to the regular reports to the Governing Body.

Annex 21

Approvals by technical field, 1998-2001 (all sources of funds) (US\$'000)

Technical field	1998		1999		2000		2001	
	\$	% share	\$	% share	\$	% share	\$	% share
Standards and fundamental principles and rights at work	18 749	22.7	45 369	47.2	57 371	45.1	76 675	53.4
Employment	48 688	59.0	32 160	33.5	37 876	29.8	36 537	25.5
Social Protection	3 249	3.9	9 938	10.3	14 239	11.2	9 860	6.9
Social Dialogue	8 568	10.4	7 734	8.0	17 098	13.4	15 825	11.0
Others	3 330	4.0	921	1.0	583	0.5	4 557	3.2
Total	82 584	100.0	96 123	100.0	127 167	100.0	143 454	100.0
Miscellaneous ¹					7 500		11 118	
Grand total	82 584		96 123		134 667		154 572	

Notes: ¹ Miscellaneous corresponds to the amount approved for Universitas in 2000 and for United Kingdom in 2001, not yet distributed by technical field. NB: Figures for 1998 are estimates based on the previous structure of the Office.

Source: Doc. GB.285/TC/1 (Nov. 2002).

Analysis of ILO technical cooperation expenditure by type of assistance/input, 2000-01 (excluding administrative expenditure) (in US\$'000)

Type of assistance/input	2000		2001		2001/2000
	\$	% share	\$	% share	% change
Experts	24 769	27.2	27 353	22.5	10.4
Other personnel ¹	26 268	28.9	38 702	31.8	47.3
Training ²	16 205	17.8	24 351	20.0	50.3
Equipment	3 498	3.8	4 051	3.3	15.8
Subcontracting	14 152	15.6	18 220	15.0	28.7
Miscellaneous	6 075	6.7	9 068	7.4	49.3
Total	90 967	100.0	121 745	100.0	33.8

¹ National experts, external collaborators, locally recruited project staff, United Nations Volunteers and other staff costs.

² Comprising mainly fellowships, seminars and in-service training.

Source: Doc. GB.285/TC/1 (Nov. 2002).

VI. ILS and globalization

Annex 22

Interpretation of Principles of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

Three requests for interpretation have helped to clarify some principles of the Tripartite Declaration on the merit. These requests are presented in a chronological order.

1. ***Banking, Insurance and Finance Union (BIFU) Case***

Background

Following a 1983 review of its business strategy, a United States bank operating in the United Kingdom decided to reduce its U.K. staff from about 850 to 650. In February 1984 around 90 employees were dismissed, forty-nine of whom were asked to leave the bank within two days on the grounds that they were employed in an area which had sensitive commercial implications and/or their function ceased immediately. The British Department of Employment was notified, as per British law, more than 90 days in advance of these redundancies; the Department treats this notification as confidential until the redundancies occur. Under the law, employers must also inform the representatives of independent recognized trade unions about the redundancies. The Banking, Insurance and Finance Union (BIFU), while claiming to have members among the staff, was not recognized by the bank; therefore, the company was not obliged, under national legislation, to notify the union and did not do so. Each employee made redundant was given a written explanation of the method of selection for redundancy.

In July 1984, the BIFU submitted a request for interpretation of paragraphs 22, 26 and 27 of the Tripartite Declaration. In 1985, the Committee on multinational enterprises decided on the receivability of the request by entertaining the request for interpretation based on paragraph 26.¹

Decision²

Referring to the Termination of Employment Convention (no 158), 1982, paragraph 26 of the Declaration requires that reasonable notice of intended changes in operations which would have major employment effects be given to the workers' representatives concerned and their organisations, where such representatives and organisations can be identified under national law and practice. Where such representatives and organisations exist, it is not sufficient for the purpose of paragraph 26 to inform workers affected on an individual basis of the intended redundancies.

2. ***Belgian Government Case (1987)***

Background

In July 1986, on the eve of the annual vacation, when most workers were on holiday or temporarily unemployed, the management of the Belgian subsidiary of a French multinational informed the works council at 10.30 a.m. that it had been decided to close the plant the same day at 2 p.m. and that 1,034 employees would be terminated at that time. Simultaneously, the director of the sub-regional employment service and the joint employer-employee committee of the industrial branch were likewise so informed. Negotiations between the management and the trade unions were initiated after the complete closure of the plant, which resulted in a settlement, accepted by the great

¹ Doc. GB.229/13/13 (Feb.-Mar. 1985).

² Doc. GB.229/MNE/2/2 (Feb.-Mar. 1985).

majority of the workers, over the indemnities to be paid. Since the firm could not be induced to reconsider its decision to close the plant, a social plan was drawn up, which exceeded Belgian legal requirements, providing for extensive wage guarantees and assistance with retraining.

Following these events, the Belgian Government submitted, in January 1987, a formal request for interpretation of the Tripartite Declaration. The main point at issue related to the scope and purposes of the Declaration as stated in its first seven paragraphs.³

Decision⁴

The Declaration constitutes an articulated whole, in which the introduction (paragraphs 1-7) states the broad aim, paragraphs 8-10 state the policies of general application, and the remaining sections state the means of attaining the stated goals in specific areas. Given the interlocking nature of the provisions, they cannot be taken in isolation to define its aims and purposes.

Paragraphs 1-7. The twin aims of the Declaration set out in paragraph 2 are (a) encouraging the positive contributions of MNEs to social and economic progress, and (b) minimising and resolving the difficulties to which MNEs' operations may give rise. These aims are interdependent and neither can be pursued with disregard to the other. To consider that the minimisation of negative social repercussions alone per se fulfils the purpose of the Declaration is incorrect. Any such action must be in harmony with the twin goal of contributing to economic and social progress and must also be compatible with the national social and economic policy imperatives.

Paragraphs 4, 5 and 7. The principles set out in the Declaration are commended to governments, workers' organizations, employers' organizations, and MNEs. The prescriptions of the Declaration are designed to contribute to the central aim of social progress; therefore, no one party can be considered as a main beneficiary of the Declaration.

3. *Belgian Government Case (1997)*

Background

In February 1997 a senior executive from the multinational's headquarters, located in another country, announced at a press conference that the Belgian factory would be closed in July of that year. Later the same day the local enterprise's works council was informed that, due to poor overall performance the previous year and the need to concentrate and streamline production at a few sites, headquarters had decided to discontinue orders for products assembled at the local subsidiary, and that this would entail complete closure of the plant. Pursuant to national legislation, this information was later communicated to the staff and the various authorities concerned.

In May 1997, the Minister for Employment and Labour of the Government of Belgium submitted a formal request for interpretation of paragraphs 8, 10, 25, 26 and 51 of the Tripartite Declaration.⁵ A few months later, negotiations between the company and staff representatives were concluded with the signing of a social compensation plan. Notwithstanding the settlement of the dispute, the Belgian Government maintained its request, specifying that it was aimed at obtaining an interpretation of a general nature of these paragraphs in order to determine a) whether information of changes in operations should be given prior to a decision to make those changes, and b) whether consultations on the effects of such changes should precede the implementation of the decisions.⁶

³ Doc. GB.239/MNE/1/1 (Feb.-Mar. 1988).

⁴ *ibid.*, para. 9-16.

⁵ Para. 51 has since been changed to para. 52 of the Declaration.

⁶ Doc. GB.272/MNE/1 (June 1998), para. 16.

The following principles have been drawn from the interpretation of paragraphs 8, 10, 25, 26 and 51 of the Tripartite Declaration:

Paragraph 8. The Declaration can never excuse compliance with domestic or international substantive safeguards. There is no reasonable basis for interpreting the Declaration to permit the exemption of any party from complying with substantive safeguards under either domestic laws or international standards. This would be inconsistent with the Declaration's ultimate goal, laid out in paragraph 5, of furthering social progress.

Paragraph 10. Consultations are required for situations, which would have major employment effects, other than an entity's closure. Paragraph 10's call for consultations between the MNEs, the government and the employers' and workers' organizations, fully applies to situations, other than the closure of entities, in which areas of interest to the Declaration are raised.

Paragraph 25. National laws cannot limit the goals of stable and secure employment envisaged in the Declaration; the Declaration can supplement national laws. The call for the provision of stable and secure employment in paragraph 25 can supplement existing domestic laws, rules, and procedures in this area. Paragraph 25 cannot be limited by any national legislation.

Paragraph 26. This paragraph foresees that management would give reasonable prior notice of any changes, which would have major employment effects. Notice after the final, irrevocable decision has been made but before its implementation is insufficient. Prior notice is necessary to facilitate discussions and possible mitigation or minimization of the negative employment effects.

This call for the provision of reasonable notice by MNEs to governments and employers' and workers' organizations of any changes in operations can supplement existing domestic laws, rules, and procedures. Paragraph 26 cannot be limited by any national legislation.

Paragraph 52 (formerly 51). Full compliance with paragraph 52 requires MNEs to ensure that management representatives vested with the authority to take decisions on the matters in dispute are available to negotiate with the workers' representatives. If the local entity of the MNE is not in the position to make decisions, a management representative from the head office of the MNE must be contactable by workers' representatives for negotiations.

⁷ *ibid.*, para. 13-26.

VII. Informal economy

Annex 23

“Conclusions concerning the employment relationship”, Report of the Committee on the Employment Relationship, ILC, *Provisional Record* No. 21, 91st Session, 2003 (extracts)

Resolution concerning the employment relationship

The General Conference of the International Labour Organization, meeting in its 91st Session, 2003, Having undertaken a general discussion on the basis of Report V, *The scope of the employment relationship*,

1. Adopts the following conclusions;
2. Invites the Governing Body to give due consideration to them in planning future action on the employment relationship and to request the Director-General to take them into account both when implementing the Programme and Budget for the 2004-05 biennium and allocating such other resources as may be available during the 2004-05 biennium.

Conclusions concerning the employment relationship

1. The protection of workers is at the heart of the ILO's mandate. Within the framework of the Decent Work Agenda, all workers, regardless of employment status, should work in conditions of decency and dignity. There are rights and entitlements which exist under laws, regulations and collective agreements and which are specific to or linked to workers who work within the scope of an employment relationship. The term employee is a legal term which refers to a person who is a party to a certain kind of legal relationship which is normally called an employment relationship. The term worker is a broader term that can be applied to any worker, regardless of whether or not she or he is an employee. Employer is used to refer to the natural or legal person for whom an employee performs work or provides services within an employment relationship. The employment relationship is a notion which creates a legal link between a person, called the “employee”, with another person, called the “employer”, to whom she or he provides labour or services under certain conditions in return for remuneration. Self-employment and independent work based on commercial and civil contractual arrangements are by definition beyond the scope of the employment relationship.
2. Among other things, employment or labour law seeks to address what can be an unequal bargaining position between parties to an employment relationship. The concept of the employment relationship is common to all legal systems and traditions, but the obligations, rights and entitlements associated with it vary from country to country. Similarly, the criteria for determining whether or not an employment relationship exists can vary even though in many countries common notions such as dependency or subordination are found. Regardless of the criteria used, there is a shared concern among governments, employers and workers to ensure that the criteria used are sufficiently clear so that the scope of application of various laws and regulations can be more easily determined, and that they cover those who are meant to be covered, i.e. those who are in employment relationships.
3. Changes in the structure of the labour market and in the organization of work are leading to changing patterns of work both within and outside the framework of the employment relationship. In some situations, it may be unclear whether the worker is an employee or genuinely self-employed.
4. One of the consequences associated with changes in the structure of the labour market, the organization of work and the deficient application of the law is the growing phenomenon of workers who are in fact employees but find themselves without the protection of an employment relationship. This form of false self-employment is more common in less formalized economies. However, many countries with well-structured labour markets also experience an increase in this phenomenon. Some of these developments are new; some have existed for many decades.

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5. It is in the interest of all the labour market actors to ensure that the wide variety of arrangements under which work is performed or services are provided by a worker can be put within an appropriate legal framework. Clear rules are indispensable for fair governance of the labour market. This task is difficult in many countries because of one or a combination of the following factors:
 - the law is unclear, too narrow in scope or otherwise inadequate;
 - the employment relationship is disguised under the form of a civil or a commercial arrangement;
 - the employment relationship is ambiguous;
 - the worker is in fact an employee, but it is not clear who the employer is, what rights the worker has, and against whom those rights can be enforced;
 - lack of compliance and enforcement.
 6. It is agreed that clarity and predictability in the law are in the interests of all concerned. Employers and workers should know their status and, consequently, their respective rights and obligations under the law. To this end, laws should be drafted in such a way that they are adapted to the national context and provide adequate security and flexibility to address the realities of the labour market and to provide benefits to the labour market. While laws can never fully anticipate every situation arising in the labour market, it is nonetheless important that legal loopholes are not created or allowed to persist. Laws and their interpretation should be compatible with the objectives of decent work, namely to improve the quantity and quality of employment, should be flexible enough not to impede innovative forms of decent employment, and promote such employment and growth. Social dialogue with tripartite participation is a key means to ensuring that legislative reform leads to clarity and predictability and is sufficiently flexible.
 7. Disguised employment occurs when the employer treats a person who is an employee as other than an employee so as to hide his or her true legal status. This can occur through the inappropriate use of civil or commercial arrangements. It is detrimental to the interests of workers and employers and an abuse that is inimical to decent work and should not be tolerated. False self-employment, false subcontracting, the establishment of pseudocooperatives, false provision of services and false company restructuring are amongst the most frequent means that are used to disguise the employment relationship. The effect of such practices can be to deny labour protection to the worker and to avoid costs that may include taxes and social security contributions. There is evidence that it is more common in certain areas of economic activity but governments, employers and workers should take active steps to guard against such practices anywhere they occur.
 8. An ambiguous employment relationship exists whenever work is performed or services are provided under conditions that give rise to an actual and genuine doubt about the existence of an employment relationship. In an increasing number of cases, it is very difficult to distinguish between dependent and independent work, even where there is no intent to disguise the employment relationship. In this respect, it is acknowledged that in many areas the distinction between employees and independent workers has become blurred. One of the characteristics of some new forms of work is the autonomy or greater independence of employees.
 9. In the case of so-called triangular employment relationships where the work or services of the worker are provided to a third party (the user), these need to be examined in so far as they may result in a lack of protection to the detriment of the employee. In such cases, the major issues at stake consist of determining who the employer is, what rights the worker has and who is responsible for them. Therefore, mechanisms are needed to clarify the relationship between the various parties in order to allocate responsibilities between them. It should be noted in this respect that a particular form of triangular employment relationship relating to the provision of work or services through temporary work agencies has already been addressed by the Private Employment Agencies Convention, 1997 (No. 181), and its accompanying Recommendation (No. 188).
 10. Respect for the law is a fundamental principle and there should be a strong political commitment from the State to ensure compliance with the law, supporting all mechanisms that facilitate this, also involving the social partners where appropriate. Cooperation should be promoted between the different government enforcement agencies, particularly the labour inspectorate, the social security administration and the tax authorities, and there may also be a role for greater coordination with the police and the customs services. This would enable the pooling and more efficient use of resources and data to combat abuses arising out of disguised employment arrangements. Labour administrations and their services have a crucial role to play in monitoring the application of the

law, collecting reliable data on labour market trends and changing work and employment patterns, and combating disguised employment relationships.

11. It should be acknowledged that many countries have reliable enforcement mechanisms and institutions while many others have not. Poor enforcement and lack of compliance with the law can be significant factors which explain why many workers lack protection. The effective implementation and enforcement of rights associated with employment in many countries is weak because of under-resourcing, lack of training and inadequate legal frameworks. The Labour Inspection Convention, 1947 (No. 81), provides that a system of labour inspection should secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work. It is also recalled that under this Convention, inspection staff are to be composed of public officials whose status and conditions of service are such that they are assured of stability of employment and are independent of changes of government and of improper external influences.
12. The problem of enforcement is not limited to the question of resources; it is also essential that labour administration staff, and particularly the labour inspectorate, where applicable, receive appropriate training. Such training should include a good knowledge of the relevant laws and regulations, including court decisions, relating to how to determine the existence of an employment relationship. Training materials, which could include guidelines elaborated by the social partners, could greatly help to enhance the skills of the staff and their capacity to tackle effectively the problems associated with disguised and ambiguous relationships. In addition, exchange of experiences and working methods in different countries could be achieved through detachments of professional staff, particularly between the labour administrations and the labour inspectorates, where applicable, of developed and developing countries.
13. Labour administrations, in line with the role envisaged for them under the Labour Administration Convention, 1978 (No. 150), may also play an important role at the earlier stages of the formulation of laws and regulations aimed at addressing the problems relating to the scope of the employment relationship. It is highly desirable that both employers' and workers' organizations be closely associated with the rule-making process and machinery so that the elaboration of draft laws and regulations can benefit from the knowledge and experience of the key labour market actors. While laws and regulations should be sufficiently clear and precise leading to predictable outcomes, they should avoid creating rigidities and interfering with genuine commercial or genuine independent contracting arrangements.
14. Dispute resolution machinery and/or administrative procedures for determining the status of workers is an important service which should be provided by the appropriate agency. Depending upon the national industrial relations systems, such machinery may be tripartite or bipartite. It could have general competence or it may be limited to specified sectors of the economy. It is essential that employers and workers have easy access to fair, speedy and transparent mechanisms and procedures to resolve disputes about employment status.
15. There is evidence that the lack of labour protection of dependent workers exacerbates gender inequalities in the labour market. Data worldwide confirm increased participation by women in the workforce, particularly in the informal economy where there is a high prevalence of ambiguous or disguised employment relationships. The gender dimension of the problem is reinforced because women workers predominate in certain occupations and sectors where the proportion of disguised and ambiguous employment relationships is relatively high such as domestic work, the textile and clothing industry, sales/supermarket jobs, nursing and care professions and home work. Exclusions or restrictions in relation to certain rights, for example in some export processing zones, clearly disproportionately impact on women.
16. There is a need to have clearer policies on gender equality and better enforcement of the relevant laws and agreements at national level so that the gender dimension of the problem can be effectively addressed. At the international level, the Equal Remuneration Convention, 1951 (No. 100), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), clearly apply to all workers and the Maternity Protection Convention, 2000 (No. 183), specifies that it "applies to all employed women, including those in atypical forms of dependent work".
17. To better assess and address the various issues relating to the scope of the employment relationship, governments should be encouraged to develop a national policy framework in consultation with their social partners. As stated in the common statement adopted by the Meeting of Experts on Workers in Situations Needing Protection (Geneva, May 2000), such a policy might include but not be limited to the following elements:

- providing workers and employers with clear guidance concerning employment relationships, in particular the distinction between dependent workers and self-employed persons;
 - providing effective appropriate protection for workers;
 - combating disguised employment which has the effect of depriving dependent workers of proper legal protection;
 - not interfering with genuine commercial or genuine independent contracting;
 - providing access to appropriate resolution mechanisms to determine the status of workers.
18. Collection of statistical data and undertaking research and periodic reviews of changes in the structure and patterns of work at national and sectoral levels should be part of this national policy framework. The methodology for the collection of data and for undertaking the research and reviews should be determined after a process of social dialogue. All data collected should be disaggregated according to sex, and the national and sectoral level research and reviews should explicitly incorporate the gender dimension of this question and should take into account other aspects of diversity.
19. National labour administrations and their associated services should regularly monitor their enforcement programmes and processes. This should include identifying those sectors and occupational groups with high levels of disguised employment and adopting a strategic approach to enforcement. Special attention should be paid to those occupations and sectors with a high proportion of women workers. Innovative programmes of information and education and outreach strategies and services should be developed. The social partners should be involved in developing and implementing these initiatives.

Role of the ILO

20. The ILO has a significant role to play in this area, and the capacity of the Office to gather comparative data and to undertake comparative research is widely recognized. This work helps all ILO constituents better to understand and assess this phenomenon. The ILO should expand its knowledge base, and use such to promote good practice. This could include:
- commissioning regular country studies to capture ongoing labour law reforms in the area of the scope of the employment relationship;
 - comparative analysis of the information and studies already completed, to identify trends, and new policy developments;
 - producing publications on specific aspects of the subject, such as to include both the description of the phenomenon across national boundaries, as well as to examine the policy responses that have been developed;
 - undertaking studies on regional, sectoral and gender dimensions on the subject;
 - doing work on the development of usable, comparative data, and data categories;
 - hosting meetings at regional and subregional levels to share experiences, disseminate the results of country studies, and build the capacity and knowledge of the ILO constituents;
 - convening meetings of experts to consider specific aspects of the subject, as appropriate;
 - place related topics as a subject matter for consideration by sectoral meetings.

The ILO should allocate resources for a programme of technical cooperation, assistance and guidance to member States on the scope and application of the employment relationship, to address:

- the scope of the law;
- general aspects of the employment relationship;
- access to courts;
- policy guidelines and capacity building to strengthen administrative and judicial action to promote compliance.

In addressing this subject, the ILO should recall the conclusions of the Committee on the Informal Economy, especially those concerning the importance of governance and the legal and institutional framework.

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20. As compliance and enforcement are critical aspects of this question, the Office should strengthen its assistance to national labour administrations, and in particular to labour inspectorates. It should review its internal organizational arrangements in relation to labour administration and labour inspection, where applicable, in order to ensure that the Office provides a more coherent and efficient service to constituents in this area.
21. In most countries, courts and tribunals play a key role in the adjudication and resolution of disputes concerning the employment status of workers. It is highly desirable that judges, mediators and other designated officials dealing with these disputes receive adequate training on this issue, including on international labour standards, comparative law and case law. The Office should be encouraged to further strengthen its programme of collaboration and cooperation with the designated officials and judges of the relevant bodies and courts.
22. It is acknowledged that a substantial number of innovative measures have been introduced in many countries to address the problems relating to the determination of the employment status of workers. Member States, with the cooperation of the social partners, should engage in the search for appropriate and viable solutions to these problems. Each State should undertake an in-depth review to identify shortcomings in order to explore appropriate and balanced solutions that take different interests into account. Some measures have taken the form of new laws or the revision of existing laws, while others have emerged through case law. Measures that have been adopted by countries include:
- the law defines the employment relationship;
 - the law establishes a legal presumption of employment if work is performed or services are provided in specified circumstances, unless it is shown that the parties had not intended to enter into an employment relationship;
 - criteria for identifying the employment relationship are set out in law, case law or a code of practice developed by or with the social partners.

Other measures that have been used have provided for a competent authority to declare that an employment relationship exists. All such innovative measures warrant careful consideration. Bipartite and tripartite efforts, for example in the form of guidelines, voluntary codes and dispute resolution mechanisms and procedures, have also contributed at national level to addressing these problems. All measures should be pursued with technical advice from the ILO, as appropriate.

23. The ILO should step up its dialogue with other international institutions, including the international financial institutions, whose policies could impact on the employment relationship.
24. The ILO should envisage the adoption of an international response on this topic. A Recommendation is considered by the Committee as an appropriate response. This Recommendation should focus on disguised employment relationships and on the need for mechanisms to ensure that persons with an employment relationship have access to the protection they are due at the national level. Such a Recommendation should provide guidance to member States without defining universally the substance of the employment relationship. The Recommendation should be flexible enough to take account of different economic, social, legal and industrial relations traditions and address the gender dimension. Such a Recommendation should not interfere with genuine commercial and independent contracting arrangements. It should promote collective bargaining and social dialogue as a means of finding solutions to the problem at national level and should take into account recent developments in employment relationships and these conclusions. The Governing Body of the ILO is therefore requested to place this item on the agenda of a future session of the International Labour Conference. The issue of triangular employment relationships was not resolved.

Annex 24

“Conclusions concerning decent work and the informal economy”, Report of the Committee on the Informal Economy, ILC, *Provisional Record No. 25*, 90th Session, 2002 (extracts)

Resolution concerning decent work and the informal economy

The General Conference of the International Labour Organization, meeting in its 90th Session, 2002, Having undertaken a general discussion on the basis of Report VI, *Decent work and the informal economy*,

1. Adopts the following conclusions;
2. Invites the Governing Body to give due consideration to them in planning future action on reducing decent work deficits in the informal economy and to request the Director-General to take them into account both when preparing the Programme and Budget for the 2004-05 biennium and in allocating such resources as may be available during the 2002-03 biennium.

Conclusions concerning decent work and the informal economy

1. Recognizing the commitment of the ILO and its constituents to making decent work a reality for all workers and employers, the Governing Body of the International Labour Office invited the International Labour Conference to address the issue of the informal economy. The commitment to decent work is anchored in the Declaration of Philadelphia's affirmation of the right of everyone to “conditions of freedom and dignity, of economic security and equal opportunity”. We now seek to address the multitude of workers and enterprises who are often not recognized and protected under legal and regulatory frameworks and who are characterized by a high degree of vulnerability and poverty, and to redress these decent work deficits.
2. The promotion of decent work for all workers, women and men, irrespective of where they work, requires a broad strategy: realizing fundamental principles and rights at work; creating greater and better employment and income opportunities; extending social protection; and promoting social dialogue. These dimensions of decent work reinforce each other and comprise an integrated poverty reduction strategy. The challenge of reducing decent work deficits is greatest where work is performed outside the scope or application of the legal and institutional frameworks. In the world today, a majority of people work in the informal economy – because most of them are unable to find other jobs or start businesses in the formal economy.
3. Although there is no universally accurate or accepted description or definition, there is a broad understanding that the term “informal economy” accommodates considerable diversity in terms of workers, enterprises and entrepreneurs with identifiable characteristics. They experience specific disadvantages and problems that vary in intensity across national, rural, and urban contexts. The term “informal economy” is preferable to “informal sector” because the workers and enterprises in question do not fall within any one sector of economic activity, but cut across many sectors. However, the term “informal economy” tends to downplay the linkages, gray areas and interdependencies between formal and informal activities. The term “informal economy” refers to all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs. The ILO's work needs to take into account the conceptual difficulties arising from this considerable diversity.
4. Workers in the informal economy include both wage workers and own-account workers. Most own-account workers are as insecure and vulnerable as wage workers and move from one situation to the

other. Because they lack protection, rights and representation, these workers often remain trapped in poverty.

5. In some countries, the term “informal economy” refers to the private sector. In some other countries, the term is considered synonymous with the “underground”, “shadow” or “gray” economy. However, the majority of workers and enterprises in the informal economy produce legal goods and services, albeit sometimes not in conformity with procedural legal requirements, for example where there is non-compliance with registration requirements or immigration formalities. These activities should be distinguished from criminal and illegal activities, such as production and smuggling of illegal drugs, as they are the subject of criminal law, and are not appropriate for regulation or protection under labour or commercial law. There also may be gray areas where the economic activity involves characteristics of both the formal and informal economy, for instance when formal workers are provided with undeclared remuneration, or when there are groups of workers in formal enterprises whose wages and working conditions are typical of those existing in informality.
6. The informal economy absorbs workers who would otherwise be without work or income, especially in developing countries that have a large and rapidly growing labour force, for example in countries where workers are made redundant following structural adjustment programmes. Most people enter the informal economy not by choice but out of a need to survive. Especially in circumstances of high unemployment, underemployment and poverty, the informal economy has significant job and income generation potential because of the relative ease of entry and low requirements for education, skills, technology and capital, but the jobs thus created often fail to meet the criteria of decent work. The informal economy also helps to meet the needs of poor consumers by providing accessible and low-priced goods and services.
7. Workers and economic units in the informal economy can have a large entrepreneurial potential. Workers in the informal economy also have a reservoir of skills. Many people working in the informal economy have real business acumen, creativity, dynamism and innovation, and such potential could flourish if certain obstacles could be removed. The informal economy could also serve as an incubator for business potential and an opportunity for on-the-job skills acquisition. In this sense, it can be a transitional base for accessibility and graduation to the formal economy, if effective strategies are put in place.
8. In many countries, both developing and industrialized, there are linkages between changes in the organization of work and the growth of the informal economy. Workers and economic units are increasingly engaged in flexible work arrangements, including outsourcing and subcontracting; some are found at the periphery of the core enterprise or at the lowest end of the production chain, and have decent work deficits.
9. The decent work deficits are most pronounced in the informal economy. From the perspective of unprotected workers, the negative aspects of work in the informal economy far outweigh its positive aspects. Workers in the informal economy are not recognized, registered, regulated or protected under labour legislation and social protection, for example when their employment status is ambiguous, and are therefore not able to enjoy, exercise or defend their fundamental rights. Since they are normally not organized, they have little or no collective representation vis-à-vis employers or public authorities. Work in the informal economy is often characterized by small or undefined workplaces, unsafe and unhealthy working conditions, low levels of skills and productivity, low or irregular incomes, long working hours and lack of access to information, markets, finance, training and technology. Workers in the informal economy may be characterized by varying degrees of dependency and vulnerability.
10. Although most at risk and therefore most in need, most workers in the informal economy have little or no social protection and receive little or no social security, either from their employer or from the government. Beyond traditional social security coverage, workers in the informal economy are without social protection in such areas as education, skill building, training, health care and childcare, which are particularly important for women workers. The lack of social protection is a critical aspect of the social exclusion of workers in the informal economy.
11. While some people in the informal economy earn incomes that are higher than those of workers in the formal economy, workers and economic units in the informal economy are generally characterized by poverty, leading to powerlessness, exclusion, and vulnerability. Most workers and economic units in the informal economy do not enjoy secure property rights, which thus deprives them access to both capital and credit. They have difficulty accessing the legal and judicial system to enforce contracts, and have limited or no access to public infrastructure and benefits. They are

vulnerable to harassment, including sexual harassment, and other forms of exploitation and abuse, including corruption and bribery. Women, young persons, migrants and older workers are especially vulnerable to the most serious decent work deficits in the informal economy. Characteristically, child workers and bonded labourers are found in the informal economy.

12. Unregistered and unregulated enterprises often do not pay taxes, and benefits and entitlements to workers, thus posing unfair competition to other enterprises. Also workers and economic units in the informal economy do not always contribute to the tax system, although often because of their poverty. These situations may deprive the government of public revenue thereby limiting government's ability to extend social services.
13. To promote decent work, it is necessary to eliminate the negative aspects of informality while at the same time ensuring that opportunities for livelihood and entrepreneurship are not destroyed, and promoting the protection and incorporation of workers and economic units in the informal economy into the mainstream economy. Continued progress towards recognized, protected decent work will only be possible by identifying and addressing the underlying causes of informality and the barriers to entry into the economic and social mainstream.
14. Informality is principally a governance issue. The growth of the informal economy can often be traced to inappropriate, ineffective, misguided or badly implemented macroeconomic and social policies, often developed without tripartite consultation; the lack of conducive legal and institutional frameworks; and the lack of good governance for proper and effective implementation of policies and laws. Macroeconomic policies, including structural adjustment, economic restructuring and privatization policies, where not sufficiently employment-focused, have reduced jobs or not created adequate new jobs in the formal economy. A lack of high and sustainable economic growth inhibits the capacity of governments to facilitate the transition from the informal to the formal economy, through the creation of more jobs in the mainstream economy. Many countries do not have explicit employment creation and business development policies; they treat job quantity and quality as a residual rather than as a necessary factor of economic development.
15. In appropriate circumstances, trade, investment and technology can offer developing and transition countries opportunities to reduce the gap that separates them from advanced industrialized countries, and can create good jobs. However, the problem is that the current globalization processes are not sufficiently inclusive or fair; the benefits are not reaching enough people, especially those most in need. Globalization lays bare poor governance. Trade, without export subsidies that distort the market, without unfair practices or the application of unilateral measures, would help living standards to be raised and conditions of employment to be improved in developing countries, and would reduce decent work deficits in the informal economy.
16. Since a defining characteristic of workers and enterprises in the informal economy is that they often are not recognized, regulated or protected by law, the legal and institutional frameworks of a country are key. The ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and the core labour standards are as applicable in the informal as in the formal economy. But some workers are in the informal economy because national labour legislation does not adequately cover them or is not effectively enforced, in part because of the practical difficulties of labour inspection. Labour legislation often does not take into account the realities of modern organization of work. Inappropriate definitions of employees and workers may have the adverse effect of treating a worker as self-employed and outside the protection of labour legislation.
17. Inappropriate legal and administrative frameworks that do not guarantee and protect freedom of association make it difficult for workers and employers to organize. Democratic, independent, membership-based organizations of wage workers, own-account workers, self-employed persons or employers in the informal economy are sometimes not allowed to operate under local or national legislation and are often unrecognized and excluded from or under-represented in social dialogue institutions and processes. Without organization and representation, those in the informal economy generally do not have access to a range of other rights at work. They are not able to pursue their employment interests through collective bargaining or to lobby policy-makers on issues such as access to infrastructure, property rights, taxation and social security. Women and youth, who make up the bulk of workers in the informal economy, are especially without representation and voice.
18. Economic units operate in the informal economy mainly because inappropriate regulations and excessively high tax policies are responsible for excessive costs of formalization and because barriers to markets and the lack of access to market information, public services, insurance, technology and training exclude them from the benefits of formalization. High transaction and compliance costs are imposed on economic units by laws and regulations that are overly

burdensome or involve dealing with corrupt or inefficient bureaucracies. The absence of an appropriate system of property rights and the titling of the assets of the poor prevents the generation of productive capital needed for business development.

19. Informality can also be traced to a number of other socio-economic factors. Poverty prevents real opportunities and choices for decent and protected work. Low and irregular incomes and often the absence of public policies prevent people from investing in their education and skills needed to boost their own employability and productivity, and from making sustained contributions to social security schemes. Lack of education (primary and secondary) to function effectively in the formal economy, in addition to a lack of recognition of skills garnered in the informal economy, act as another barrier to entering the formal economy. The lack of livelihood opportunities in rural areas drives migrants into informal activities in urban areas or other countries. The HIV/AIDS pandemic – by illness, discrimination or loss of adult breadwinners – pushes families and communities into poverty and survival through informal work.
20. The feminization of poverty and discrimination by gender, age, ethnicity or disability also mean that the most vulnerable and marginalized groups tend to end up in the informal economy. Women generally have to balance the triple responsibilities of breadwinning, domestic chores, and elder care and childcare. Women are also discriminated against in terms of access to education and training and other economic resources. Thus women are more likely than men to be in the informal economy.
21. Since decent work deficits are often traceable to good governance deficits, the government has a primary role to play. Political will and commitment and the structures and mechanisms for proper governance are essential. Specific laws, policies and programmes to deal with the factors responsible for informality, to extend protection to all workers and to remove the barriers to entry into the mainstream economy will vary by country and circumstance. Their formulation and implementation should involve the social partners and the intended beneficiaries in the informal economy. Especially in countries struggling with abject poverty and with a large and rapidly growing labour force, measures should not restrict opportunities for those who have no other means of livelihood. However, it should not be a job at any price or under any circumstances.
22. Legislation is an important instrument to address the all-important issue of recognition and protection for workers and employers in the informal economy. All workers, irrespective of employment status and place of work, should be able to enjoy, exercise and defend their rights as provided for in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up and the core labour standards. To ensure that labour legislation affords appropriate protection for all workers, governments should be encouraged to review how employment relationships have been evolving and to identify and adequately protect all workers. The elimination of child labour and bonded labour should be a priority goal.
23. The informal economy provides an environment that allows child labour to thrive. Child labour is a key component of the informal economy. It undermines strategies for employment creation and poverty reduction, as well as education and training programmes and the development prospects of countries. Child labour also exists in industrialized countries. The eradication of child labour requires poverty reduction, good governance, effective enforcement, improved access to universal education and social protection. It requires commitment and cooperation between the social partners as part of the promotion of fundamental rights and the programme to transfer jobs from the informal to the economic mainstream. Key to the success of abolishing child labour is the creation of more quality jobs for adults.
24. It is the responsibility of governments to provide an enabling framework at national and local levels to support representational rights. National legislation must guarantee and defend the freedom of all workers and employers, irrespective of where and how they work, to form and join organizations of their own choosing without fear of reprisal or intimidation. Obstacles to the recognition of legitimate, democratic, accessible, transparent and accountable membership-based organizations of workers and employers in the informal economy must be removed, so that they are able to participate in social dialogue structures and processes. Public authorities should include such organizations in public policy debates, and provide them access to the services and infrastructure they need to operate effectively and efficiently and protect them from harassment or unjustified or discriminatory eviction.
25. Policies and programmes should focus on bringing marginalized workers and economic units into the economic and social mainstream, thereby reducing their vulnerability and exclusion. This means that programmes addressing the informal economy, such as provision of education, training,

microfinance, etc., should be designed and implemented with the main objective of bringing workers or economic units in the informal economy into the mainstream, so that they are covered by the legal and institutional framework. Statistical and other research should be focused and designed to give effective support to these policies and programmes.

26. Governments must provide the conducive macroeconomic, social, legal and political frameworks for the large-scale creation of sustainable, decent jobs and business opportunities. Governments should adopt a dynamic approach to place decent employment at the centre of economic and social development policies and also to promote well-functioning labour markets and labour market institutions, including labour market information systems and credit institutions. To increase job quantity and quality, emphasis should be placed on investing in people, especially the most vulnerable – in their education, skills training, lifelong learning, health and safety – and encouraging their entrepreneurial initiative. Poverty reduction strategies, in particular the Poverty Reduction Strategy Papers (PRSPs), should specifically address the problems in the informal economy. The creation of decent jobs should be a measure of success for these strategies. In many developing countries, rural development and agricultural policies, including supportive legal frameworks for cooperatives, need to be enhanced and strengthened. Special attention should be given to the care responsibilities of women to enable them to make the transition from informal to formal employment more easily.
27. A conducive policy and legal environment lowers the costs to establish and operate a business, including simplified registration and licensing procedures, appropriate rules and regulations, reasonable and fair taxation. It also increases the benefits of legal registration, facilitating access to commercial buyers, more favourable credit terms, legal protection, contract enforcement, access to technology, subsidies, foreign exchange and local and international markets. Besides, such policies discourage businesses in the formal economy from shifting into the informal economy. This helps new businesses to start and smaller businesses to enter the formal economy and to create new jobs, without lowering labour standards. This also increases state revenues.
28. Another high priority is a coherent legal, judicial and financial framework for securing property rights to enable assets to be turned into productive capital through sale, lease or use as collateral. Reform of legislation regarding property rights should give special attention to gender inequalities in rights to own and control property.
29. To address the needs of the poor and vulnerable in the informal economy, the conclusions concerning social security adopted by the 89th Session of the International Labour Conference in 2001 should be supported and implemented. Governments have a lead responsibility to extend the coverage of social security, in particular to groups in the informal economy which are currently excluded. Micro insurance and other community-based schemes are important but should be developed in ways that are consistent with the extension of national social security schemes. Policies and initiatives on the extension of coverage should be taken within the context of an integrated national social security strategy.
30. The implementation and enforcement of rights and protections should be supported by improved systems of labour inspection and easy and rapid access to legal aid and the judicial system. There should also be provisions for cost-effective dispute resolution and contract enforcement. National governments and local authorities should promote efficient bureaucracies that are corruption and harassment free, are transparent and consistent in the application of rules and regulations, and that protect and enforce contractual obligations and respect the rights of workers and employers.
31. An important objective for both employers' and workers' organizations is to extend representation throughout the informal economy. Workers and employers in informal activities may wish to join existing trade unions and employers' organizations, or they may want to form their own. Employers' and workers' organizations play a critical role in either strategy: extending membership and services to employers and workers in the informal economy, and encouraging and supporting the creation and development of new member based, accessible, transparent, accountable and democratically managed representative organizations, including bringing them into social dialogue processes.
32. Both employers' and workers' organizations can play an important advocacy role to draw attention to the underlying causes of informality and to galvanize action on the part of all tripartite partners to address them, and to remove the barriers to entry into mainstream economic and social activities. They can also lobby the public authorities for the creation of transparent institutions and the establishment of mechanisms for delivering and linking services to the informal economy. The innovative and effective strategies and good practices that employers' organizations and trade

unions in different parts of the world have used to reach out to, recruit, organize or assist workers and enterprises in the informal economy should be more widely publicized and shared.

33. Employers' organizations in collaboration with or through other relevant organizations or institutions could assist economic units operating in the informal economy in a number of important ways, including access to information which they would otherwise find difficult to obtain, such as on government regulations or market opportunities, and also access to finance, insurance, technology and other resources. They could extend business support and basic services for productivity improvement, entrepreneurship development, personnel management, accounting and the like. They could help develop a lobbying agenda specially geared to the needs of micro and small enterprises. Importantly, employers' organizations could act as the conduit for the establishment of links between informal enterprises and formal enterprises, the opportunities for which have increased due to globalization. They could also initiate activities adapted to the needs of the informal economy that can yield important results such as improved safety and health, improved labour-management cooperation or productivity enhancement.
34. Trade unions can sensitize workers in the informal economy to the importance of having collective representation through education and outreach programmes. They can also make efforts to include workers in the informal economy in collective agreements. With women accounting for a majority in the informal economy, trade unions should create or adapt internal structures to promote the participation and representation of women and also to accommodate their specific needs. Trade unions can provide special services to workers in the informal economy, including information on their legal rights, educational and advocacy projects, legal aid, provision of medical insurance, credit and loan schemes and the establishment of cooperatives. These services should not, however, be regarded as a substitute for collective bargaining or as a way to absolve governments from their responsibilities. There is also a need to develop and promote positive strategies to combat discrimination of all forms, to which workers in the informal economy are particularly vulnerable.
35. The ILO should draw upon its mandate, tripartite structure and expertise to address the problems associated with the informal economy. An approach based on decent work deficits has considerable merit and should be pursued. The ILO approach should reflect the diversity of situations and their underlying causes found in the informal economy. The approach should be comprehensive involving the promotion of rights, decent employment, social protection and social dialogue. The approach should focus on assisting member States in addressing governance, employment-generation and poverty-reduction issues. The ILO should take into account the conceptual difficulties arising from the considerable diversity in the informal economy.
36. The efforts of the Office should:
 - (a) better address the needs of workers and economic units in the informal economy and they should be addressed throughout the Organization, including already existing policies and programmes;
 - (b) strengthen its tripartite approach to all activities in this area and especially to ensure close consultation and active involvement of the Bureau for Workers' Activities and Bureau for Employers' Activities in all aspects of the work programme, in particular their design;
 - (c) include an identifiable and highly visible programme of work with dedicated resources that is able to draw together relevant expertise including experts in workers' and employers' activities;
 - (d) be linked logically and integrally to the ILO's major strategic objectives and InFocus programmes, for example the Decent Work Agenda, the Declaration on Fundamental Principles and Rights at Work and its Follow-up, the Global Employment Agenda, and upholding the overall goals of gender equality and poverty reduction; and be able to draw upon the multidisciplinary expertise and experience of all four technical sectors and operate effectively across all sectors and field structures. Linkages should also be made with major international initiatives, such as the Millennium Development Goals and the Youth Employment Network;
 - (e) be organized in innovative and effective ways to focus the particular and/or combined expertise of specialists in labour law, eradication of the worst forms of child labour, equal opportunities, social aspects of globalization, labour inspection, social dialogue, social protection, micro and small enterprise development and employment policy, together with specialists in workers' and employers' activities, to deliver specifically designed strategies to

address the identified causes and impacts of decent work deficits thus contributing to poverty reduction;

- (f) ensure that technical assistance activities seek to integrate workers and economic units in the informal economy into the mainstream economy and are designed to produce this result;
- (g) be reflected in the programme and regular budget and technical assistance priorities and supported by adequate regular budget and extra-budgetary resources.

37. Specific priority areas for the ILO's work programme and technical assistance should be to:

- (a) help member States to formulate and implement, in consultation with employers' and workers' organizations, national policies aimed at moving workers and economic units from the informal economy into the formal economy;
- (b) place special emphasis on removing obstacles to, including those in the legal and institutional framework, the realization of all the fundamental principles and rights at work;
- (c) identify the obstacles to application of the most relevant labour standards for workers in the informal economy and assist the tripartite constituents in developing laws, policies, and institutions that would implement these standards;
- (d) identify the legal and practical obstacles to formation of organizations of workers and employers in the informal economy and assist them to organize;
- (e) gather and disseminate examples and best-practice models of innovative and effective strategies used by employers' organizations and trade unions to reach out to, recruit and organize workers and economic units in the informal economy;
- (f) undertake programmes and policies aimed at creating decent jobs and education, skill-building and training opportunities to help workers and employers move into the formal economy;
- (g) target those areas of the informal economy where child labour is prevalent with the objective of assisting member States to design and implement policies and programmes to eradicate child labour;
- (h) apply the ILO's policies and programmes on enhancing employability, skills and training, productivity and entrepreneurship to help meet the massive demand for jobs and livelihoods in ways that respect labour standards and enable entry into the economic and social mainstream;
- (i) assist member States to develop appropriate and facilitating legal and regulatory frameworks to secure property rights and title assets, and to encourage and support the start-up and sustainable growth of enterprises and their transition from the informal to formal economy;
- (j) mainstream the issues concerning and solutions to the challenges often presented by the informal economy in poverty reduction strategies, in particular the Poverty Reduction Strategy Papers (PRSPs);
- (k) promote the renewed campaign agreed at the International Labour Conference in 2001 to improve and extend social security coverage to all those in need of social protection, especially those in the informal economy, inter alia, through the development and piloting of innovative ideas, such as the Global Social Trust;
- (l) address discrimination in the informal economy and ensure that policies and programmes specifically target the most vulnerable, in particular women, young first time jobseekers, older retrenched workers, migrants and those afflicted with or affected by HIV/AIDS;
- (m) develop greater understanding of the relationship between the informal economy and the feminization of work, and identify and implement strategies to ensure that women have equal opportunities to enter and enjoy decent work;
- (n) assist member States to collect, analyse and disseminate consistent, disaggregated statistics on the size, composition and contribution of the informal economy that will help enable identification of specific groups of workers and economic units and their problems in the informal economy and that will inform the formulation of appropriate policies and programmes;
- (o) expand the knowledge base on governance issues in the informal economy and solutions and good practices for dealing with these issues;

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- (p) collect and disseminate information on transitions made to the mainstream economy, how such transitions were facilitated, and key success factors;
 - (q) take the lead role in working with other relevant institutions whose expertise could complement that of the ILO in addressing the issues in the informal economy;
 - (r) include work with other international organizations including United Nations and Bretton Woods institutions, promoting dialogue to avoid duplication, identify and share expertise, while the ILO itself takes the lead role.

Annex 25

“Conclusions concerning social security”, Report of the Committee on Social Security, ILC, *Provisional Record No. 16*, 89th Session, 2001 (extracts)

Resolution concerning social security

The General Conference of the International Labour Organization, meeting in its 89th Session, 2001,

Having undertaken a general discussion on the basis of Report VI, Social security: *Issues, challenges and prospects*;

1. Adopts the following conclusions;
2. Invites the Governing Body of the International Labour Office:
 - (a) to give due consideration to them in planning future action on social security;
 - (b) to request the Director-General to take them into account both when preparing the programme and budget for the 2004-05 biennium and in allocating such resources as may be available during the 2002-03 biennium.

Conclusions concerning social security

1. In 1944 the Conference recognized “the solemn obligation of the International Labour Organization to further among the nations of the world programmes which will achieve the extension of social security measures to provide a basic income to all in need of such protection and comprehensive medical care”. It is time for a renewed campaign by the ILO to improve and extend social security coverage to all those in need of such protection. The Director-General is invited to address the conclusions set out below with the seriousness and urgency they deserve in order to overcome a fundamental social injustice affecting hundreds of millions in member States.
2. Social security is very important for the well-being of workers, their families and the entire community. It is a basic human right and a fundamental means for creating social cohesion, thereby helping to ensure social peace and social inclusion. It is an indispensable part of government social policy and an important tool to prevent and alleviate poverty. It can, through national solidarity and fair burden sharing, contribute to human dignity, equity and social justice. It is also important for political inclusion, empowerment and the development of democracy.
3. Social security, if properly managed, enhances productivity by providing health care, income security and social services. In conjunction with a growing economy and active labour market policies, it is an instrument for sustainable social and economic development. It facilitates structural and technological changes which require an adaptable and mobile labour force. It is noted that while social security is a cost for enterprises, it is also an investment in, or support for, people. With globalization and structural adjustment policies, social security becomes more necessary than ever.
4. There is no single right model of social security. It grows and evolves over time. There are schemes of social assistance, universal schemes, social insurance and public or private provisions. Each society must determine how best to ensure income security and access to health care. These choices will reflect their social and cultural values, their history, their institutions and their level of economic development. The State has a priority role in the facilitation, promotion and extension of coverage of social security. All systems should conform to certain basic principles. In particular, benefits should be secure and nondiscriminatory; schemes should be managed in a sound and transparent manner, with administrative costs as low as practicable and a strong role for the social partners. Public confidence in social security systems is a key factor for their success. For confidence to exist, good governance is essential.
5. Of highest priority are policies and initiatives which can bring social security to those who are not covered by existing systems. In many countries these include employees in small workplaces, the self-employed, migrant workers, and people – many of them women – active in the informal

economy. When coverage cannot be immediately provided to these groups, insurance – where appropriate on a voluntary basis – or other measures such as social assistance could be introduced and extended and integrated into the social security system at a later stage when the value of the benefits has been demonstrated and it is economically sustainable to do so. Certain groups have different needs and some have very low contributory capacity. The successful extension of social security requires that these differences be taken into account. The potential of micro insurance should also be rigorously explored: even if it cannot be the basis of a comprehensive social security system, it could be a useful first step, particularly in responding to people's urgent need for improved access to health care. Policies and initiatives on the extension of coverage should be taken within the context of an integrated national social security strategy.

6. The fundamental challenge posed by the informal economy is how to integrate it into the formal economy. This is a matter of equity and social solidarity. Policies must encourage movement away from the informal economy. Support for vulnerable groups in the informal economy should be financed by society as a whole.
7. For persons of working age, the best way to provide a secure income is through decent work. The provision of cash benefits to the unemployed should therefore be closely coordinated with training and retraining and other assistance they may require in order to find employment. With the growth of economies in the future, education and skills of the workforce will be increasingly important. Education should be made available to all children to achieve adequate life skills, literacy and numeracy, and to facilitate personal growth and entry into the workforce. Lifelong learning is vital to maintain employability in today's economy. Unemployment benefits should be designed so that they do not create dependency or barriers to employment. Measures to make work financially more attractive than being in receipt of social security have been found effective. However benefits must be adequate. Where it is not deemed feasible to establish a system of unemployment benefits, efforts should be made to provide employment in labour-intensive public works and other projects, as is successfully done in a number of developing countries.
8. Social security should promote and be based on the principle of gender equality. However, this implies not only equal treatment for men and women in the same or similar situations, but also measures to ensure equitable outcomes for women. Society derives great benefit from the unpaid care which women in particular provide to children, parents and infirm family members. Women should not be systemically disadvantaged later in life because they made this contribution during their working years.
9. As a result of the vastly increased participation of women in the labour force and the changing roles of men and women, social security systems originally based on the male breadwinner model correspond less and less to the needs of many societies. Social security and social services should be designed on the basis of equality of men and women. Measures which facilitate the access of women to employment will support the trend towards granting women social security benefits in their own right, rather than as dependants. The nature of survivors' benefits needs to be kept under review and, in the event of reform, appropriate transitional provisions must be made to protect women whose life course and expectations have been based on the patterns of the past.
10. In most societies, continued inequalities in earnings between men and women tend to affect women's social security entitlements. This underlines the need for continued efforts to combat wage discrimination and to consider the desirability of introducing a minimum wage, where it does not already exist. Where either parent provides care for children, social security benefits for childcare purposes should be made available to the caregiver. Furthermore, each society should consider introducing positive discrimination in favour of women where systemic discrimination is faced.
11. The ageing of the population in many societies is a phenomenon which is having a significant effect on both advance-funded and pay-as-you-go pension systems and on the cost of health care. This is transparent in pay-as-you-go systems where a direct transfer takes place from contributors to pensioners. It is, however, just as real in advance-funded systems, where financial assets are sold to pay for pensions and purchased by the working generation. Solutions must be sought above all through measures to increase employment rates, notably of women, older workers, youth and persons with disabilities. Ways must also be found to achieve higher levels of sustainable economic growth leading to additional numbers in productive employment.
12. In many developing countries, particularly in sub-Saharan Africa, the HIV/AIDS pandemic is having a catastrophic effect on every aspect of society. Its impact on the financial base of their social security systems is particularly acute, as the victims are concentrated among the working age

population. This crisis calls for a much more urgent response through research and technical assistance by the ILO.

13. In pay-as-you-go defined benefit pension systems, risk is borne collectively. In systems of individual savings accounts, on the other hand, risk is borne by the individual. While this is an option which exists, it should not weaken solidarity systems which spread risks throughout the whole of the scheme membership. Statutory pension schemes must guarantee adequate benefit levels and ensure national solidarity. Supplementary and other negotiated pension schemes tailored more to the circumstances and contributory capacity of different groups in the labour force can be a valued addition to, but in most cases not a substitute for, statutory pension schemes. The social partners have an important role to play with regard to supplementary and other negotiated schemes, while the State's role is to provide an effective regulatory framework, and supervisory and enforcement mechanisms. Governments should consider that any support or tax incentives for these schemes should be targeted towards low- or medium-income earners. It is for each society to determine the appropriate mix of schemes, taking account of the conclusions of this general discussion and relevant ILO social security standards.
14. To be sustainable, the financial viability of pension systems must be guaranteed over the long term. It is therefore necessary to conduct regular actuarial projections and to implement the necessary adjustments sooner rather than later. It is essential to make a full actuarial evaluation of any proposed reform before adopting new legislation. There is a need for social dialogue on the assumptions to be used in the evaluation and on the development of policy options to address any financial imbalance.
15. Social security covers health care and family benefits and provides income security in the event of such contingencies as sickness, unemployment, old age, invalidity, employment injury, maternity or loss of a breadwinner. It is not always necessary, nor even in some cases feasible, to have the same range of social security provisions for all categories of people. However, social security systems evolve over time and can become more comprehensive in regard to categories of people and range of provisions as national circumstances permit. Where there is limited capacity to finance social security, either from general tax revenues or contributions – and particularly where there is no employer to pay a share of the contribution – priority should be given in the first instance to needs which are most pressing in the view of the groups concerned.
16. Within the framework of the basic principles set out earlier, each country should determine a national strategy for working towards social security for all. This should be closely linked to its employment strategy and to its other social policies. Targeted social assistance programmes could be one means to commence the introduction of social security for excluded groups. As government resources are limited in developing countries, there may be a need to broaden the sources of funding for social security through, for example, tripartite financing. Where possible, government support might cover initial start-up costs, in-kind support in the form of facilities and equipment, or support for low-income groups. In order to be effective, initiatives to establish or extend social security require social dialogue. Any changes to established social security systems should be introduced with adequate protection for existing beneficiaries. Innovative pilot schemes are to be encouraged. Well-designed and cost-effective research is necessary in order to provide objective evaluations of pilot schemes. Research and technical assistance are necessary to improve governance of systems.
17. ILO activities in social security should be anchored in the Declaration of Philadelphia, the decent work concept and relevant ILO social security standards. Social security is not available to the majority of the world's people. This is a major challenge which needs to be addressed in the coming years. In that regard the Conference proposes that:
 - a major campaign should be launched in order to promote the extension of coverage of social security;
 - the ILO should call on governments to give the issue of social security a higher priority and offer technical assistance in appropriate cases;
 - the ILO should advise governments and the social partners on the formulation of a national social security strategy and ways to implement it;
 - the ILO should collect and disseminate examples of best practice.

Constituents should be encouraged to approach the ILO for special assistance to achieve outcomes which significantly improve the application of social security coverage to groups which are

currently excluded. The programme is to be undertaken as soon as practicable and be subject to regular reports to the Governing Body.

18. The main areas identified for future social security research and meetings of experts are:

- the extension of coverage of social security;
- HIV/AIDS and its impact on social security;
- governance and administration of social security systems;
- equality, with an emphasis on gender and disability;
- ageing and its impact on social security;
- financing of social security;
- sharing of good practice.

These activities should form the basis for the further development of the ILO policy framework on social security and should be clearly linked to the further work programme, technical assistance priorities and activities of the ILO in this area.

19. The ILO's technical cooperation with governments and the social partners should include a wide range of measures, in particular:

- extending and improving social security coverage;
- developing innovative approaches in the area of social security to help people to move from the informal economy to the formal economy;
- improving the governance, financing and administration of social security schemes;
- supporting and training the social partners to participate in policy development and to serve effectively on joint or tripartite governing bodies of social security institutions;
- improving and adapting social security systems in response to changing social, demographic and economic conditions;
- introducing means to overcome discrimination in outcomes in social security.

20. The ILO should complete the programme of work as recommended above and must report regularly to the Governing Body on the results of that work, thereby enabling the Governing Body to monitor progress and decide how to proceed further.

21. The ILO should continue to develop interagency cooperation in the social security field, including with the International Social Security Association. The ILO should invite the IMF and the World Bank to support the conclusions adopted by the Conference and to join with the ILO in promoting social justice and social solidarity through the extension of comprehensive social security.