



SEVENTH ITEM ON THE AGENDA

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

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

1. In accordance with the decision taken by the Governing Body at its 273rd (November 1998) Session, the Committee is requested to examine the appended draft form to be used as a basis for the reports on the Convention and Recommendation which member States will be required to submit in accordance with the recommendations made by the Committee.
2. *The Committee is invited to decide on the report form for the Dock Work Convention (No. 137) and Recommendation (No. 145), 1973, and to submit this report form to the Governing Body for approval.*

Geneva, 25 February 2000.

Point for decision: Paragraph 2.

Appendix

**Appl. 19.
C.137 R.145**

INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

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

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:

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- (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:

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- (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:

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- (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.

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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);¹ and the Dock Work Recommendation, 1973 (No. 145)

adopted by the International Labour Conference at its 58th Session (Geneva), 1973.²

- 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.

¹ 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.

² 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.