



ELEVENTH ITEM ON THE AGENDA

**Reports of the Committee on  
Legal Issues and International  
Labour Standards**

**Second report: International Labour  
Standards and Human Rights**

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1. The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 23 March 2000. Its Officers were as follows:

*Chairperson:* Mr. V. Rodríguez Cedeño (Government, Venezuela).

*Employer Vice-Chairperson:* Mr. D. Funes de Rioja.

*Worker Vice-Chairperson:* Mr. J.-C. Parrot.

## I. Report of the Working Party on Policy regarding the Revision of Standards

2. The Committee had before it the report of the Working Party on Policy regarding the Revision of Standards.<sup>1</sup>
3. The representative of the Government of France, Chairperson of the Working Party, recalled the five items on the agenda of the meeting, namely the follow-up on the recommendations of the Working Party;<sup>2</sup> the follow-up on consultations concerning Conventions regarding seafarers;<sup>3</sup> the deferred examination of the need for revision of Conventions and Recommendations concerning fishermen;<sup>4</sup> the deferred examination of Convention No. 132 (short survey);<sup>5</sup> and the examination of Recommendations (third stage).<sup>6</sup> He mentioned that the document on the follow-up on the recommendations of the Working Party included an appendix containing the updated information note. The note was communicated to regional offices and multidisciplinary teams and would once again be distributed to the members of the Conference Committee on the Application of Standards the following June. The information note indicated that by 31 December 1999, 50 member States had ratified the constitutional amendment on the abrogation of obsolete Conventions. The ratification procedure was under way in other countries, including France. Three summary tables had been attached to the information note and were also appended to the document on possible improvements in the standard-setting activities of the ILO.<sup>7</sup> These tables clearly presented the decisions taken by the Governing Body. Taking into account the recommendations formulated by the Working Party at its most recent meeting, and subject to their approval by the LILS Committee and the Governing Body, the Conventions already examined included 68 Conventions that were up to date, 23 Conventions to be revised, 54 Conventions that were outdated and 35 requests for information. As regards the follow-up on consultations concerning Conventions regarding seafarers, the speaker stated that the Working Party had made recommendations

<sup>1</sup> Doc. GB.277/LILS/4.

<sup>2</sup> Doc. GB.277/LILS/WP/PRS/1/1.

<sup>3</sup> Doc. GB.277/LILS/WP/PRS/1/2.

<sup>4</sup> Doc. GB.277/LILS/WP/PRS/2.

<sup>5</sup> Doc. GB.277/LILS/WP/PRS/3/1.

<sup>6</sup> Doc. GB.277/LILS/WP/PRS/4.

<sup>7</sup> Doc. GB.277/LILS/2(Add.1).

concerning eight Conventions and had taken note of information provided by governments relating to the promotion of the revised Conventions.

4. Furthermore, the Working Party had deferred the examination of the revision of Conventions and Recommendations concerning fishermen, owing to the holding of a tripartite meeting on safety and health in the fishing industry in December 1999. On the basis of the results achieved during that meeting, it had formulated recommendations concerning four Conventions and two Recommendations. The examination of the Minimum Age (Fishermen) Convention, 1959 (No. 112) was postponed until its following meeting. On the basis of the short survey on the Holidays with Pay Convention (Revised), 1970 (No. 132) the Working Party had examined that delicate Convention for the third time. The Working Party had tried a new approach by entrusting the survey to an outside expert. It had nevertheless still been unable to reach consensus during its meeting and would examine the question once again in November 2000. It would also discuss the other two short surveys relating to the Paid Educational Leave Convention, 1974 (No. 140), and the Termination of Employment Convention, 1982 (No. 158), respectively. Lastly, the Working Party had examined a third group of recommendations – concerning occupational safety and health, social security and migrant workers – and had formulated recommendations on each of them.
5. The speaker welcomed the very constructive atmosphere that had reigned within the Working Party, as had also been the case during its previous meetings. He thanked the spokespersons for the two groups for their considerable contribution in that regard. It was an example of good will and constructive discussions being used to achieve results. He hoped that a similar climate would prevail during discussions on the possible improvements to ILO standard-setting activities. He also thanked the Office for the excellent technical preparation of discussions within the Working Party.
6. The Worker members supported the statement by the Chairperson of the Working Party and congratulated him on his work. They drew the Committee's attention to the tables appended to the document on possible improvements to ILO standard-setting activities which presented the results already obtained. They invited governments to ratify the up-to-date Conventions and denounce the corresponding obsolete Conventions, to ratify the constitutional amendment on the abrogation of obsolete Conventions and to conduct national tripartite consultations on these matters. They supported the point for decision.
7. The Employer members supported the report submitted by the Chairperson of the Working Party. Even when differences arose within the Working Party, they did not stand in the way of agreement on fundamental issues and the climate remained constructive. The survey on Convention No. 132, conducted by an external expert, had met with the satisfaction of only some members of the Working Party, and it had not been possible to reach consensus. It would appear that the differences of opinion related not only to methodology, but also to the results of the survey. An examination of policy regarding the revision of standards did not preclude a discussion on standard-setting policy in general. The Employer members insisted on the rapid implementation of decisions taken by the Governing Body following recommendations by the Working Party. It was important to consider the overall picture and also to examine questions raised in the document on possible improvements to ILO standard-setting activities. The Employer members declared themselves to be satisfied with the work done by the Working Party. Some of their concerns remained but they felt that the work done so far had been constructive. The Working Party had studied the multiple facets, including the technical aspects, of standard-setting activities. It was important to go on working with the support of the Office, which clearly indicates the existing problems. The Employer members also insisted on the question of the methodology to be used in standard setting. The Working Party had

conducted its discussions in a positive atmosphere, even if consensus had not been reached on all issues, which was in fact to be expected. Other questions on standard-setting activities which remained pending should be examined by the Governing Body itself.

**8. *The Committee recommends that the Governing Body:***

- (a) *take note of the report of the Working Party on Policy regarding the Revision of Standards (Appendix I), and also of the opinions expressed by the Committee during its meeting;*
- (b) *approve the recommendations contained in the corresponding paragraphs of the report on which there was consensus within the Working Party and the Committee.*

## **II. Standard-setting policy: Ratification and promotion of fundamental ILO Conventions**

9. The Committee had before it a document<sup>8</sup> on prospects for the ratification of fundamental ILO Conventions in the framework of the campaign launched by the Director-General in May 1995.
10. A representative of the Director-General (the Chief of the Equality and Employment Branch and Human Rights Coordinator of the International Labour Standards Department) updated the information contained in the document in question. Since the document was completed on 14 February 2000 there had been ten further replies<sup>9</sup> to the Director-General's sixth circular letter, in addition to the 71 previous ones, resulting in a total of 81 replies from the 172 countries to which the Director-General's last circular letter was sent. The ILO had also received information on progress made in the procedure for the ratification of certain Conventions by countries<sup>10</sup> which had already replied to the Director-General's previous letter. Since the completion of the document submitted to the LILS Committee for examination, 14 further ratifications had been registered, bringing to 182 the number of ratifications to have occurred since the beginning of the ratification campaign and to 81 the number of member States to have ratified fundamental Conventions since 25 May 1995. These 14 new ratifications were broken down as follows: *Belize* had ratified Conventions Nos. 138 and 182; *Eritrea*: Conventions Nos. 29, 87, 98, 100, 105 and 111; the *Republic of Moldova* had ratified Conventions Nos. 29 and 100; *San Marino*: Convention No. 182; *Seychelles*: Convention No. 138; *Tunisia*: Convention No. 182; and the *United Kingdom*: Convention No. 182. *Belize*, *San Marino*, *Seychelles* and *Tunisia* now belonged to the countries to have ratified all eight fundamental ILO Conventions (thus joining *Botswana*, *Finland*, *Ireland* and *Slovakia*). He informed the Committee that for the first time since the start of the campaign *Turkmenistan* had replied to the Director-General's annual letter on ratification prospects for the fundamental Conventions. The new ratifications and the information on progress made in the procedure

<sup>8</sup> GB.277/LILS/5.

<sup>9</sup> *Azerbaijan, Belize, Gabon, Guatemala, Jamaica, Morocco, Namibia, Netherlands, Peru, Turkmenistan.*

<sup>10</sup> *Cyprus, Indonesia, Mexico, Papua New Guinea, Sri Lanka, Switzerland, United Kingdom.*

for the ratification of fundamental Conventions communicated by certain countries<sup>11</sup> after 14 February 2000 would be reflected in the revised table to be appended to the Committee's report. Lastly, the speaker concluded by informing Committee members that, following the request by the Officers of the LILS Committee, a document presenting ratifications and information on the fundamental Conventions – by region – was available in the meeting room. He specified that while it was indicated that this document was up to date on 23 March 2000, the three ratifications received on that date by the Office<sup>12</sup> were not reflected in the document.

11. The Employer members expressed their satisfaction with the information contained in the document submitted to the Committee for examination; it showed that the ratification campaign was a true success. In their view the promotion of the so-called fundamental Conventions and their ratification increased the prestige of the ILO and the standards adopted by the Organization. As regards the technical assistance offered by the Office, in the framework of the campaign for the ratification of the fundamental Conventions, described in paragraphs 91 and 92 of the document, the Employer members regretted that the description was limited to the technical assistance mentioned by countries in their replies to the Director-General's circular letter, although they were pleased to note that the ILO was concentrating its efforts in this area on countries which expressly requested its assistance.
12. The Worker members also welcomed the results achieved so far by the campaign for the ratification of fundamental Conventions launched by the Director-General on 25 May 1995. This result showed, if there were any need to do so, that with efforts by the ILO and the political will of the Organization's constituents, results could be achieved. The prospects for ratification included in the document, supplemented by the oral update by the representative of the Director-General, were encouraging, and the Worker members expressed the hope that those prospects would shortly translate into concrete action. In that connection, the spokesperson for the Worker members wished to address those countries that were taking refuge behind the argument of their legislation not being in compliance with the provisions of the fundamental Conventions while at the same time maintaining that it was in compliance with the spirit of certain individual instruments, and also those who cited their level of socio-economic development as an obstacle to ratification. He invited them to request ILO technical assistance in order to examine together with the Office how to overcome the obstacles cited in order to have the opportunity to ratify all the fundamental ILO Conventions in the more or less long term. The Worker members considered that Convention No. 138 was a perfect example in this regard, in that immediately the campaign was launched a number of countries stated that Convention No. 138 was not ratifiable as it was. As regards Conventions Nos. 87 and 98, the Worker members expressed their concerns about the low number of ratifications registered for these instruments. Nevertheless, they took the occasion to welcome the fact that the host country to ILO headquarters – Switzerland – had recently ratified Convention No. 98. They urged the ILO not to neglect the promotion of other instruments, in particular the so-

<sup>11</sup> For the list of these countries, please consult footnotes Nos. 9 and 10 of this document. Some of this information amends the list of countries that have not provided official information concerning Convention No. 182, mentioned in paragraph 90 of document GB.277/LILS/5. Following the information received and the comments made by some delegations during the examination of the abovementioned document, the following countries should be removed from that list: *Belize, Gabon, Germany, Jamaica, Morocco, Netherlands, Peru, Sweden*.

<sup>12</sup> Ratifications by the *Republic of Moldova* (Conventions Nos. 29 and 100) and the *United Kingdom* (Convention No. 182).

called priority Conventions, as well as those relating to working conditions and occupational safety and health which were also very important for workers. The Worker members expressed their regret that 13 countries had still never replied to the Director-General's various circular letters, despite the fact that the number of such countries had fallen since the previous year. They recalled that on the request of the Workers' group, the ILO sent copies of the Director-General's circular letter to employers' and workers' organizations in countries whose governments had never replied to previous circular letters. They considered that although the number of such countries was falling each year, rather than limiting themselves to written communications, from now on the approach of establishing direct contact with the countries concerned should be preferred. They also called the Committee's attention to the fact that some countries that had informed the ILO that they had submitted proposals for the ratification of a fundamental Convention to their Parliaments had not even informed, let alone consulted, their social partners. They therefore reiterated the importance of consulting the social partners throughout the process of ratification of ILO Conventions. Lastly, the Worker members supported the submission of a new document on the prospects for the ratification of fundamental Conventions in November 2000, as suggested in paragraph 95 of the document before the Committee.

13. The representative of the Government of Germany considered that his country should not have been included in the list of countries not to have provided any official information on prospects for the ratification of Convention No. 182, as indicated in paragraph 90 of the document as, in accordance with article 19, paragraph 5, of the Constitution of the ILO, the Federal Government had submitted Convention No. 182 to the competent authority within the deadline contained in this article and had informed the Office accordingly. He also told the Committee that his Government was considering ratifying the Convention.
14. A Worker member (Mr. Edström) informed the Committee that the necessary tripartite consultations would be conducted very shortly in Sweden and that the ratification of Convention No. 182 was not expected to pose any particular problems.
15. The representative of the Government of the Netherlands wished to express the support of her delegation for the campaign for the ratification of fundamental ILO Conventions initiated by the Director-General in 1995. She nevertheless recalled that the ratification of fundamental Conventions should not be used as a way of escaping the annual follow-up to the ILO Declaration on Fundamental Principles and Rights at Work. Lastly, the speaker informed the Committee that the procedure for the ratification of Convention No. 182 was under way in the Netherlands and that in all likelihood it would be completed by the summer.
16. The Committee took note of the document.

### **III. General status report on ILO action concerning discrimination in employment and occupation**

17. The Governing Body had before it a document<sup>13</sup> on this subject.
18. The Employer members stated that the Office paper called for no comment, but requested, if possible, further information at the next Governing Body session on the subject of ILO

<sup>13</sup> GB.277/LILS/6.

activities on indigenous and tribal peoples, based on Conventions Nos. 107 and 169, broken down by region and taking account of the different objectives of the two instruments.

- 19.** The Worker members congratulated the Office on a very informative document. Referring to paragraph 10, they commended the Office on its new approach to gender issues, characterized by a major shift in its approach to the promotion of gender equality and the Director-General's expression of a strong political commitment to an integrated gender policy. The Worker members appreciated this significant change in approach to gender issues and considered it an encouraging initiative.
- 20.** Referring to paragraph 17 of the Office paper, the Worker members asked the Office to indicate the nature of the groundwork being carried out on sexual harassment at the workplace. As regards paragraph 23 concerning activities being carried out by the Dar es Salaam Area Office on the situation of women workers, they requested information on the results of the ILO's review of the United Republic of Tanzania's labour legislation and on the nature of the projects being carried out by the Area Office to build women's organizational capacity, redress gender-based differences generated by structural adjustment measures and address specific sectoral issues relevant to women workers. Referring to paragraph 24, the Worker members took note of the work being done by the Manila Area Office on violence against women and sexual harassment in the workplace, and requested clarification on the manner in which the work on violence against women was coordinated with that on sexual harassment, and on whether the Office had adopted an integrated approach to these issues. The Worker members noted the information contained in paragraph 26 of the Office paper regarding the tripartite seminars presented in the Caribbean subregion on trends in employment equality, including issues of sexual harassment, HIV/AIDS discrimination and equal remuneration, and would welcome further information in the next Office paper on the promotional activities undertaken by the Office on these topics.
- 21.** The Worker members commended the Office on the extensive activities carried out by the ILO area offices relevant to women workers, migrant workers, disabled workers and indigenous and tribal peoples, and acknowledged the difficult circumstances under which the ILO had carried out much of its work, particularly in the occupied Arab territories.
- 22.** The representative of the Government of Italy pointed out that, while the Office paper detailed the ILO's extensive activities to eliminate discrimination, much remained to be done in the regions. Factors such as sex, religion and ethnic origin should no longer be grounds for discrimination in employment and occupation. He referred to the campaign against discrimination launched by the European Union and noted the importance of protection for migrant workers, who often suffered discrimination. Italy's domestic legislation provided for sanctions for discriminatory practices with regard to migrant workers. He stressed the importance of gender mainstreaming: an integrated gender policy not only provided women with equal access to employment and occupation, but also with equal opportunities for advancement and promotion. His Government was attempting to eliminate discriminatory practices through its domestic legislation: a bill had recently been submitted to Parliament to eliminate all forms of discrimination in employment and occupation. With regard to child labour, he recommended that reference to Convention No. 182 be included in the language of the questionnaire formulated for follow-up on the ILO Declaration on Fundamental Rights and Principles at Work. In addition, he reiterated his Government's commitment to ensuring the success of the forthcoming Global Report on Freedom of Association under the Declaration.

23. The representative of the Government of Canada thanked the Office for its report. She fully supported the integration of gender in all aspects of employment and occupation and believed that the ILO could make a significant contribution in this area, particularly with respect to Women 2000. She particularly looked forward to information in future Office papers on the ILO's work concerning workers with family responsibilities and disabled workers.
24. The representative of the Government of Namibia stated that his country had taken significant steps towards implementing affirmative action. Namibia had received assistance from the ILO, through a project funded by the Government of Norway, to facilitate the development of affirmative action legislation. He thanked the ILO and Norway for their assistance and noted that the legislation was now fully operational. Namibia's Employment Equity Commission was now established and employers would be filing their first action plans with the Commission in September 2000, indicating the steps that employers would take to ensure equality of opportunity and treatment in the workplace.
25. The representative of the Arab Labour Organization, referring to paragraphs 52 to 57 of the Office paper, expressed his appreciation for the ILO's activities in the occupied Arab territories. He expressed the hope that these activities would continue, since the ILO's work in the occupied Arab territories had a significant positive impact in improving the situation in those territories. However, the Office paper was not complete in that it did not mention the outcome of the special sitting held on this subject at the International Labour Conference in 1999. He expressed surprise at the information contained in paragraph 55, indicating that economic activity and employment within the occupied territories had increased significantly from 1995 to 1997, as Israeli settlers moving into the occupied territories were confiscating land in enlarging their settlements.
26. The representative of the Government of Bangladesh thanked the Office for presenting a comprehensive report. He expressed special appreciation for the information in paragraphs 31-44 on migrant workers. In the light of the importance of this issue, he welcomed the decision to re-establish the Migration for Employment Branch, recommending that the Branch be further strengthened, particularly with regard to its technical assistance activities. He noted that the ILO had held a high-level meeting on achieving equality in employment for migrant workers in March 2000, but that the outcome of the meeting was not reflected in the paper. He suggested that the Office submit a comprehensive paper on migrant workers to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which was to be held in 2001.
27. The representative of the Government of Algeria congratulated the Office on a very interesting document. It would also be fitting to identify countries that permitted discriminatory practices and to identify the categories of workers that were particularly vulnerable to discrimination in employment and occupation. In addition, he requested that the Office outline the steps that could be taken to bring about greater progress in eliminating discrimination.
28. A representative of the Director-General (the Chief of the Equality and Employment Branch of the International Labour Standards Department) stated that, with regard to paragraph 17 of the Office paper, the groundwork being carried out on sexual harassment involved a good deal of preliminary work in this area, partly in preparation for the possible inclusion of this subject on the agenda of the International Labour Conference with a view to the adoption of standards. The Office was gathering information from the growing number of countries that had adopted legislation or other measures on sexual harassment.

It would soon publish the results of this survey, which could provide a basis for the provision of technical assistance.

29. As regards paragraph 23, he explained that the reference was to a labour law audit, which consisted in a comprehensive review of all Tanzanian labour legislation. The review had been completed and would be presented to members of the Tanzanian Parliament later in 2000, and it was anticipated that further work would be undertaken by the Office in this regard. A seminar would be held in April 2000 on the ratification of Convention No. 111 for three African countries, including the United Republic of Tanzania.
30. With regard to the Worker members' comments concerning paragraph 24 of the Office paper, he stressed that sexual harassment was in fact regarded as a form of violence against women. The two issues had to be considered together, and the ILO was taking an integrated approach to them. Referring to the information in paragraph 26 on the ILO's activities concerning HIV/AIDS, he stated that, due to the intense interest in this issue, a special event on HIV/AIDS would be held at the International Labour Conference in June this year, which would also follow up on the activities recently held in Africa.
31. Replying to the question asked by the representative of the Government of Bangladesh, he stated that the Office would be submitting a comprehensive report to the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Office was still in the preparatory stage of this project, and the first preparatory committee meeting at the United Nations was set for May 2000. The Office was already examining the best approach to be taken in respect of the issues to be discussed, and migrant workers would figure prominently in the report. He also noted that a high-level meeting on achieving equality in employment for migrant workers had been held in Geneva two weeks previously and that a report would be forthcoming.
32. Finally, in response to the remarks made by the representative of the Government of Algeria, he noted that the activities suggested already formed part of the ILO's normal supervisory mechanisms. The issue of discrimination would also be dealt with this year in the context of the annual reports under the Declaration, and would be the subject of a future Global Report.

#### **IV. Form for reports on unratified Conventions (article 19 of the Constitution)**

##### **Dock Work Convention, 1973 (No. 137), and Recommendation (No. 145), 1973**

33. The Committee had before it a document<sup>14</sup> containing a draft form on the Dock Work Convention, 1973 (No. 137), and Recommendation (No. 145), 1973, to be used as a basis for the reports to be submitted by member States in accordance with article 19 of the Constitution.
34. The Employer members requested an explanation on the use of the expression "*trabajadores portuarios matriculados*" in point II, clause (d), of the draft form in the

<sup>14</sup> GB.277/LILS/7.

Spanish version instead of “*trabajadores portuarios registrados*” used in Article 3 of the Convention.

- 35.** A representative of the Director-General (Chief of the Equality and Employment Branch) said that this was a problem of translation and that the Office would, if necessary, amend the text accordingly.
- 36.** *The Committee recommends that the Governing Body adopt the draft report form included in Appendix II, relating to the Dock Work Convention, 1973 (No. 137), and Recommendation (No. 145), 1973.*

Geneva, 28 March 2000.

*Points for decision:* Paragraph 8;  
Paragraph 36.



## Appendix I

[GB.277/LILS/4\(Rev.1\)](#)



INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(Article 19 of the Constitution of the International Labour Organization)*

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REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

**Dock Work Convention, 1973 (No. 137);**  
and the  
**Dock Work Recommendation, 1973 (No. 145)**

GENEVA  
2000

INTERNATIONAL LABOUR OFFICE

*Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:*

5. In the case of a Convention:

.....

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

6. In the case of a Recommendation:

.....

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal government shall:

.....

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

.....

*In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present form of report. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.*

### **REPORT**

to be made no later than 30 April 2001, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of ....., on the position of national law and practice in regard to the matters dealt with in the following instruments:

**Dock Work Convention, 1973 (No. 137);<sup>1</sup>**  
**and the**  
**Dock Work Recommendation, 1973 (No. 145)**

adopted by the International Labour Conference at its 58th Session (Geneva), 1973.<sup>2</sup>

- I. Please indicate whether any legislative, administrative or other provisions exist in your country in regard to all or some of the matters dealt with in the Convention and the Recommendation.
- II. (1) If so, please give in summarized form information concerning the legislation, regulations and practice existing in your country which may facilitate an appreciation of the extent to which effect has been given to the Convention and the Recommendation.
- (a) Please indicate if there are any specific national regulations pertaining to work in the port industry or if the regulations vary by port, particularly to the questions raised below.
- (b) Please indicate the definition given to the terms “dockworkers” and “dock work” by national law or practice (including collective agreements), and the arrangements made for revising these definitions when necessary in light of new methods of cargo handling and their effect on the various dockworker occupations.
- (c) Please indicate whether measures have been taken to encourage the provision of permanent or regular employment to dockworkers. Please specify any guarantee which may have been provided to assure minimum periods of employment or minimum income when permanent or regular employment is not possible.

<sup>1</sup> Governments of countries which have ratified the Convention and from which a report is due under article 22 of the Constitution will use the present form only with regard to the Recommendation. It will not be necessary to repeat information already provided in connection with the Convention.

<sup>2</sup> The texts of the Convention and Recommendation are appended.

- (d) Please describe the manner determined in national legislation or practice under which registers of dockworkers are established and maintained and indicate the manner in which registered dockworkers are assured priority of engagement for dock work.
  - (i) Please describe the arrangements for periodic revision of these registers and the outcome of such revisions in relation to the number of workers.
  - (ii) Please describe any active employment policy measures aimed at preventing or minimizing detrimental effects to dockworkers when it becomes necessary to lay off registered dockworkers.
- (e) Please indicate the legislative or regulatory provisions, or collective agreements, concerning the conditions of employment applicable to dockworkers, pertaining in particular to the following questions: wages, hours of work, rest periods, shift systems, social services, safety and health standards, social security benefits, and vocational training. Please indicate whether any specific measures have been taken concerning female dockworkers.
- (f) Please describe:
  - (i) the impact of changes in cargo-handling methods on the employment opportunities for, and the conditions of, employment of dockworkers as well as on the occupational structure in ports;
  - (ii) any structural adjustment measures taken in this respect;
  - (iii) the coordination of such measures with national and regional development and manpower policies.
- (2) If copies of the legislation, regulations, collective agreements or court decisions cited in the present report have not already been supplied to the International Labour Office, please attach same together with any other available documents concerning the effect given to the provisions of the Convention and the Recommendation.
- (3) Please indicate in what manner the participation of the competent state authorities and representative organizations of employers and workers is encouraged in the elaboration and development of a social policy or programmes of structural adjustment in the port industry.

Please specify which authority or authorities are entrusted with the supervision of the application of the legislation and regulations and indicate the manner in which the social partners may be called upon to cooperate in this application. Please describe all mechanisms for regulating labour conflicts, if the situation arises.

- III. (1) Please indicate whether any modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Convention or of the Recommendation.
  - (2) Please state also whether it is intended to adopt measures to give further effect to the provisions of the Convention or of the Recommendation.
  - (3) Please state, where appropriate, any difficulties due to the Convention, to the legislation, to the national practice or to any other reason, which may prevent or delay the ratification of the Convention.
- IV. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.

Please state whether you have received from the organizations of employers or workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received, together with any comments that you consider useful.

#### **Federal States**

- (1) Please indicate whether the provisions of the Convention or of the Recommendation are regarded by the federal government as appropriate, under its constitutional system, for federal action or as appropriate, in whole or in part, for action by the constituent states, provinces or cantons, rather than for federal action.
- (2) Where federal action is appropriate, please give the information specified in points I, II, III and IV of this form.
- (3) Where action by the constituent units is regarded as appropriate, please supply general information corresponding to points I, II, III and IV of the form. Please indicate also any arrangements it has been possible to make within the federal State, with a view to promoting coordinated action to give effect to all or some of the provisions of the Convention and of the Recommendation, giving a general indication of any results achieved through such action.