



## FOURTH ITEM ON THE AGENDA

**Report of the Working Party on Policy  
regarding the Revision of Standards****Part II  
Conventions in need of revision  
(Phase 2)****Contents**

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## A. Introduction

1. The Chairman recalled that the Working Party had, during its third meeting, been continuing the work that it had started in November 1995 in order to make the body of international labour standards more operational and more "readable". At its previous meetings, it had been decided not to envisage any revision of the six Conventions on fundamental human rights<sup>1</sup> and four other priority Conventions<sup>2</sup>. Document GB.267/LILS/WP/PRS/2 examines 28 Conventions in detail, following the same methodology and criteria as were proposed in March 1996. The Conventions were grouped by subject along the lines already employed by the Office. This approach should make it possible subsequently to have a clear picture of the situation and, possibly, to publish a document with the relevant updated information by subject and by Convention.
2. The Worker members said that the document prepared by the Office was very informative and well structured. They emphasized that it was important that the examination of the Conventions in need of revision be seen in the broader context of the ILO's standard-setting policy, and that there were three other points that were very closely linked to the Working Party's activities: the strengthening of the supervisory system; the promotion of standards on fundamental rights; and the preparation of new standards. Moreover, the Working Party would now be examining Conventions that are not obsolete and have not been left dormant, which was a sufficiently different process for it to be necessary to reaffirm the need for consensus. Finally, with respect to paragraph 32 of the Office document, the Worker members wished to know how the Office intended to inform them of the follow-up to the decisions taken in March 1996.
3. The Employer members said that they were altogether satisfied with the document presented by the Office, especially the way it was divided up by subject-matter. The document was an excellent basis for the Working Party's continuing work and for an examination of the important issues. The Employer members asked for clarification of paragraph 33 concerning the examination of Conventions adopted after 1985, insisting that these Conventions could not be excluded from the Working Party's mandate indefinitely.
4. The Chairman said that the decision for the Working Party not to examine Conventions adopted after 1985 had been taken by: consensus in 1995. This would, on the one hand, give recent Conventions a decent chance to be ratified and, on the other, would reduce the workload on the Working Party.
5. A representative of the Director-General outlined the Office's follow-up to the decisions taken in March 1996. The proposal to revise Convention No. 79 had been taken into account in the document on proposals for the agenda of the Conference submitted to the Governing Body at the present session<sup>3</sup>. If other similar decisions were taken, the same procedure would be followed. The decisions concerning the shelving of certain Conventions had been incorporated into the requests for reports. Moreover, the Conventions concerned would not be published in the forthcoming collection of Conventions and Recommendations, but they would be stored in the ILOLEX database. In March 1996 a number of Conventions had been identified as being possible candidates for abrogation, and the Working Party had received an Office document on the subject at the present session. The promotion of the ratification of certain Conventions had been

<sup>1</sup> Conventions Nos, 29, 98, 100, 105, 111 and 138.

<sup>2</sup> Conventions Nos. 81, 122, 129 and 144.

<sup>3</sup> GB.267/2.

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undertaken in national or subregional tripartite seminars in Central America, in Mexico and in Tunisia. Requests for information had been dealt with by the Office. Consultations had also been held with government representatives and the social partners, with a view to promoting those Conventions, in the course of missions such as those recently conducted in Austria, Finland, Norway and Sweden by the Assistant Director-General for Europe. The findings of the Working Party had also been taken into account at the recent Maritime Session of the Conference in connection with the revision of Convention No. 9, on which a paper had been prepared by the Office<sup>4</sup>.

6. The Worker members thanked the Office for this information but requested that it present a written document to the Working Party on the subject in March 1997. Another representative of the Director-General assured the Working Party that the Office would do so.
7. The Employer members concurred with this request and asked that the documents be distributed to the members of the Working Party as early as possible so that they could better prepare the next meeting.

## **B. Employment policy**

### **C.2 – Unemployment Convention, 1919**

8. The Employer members stated that they were in favour of revising all the instruments dealing with employment policy. They felt that Convention No. 2 had a historical interest and ought to be revised, along with Convention No. 88, so as to avoid having two instruments on the same subject and maintain the greatest possible consistency.
9. The Worker members agreed with the Office's proposals regarding Conventions Nos. 2 and 88, but did not see why it should be necessary to link the denunciation of Convention No. 2 to the ratification of more recent Conventions. They wondered to what extent the coverage of the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), was exactly the same as that of Convention No. 2. Be that as it might, they were against a global revision of the Conventions on employment policy and advocated the maintenance of the status quo for Convention No. 88.
10. A representative of the Director-General pointed out that Convention No. 168 did not revise Convention No. 2 and that its coverage was not the same. However, Convention No. 2 did contain general provisions covering points that had been taken up by a number of more recent Conventions. Of these, Convention No. 168 was the most obvious example.
11. *The Working Party proposes:*
  - (a) *that the Office re-examine Convention No. 2 in the light of the more recent Conventions on employment policy;*
  - (b) *to continue its examination of Convention No. 2 at its next meeting.*

### **C.88 – Employment Service Convention, 1948**

12. *The Working Party proposes:*

<sup>4</sup> GB.267/4.

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(a) *the maintenance of the status quo with regard to Convention No. 88;*

(b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 88 at an appropriate time.*

### **C.96 – Fee-Charging Employment Agencies Convention (Revised), 1949**

13. The Working Party noted that the Governing Body had decided to include the question of the revision of Convention No. 96 on the agenda of the Conference for 1997.
14. The Working Party expressed its agreement with the proposals submitted by the Office. *It proposes that the Working Party (or the LILS Committee) reexamine the status of Convention No. 96 at a subsequent meeting, in the light of the work of the Conference in 1997.*

## **C. Conditions of work**

### **C.26 – Minimum Wage-Fixing Machinery Convention, 1928**

### **C.99 – Minimum Wage-Fixing Machinery (Agriculture) Convention, 1951**

### **C.131 – Minimum Wage Fixing Convention, 1970**

15. The Worker members expressed their agreement with the Office's proposals with respect to Conventions Nos. 26, 99 and 131.
16. The Employer members asked that subparagraph (b) of the Office's proposals with respect to Conventions Nos. 26 and 99 be amended to include, for States that have ratified Convention No. 131, an invitation to denounce Conventions Nos. 26 and 99, if appropriate. They also proposed shelving the earlier Conventions and promoting the ratification of the more recent instruments.
17. Replying to a question posed by the Worker members, a representative of the Director-General confirmed that Convention No. 131 did not formally revise either Convention No. 26 or Convention No. 99 but complemented them. He recalled that the Committee of Experts on the Application of Conventions and Recommendations was no longer requesting reports on the application of Convention No. 26 from countries that have ratified Convention No. 131. As to Convention No. 99, however, the Office was still requesting reports under article 22 of the Constitution, except in the case' of countries that have ratified both Convention No. 131 and the Protection of Wages Convention; 1949 (No. 95). The Office's proposals were based on the practice followed by the Committee of Experts. It would, however, be possible to examine the question further.
18. The Worker members recalled that they were very anxious that each Convention should be examined on its merits. They asked for an assurance that the maintenance of the status quo would be proposed for Conventions Nos. 26 and 99.
19. The Employer members stressed that the issue of minimum wages was extremely delicate. Their intention was not to suggest that the oldest instruments should be abrogated but to avoid overlapping between the various instruments. With this in view, it would be preferable to examine the consequences of a possible ratification of Convention No. 131 and to re-examine the question at an appropriate time.

20. *The Working Party proposes:*

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- (a) *to invite the Office to submit a more detailed analysis of the respective coverage of the three Conventions dealing with minimum wages;*
  - (b) *to postpone further examination of Conventions Nos. 26, 99 and 131 to its March 1997 meeting.*

#### **C.95 – Protection of Wages Convention, 1949**

- 21. The Worker members stressed that a more thorough analysis could be made of the question of the protection of migrant workers' wages and the protection of workers' claims in the event of their employer's insolvency. Such a study might shed some light on questions that might well be covered by new standards.
- 22. After an exchange of views, *the Working Party expressed its agreement with the Office's proposals, namely:*
  - (a) *to recommend to the Governing Body that it invite member States to inform the Office of changes that have come about or the possible difficulties inherent in the Convention, legislation or national practice that would point to the need for a full or partial revision of Convention No. 95;*
  - (b) *to recommend to the Governing Body that it invite States parties to Convention No. 95 to contemplate ratifying the Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173), revising Article 11 of Convention No. 95;*
  - (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 95 at a subsequent meeting in the light of the information obtained by the Office.*

#### **C.94 – Labour Clauses (Public Contracts) Convention, 1949**

- 23. The Employer members felt that the Office's proposal was interesting and highlighted the importance of the issue.
- 24. The Worker members felt that the wording of subparagraph (a) of the Office's proposal could prejudice a subsequent revision of Convention No. 94.
- 25. The representative of the Director-General recalled that, in 1987, the Ventejol Working Party had drawn attention to the lack of clarity of certain provisions of Convention No. 94 and that the Inland Transport Committee had, at its meeting in 1992, adopted a resolution inviting the Governing Body to consider the advisability of extending the coverage of this Convention.
- 26. *The Working Party proposes:*
  - (a) *to recommend to the Governing Body that it invite member States to inform the Office of changes that have come about or the possible difficulties inherent in Convention No. 94, legislation or national practice in this area;*
  - (b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 94 at a subsequent meeting in the light of the information obtained by the Office.*

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### **C.1 – Hours of Work (Industry) Convention, 1919**

### **C.30 – Hours of Work (Commerce and Offices) Convention, 1930**

27. The Worker members supported the proposal that a general discussion be held at the Conference and observed that the question of hours of work was also being discussed in other Governing Body committees.
28. The Employer members recalled that the Office document was concerned with fairly old Conventions that were no longer relevant. It was not the right time to adopt new standards on the subject, and the Employer members were not in favour of a general discussion at the Conference. They wished the matter to be further examined at a technical level.
29. A representative of the Director-General pointed out that the use of the word "próxima", in paragraph 6(a) of the Spanish version of the document, did not in any way signify that a general discussion would be held at the *next* session of the Conference but at some future session.
30. The representative of the United States Government suggested that a general survey of the matter be undertaken pursuant to article 19 of the Constitution.
31. Another representative of the Director-General recalled that the Committee of Experts had, in 1984, submitted a general survey on working time which, inter alia, examined the Reduction of Hours of Work Recommendation, 1962 (No. 116), but he felt it would be advisable to look at Conventions Nos. 1 and 30 in a new general survey.
32. *The Working Party proposes to recommend to the Governing Body that it invite member States to submit reports under article 19 of the Constitution in respect of Conventions Nos. 1 and 30 and request the Committee of Experts then to carry out a general survey of the matter.*

### **C.101 – Holidays with Pay (Agriculture) Convention, 1952**

33. The Worker members expressed their agreement with the Office's proposals and recalled that promoting the ratification of more recent Conventions was central to enhancing the credibility of the Working Party.
34. The Employer members voiced reservations regarding the promotion of the ratification of the Holidays with Pay Convention (Revised), 1970 (No. 132), which they felt contained more binding provisions than Convention No. 101. They recalled that the Employers' representatives had not voted in favour of this instrument when it was adopted by the Conference.
35. *The Working Party proposes:*
  - (a) *to recommend to the Governing Body that it invite the States parties to Convention No. 101 to contemplate ratifying Convention No. 132 and at the same time denouncing Convention No. 101, or to inform the Office of the obstacles and difficulties encountered, if any, that might impeded or delay the ratification of Convention No. 132;*
  - (b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 101 at a subsequent meeting in the light of the information obtained by the Office.*

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## D. Social security

### C.24 – Sickness Insurance (Industry) Convention, 1927

### C.25 – Sickness Insurance (Agriculture) Convention, 1927

36. The Worker members asked for clarification of subparagraph (c) of the Office's proposals, which they took to mean postponing the decision to shelve Conventions Nos. 24 and 25. The Employer members were in favour of shelving these two Conventions on the grounds that they were obsolete, as was apparent from the observations in paragraph 5 of the Office document in both cases.

37. *The Working Party expressed its agreement with the Office's proposals, namely:*

- (a) to recommend to the Governing Body that it invite the State parties to Conventions Nos. 24 and 25 to contemplate ratifying the Medical Care and Sickness Benefits Convention, 1969 (No. 130), and denouncing Conventions Nos. 24 and 25 at the same time;*
- (b) to recommend to the Governing Body that it invite the States parties to Conventions Nos. 24 and 25 to inform the Office of possible difficulties inherent in the Convention, legislation, or national practice that could prevent or delay the ratification of Convention No. 130;*
- (c) to postpone a decision on shelving Conventions Nos. 24 and 25 until the Office has submitted to it the information requested on the ratification prospects of Convention No. 130.*
- (d) that the Working Party (or the LILS Committee) re-examine the status of Conventions Nos. 24 and 25 at a subsequent meeting in the light of the information obtained by the Office.*

### C.44 – Unemployment Provision Convention, 1934

38. The Working Party expressed its agreement with the Office's proposals. *It proposes:*

- (a) to recommend to the Governing Body that it invite the States parties to Convention No. 44 to contemplate ratifying the Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168), and denouncing Convention No. 44 at the same time;*
- (b) to recommend to the Governing Body that it invite the States parties to Convention No. 44 to inform the Office of the possible difficulties inherent in the Convention, legislation or national practice that might prevent or delay the ratification of Convention No. 168;*
- (c) to postpone a decision on shelving Convention No. 44 until the Office has communicated to it the information requested on the ratification prospects of Convention No. 168;*
- (d) that the Working Party (or the LILS Committee) re-examine the status of Convention No. 44 at a subsequent meeting in the light of the information obtained by the Office.*

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## E. Employment of women

### C.3 – Maternity Protection Convention, 1919

39. A representative of the Director-General observed that the Committee of Experts had decided that the request for reports under article 22 of the Constitution from countries that have ratified both Convention No. 3 and Convention No. 103 would relate only to the application of Convention No. 103.
40. The Worker members, without wishing to prejudge the Governing Body's decision on the matter, again advocated the revision of Conventions Nos. 3 and 103.
41. The Employer members asked that subparagraph (b) of the Office's proposals be amended to the effect that the States parties to Convention No. 3 that have ratified Convention No. 103 be invited to denounce Convention No. 3.
42. *The Working Party proposes:*
- (a) *to recommend to the Governing Body that it consider the desirability of including the revision of the instruments on maternity protection (or some of them) in the agenda of a forthcoming session of the Conference, and that it take Convention No. 3 into consideration in that context;*
  - (b) *to recommend to the Governing Body that it invite the States parties to Convention No. 3 which have already ratified the Maternity Protection Convention (Revised), 1952 (No. 103), to contemplate denouncing Convention No. 3;*
  - (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 3 in due course.*

### C.103 – Maternity Protection Convention (Revised), 1952

43. The Working Party noted that the question of revising Convention No. 103 was being considered by the Governing Body at its present session with a view to its inclusion in the agenda of the Conference in 199, and it recommended that the instrument be revised. *It proposes that the Working Party (or the LILS Committee) re-examine the status of Convention No. 103 at a subsequent meeting.*

### C.4 – Night Work (Women) Convention, 1919

44. The Worker members emphasized the need to promote the ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89), and its Protocol of 1990, especially in the case of countries that have ratified Conventions Nos. 4 and 41. They were against the shelving of these two Conventions with immediate effect.
45. The Employer members were in favour of shelving Conventions Nos. 4 and 41 with immediate effect and promoting the ratification of Convention No. 171. They also requested a more detailed survey of national law and practice in this area. Finally, they observed that Convention No. 89 had received a large number of denunciations.
46. A representative of the Director-General recalled that no general survey had been conducted on the instruments concerned with the night work of women, and suggested that

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the Office might submit such a proposal to the LILS Committee, if the Working Party so wished.

**47. *The Working Party proposes:***

- (a) *to recommend to the Governing Body that it invite the 23 States parties to Convention No. 4 which have ratified the Night Work (Women) Convention (Revised), 1934 (No. 41), or the Night Work (Women) Convention (Revised), 1948 (No. 89), to examine the possibility of ratifying, as appropriate, Convention No. 89 and/or its Protocol of 1990 and denouncing Convention No. 4 at the same time;*
- (b) *to recommend to the Governing Body that it invite the eight other States parties to Convention No. 4 to contemplate ratifying the Night Work Convention, 1990 (No. 171), or, where appropriate, the Night Work (Women) Convention (Revised), 1948 (No. 89), and its Protocol of 1990, denouncing at the same time Convention No. 4;*
- (c) *to recommend to the Governing Body that it invite member States to submit reports under article 19 of the Constitution and ask the Committee of Experts to conduct a general survey on the subject;*
- (d) *that the Working Party (or the LILS Committee) contemplate shelving Convention No. 4 in due course.*

**C.41 – Night Work (Women) Convention (Revised), 1934**

**48. *The Working Party proposes:***

- (a) *to recommend to the Governing Body that it invite the States parties to Convention No. 41 to contemplate ratifying the Night Work (Women) Convention (Revised), 1948 (No. 89), and its Protocol of 1990, or, as appropriate, ratifying the Night Work Convention, 1990 (No. 171), and denouncing Convention No. 41 at the same time;*
- (b) *to recommend to the Governing Body that it invite the States parties to Convention No. 41 to inform the Office of the possible difficulties inherent in the Convention, legislation or national practice which could prevent or delay the ratification of Convention No. 89 and its Protocol of 1990 or, as appropriate, of Convention No. 171;*
- (c) *to recommend to the Governing Body that it invite member States to submit reports under article 19 of the Constitution and ask the Committee of Experts to conduct a general survey on the subject;*
- (d) *that the Working Party (or the LILS Committee) contemplate shelving Convention No. 4 in due course.*

**C.89 – Night Work (Women) Convention (Revised), 1948, and its Protocol of 1990**

**49. The Working Party expressed its agreement with the Office's proposals. *It proposes:***

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- (a) *to recommend to the Governing Body that it invite the States parties to Convention No. 89 to contemplate ratifying the Protocol of 1990 to that Convention or, where appropriate, ratifying the Night Work Convention, 1990 (No. 171), and to inform the Office of the obstacles and difficulties encountered that might prevent or delay the ratification of these instruments;*
  - (b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 89 and its Protocol of 1990 at a subsequent meeting in the light of the information obtained by the Office.*

#### **C.45 – Underground Work (Women) Convention, 1935**

- 50. The Employer members advocated shelving Convention No. 45 since new standards on the subject had been adopted.
- 51. The Worker members were in favour of the Office's proposals but asked for more information on the coverage of Conventions Nos. 45 and 176.
- 52. A representative of the Director-General said that, on the personal level, the coverage of Convention No. 176 extended to both sexes and, in practice, comprised the coverage of Convention No. 45. Replying to a question posed by the Government representative of Sweden, he said that Convention No. 176 did not formally revise Convention No. 45.
- 53. *The Working Party proposes:*
  - (a) *to recommend to the Governing Body that it invite the States parties to Convention No. 45 to contemplate ratifying the Safety and Health in Mines Convention, 1995 (No. 176), and possibly denouncing Convention No. 45 at the same time;*
  - (b) *to recommend to the Governing Body that it invite the States parties to Convention No. 45 to inform the Office of the possible difficulties inherent in the Convention, legislation or national practice that might impede or delay the ratification of Convention No. 176;*
  - (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 45 at a subsequent meeting in the light of the information obtained by the Office.*

### **F. Employment of women and adolescents**

#### **C. 6 – Night Work of Young Persons (Industry) Convention, 1919**

- 54. The Employer members said that they wished to wait for the discussion to be held on the subject at the Conference.
- 55. The Worker members expressed their agreement in principle with the Office's proposals but asked for clarification regarding the need to revise Conventions Nos. 6 and 90, which had been extensively ratified.

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56. A representative of the Director-General recalled that the 1987 Ventejol Working Party had advocated revising these Conventions but that the subject did not seem to have been given priority attention during the discussions of the programme and budget. He noted that Conventions Nos. 6, 79 and 90 went together and should be treated as such. At its meeting in March 1996, the Working Party had already recommended the revision of Convention No. 79.

57. *The Working Party proposed that the examination of Convention No. 6 be postponed to its next meeting and that the Office be requested to provide it with additional information on the need to revise the Convention.*

#### **C.90 – Night Work of Young Persons (Industry) Convention (Revised), 1948**

58. *The Working Party proposed that the examination of Convention No. 90 be postponed to its next meeting and that the Office be requested to provide it with additional information on the need to revise the Convention.*

### **G. Migrant workers**

#### **C. 97 – Migration for Employment Convention (Revised), 1949**

#### **C.143 – Migrant Workers (Supplementary Provisions) Convention, 1975**

59. A representative of the Director-General pointed out that the LILS Committee would be called upon to decide on which Conventions and Recommendations should be the subject of a report under article 19 of the Constitution with a view to a general survey.

60. The Worker members stressed the priority that should be given to the protection of migrant workers and to promoting ratification of the relevant instruments, and said that they were in favour of a general discussion at the Conference in the near future.

61. The Employer members felt that it would be premature for the Conference to have a general discussion before a general survey had been carried out on the subject.

62. *The Working Party proposes:*

*(a) to recommend to the Governing Body:*

*(i) that it invite member States to provide reports under article 19 of the Constitution and to request the Committee of Experts to undertake a general survey of the reports concerning Conventions Nos. 97 and 143 on migrant workers;*

*(ii) and that it then re-examine the possibility of including the question of migrant workers on the agenda of a forthcoming session of the Conference for a general discussion, and also in order to clarify the possible need for revision of Conventions Nos. 97 and 143;*

*(b) that the Working Party (or the LILS Committee) re-examine the status of Conventions Nos. 97 and 143 in due course.*

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## H. Workers in non-metropolitan territories

63. The Chairman said that the points covered by these instruments only directly concerned six States that had ratified them. The Office could consult the States concerned in order to determine how best to continue implementing the Conventions.
64. The Employer members agreed with the Chairman. The Worker members accepted the Office's proposals, namely to promote ratification 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). However, they asked for an assurance that all the non-metropolitan territories covered by Convention No. 84 currently benefited from the extension of the coverage of Conventions Nos. 87 and 98. They also suggested that subparagraph (a) of the Office's proposals for Convention No. 85 include a reference to the Protocol of 1995 to the Labour Inspection Convention, 1947 (No. 81).
65. A representative of the Director-General observed that Convention No. 84 was intended to apply to 21 non-metropolitan territories, all of which were covered by Conventions Nos. 87 and 98. Moreover, on attaining independence, a number of States had unilaterally undertaken to continue applying the principles contained in Convention No. 84. These States were invited to ratify Conventions Nos. 87 and 98, after which Convention No. 84 might be looked upon as no longer having any relevance. Meanwhile, it was still of interest.

### C.82 – Social Policy (Non-Metropolitan Territories) Convention, 1947

66. The Working Party expressed disagreement with the Office's proposals. *It proposes:*
- (a) *to recommend to the Governing Body that it request the Office to enter into consultations with the four States parties to Convention No. 82 in order to determine whether or not its provisions are being applied in the framework of other Conventions in the non-metropolitan territories concerned;*
  - (b) *that a decision regarding the shelving of Convention No. 82 be deferred pending receipt of the relevant information from the Office on the results of its consultation;*
  - (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 82 at a subsequent meeting in the light of the information obtained by the Office.*

### C.83 – Labour Standards (Non-Metropolitan Territories) Convention, 1947

67. The Working Party expressed its agreement with the Office's proposals. *It proposes:*
- (a) *to recommend to the Governing Body that it request the Office to enter into consultations with the two States parties to Convention No. 83 in order to determine in what way the Conventions listed in the annex to Convention No. 83 could continue to be applied in the non-metropolitan territories concerned;*
  - (b) *that a decision regarding the shelving of Convention No. 83 be deferred pending receipt of the relevant information from the Office on the results of its consultations;*

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- (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 83 at a subsequent meeting in the light of the information obtained by the Office.*

### **C. 84 – Right of Association (Non-Metropolitan Territories) Convention, 1947**

68. The Working Party expressed its agreement with the Office's proposals. *It proposes:*
- (a) *to recommend to the Governing Body that it invite the member States that have made formal commitment to apply the provisions of Convention No. 84 to contemplate ratifying the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and/or, as appropriate, the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);*
- (b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 84 in due course.*

### **C.85 – Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947**

69. *The Working Party proposes:*
- (a) *to recommend to the Governing Body that it invite the five States parties to Convention No. 85 to contemplate extending the application of the Labour Inspection Convention, 1947 (No. 81) and its Protocol of 1995, and/or the Labour Inspection (Agriculture) Convention, 1969 (No. 129), to non-metropolitan territories that continue to be governed by the provisions of Convention No. 85;*
- (b) *to recommend to the Governing Body that it request the Office to hold consultations with the States parties to Convention No. 85 in order to identify the possible difficulties and obstacles that might impede or delay the application of Convention No. 81 and its Protocol of 1995 and/or Convention No. 129 in the non-metropolitan territories concerned;*
- (c) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 85 at a subsequent meeting in the light of the information obtained by the Office.*

## **I. General observations**

70. The Employer members referred to paragraph 33 of the Office document and indicated that they would like also to examine the Conventions adopted since 1985.
71. A representative of the Director-General recalled that at the start of the Working Party's discussions it had been decided by consensus not to take up Conventions adopted in the course of the last ten years (i.e. after the 1985 Session of the Conference).
72. The Worker members said that they wished that the initial consensus be maintained.
73. The Employer members recalled the need for the Working Party to look at more recent Conventions, but they agreed to abide by the initial mandate for the time being.

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74. Another representative of the Director-General informed the Working Party that the Office would be submitting two documents to it in March 1997, the first proposing phase 3 of the examination of individual Conventions, and the second outlining the follow-up measures taken by the Office. There were still 50 Conventions to be taken up, and the Office proposed to examine them in two stages. The first document to be submitted to the Working Party in March 1997 would consider some 25 Conventions, including those relating to freedom of association (other than Conventions Nos. 87 and 98), equal opportunity (other than Conventions Nos. 100 and 111), employment, social policy, labour administration, labour relations and conditions of work, and occupational safety and health. The second document would describe the follow-up steps taken by the Office in order to implement the Governing Body's policy decisions on the revision of standards and would suggest guidelines for the future.
75. The Chairman hoped that the Working Party would be able to work in better conditions and, specifically, would have more time to meet and carry out its mandate, which was extremely broad.
76. The Worker members observed that although part of the Working Party's mandate, such as the question of abrogation, had been completed, there was still a great deal of important work to be done.
77. The Worker member of France asked for an assurance that the Working Party's decisions did not affect in any way the supervisory procedures, especially those involving the Committee on Freedom of Association. The Chairman accordingly confirmed that the Working Party's proposals did not in any way affect the supervisory procedures.

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**78. *The Committee on Legal Issues and International Labour Standards is invited to:***

- (a) *take note of the part of the report of the Working Party on Policy regarding the Revision of Standards that concerns its examination of the need to revise Conventions (phase 2), based on the document submitted by the Office;*<sup>5</sup>
- (b) *examine the proposals on which the Working Party has reached consensus, namely.*
- (i) *the proposals to revise Conventions Nos. 3 and 103 (see paragraphs 42-43 of the present report);*
- (ii) *the request for a general survey under article 19 of the Constitution (see paragraphs 32, 47-49 and 62), concerning:*
- *hours of work. Conventions Nos. 1 and 30;*
  - *night work of women: Conventions Nos. 4, 41, 89 and its Protocol of 1990;*
  - *migrant workers: Conventions Nos. 97 and 143;*

<sup>5</sup> GB.267/LILS/WP/PRS/2.

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- (iii) *the proposals to promote the ratification of updated Conventions (Nos. 81 and its Protocol of 1995, 87, 89 and its Protocol of 1990, 98, 129, 130, 132, 168 and 173) and, as appropriate, to denounce the earlier Conventions (Nos. 4, 24, 25, 41, 44, 45 and 101) (see paragraphs 35, 37, 38, 47, 48, 53, 68 and 69);*
  - (iv) *the requests to States parties for information and/or consultations in respect of Conventions Nos. 82, 83, 84, 85, 89 and its Protocol of 1990, 94, 95, 130, 168, 171 and 176 (see paragraphs 22, 26, 37, 38, 47-49, 53 and 66-69);*
  - (v) *the maintenance of the status quo in the case of Convention No. 88 (see paragraph 12);*
  - (c) *the deferral of the examination of Conventions Nos. 2, 6, 26, 90, 99 and 131 to the next meeting of the Working Party;*
  - (d) *to request the Office to prepare for the next meeting of the Working Party:*
    - *of a document examining further the need to revise the Conventions (phase 3); and*
    - *of another document concerning the steps taken to follow up the policy decision of the Governing Body with regard to the revision of standards;*
  - (e) *the submission of recommendations to the Governing Body on the aforementioned proposals, and on any other relevant matter.*

Geneva, 13 November 1996

*Point of decision:*

<i>Paragraph 11;</i>	<i>Paragraph 37;</i>	<i>Paragraph 57;</i>
<i>Paragraph 12;</i>	<i>Paragraph 38;</i>	<i>Paragraph 58;</i>
<i>Paragraph 14;</i>	<i>Paragraph 42;</i>	<i>Paragraph 62;</i>
<i>Paragraph 20;</i>	<i>Paragraph 43;</i>	<i>Paragraph 66;</i>
<i>Paragraph 22;</i>	<i>Paragraph 47;</i>	<i>Paragraph 67;</i>
<i>Paragraph 26;</i>	<i>Paragraph 48;</i>	<i>Paragraph 68;</i>
<i>Paragraph 32;</i>	<i>Paragraph 49;</i>	<i>Paragraph 69;</i>
<i>Paragraph 35;</i>	<i>Paragraph 53;</i>	<i>Paragraph 78.</i>