



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

1. The Committee examined the report of the Working Party on Policy regarding the Revision of Standards.<sup>1</sup>
2. Mr. Cartier (Government, France; Chairperson of the Working Party) stated that the Working Party had examined an information note on the progress of work and decisions taken concerning the revision of standards.<sup>2</sup> This document, which the Office updated on a regular basis, provided a very complete and structured overview of the decisions taken by the Governing Body. The constitutional amendment allowing for the abrogation of obsolete Conventions, which had great symbolic importance, had so far been ratified or accepted by 64 member States, including four of the ten States of chief industrial importance. The number of ratifications was hence rising slowly but surely. One could therefore hope that it would enter into force within a reasonable time. Tables 2 and 3 appended to the information note provided an overview of the results of work of the Working Party. This document had been the subject of a substantive and very interesting exchange of views. A new and positive element of the discussion had been the active participation of the Government members of the Working Party. A great deal of information had been exchanged during the discussion, which boded well for the discussion on possible improvements in ILO standards-related activities.
3. The second issue considered by the Working Party was the deferred examination of three Conventions concerning which it had not yet been able to reach a consensus. This concerned the Minimum Age (Fishermen) Convention, 1959 (No. 112).<sup>3</sup> This Convention was examined in the light of the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry (Geneva, 13-17 December 1999). The Working Party also examined a short survey concerning the Holidays with Pay (Revised) Convention, 1970 (No. 132).<sup>4</sup> The Working Party succeeded in arriving at a consensus on the status of these two instruments. As regards the Termination of Employment Convention, 1982 (No. 158),<sup>5</sup> the Working Party had agreed to defer its examination until the next meeting. As regards follow-up on consultations concerning instruments on social security,<sup>6</sup> this item was deferred for examination in November 2001 – after the general discussion on social security at the forthcoming session of the Conference. In this context it should be stressed that only 48 member States had responded to the request for information from the Office. It was hoped that other member States would also respond to this request in the coming year. The next item on the agenda, methods of revision of instruments concerning occupational safety and health,<sup>7</sup> had become redundant, since it would be examined

<sup>1</sup> GB.279/LILS/3.

<sup>2</sup> GB.279/LILS/WP/PRS/5.

<sup>3</sup> GB.279/LILS/WP/PRS/1/1.

<sup>4</sup> GB.279/LILS/WP/PRS/1/2.

<sup>5</sup> GB.279/LILS/WP/PRS/1/3.

<sup>6</sup> GB.279/LILS/WP/PRS/2.

<sup>7</sup> GB.279/LILS/WP/PRS/3.

directly by the Governing Body in the context of the proposals for the agenda of the 91st Session (2003) of the Conference.<sup>8</sup> Finally, the Working Party examined a fourth group of Recommendations<sup>9</sup> and decided to propose action concerning 32 of them.

4. At the conclusion of this meeting, and subject to the approval by the LILS Committee and the Governing Body of its proposals, the outcome of the work of the Working Party could be summarized as follows: 70 Conventions were up to date – including the fundamental and priority Conventions, as well as the Conventions adopted since 1985; 21 Conventions were to be revised; 55 Conventions were outdated – five of which had been withdrawn at the 88th Session (2000) of the Conference; regarding 34 Conventions the Governing Body had decided to request additional information (the status of 11 of these Conventions had not yet been determined and would be examined when the additional information had been received). Finally, there were 21 “other Conventions”, including the Conventions concerning which the Governing Body had decided to maintain the status quo. As regards the Recommendations, 69 were up to date, 67 were outdated and among the Recommendations concerning which additional information had been requested, there were 12 Recommendations whose status had not yet been determined.
5. Mr. Cartier expressed his gratitude to the spokespersons of the two groups and thanked the Standards Policy and Information Branch for the quality of the working documents it had prepared.
6. The Employer members praised the very precise and accurate report by the Chairperson of the Working Party and expressed their support for the adoption of the report. The issues the Working Party addressed were becoming increasingly complex. This was demonstrated by the case of Convention No. 132, which the Working Party had examined on four occasions and concerning which a consensus had been reached after an in-depth examination. The Ford or Taylorist approach to production, which had prevailed at the time of the adoption of the Convention, was not currently relevant. This highlighted the need for the Governing Body to develop an appropriate framework to guide the ILO’s future standards-related activities. The Employer members noted with particular satisfaction the increased and active participation by Governments in the work of the Working Party. They also praised the cooperative spirit shown by the Worker spokesperson and the Chairperson, as well as the contribution provided by the Office.
7. The Worker members recalled that, when the Working Party had been established, all constituents had agreed that it was necessary to modernize ILO standards. The Working Party had achieved excellent results, but unfortunately the decisions taken by the Governing Body on the basis of the Working Party’s recommendations had not always been implemented. Member States represented in the Working Party, as well as those which did not participate in its work, should continue to take measures to follow up on the decisions of the Governing Body, especially those regarding promotion of the ratification of certain Conventions, requests for information, and the ratification of the constitutional amendment. If a modernization of the ILO’s standards system was to be achieved, it was necessary to follow up on the decisions of the Governing Body on this matter.
8. The representative of the Government of the Dominican Republic recalled that his country had ratified seven of the eight fundamental Conventions, as indicated in paragraph 16 of the report. The instrument of ratification of the Worst Forms of Child Labour Convention,

<sup>8</sup> GB.279/5/2.

<sup>9</sup> GB.279/LILS/WP/PRS/4.

1999 (No. 182), was to be submitted to the Director-General within a few days. The ratification of the Employment Policy Convention, 1964 (No. 122), had already been approved by Parliament and the question of ratification of the Maternity Protection Convention, 2000 (No. 183), had been submitted for approval.

9. The representative of the Government of Germany expressed his thanks to the Chairperson of the Working Party, the Employer and Worker members, as well as to the Office for the work accomplished. With reference to the statement by the Chairperson of the Working Party, he clarified that, based on international law, his Government continued to have significant objections to the constitutional amendment. He therefore did not share the hope expressed that the constitutional amendment would enter into force soon.
10. The representative of the Government of El Salvador indicated that the procedure for the ratification of the Labour Administration Convention, 1978 (No. 150), was in progress in her country.
11. The representative of the Government of Portugal commended the work accomplished by the Working Party and the Office and indicated that it was very important to disseminate the report. The information note was, as emphasized, very useful and readable, and she supported the idea, mentioned in paragraph 25, to transform it into a more instructive document aimed at a larger audience. The work of the Working Party should rest on practice and reflect reality. The active participation of Governments should continue to be encouraged. In this context, she noted that the time limits for responding to requests for information were too short. Finally, the studies prepared by the Office should include comments by the Committee of Experts on the Application of Conventions ratified by member States so that the Working Party could draw on more complete information.
12. A representative of the Director-General announced that Austria had recently submitted to the Director-General the instrument of ratification of the constitutional amendment.
13. *The Committee recommends to the Governing Body that it –*
  - (a) *take note of the report of the Working Party on Policy regarding the Revision of Standards (Appendix I), and of the opinions expressed during the meeting of the Committee;*
  - (b) *approve the recommendations contained in the corresponding paragraphs of the report on which there was a consensus in the Working Party and the Committee.*

## II. Ratification and promotion of fundamental ILO Conventions

14. The Committee was asked to examine a document<sup>10</sup> on the prospects for the ratification of the ILO fundamental Conventions as part of the campaign launched by the Director-General in May 1995.
15. A representative of the Director-General (the Chief of the Equality and Employment Branch and Human Rights Coordinator of the International Labour Standards Department)

<sup>10</sup> GB.279/LILS/4.

gave an update of the information contained in the document in question. Since the document had been issued (9 October 2000), 15 new ratifications had been registered:<sup>11</sup> *Barbados* (Convention No. 182), *Belarus* (Convention No. 182), *Chad* (Convention No. 182), *El Salvador* (Conventions Nos. 100 and 182), *Libyan Arab Jamahiriya* (Conventions Nos. 87 and 182), *Malawi* (Convention No. 138), *Nicaragua* (Convention No. 182), *Niger* (Convention No. 182), *Panama* (Conventions Nos. 138 and 182) and *Saint Kitts and Nevis* (Conventions Nos. 29, 105 and 182). This brought to 245<sup>12</sup> the number of ratifications of fundamental Conventions that have taken place since the beginning of the ratification campaign, and to 104<sup>13</sup> the number of member States that have ratified the fundamental Conventions since May 1995. *Barbados*, *Belarus*, *Libyan Arab Jamahiriya*, *Malawi*, *Nicaragua*, *Niger* and *Panama* were now among the 31 countries that have ratified the eight fundamental Conventions.

16. The speaker informed the Committee that *China* had notified the Office that Convention No. 138 would be applied in the Macau Special Administrative Region, China; that the *Dominican Republic* would be transmitting the instrument of ratification of Convention No. 182 to the ILO in the very near future; that the ILO had received the instruments of ratification of a number of fundamental Conventions from *Gambia*, but that certain formal questions had still to be resolved; that the Government of *Malaysia* would be forwarding the instrument of ratification of Convention No. 182 to the Director-General the same day; that the Minister of Labour of Namibia intended to send the instruments of ratification of Conventions Nos. 29, 105, 138 and 182 to the Director-General on 15 November 2000; and that the instrument of ratification of Convention No. 138 by *Saint Kitts and Nevis* had arrived at the Office, but that it lacked a declaration specifying the minimum age for admission to employment.
17. The ILO had also received information on progress with regard to the ratification of specific Conventions in a number of countries. The state of progress in different countries was as follows:
- (a) *the competent authorities (President of the Republic, Parliament, Government) were currently examining a proposal for ratification: Algeria* (Convention No. 182), *Bangladesh* (Convention No. 182), *Benin* (Convention No. 182), *Gabon* (Convention No. 182), *Romania* (Convention No. 182), *Rwanda* (Convention No. 182), *Saint Vincent and the Grenadines* (Conventions Nos. 87, 100, 111, 138 and 182), *Spain* (Convention No. 182), *Ukraine* (Conventions Nos. 105 and 182), *Uruguay* (Convention No. 182) and *Zimbabwe* (Convention No. 182);
  - (b) *the ratification procedure was in progress: Kenya* (Conventions Nos. 100, 111 and 182), *Republic of Korea* (Convention No. 182), *Morocco* (Convention No. 182), *Sudan* (Conventions Nos. 138 and 182), *Trinidad and Tobago* (Convention No. 138) and *United Arab Emirates* (Convention No. 182);

<sup>11</sup> To date, Convention No. 29 has 154 ratifications; Convention No. 87 has 132; Convention No. 98 has 147; Convention No. 100 has 149; Convention No. 105 has 149; Convention No. 111 has 145; Convention No. 138 has 102; and Convention No. 182 has 46.

<sup>12</sup> To arrive at this figure, ratifications registered for the above countries must be added to those indicated in Annex I of document GB.279/LILS/4.

<sup>13</sup> The following countries should be added to the 98 mentioned in the footnote on page 2 of document GB.279/LILS/4: *Chad*, *Libyan Arab Jamahiriya*, *Nicaragua*, *Niger*, *Panama*.

- (c) *legislation was being amended: India* (Convention No. 182), *Kenya* (Convention No. 87), *Morocco* (Convention No. 87), *New Zealand* (Convention No. 182) and *Sudan* (Convention No. 87);
- (d) *ratification was being considered: Bahrain* (Convention No. 182), *Islamic Republic of Iran* (Convention No. 111), *Malta* (Convention No. 182), *New Zealand* (Conventions Nos. 87, 98 and 138), *Oman* (Conventions Nos. 87, 98, 100, 105, 111, 138 and 182), *Pakistan* (Convention No. 182), *Sudan* (Convention No. 182), *Trinidad and Tobago* (Convention No. 182) and *United Arab Emirates* (Convention No. 111).
- 18.** The speaker informed the Committee that, for the first time since the launch of the ratification campaign, *Swaziland* and *Trinidad and Tobago* had replied to the Director-General's annual circular letter concerning the prospects for the ratification of the fundamental Conventions, which meant that only ten member States had never replied to the Director-General's annual letters.<sup>14</sup> These new ratifications and the information supplied by certain countries – after 9 October 2000 – on progress made in the process of ratifying the fundamental Conventions will be reflected in a revised table that will be reproduced in the annex to the Committee's report.
- 19.** The Employer members welcomed the very positive results achieved by the campaign for the ratification of the ILO fundamental Conventions. The success highlighted the effectiveness of promotional and technical cooperation activities. They recalled the importance which they attached to the principles embodied in those instruments. However, the Employers' group was concerned by the fact that no information was available on the prospects for ratification in certain countries (see, for example, paragraphs 67, 68 and 71 of the document examined by the Committee) and invited the Office to focus its attention on those cases.
- 20.** The Worker members expressed great satisfaction and reiterated their conviction that, when the ILO adopted a proactive approach and member States demonstrated that they had the necessary political will, extraordinary results could be achieved. They noted with some satisfaction that the ILO had already passed the milestone of the 1,000th ratification of the fundamental Conventions, and that Convention No. 138, which had long been regarded as difficult to ratify because it lacked flexibility, had now received more than 100 ratifications (as opposed to 46 in May 1995). The Worker members requested the Office to monitor closely developments in those countries which indicated that their legislation was being amended, with a view to ensuring that this was indeed the case and, where necessary, to assist them in that process. They also expressed the hope that the social partners would be kept informed of what their governments told the ILO with regard to prospects for the ratification of the fundamental Conventions. They invited the Office to target technical assistance on countries which had argued that the non-conformity of their national legislation was an obstacle to ratification. In that regard, they again expressed the hope that the International Labour Standards Department would be given sufficient resources to carry out the additional tasks required of it following the registration of all the new ratifications. With regard to the fundamental Conventions, the Workers' group fully endorsed the words of the Director-General concerning Convention No. 182 that ratification must be followed by action. Furthermore, the example cited in paragraph 69 of the document under examination, where one country had drawn attention to the problem of translating the fundamental Conventions and the Office had given a favourable response, needed to be followed up in order to ensure implementation.

<sup>14</sup> *Afghanistan, Congo, Djibouti, Equatorial Guinea, Guinea, Kiribati, Liberia, Saint Lucia, Somalia, Tajikistan.*

21. Lastly, the Worker members considered that the success of the campaign for the ratification of the fundamental Conventions demonstrated the benefit of such initiatives, and for that reason they suggested similar campaigns to promote universal ratification of the priority Conventions, namely: the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129); the Employment Policy Convention, 1964 (No. 122), and the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), as well as Conventions relating specifically to the employment of women.
22. The representative of the Government of Germany considered that no one could be indifferent to the results achieved, since ratification was an important step. Nevertheless, while the increase in the number of ratifications was encouraging, it could not be allowed to obscure the fact that what really mattered, beyond ratification, was the implementation of the Conventions at the national level. With regard to the machinery for monitoring the application of those instruments, he paid tribute to the work done by the staff of the International Labour Standards Department who formed the secretariat of the Committee of Experts on the Application of Conventions and Recommendations. The speaker noted the paradox that at the very time when the number of ratifications was growing and the workload therefore increasing, staff levels in the department were being reduced. He regretted that the Governing Body's Programme, Financial and Administrative Committee had not seriously addressed that issue, and hoped that the ILO would not find itself in a difficult situation in a few years time, when a number of the newly ratified instruments would come into force.
23. The representative of the Government of Ukraine expressed satisfaction at the impressive picture given in the document submitted to the LILS Committee for examination, which in his view had been the joint result of the ILO's own efforts and the political will of member States. He updated the information given in paragraph 17 of the document: the Ukrainian Parliament had just approved the ratification of Conventions Nos. 105 and 182, which meant that Ukraine would soon number among the countries that had ratified all eight fundamental Conventions.
24. The representative of the Government of Portugal endorsed the satisfaction expressed by previous speakers regarding the results described in the document before the Committee. However, he wished to draw attention to the fact that, while one of the objectives of the ratification campaign, namely, universal ratification, was in the process of being attained, it was important not to neglect the other objective of the campaign – the application in practice of the principles embodied in those instruments. In order to do that, he considered that the Office needed to place greater emphasis on the role of technical assistance and the multidisciplinary teams in helping member States to implement the Conventions which they had ratified.
25. The representative of the Government of Namibia welcomed the progress that had been made with regard to ratification of the fundamental Conventions since the launch of the initiative in May 1995. However, he also expressed the hope that, when the next document on prospects for the ratification of the fundamental Conventions was presented in November 2001 (referred to in paragraph 72 of the document under examination), the ILO would indicate the number of States that actually applied the instruments ratified by them. That would give a more accurate impression of reality.
26. The representative of the Government of India emphasized that ratification was not an end in itself and that the Government of India abided by the principle of ratifying only when its own legislation and practice were in conformity with the Conventions concerned. She recalled that, to date, her country had ratified four of the eight fundamental Conventions. With regard to child labour, she drew attention to the role played by India in the adoption

of Convention No. 182 in June 1999 and informed the Committee that the Government was in the process of amending its legislation in that area in order to be able to ratify that instrument. With regard to Convention No. 138, she considered that some time would be needed for the provisions of the Convention to be applied in a satisfactory manner in practice, given the prevailing socio-economic conditions in the country. She emphasized that the obstacle to the ratification of Conventions Nos. 87 and 98 lay in the extension of the protection provided by those instruments to public servants, who already enjoyed excellent conditions in employment. Nevertheless, discussions on the matter with the ILO were currently in progress.

27. The representative of the Government of Trinidad and Tobago endorsed the congratulations addressed to the Office by previous speakers. He recalled that his country had already ratified six of the eight fundamental Conventions and that it should be in a position to ratify the remaining two in the very near future.
28. The representative of the Government of Burkina Faso congratulated the ILO on the quality of the document, which in his view was very informative, and welcomed the progress that had been made towards universal ratification of the eight fundamental Conventions thanks to the Office's efforts. As far as his own country was concerned, a proposal of ratification had been presented to Parliament and would be examined during the current session of Parliament.
29. Mr. Edström (Worker member) questioned the accuracy of the information given in paragraph 64 of the document to the effect that consultations with the social partners in his country had highlighted the need to undertake prior amendments of the Penal Code and that a bill to amend the Code and a proposal of ratification of the Convention would be submitted to the Swedish Parliament for approval in the very near future. He indicated that, during the consultations in question, the Workers had specifically said that ratification of Convention No. 182 should not be held up by the need to amend the Penal Code, since the amendment in question could easily be adopted during the year following ratification and thus *before* the instrument entered into force in Sweden.
30. The representative of the Government of Sudan congratulated the ILO on the progress made towards universal ratification of the fundamental Conventions, and informed the Committee that his country's Council of Ministers had recently approved ratification of Convention Nos. 138 and 182.
31. The representative of the Government of Chile also expressed satisfaction at the success of the initiative launched in May 1995. She considered that it had been due to a combination of factors, in particular the strong involvement of different actors: the social partners, governments and the ILO (through standards specialists based in the field or within the International Labour Standards Department, etc.). The speaker recalled that, although her country had ratified the eight fundamental Conventions, she welcomed the idea that the Organization should take up new challenges, such as a campaign in favour of ratification of the priority Conventions, and suggested that the number of priority Conventions should be increased. Lastly, she drew attention to the serious concern of her Government that the ILO should not confine itself to helping countries to ratify Conventions; it needed in addition to assist them with the task of implementation. For example, she suggested that the ILO should assist countries wishing to improve and modernize their national systems for monitoring the application of the Conventions, and emphasized the importance of labour inspectorates in that regard.
32. Mr. Ahmed (Worker member) endorsed the statement made by his group's spokesperson, but added that, as a representative of a developing country, he was surprised to note that it was the developing countries that tended to ratify most ILO instruments. He considered

that the developed countries should set an example, and recalled that in joining the ILO, Members had endorsed the idea developed in 1919 and affirmed in June 1998 in the ILO Declaration on Fundamental Principles and Rights at Work, that universal and lasting peace could be established only if it is based on social justice. That is why he had called for rapid universal ratification of the eight fundamental Conventions, but also for efforts on the part of member States to ensure that the letter and the spirit of those Conventions were applied in practice. He indicated that, while the Worker members valued the ILO's efforts to eliminate child labour, they also considered that member States should ratify Convention No. 182. With regard to the specific case of his own country, Pakistan, he had taken note of his Government's position with regard to ratification of Conventions Nos. 100, 138 and 182 (paragraph 38 of the document) and said that he would monitor the situation closely.

33. The representative of the Government of the United Arab Emirates informed the Committee that the process of ratifying Conventions Nos. 111 and 182 were well under way. The Council of Ministers, which is the competent body in that area, had recently approved the ratification of both instruments and all that was needed now was the presidential decree. He said that with the ratification of those two Conventions, the United Arab Emirates would have ratified six of the eight fundamental Conventions.
34. The Employer members pointed out that the Committee's agenda item concerned only the promotion and ratification of the fundamental Conventions, which explained the strength and the success of the campaign. Including other issues under the same agenda item, such as the possibility of a campaign to promote ratification of the priority Conventions, would not be appropriate and should not be discussed on this occasion. If that approach were adopted, the Employer members would feel obliged to develop their own position on the priority Conventions. They hoped that their views would be reflected in the Committee's report on this agenda item.
35. The Committee took note of the document.

### **III. Review of the activities of the multidisciplinary teams in relation to standards**

36. The Committee was asked to examine a document<sup>15</sup> containing information on the activities of the multidisciplinary teams in relation to the promotion of the fundamental Conventions, action in connection with the fulfilment of constitutional obligations, the promotion of social dialogue and labour legislation, and activities with the social partners and other representatives of civil society.
37. The Employer members took note of the information contained in the document. They expressed their interest in providing the Cairo multidisciplinary team with a post for a standards specialist. Activities to promote the fundamental standards and give assistance in the preparation of reports, to promote social dialogue and provide assistance in the area of labour legislation should be continued. The Office should select the beneficiaries of its activities in order to ensure that any action undertaken would have the desired impact. To do that, it was necessary to act in consultation with the representative organizations of employers and workers. The Employer members stressed the importance of always consulting representative organizations on the activities to be undertaken so as to avoid

<sup>15</sup> GB.279/LILS/5.

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initiatives with organizations that are in competition with or even opposed to organizations of employers and workers.

38. The Worker members expressed their satisfaction at the information contained in the document. They congratulated the standards specialists of the multidisciplinary teams, who had accomplished remarkable work in promoting ratification of the fundamental Conventions and in providing assistance in the area of labour law. Steps needed to be taken to provide the Budapest and Cairo teams with standards specialists.
39. The Worker members emphasized that promotional activities also needed to cover all the priority Conventions, and regretted that greater efforts to promote their ratification were not envisaged. They also emphasized that promotional activities should not focus too narrowly on the fundamental Conventions and the Declaration. For many years, they had fought to ensure that the other standards were not relegated to second place in the Organization. Other Conventions were of crucial importance in protecting workers and safeguarding their rights, and the multidisciplinary teams had a particular responsibility to follow up and assist member States in implementing them.
40. The Worker members noted that little effort was devoted by the multidisciplinary teams to following up the conclusions adopted by the Governing Body in the light of the recommendations of the Working Party on Policy regarding the Revision of Standards established during discussions on the future of the standards system.
41. The Worker members called on governments to be consistent in their decisions and to ratify the constitutional amendment as soon as possible, since so far only 61 countries had ratified it and 117 ratifications were needed for it to enter into force.
42. The Worker members emphasized the need for the standards specialists in the multidisciplinary teams to work together with specialists in workers' and employers' activities. They should work together in order to raise the level of the reports received by the Committee of Experts. The social partners should always be consulted during the preparation of seminars and other standards-related activities of the multidisciplinary teams. The next document should also contain information on follow-up to the conclusions of the various meetings.
43. The representative of the Government of Portugal expressed his support for the activities of the multidisciplinary teams in relation to standards. Those activities were very important for the promotion of standards. Assistance geared to the individual requirements of constituents was the best means of promoting ratification of the Conventions and ensuring that reports were submitted.
44. The representative of the Government of the United States questioned the utility of the document, given that part of its contents concerned subjects dealt with in other documents, such as the promotion of the fundamental Conventions.
45. Mr. Ahmed (Worker member), referring to the statement of the Worker members, said that the multidisciplinary teams needed to provide support to trade unions in the developing countries and to the promotion of fundamental principles and standards. Standards specialists needed to act on questions of social dialogue. Occupational safety and health experts needed to work with the trade unions to ensure decent working conditions. He expressed his support for IPEC and to promotional activities relating to the ratification of Convention No. 182.

46. The Worker members emphasized that in their view, the document was very useful in the way that it dealt in depth with the standards-related activities of the multidisciplinary teams.
47. The Committee took note of the document submitted by the Office.

#### **IV. Form for reports on the application of ratified Conventions (article 22 of the Constitution): The Maternity Protection Convention, 2000 (No. 183)**

48. The Committee was requested to examine the draft forms to be used as a basis for the reports on this instrument which the governments of ratifying States would be required to submit under article 22 of the Constitution of the ILO.
49. The Employer members proposed an amendment to the third question concerning Article 6 of the Convention to align it more closely with the wording of that Article, since the reference to “average earnings in the country, the region, or the occupation concerned” did not reflect the wording or the spirit of Article 6, paragraph 4, of the Convention.
50. The Worker members proposed an addition to the second question concerning Article 2 of the Convention, the alignment of the English and Spanish versions with the French version with regard to point (a) of the question concerning Article 3 of the Convention, an addition to the second question concerning Article 6, and an amendment to align the wording of the second question concerning Article 8 of the Convention with that of the question concerning Article 9.
51. Replying to a question from the representative of the Government of Namibia, a representative of the Director-General (the Acting Director of the International Labour Standards Department) recalled that report forms on the application of ratified Conventions constituted an extremely important element in the overall monitoring system; they could not be considered merely as administrative forms drawn up by the secretariat. He recalled in this context the provisions of article 22 of the ILO Constitution, according to which “Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of Conventions to which it is a party. These reports should be made in such form and shall contain such particulars as the Governing Body may request”.
52. *The Committee on Legal Issues and International Labour Standards recommends to the Governing Body that it adopt the report form for the Maternity Protection Convention, 2000 (No. 183), as amended in the light of the observations of the Employer and Worker members (see Appendix II).*

## V. Choice of Conventions and Recommendations on which reports should be requested in 2002 and 2003 under article 19 of the Constitution

53. The Office presented a document<sup>16</sup> containing proposals regarding the choice of Conventions and Recommendations on which governments might be requested to supply reports under article 19, paragraphs 5(e), 6(d) and 7(b) of the Constitution.
54. The Employer members, taking into account the remarks in paragraph 7 of the document, expressed the hope that the Protection of Wages Convention, 1949 (No. 95), and the Protection of Wages Recommendation, 1949 (No. 85), would be the subject of a General Survey.
55. The Worker members, recalling the importance of the recommendations of the Working Party on Policy regarding the Revision of Standards, expressed their preference for a short survey concerning the Hours of Work (Industry) Convention, 1919 (No. 1), and the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30), and suggested that the General Survey should concern the 1949 instruments on the protection of wages.
56. The representative of the Government of Portugal indicated his preference for a General Survey concerning Conventions Nos. 1 and 30, since they had received fewer ratifications than Convention No. 95. Nevertheless, protection of wages was an issue of great importance.
57. The representative of the Government of Namibia, on behalf of the African members, expressed his preference for a General Survey concerning Convention No. 95 and Recommendation No. 85.
58. The representative of the Government of Mexico indicated his preference for a General Survey on the protection of wages.
59. The representative of the Government of Canada, supported by the representative of the Government of Denmark, recalled that Conventions Nos. 1 and 30 had been chosen by the Working Party as the subject of a short survey and that its recommendations should be followed up.
60. The Executive Director emphasized that the Office did not have the resources to undertake two General Surveys and that the Committee should base its choice on one of the two options presented in document GB.279/LILS/7.
61. The Employer members said that they noted the interest of the Worker members in having a short survey on Conventions Nos. 1 and 30, but reaffirmed their previous view, that Convention No. 95 and Recommendation No. 85 should be chosen.
62. The Worker members, in the light of the Office's statement, expressed their preference for requesting reports on Conventions Nos. 1 and 30, as the Working Party had recommended.
63. The representative of the Government of France wondered if it might be possible to choose the working hours Conventions for one year and the protection of wages instruments for the following year.

<sup>16</sup> GB.279/LILS/7.

64. A representative of the Director-General (the Acting Director of the International Labour Standards Department) recalled that, in accordance with the established procedure, the Governing Body had to choose the Conventions and Recommendations for which reports would be requested. The Committee of Experts would be presenting a General Survey to the Conference on the basis of the reports requested. The LILS Committee had to take a decision during the present session to ensure that, at its next meeting, it could adopt a position on the report form on the basis of which the reports were to be requested.
65. The Worker members emphasized the importance of following up the Working Party's recommendations.
66. The Employer members, in the light of the different options available, expressed their preference for deferring the choice of instruments to the next session of the Governing Body.
67. The Committee accordingly deferred its decision to the next session of the Governing Body (March 2001).

## VI. Other questions

68. The representative of the Government of the United Arab Emirates, speaking on behalf of the Arab members of the Committee, stated that it was with deep regret that he was obliged to take the floor under this item. They had expected the secretariat to put an item on the agenda and to submit a report on the situation of Arab workers in occupied Palestine, knowing that the situation was extremely explosive there and was deteriorating. They hoped that the Office would remedy this omission as soon as possible. Women and children ran the risk of death at all times, and the economy of occupied Palestine had been completely closed down. Crossing points were closed, and Palestinian workers could not go to their jobs in Israel even if they had official passports. Many Arab workers had been laid off because they were absent from their jobs, which meant that they also lost their social security and other benefits. Palestinian employers were threatened with bankruptcy because of the severe restrictions. Children, even very young ones, were exposed to death simply for expressing their opposition to Israeli military occupation. The media had accurately portrayed what was happening in this confrontation. On behalf of the Arab group, he therefore asked the Governing Body to shoulder its responsibility at this important time, perhaps only shortly before the independence of the Palestinian State. They asked the ILO to implement in reality its slogans and principles. The Arab group would submit a draft resolution under article 15 of the Standing Orders calling for the agenda of the next session of the Governing Body to include an item concerning the holding of a special sitting of the Conference in June 2001 to discuss this question. It had become clear that the peace process on which the suspension of the special sittings had been based was only a dream.
69. A representative of the Director-General (the Director a.i. of the International Labour Standards Department) informed the Committee that the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers (CEART) had held its Seventh Session at the ILO from 11 to 15 September 2000. It had adopted a report including five appendices at its concluding sitting. Due to the need to complete final editing of the report in consultation with UNESCO, and to ensure translation of the report into Spanish, which was not a working language of the CEART,

this report would be submitted in the three languages at the 280th Session of the Governing Body in March 2001. It would also be submitted to the 161st Session of the Executive Board of UNESCO in May 2001.

Geneva, 13 November 2000.

*Points for decision:* Paragraph 13;  
Paragraph 52.





INTERNATIONAL LABOUR OFFICE

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279th Session

Governing Body

Geneva, November 2000

Committee on Legal Issues and International Labour Standards

**LILS**

## THIRD ITEM ON THE AGENDA

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

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## Introduction

1. The Working Party met on 6 November 2000, chaired by Mr. J.-L. Cartier (Government, France). The Employer Vice-Chairperson and Worker Vice-Chairperson were, respectively, Mr. D. Funes de Rioja (Argentina) and Mr. U. Edström (Sweden).
2. The Employer members proposed that, for reasons of methodology, the information note, submitted under the fifth item on the agenda of the Working Party, be examined first as it made it possible to take stock of the progress of the work of the Working Party. They also proposed to defer the examination of item 1(c) – the short survey concerning the Termination of Employment Convention, 1982 (No. 158), due to the late reception of the Spanish version of this document.
3. The Worker members supported the first proposal by the Employer members. While they were prepared to discuss the short survey concerning Convention No. 158, they did not oppose the proposal to defer its examination proposed by the Employer members.
4. The representative of the Government of Switzerland agreed with the two proposals by the Employer members. He also requested the Office to make available a copy of the study requested from an external expert by the Office for the purpose of the short survey concerning Convention No. 58. The short survey should have contained a reference to a recent study relevant to the question of termination of employment conducted by the Organisation for Economic Co-operation and Development (OECD).<sup>1</sup> The short survey on Convention No. 158 that would be submitted by the Office in March 2001 could be supplemented by excerpts from that study.
5. A representative of the Director-General thought it useful to clarify the methodology used until now in the short surveys. In the light of the statements made during the meeting of the Working Party in March 2000, the two short surveys now presented by the Office were submitted under its responsibility. Like other studies, they were based on published material, research and preliminary studies commissioned by the Office. The practice of the Office was not to distribute such preliminary studies.
6. The Chairperson recalled that this Convention, which raised particularly complex issues, was now submitted for examination by the Working Party for the fourth time. Following an attempted innovative approach, the Working Party has reverted to a more traditional method of work, i.e. a discussion based on a study carried out by the Office. The only working document was this study. As regards the proposal by the representative of the Government of Switzerland, the study by the OECD seemed to raise certain problems. The OECD was an organization concerned primarily with economic issues and was not universal. Furthermore, other studies could also be found. The Office could, however, in a brief introductory document, note the interest expressed by certain members of the Working Party in the OECD study and include references to it.
7. The Employer members expressed their support for the proposal by the Government of Switzerland to complement the short survey with a reference to the OECD study, as modified by the Chairperson so as to include a reference to the OECD study. The Working Party would thus be informed of the situation in OECD member States without thereby changing the content of the short survey. A consensus should be developed through a common effort and be based on information that was as complete as possible.
8. The Worker members considered that the Office should assume responsibility for the documents it submitted to the Working Party, as otherwise only a theoretical discussion could be held. With reference to the proposal by the representative of the Government of Switzerland, there were

<sup>1</sup> *OECD Employment Outlook*, Paris, June 2000, 248 pp.

perhaps other studies that the Worker members would have liked to append to the short survey. They were not prepared to discuss a document published by another organization, even in the form of a summary. The Working Party members remained free to make any references it saw fit to this or any other studies in the course of its discussion in March 2001. The Office should therefore resubmit the short survey in March 2001, subject only to minor factual corrections.

9. After an exchange of views the Working Party noted that its report to the LILS Committee would contain a reference to the OECD study, as well as a summary of its discussions on this subject. Furthermore, the Working Party agreed that, at its meeting in March 20001, the Office would resubmit the short survey on Convention No. 158 as presented at its present meeting, subject only to minor factual corrections.

## **A. Information note on the progress of work and decisions taken concerning the revision of standards <sup>2</sup>**

10. The Chairperson recalled that the information note summarized the decisions taken by the Governing Body on the recommendations made by the Working Party and that it was updated after each session of the latter.
11. The Employer members expressed their satisfaction with the document, which they considered very useful. They particularly appreciated the reference in paragraph 52 of the information note to the credibility and efficiency of the standards system of the ILO, which was a common concern among ILO constituents. Beyond any different approaches to the matter, a consensus should be reached on this objective. With regard to the fundamental Conventions, they considered that it was the subject matter of these Conventions, and not the instruments themselves, which were immutable. With time it might become necessary to adapt these Conventions, without touching on the substance of the fundamental principles they contain. Among the priority Conventions, the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), was particularly important. Furthermore, it was necessary to be realistic and to provide technical assistance for the application of Conventions on labour inspection in developing countries, and not to lose sight of the universal character of standards. Finally, the measures set forth by the Employment Policy Convention, 1964 (No. 122), were only viable in the context of sustainable economic growth that allowed for the creation of employment. Paragraph 7 and those following summarized the decisions of the Governing Body concerning revision of standards. Paragraph 13 invited governments to inform the Office of any obstacles to the ratification of revised Conventions. With reference to the request for information regarding the Social Security (Minimum Standards) Convention, 1952 (No. 102), the Employer members recalled that a general discussion on this subject would take place at the next session of the Conference in June 2001. In the context of this general discussion, constituents could take stock of any obstacles to the ratification of Convention No. 102. It was important that governments respond to requests for information. As for the matter addressed in paragraph 32, the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63), was outdated and it was regrettable that the decision to shelve it had been deferred due to opposition from the Worker members. Finally, the Employer members expressed the wish that no efforts would be spared to give effect to the recommendations of the Working Party, especially the ratification of the constitutional amendment.
12. The Worker members thanked the Office for updating the information note, which continued to improve in quality. The complexity of the work of the Working Party made the dissemination of such information important. Governments, as well as employers' and workers' organizations, should have more clear information at their disposal enabling them to fully understand the measures which they were invited to take and the reasons for these decisions. A report containing information on the measures taken by the Office to ensure the implementation of the decisions of the Governing

<sup>2</sup> GB.279/LILS/WP/PRS/5.

Body and the results obtained should also be presented. It would be useful to know, for example, if letters had been sent to governments and if the social partners had been informed, as well as the number of responses that had been received to any requests for information. The tripartite mechanisms were important and all member States should ratify Convention No. 144. The Office should take specific measures to promote the decisions of the Governing Body, especially concerning the ratification of up-to-date and revised Conventions and the ratification of the constitutional amendment. The Worker members also recalled that the ratification campaign on the fundamental Conventions had been a large success, and the Office should launch a similar campaign for the four priority Conventions. Furthermore, the Worker members were opposed to the prospect, raised by the Employer members, of revising the fundamental Conventions. These instruments had been recognized as fundamental at the Working Party on the World Summit for Social Development in 1995 and in the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up of 1998. It would not be wise to enter into such a discussion, since this could undermine the ratification campaign for those Conventions. While a proposal regarding the enlargement of the prohibited grounds of discrimination listed in Article 1 of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), was included among the proposed items for the Conference, this proposal was aimed at the adoption of a Protocol to Convention No. 111, and not as an amendment of the Convention itself.

13. The representative of the Government of India thanked the Office for the information note. India had ratified seven of the 12 fundamental and priority Conventions and was making efforts to give effect to provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), despite the economic difficulties that it faced. 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), was not possible at the moment due to problems in applying those Conventions to civil servants. Since other developing countries were faced with similar obstacles, it was necessary to find a means to eliminate these difficulties so as to facilitate the ratification of those Conventions.
14. The representative of the Government of Trinidad and Tobago shared the interest expressed by the Worker members in simplifying the information addressed to constituents. This information should be adapted to the situation of each country and should take into consideration their technical capacities. Furthermore, Trinidad and Tobago had ratified the constitutional amendment mentioned in paragraph 35 of the information note.
15. The representative of the Government of Sudan thanked the Office for a very important document, which contained useful information. He supported the view of the Worker members that this information should be simple and clear so that all countries could be well informed. It should also reflect the changes brought about by globalization and the development of information technology. The work of the Working Party was important and the resulting documents should be translated into all of the official languages of the ILO. The Office should continue to promote the fundamental and priority Conventions and conduct a truly universal ratification campaign. The ILO had already led other successful campaigns, most notably within the Bretton Woods institutions, for which the Organization had demonstrated that it was necessary to take into account the social dimension of economic development. Finally, the Government of Sudan had initiated the process of ratifying Conventions Nos. 138 and 182.
16. The representative of the Government of the Dominican Republic thanked the Office for this important document, which was discussed in tripartite meetings at the national level, the results of which were transmitted to the Office for information. The Dominican Republic had ratified seven of the eight fundamental Conventions and two of the four priority Conventions. The procedure for the ratification of Convention No. 122 was under way, while certain obstacles to the ratification of the Labour Inspection (Agriculture) Convention, 1969 (No. 129), persisted.
17. The representative of the Government of El Salvador thanked the Office for this important and very useful document. His Government had ratified four Conventions in the previous month, including the Equal Remuneration Convention, 1951 (No. 100) and Convention No. 182. Overall, El Salvador had ratified 24 Conventions and was working with the ILO's Regional Office in San José to implement the Conventions, in particular Convention No. 182.

18. The representative of the Government of Malaysia expressed satisfaction with the information note and supported the proposal by the Worker members regarding the launch of a campaign to promote the ratification of the constitutional amendment, which his Government, for its part, had ratified. Malaysia had ratified four of the eight fundamental Conventions and would submit in the next few days to the Director-General the instrument of ratification concerning Convention No. 182.
19. The representative of the Government of the United States thanked the Office for a very clear document and noted that tables 2 and 3 in the annex were very useful. These synthesized the results obtained by the Working Party, while the rest of the document explained how these results had been achieved. The United States was not opposed to a ratification campaign on priority Conventions, but was concerned that such a decision would increase the number of reports that would have to be submitted.
20. The representative of the Government of the Netherlands thanked the Office for the document, which summarized the current status regarding the revision of standards, and expressed satisfaction at the scope of the work accomplished by the Working Party so far. She also approved of the idea, set forth in paragraph 3 of the information note, of presenting the decisions of the Governing Body in the light of the strategic approach, and concentrating on groups of subjects rather than types of decisions. Implementation of the Governing Body's decisions was important, and the Netherlands had always made an effort to follow up on them rapidly in consultation with the social partners. Finally, she supported the United States Government concerning the promotion of the priority Conventions.
21. The representative of the Government of New Zealand thanked the Office and added that the present version of the information note was much clearer than previous ones. She also requested the Office to fix a more realistic schedule for the requests for information, since many smaller countries encountered difficulties in following up on such requests. The time allotted for responding to the request for information concerning instruments on social security was much too short. It was also necessary to keep in mind that, in the middle of the year, many governments had to prepare article 22 reports, both those related to the context of the Declaration and those related to the Conference.
22. The representative of the Government of Namibia found the information note very instructive, and suggested that the Working Party always examine this note first. Namibia had ratified seven of the eight fundamental Conventions. He supported the suggestion by the Worker members regarding the transmission of clear information to governments. It would furthermore be useful for the Working Party to clarify the context of requests for information sought from governments, since there was often the impression that the same information had already been submitted in other contexts, such as, for example, in the context of follow-up to the Declaration.
23. The representative of the Government of Indonesia thanked the Office for the information note. Indonesia had ratified the eight fundamental Conventions. A new law on trade unions had been adopted, although civil servants were still excluded from its scope of application. However, this issue will be regulated in a separate law. The Government sought technical assistance from the Office regarding the possibility of extending freedom of association to civil servants.
24. In reply to the remarks by the United States Government, the Worker members stated that their proposal regarding the promotion of priority Conventions was not intended to entail an increase in the reports requested from governments, but rather the organization of promotional activities by the Office.
25. The Chairperson welcomed the interesting discussion on standards policy in general, which was good preparation for the discussion in the plenary sittings of the Governing Body in the coming week. As regards the fundamental and priority Conventions, the Working Party had a specific mandate, which did not include an examination of the possible need for revision of those Conventions. Numerous speakers had noted the readability of the document and the interest it had generated. The document was useful both to the Working Party and to others. As the representative of the Government of the United States had underlined, the attached tables 2 and 3 were particularly useful and gave an indication of the work that had been accomplished since the creation of the Working Party. For the moment, the information note remained essentially an internal document. At

the end of the work of the Working Party, it would be necessary to transform it into a more instructive document aimed at a wider audience, with an improved presentation and a glossary to explain certain terms. The Working Party should perhaps devote a meeting to the question of certain publications, such as the collection of international labour Conventions and Recommendations and the information note. This work would of course depend on the allocation of sufficient resources. With regard to follow-up on the Working Party's recommendations, including the promotion of standards, the Office prepared every year in March a document summarizing the current status of the matter. Certain promotional campaigns had enjoyed great success, such as that promoting the ratification of Convention No. 138, which had more than doubled the number of ratifications of the Convention. With regard to the country-specific documents requested by Trinidad and Tobago, it was difficult for the Office to complete such work for all member States. Nonetheless, certain country profiles had already been prepared. Of course, constituents who sought specific information could always contact the International Labour Standards Department.

26. A representative of the Director-General indicated that the Office prepared country profiles on a case-by-case basis in relation to requests and seminars, which were organized with a view to explaining standards policy.
27. Mr. Blondel (Worker member), spokesperson for the Worker members in the Programme, Financial and Administrative Committee, drew attention to the need to provide the necessary resources so that the Office could respond to the requests made of it.
28. With regard to the excessive workload faced by the Office, the Employer members felt that it was necessary to simplify the manner of requesting and processing information. It was necessary to concentrate on the most important questions. The remark by the United States Government was relevant in this regard. If certain countries did not respond to the requests for information, it was because they did not have the infrastructure to do so. Tables 2 and 3 appended to the information note attested to the quality of the work accomplished by the Working Party so far.
29. The Chairperson stressed that human resources were limited and that the requests of the Working Party should be as clear as possible and avoid redundancy. Information in effect seemed to get mislaid within the Organization, for example between the Committee of Experts and other bodies of the ILO. This question required further consideration, which could be done in the context of the discussion next week in the plenary sittings of the Governing Body on the question of possible improvements in ILO standards-related activities.

## **B. Deferred examination of the Minimum Age (Fishermen) Convention, 1959 (No. 112)<sup>3</sup>**

30. The Chairperson noted that the Working Party had already examined this Convention in the past but had not been able to reach a consensus.
31. The Employer members agreed with the idea of recommending the ratification of Convention No. 138 and inviting the States concerned to take into account the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry (TMFI meeting) in consultation with the employers' and workers' organizations concerned. They also agreed with subparagraph (b) of the Office proposals. However, the Employer members expressed their opposition to the part of these proposals starting with "that is to say that the minimum age ...". In fact, this part amounted to attaching conditions to the ratification of Convention No. 138 which fell outside the mandate of the Working Party. It was appropriate to recommend, but not require, member States to take into account the conclusions of the TMFI meeting. Furthermore, this could represent an obstacle to ratification of Convention No. 138. It was up to each State to decide, in consultation with

<sup>3</sup> GB.279/LILS/WP/PRS/1/1.

employers' and workers' organizations, the terms of ratification of Convention No. 138. For instance, it was not certain that fishing should a priori and in all cases be regarded as a hazardous occupation.

32. The Worker members stated that, in their view, the examination of this Convention had been deferred due to an uncertainty on a terminological issue and not because of a disagreement on a standard regarding minimum age in the fishing industry. With reference to the comment by the Employer members, they underlined that fishing was clearly a hazardous occupation, with 24,000 fatalities per year. To avert fears of creating an obstacle to ratification of Convention No. 138, the Office could directly contact the nine member States that were still parties to Convention No. 112 and explain to them the substance of the conclusions of the TMFI meeting. The Worker members proposed an amendment to paragraph (a)(ii) of the Office proposals to read as follows: "to give effect to the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry, that is, that the minimum age for admission to employment and work in the maritime fishing industry should in no case be lower than 16 years, and to specify that Article 3 of Convention No. 138 applies to maritime fishing". The Worker members also asked what measures had been taken by the Office to ensure that the States parties to Convention No. 138 regarded fishing as a hazardous occupation in the terms of Article 3 of Convention No. 138.
33. As regards the proposal by the Worker members to invite States to specify that Article 3 of Convention No. 138 applied to the maritime fishing industry, a representative of the Director-General stated that the determination of hazardous occupations in accordance with Article 3 was not the subject of a specific declaration at the time of ratification and that this question was examined in the framework of the application of the Convention. In reply to the question by the Worker members, she stated that the States concerned by the recommendation of the Working Party were the parties to Convention No. 112. There were only nine of them and could be directly informed of this issue.
34. Following the observation by the representative of the Director-General, the Worker members withdrew their proposed amendment to the Office proposals.
35. The representative of the Government of Mexico stated that her country was a party to Convention No. 112 and was examining the possibility of ratifying Convention No. 138. In this context, she supported the view of the Employer members and considered that it was up to the Government to decide the conditions of ratification of Convention No. 138. Nevertheless, it was absolutely feasible to invite States to take into account the conclusions of the TMFI meeting at the time of ratification.
36. The representative of the Government of India supported subparagraph (a)(i) of the Office proposals: Convention No. 138 should in fact be ratified by all member States. Nevertheless, fishing often constituted a family undertaking. If it were regarded as a hazardous activity, this would have been explicitly mentioned in Article 3 of Convention No. 138. Enlarging the scope of that Article would make the ratification of the Convention more difficult.
37. After an exchange of views, *the Working Party proposes:*
  - (a) *to invite the States parties to the Minimum Age (Fishermen) Convention, 1959 (No. 112):*
    - (i) *to contemplate ratifying the Minimum Age Convention, 1973 (No. 138);*

(ii) *to take into consideration the conclusions of the Tripartite Meeting on Safety and Health in the Fishing Industry*<sup>4</sup> (Geneva, 13-17 December 1999), *in consultation with the organizations of employers and workers concerned;*

(b) *that the Working Party (or the LILS Committee) re-examine the status of Convention No. 112 in due course, with a view to its possible abrogation when the number of ratifications of Convention No. 112 has substantially decreased as a consequence of ratification of Convention No. 138.*

### **C. Deferred examination of the Holidays with Pay Convention (Revised), 1970 (No. 132) – Short survey**<sup>5</sup>

38. The Chairperson recalled that this Convention was submitted for examination to the Working Party for the fourth time. The Office had taken up the study prepared by an external expert in March 2000 and was now submitting the short survey to the Working Party under its own responsibility. The elements taken into account in the framework of the short survey included the consultations conducted in 1997, the results of which were examined in more depth and included late replies, the examination of relevant legislation in 41 member States and a study of the social and economic objectives of the Convention. Thus, the survey provided a complete analysis. The results were mixed. On the one hand, almost half of the countries examined experienced no or few obstacles to ratification and four new ratifications had been registered since 1997. On the other hand, the other half of the countries examined reported obstacles which concerned almost all aspects of the Convention. The analysis of the current relevance of the social and economic objectives of the Convention had been based on two elements: the protection of the safety and health of workers and the redistribution of the profits generated by increases in productivity. Furthermore, the impact of recent developments in the labour market towards more flexible forms of work had been examined.
39. The Employer members considered that the maintenance of the status quo was necessary. First, it was not possible to place on an equal footing the 30 ratifications registered for this Convention and the 31 States which had reported obstacles to ratification. Such a quantitative comparison was artificial in the context of an in-depth examination of the Convention. To analyse an instrument in such a manner, one must know the instrument's objective. The Holidays with Pay Convention (Revised), 1970 (No. 132), should be seen in the context of the protection of the safety and health of workers and not in the context of a redistribution of productivity gains. Since the 1970s, the world economy had undergone spectacular changes characterized by greater freedom and a contraction of regulation in the organization of production and work. This phenomenon had provided the basis for new forms of work flexibility. The autonomy gained also made it possible to settle a number of issues by collective agreements. Thus, the ratification record of Convention No. 132 seemed to be of minor importance on account of its objective and scope of application. Moreover, certain countries had presented their very specific objections to this Convention. The rigidity of Convention No. 132 gave rise to negative reactions when it came to ratifying it. The Employer members supported the status quo with respect to this Convention and considered it appropriate to closely follow the new and emerging forms of work organization. A Convention had to be realistic and aim at receiving the largest number of ratifications possible. Some countries were still far from being able to ratify and implement the Convention because it did not have the required universal character.

<sup>4</sup> According to these conclusions, the minimum age for admission to employment and work in the maritime fishing industry should in no case be lower than 16 years, and this activity should be considered a hazardous occupation within the meaning of Article 3 of Convention No. 138.

<sup>5</sup> GB.279/LILS/WP/PRS/1/2.

- 40.** The Worker members considered that the Office document should be examined in the light of the discussions that had already taken place in the Working Party. In November 1996, the Governing Body had decided to invite the States parties to the Holidays with Pay (Agriculture) Convention, 1952 (No. 101), to contemplate ratifying Convention No. 132, a ratification which would involve the immediate denunciation of Convention No. 101. This invitation had been accompanied by a request for information on any obstacles to ratification of Convention No. 132 (35 member States were still bound by Convention No. 101). In March 1997, the same decision had been taken with regard to Convention No. 52 (42 member States were still bound by Convention No. 52). At that time Convention No. 132 had received 26 ratifications. The examination of the Convention had been deferred from March 2000 to the present meeting. The Worker members thanked the Office for the document, which contained relevant information and allowed a better understanding of the situation prevailing in each country. The Worker members did not agree with the conclusions of the Office concerning the ratification prospects of this Convention. Since 1997, Convention No. 132 had received four new ratifications and ten other member States reported in the consultations that they were examining the possibility of ratifying this Convention. Furthermore, as indicated in paragraph 8 of the document, there were no or few obstacles to ratification in almost half of the 41 member States whose legislation had been examined. A minor confusion might arise since answers regarding obstacles to ratification had been submitted by States parties to Convention No. 132 as well as by States that had not ratified the Convention. The main obstacle to ratification was the non-conformity of national legislation with the provisions of the Convention. If the legislation of all member States had been in conformity with international labour standards, there would be no need to adopt Conventions. The Office should offer technical assistance to member States reporting obstacles to the ratification of Convention No. 132. The Convention was up to date and its ratification should be promoted, with technical assistance for certain countries. The Office should make special efforts to ensure follow-up on the Governing Body's decisions on Conventions Nos. 52 and 101.
- 41.** The representative of the Government of Denmark supported the Office proposals contained in paragraph 12 of the document. Convention No. 132 was a very important Convention dealing with issues concerning the safety and health of workers. This was an important issue at a time of globalization. The speaker also supported the proposal to hold a general discussion on working time at the Conference, prepared and conducted in accordance with the proposed integrated approach. Denmark had just revised its legislation on annual leave and was considering the ratification of Convention No. 132. The Government hoped that it had thus overcome the obstacles to ratification related to Article 6, paragraph 2, of the Convention.
- 42.** The representative of the Government of the Netherlands thanked the Office for the document, which revealed the complexity of the question under examination and drew a clear picture of the situation. The survey demonstrated that Convention No. 132 continued to exert an influence in the majority of countries where traditional forms of employment relationships continued to prevail. This factor should not be neglected. In addition, the question arose of whether the Convention responded to the needs linked to developments in the labour market, and especially the call for greater flexibility. The lack of flexibility attributed to the Convention constituted an obstacle to ratification, including for the Netherlands. This was a development to take into account. The relatively recent character of this phenomenon called for an in-depth examination. She thus supported the proposal to hold a general discussion on working time and to maintain the status quo with regard to the Convention until such a general discussion had been held.
- 43.** The representative of the Government of Canada supported the proposals contained in paragraph 9 of the document. Contrary to what was stated in paragraph 27, Canadian legislation did include relevant provisions at the federal level. Nevertheless, Canada should figure, in footnote 34, among the countries reporting obstacles relevant to the provisions setting the minimum duration of annual leave at three weeks.
- 44.** The representative of the Government of Namibia supported the proposal for the maintenance of the status quo with regard to the Convention. The situation in developing countries should be examined, especially the increasingly important informal sector, which was not covered by Convention No. 32. Concerning flexibility, it was important also to examine the question of contract labour. In many cases, a system of time-based remuneration was being replaced by a task-based remuneration. If this

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trend persisted, ratification of Convention No. 132 would prove difficult since the Convention had been drafted at a time when the latter form of remuneration was not prevalent.

45. The representative of the Government of Switzerland thanked the Office for the document and especially for the appended table. Convention No. 132 addressed very important issues. It was important to maintain a balance between, on the one hand, the protection of the health of workers, and, on the other, the existence of sufficient flexibility. He supported the Office proposals.
46. The representative of the Government of the United States shared the view of other speakers that the entire set of instruments on working time should be examined in the framework of a general discussion in order to examine the protection they offered and to identify any existing gaps. Such a general discussion could take place within the framework of the new integrated approach which was being proposed.
47. The Worker members drew the attention of the members of the Working Party to paragraph 29 of the document, which provided an overview of the calls for revision of the Convention. One country in favour of revision, Finland, had ratified the Convention and seemed to call for even stronger protection. The views expressed by other countries seemed to indicate a tendency to weaken the protection offered by the Convention. Moreover, paragraph 54 referred to the alarming increase in certain hazards and unhealthy behaviours and drew attention to questions of occupational safety and health. The Convention had received 30 ratifications, four of which were recent, and one could conclude that it was up to date, that it was still relevant and that its ratification should be promoted. Generally speaking, a number of the calls for a general discussion or a revision of the Convention came from countries that had much higher standards than those provided for in Convention No. 132. Furthermore, the maintenance of the status quo would be difficult to reconcile with the Governing Body's decisions regarding Conventions Nos. 52 and 101. Finally, the proposal for an integrated approach, which had been mentioned, would be examined in the plenary sitting of the Governing Body independently of the Working Party's discussions.
48. The Employer members noted that paragraph 9 revealed a lack of research on the new forms of work flexibility. They hoped that the integrated approach would be adopted and proposed to undertake discussion and research within this framework. The questions under examination were in constant evolution and it was necessary to face new realities. Consequently, the status quo seemed to be a prudent conclusion. Concerning Conventions Nos. 52 and 101, the Governing Body had already adopted a decision which should not be affected. The main concern of the Employers was the maintenance of a viable standard-setting system. Convention No. 132 had received a relatively low number of ratifications and 31 member States had expressed objections regarding some of its aspects. Thus, the Convention was not a truly universal instrument.
49. After an exchange of views, the Worker members stated they would accept the maintenance of the status quo regarding Convention No. 132, on the understanding that the decisions taken by the Governing Body regarding Conventions Nos. 52 and 101 would not be affected.
50. ***The Working Party proposes to recommend the maintenance of the status quo with regard to the Holidays with Pay Convention (Revised), 1970 (No. 132), it being understood that any subsequent development will be taken into account in due time.***

## **D. Deferred examination of the Termination of Employment Convention, 1982 (No. 58) – Short survey<sup>6</sup>**

51. The Working Party agreed to defer the examination of Convention No. 158 to its next meeting during the 280th Session (March 2001) of the Governing Body, taking into account the views expressed at the outset of the meeting (paragraphs 2-9).

## **E. Follow-up on consultations concerning instruments on social security<sup>7</sup>**

52. The Worker members noted that only 44 member States had so far responded to the request for information. If the examination of follow-up on this consultation was deferred, it seemed appropriate to issue a reminder in order to ensure that the Working Party would have at its disposal a larger number of responses when it examined the question.

53. The Employer members requested that member States that had responded to the request for information be listed in the report of the Working Party to the Committee on Legal Issues and International Labour Standards.<sup>8</sup>

54. The Working Party agreed to defer the examination of follow-up on consultations concerning instruments on social security until its meeting during the 282nd Session (November 2001) of the Governing Body.

## **F. Methods of revision of instruments concerning occupational safety and health<sup>9</sup>**

55. The Working Party agreed to refer to the Governing Body the examination of the question of the methods of revision of instruments concerning occupational safety and health for examination in the larger context of the question of the possible improvements of ILO standards-related activities and of the proposals for the agenda for the 91st Session (2003) of the Conference.

56. The representative of the Government of India considered that an examination of the occupational safety and health standards was most appropriate for the proposed integrated approach.

<sup>6</sup> GB.279/LILS/WP/PRS/1/3.

<sup>7</sup> GB.279/LILS/WP/PRS/2.

<sup>8</sup> As at 1 November 2000, 48 member States had replied to the request for information from the Office: *Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Canada, Chile, Czech Republic, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Egypt, Estonia, Finland, Germany, India, Indonesia, Italy, Japan, Kuwait, Lebanon, Lithuania, Malaysia, Mauritius, Mexico, Morocco, New Zealand, Norway, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Vincent and the Grenadines, Slovenia, Spain, Switzerland, Syrian Arab Republic, Thailand, Turkey, Uganda, United Kingdom and United States.*

<sup>9</sup> GB.279/LILS/WP/PRS/3.

## G. Examination of Recommendations (fourth stage)<sup>10</sup>

57. The Chairperson recalled the main aspects of the methodology approved by the Working Party for the examination of Recommendations, contained in paragraphs 3-4 of the document.

### I. Forced labour

I.1. R.36 – Forced Labour (Regulation) Recommendation, 1930

58. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Forced Labour (Regulation) Recommendation, 1930 (No. 36), is obsolete;*

(b) *propose to the Conference the withdrawal of Recommendation No. 36 in due course.*

### II. Employment security

II.1. R.119 – Termination of Employment Recommendation, 1963

59. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it note the replacement of the Termination of Employment Recommendation, 1963 (No. 119), by the Termination of Employment Convention (No. 158) and Recommendation (No. 166), 1982.*

II.2. R.166 – Termination of Employment Recommendation, 1982

60. The Working Party agreed to defer the examination of the Termination of Employment Recommendation, 1982 (No. 166), to its next meeting, as decided in relation to Convention No. 158, which it supplements.

### III. Working conditions

#### *Weekly rest*

III.1. R.18 – Weekly Rest (Commerce) Recommendation, 1921

61. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Weekly Rest (Commerce) Recommendation, 1921 (No. 18), is obsolete;*

<sup>10</sup> GB.279/LILS/WP/PRS/4.

(b) *propose to the Conference the withdrawal of Recommendation No. 18 in due course.*

III.2. R.103 – Weekly Rest (Commerce and Offices)  
Recommendation, 1957

62. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it invite member States to give effect to the Weekly Rest (Commerce and Offices) Recommendation, 1957 (No. 103).*

### **Paid leave**

III.3. R.47 – Holidays with Pay Recommendation, 1936  
R.93 – Holidays with Pay (Agriculture) Recommendation,  
1952

63. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Holidays with Pay Recommendation, 1936 (No. 47), and the Holidays with Pay (Agriculture) Recommendation, 1952 (No. 93), are obsolete; and consequently,*

(b) *note that Recommendations Nos. 47 and 93 should be withdrawn, and defer the proposal for the withdrawal of these instruments by the Conference until the situation has been re-examined at a later date.*

III.4. R.98 – Holidays with Pay Recommendation, 1954

64. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body –*

(a) *the maintenance of the status quo with regard to the Holidays with Pay Recommendation, 1954 (No. 98);*

(b) *that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 98 in due course.*

III.5. R.148 – Paid Educational Leave Recommendation, 1974

65. The Working Party agreed to defer the examination of the Paid Educational Leave Recommendation, 1974 (No. 148), to its next meeting, as decided in relation to Convention No. 140.

## **IV. Occupational safety and health – Protection in certain branches of activity – dockers**

IV.1. R.33 – Protection against Accidents (Dockers) Reciprocity  
Recommendation, 1929  
R.34 – Protection against Accidents (Dockers)  
Consultation of Organisations Recommendation, 1929

66. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Protection against Accidents (Dockers) Reciprocity Recommendation, 1929 (No. 33), and the Protection against Accidents (Dockers) Consultation of Organisations Recommendation, 1929 (No. 34), are obsolete;*

(b) *propose to the Conference the withdrawal of Recommendations Nos. 33 and 34 in due course.*

IV.2. R.40 – Protection against Accidents (Dockers) Reciprocity Recommendation, 1932

**67.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Protection against Accidents (Dockers) Reciprocity Recommendation, 1932 (No. 40), is obsolete; and consequently,*

(b) *note that Recommendation No. 40 should be withdrawn, and defer the proposal for the withdrawal of this instrument by the Conference until the situation has been re-examined at a later date.*

IV.3. R.145 – Dock Work Recommendation, 1973

**68.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body –*

(a) *the maintenance of the status quo with regard to the Dock Work Recommendation, 1973 (No. 145);*

(b) *that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 145 in due course.*

IV.4. R.160 – Occupational Safety and Health (Dock Work) Recommendation, 1979

**69.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it invite member States to give effect to the Occupational Safety and Health (Dock Work) Recommendation, 1979 (No. 160).*

## V. Maternity benefits

V.I. R.12 – Maternity Protection (Agriculture) Recommendation, 1921

**70.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Maternity Protection (Agriculture) Recommendation, 1921 (No. 12), is obsolete;*

(b) *propose to the Conference the withdrawal of Recommendation No. 12 in due course.*

V.2. R.95 – Maternity Protection Recommendation, 1952

71. The Working Party agreed to defer the examination of the Maternity Protection Recommendation, 1952 (No. 95), until after the entry into force of the Maternity Protection Convention, 2000 (No. 83).

## VI. Employment of women

### General

VI.1. R.123 – Employment (Women with Family Responsibilities) Recommendation, 1965

72. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it note the replacement of the Employment (Women with Family Responsibilities) Recommendation, 1965 (No. 123), by the Workers with Family Responsibilities Recommendation, 1981 (No. 165).*

### Night work

VI.2. R.13 – Night Work of Women (Agriculture) Recommendation, 1921

73. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body –*

- (a) *that it invite member States to communicate to the Office any additional information on the possible need to replace the Night Work of Women (Agriculture) Recommendation, 1921 (No. 13);*
- (b) *that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 13 in due course.*

## VII. Employment of children and young persons

### Minimum age

VII.1. R.41 – Minimum Age (Non-Industrial Employment) Recommendation, 1932

R.52 – Minimum Age (Family Undertakings) Recommendation, 1937

74. The Employer members supported the proposals by the Office, but noted that the reference to the continued usefulness of these instruments was not very clear. They requested the Office to examine in more detail the question of whether the provisions referred to in these Recommendations (concerning the concepts of “light work” and “family undertakings”) were applied in practice.

75. The Chairperson stressed that the question of minimum age was an important one that was regularly examined by the Office. It would certainly not fail to address the question raised by the Employer members.

76. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body –*

(a) *the maintenance of the status quo with regard to the Minimum Age (Non-Industrial Employment) Recommendation, 1932 (No. 41), and the Minimum Age (Family Undertakings) Recommendation, 1937 (No. 52);*

(b) *that the Working Party (or the LILS Committee) re-examine the status of Recommendations Nos. 41 and 52 in due course.*

VII.2. R.96 – Minimum Age (Coal Mines) Recommendation, 1953

**77.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Minimum Age (Coal Mines) Recommendation, 1953 (No. 96), is obsolete;*

(b) *propose to the Conference the withdrawal of Recommendation No. 96 in due course.*

VII.3. R.124 – Minimum Age (Underground Work) Recommendation, 1965

**78.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

(a) *note that the Minimum Age (Underground Work) Recommendation, 1965 (No. 124), is obsolete; and consequently,*

(b) *note that Recommendation No. 124 should be withdrawn, and defer the proposal for the withdrawal of this instrument by the Conference until the situation has been re-examined at a later date.*

### **Night work**

VII.4. R.14 – Night Work of Children and Young Persons (Agriculture) Recommendation, 1921

**79.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body the revision of the Night Work of Children and Young Persons (Agriculture) Recommendation, 1921 (No. 14), and the inclusion of this revision in the item on the night work of children and young persons included in the proposals for the Conference agenda.*

VII.5. R.80 – Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946

**80.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body the revision of the Night Work of Young Persons (Non-Industrial Occupations) Recommendation, 1946 (No. 80), and the inclusion of this revision in the item on the night work of children and young persons included in the proposals for the Conference agenda.*

**Medical examination and conditions of employment**

- VII.6. R.79 – Medical Examination of Young Persons  
Recommendation, 1946  
R.125 – Conditions of Employment of Young Persons  
(Underground Work) Recommendation, 1965

- 81.** The Employer members considered that, as formulated, the Office proposals seemed to present two contradictory options. This was rather a question of formulation than of substance and a single conclusion would seem more logical.
- 82.** The Worker members had similar views on the Office proposal, which amounted to a proposal to undertake two types of action: to give effect to the Recommendation and to examine the need for its possible replacement. They proposed to delete section (1)(b) of the Office proposal.
- 83.** The Working Party expressed its agreement with the proposals made by the Office as amended by the Worker members. *It proposes to recommend to the Governing Body that it –*
- (a) *invite member States to give effect to the Medical Examination of Young Persons Recommendation, 1946 (No. 79), and to the Conditions of Employment of Young Persons (Underground Work) Recommendation, 1965 (No. 125), and to inform the Office of any obstacles and difficulties encountered in the implementation of these two Recommendations;*
- (b) *invite the Office to examine the possibilities to consolidate Recommendations Nos. 79 and 125.*

**VIII. Older workers**

- VIII.1. R.162 – Older Workers Recommendation, 1980

- 84.** The Worker members disagreed with the observation by the Office that “As the supply of young people in the labour force is declining, the older workforce will have to remain additional years in the labour market ...”. This was one point of view, but there were others. In certain cases migrant workers and the unemployed could be put to work. The Worker members wished to add the words “It has been argued that ...” at the beginning of the phrase. Recommendation No. 162 concerned a very important subject and member States should be invited to give effect to it and inform the Office of any obstacles and difficulties encountered in its implementation.
- 85.** The Employer members proposed to defer the examination of this Recommendation until the holding of a general discussion on social security at the 89th Session (2001) of the Conference.
- 86.** The representative of the Government of Namibia stated that in developing countries the number of young workers was increasing and that the observation by the Office mentioned by the Worker members was not justified in their view. He also supported the idea of a revision of the Older Workers Recommendation, 1980 (No. 162), in view of the impact of HIV/AIDS on the active population, and in particular with regard to older workers.
- 87.** Mr. Blondel (Worker member) stated that the question of older workers could not be confined to a problem of social security. The Recommendation also dealt with matters concerning equal opportunity and treatment, the provision of satisfactory working conditions, including through the use of specific protective measures, and preparation for and access to retirement. The observation by the Office mentioned by the Worker members did not reflect a general fact. It would be wiser to invite member States to give effect to the Recommendation.
- 88.** The Employer members proposed to delete subparagraph (1)(a) of the proposals by the Office.

89. After an exchange of views, *the Working Party proposes* –

- (a) *to recommend to the Governing Body the maintenance of the status quo with regard to the Older Workers Recommendation, 1980 (No. 162);*
- (b) *that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 162 in due course.*

## IX. Indigenous and tribal peoples, indigenous workers in non-metropolitan territories

### *Indigenous workers*

IX.1. R.46 – Elimination of Recruiting Recommendation, 1936  
R.58 – Contracts of Employment (Indigenous Workers) Recommendation, 1939

90. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

- (a) *note that the Elimination of the Recruiting Recommendation, 1936 (No. 46), and the Contracts of Employment (Indigenous Workers) Recommendation, 1939 (No. 58), are obsolete;*
- (b) *propose to the Conference the withdrawal of Recommendations Nos. 46 and 58 in due course.*

### *Workers in non-metropolitan territories*

IX.2. R.70 – Social Policy in Dependent Territories Recommendation, 1944  
R.74 – Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945

91. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it –*

- (a) *note that the Social Policy in Dependent Territories Recommendation, 1944 (No. 70), and the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74), are obsolete;*
- (b) *propose to the Conference the withdrawal of Recommendations Nos. 70 and 74 in due course.*

### *Indigenous and tribal peoples*

IX.3. R.104 – Indigenous and Tribal Populations Recommendation, 1957

92. The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it invite member States to give effect to the Indigenous and Tribal Populations Recommendation, 1957 (No. 104).*

## X. Specific categories of workers

### *Plantations*

#### X.1. R.110 – Plantations Recommendation, 1958

- 93.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it invite member States to give effect to the Plantations Recommendation, 1958 (No. 110).*

### *Tenants and sharecroppers*

#### X.2. R.132 – Tenants and Share-croppers Recommendation, 1968

- 94.** The Employer members recalled that more modern provisions than those contained in paragraphs 18 and 25 of the Tenants and Share-croppers Recommendation, 1968 (No. 132), would undoubtedly be contained in the instruments on safety and health in agriculture which would be discussed at the 89th Session (2001) of the Conference. Consequently they proposed not to invite member States to give effect to the Recommendation but to await the discussion at the next session of the Conference before making any decisions on this matter.

- 95.** The Chairperson raised the question of the possible relation between the instruments that might be adopted at the Conference in 2001 and Recommendation No. 132.

- 96.** The Worker members supported the proposal by the Office. Recommendation No. 132 was autonomous, and covered issues that were more general than the instruments that could be adopted on occupational safety and health in agriculture. A re-examination of this Recommendation could be considered in the light of the discussion at the forthcoming session of the Conference, provided that issues having a direct bearing on the Recommendation were raised.

- 97.** After an exchange of views, *the Working Party proposes to recommend to the Governing Body –*

*(a) to invite member States to give effect to the Tenants and Share-croppers Recommendation, 1968 (No. 132);*

*(b) that the Working Party (or the LILS Committee) re-examine the status of Recommendation No. 132 in due course.*<sup>11</sup>

### *Nursing personnel*

#### X.3. R.157 – Nursing Personnel Recommendation, 1977

- 98.** The Working Party expressed its agreement with the proposals made by the Office. *It proposes to recommend to the Governing Body that it invite member States to give effect to the Nursing Personnel Recommendation, 1977 (No. 157), and to inform the Office of any obstacles and difficulties encountered in the implementation of this Recommendation.*

<sup>11</sup> In the light of the discussion at the 89th Session (2001) of the Conference with a view to the adoption of a Convention and Recommendation on safety and health in agriculture.

## H. Programme of work for forthcoming meetings of the Working Party

99. The Chairperson listed the items that could be placed on the agenda of the Working Party at the next session of the Governing Body:

- follow-up measures concerning the Working Party's recommendations, including the usual information note;
- deferred examination of the Paid Educational Leave Convention, 1974 (No. 140) (short survey), as well as its accompanying Recommendation (No. 148);
- deferred examination of the Termination of Employment Convention, 1982 (No. 158) (short survey), and Recommendation (No. 166), which complements it;
- for information, the outcome of the examination of the social security instruments concerning seafarers by the Joint Maritime Commission.

100. The Chairperson also indicated that, at its meeting in November 2001, the Working Party could examine the following items:

- the information note on the progress of work and decisions taken regarding the revision of standards;
- follow-up on consultations concerning Conventions regarding social security

101. Furthermore, an examination of publications on international labour standards, in order to reflect the decisions taken by the Governing Body concerning policy regarding the revision of standards, should be considered at a forthcoming session.

102. In addition, after the entry into force of the Maternity Protection Convention, 2000 (No. 183), the status of the Maternity Protection Convention, 1919 (No. 3), the Maternity Protection Convention (Revised), 1952 (No. 103), and the Maternity Protection Recommendation, 1952 (No. 95), should be re-examined.

103. The programme of work was adopted without modification.

104. The Employer and Worker members thanked the Government representatives for their active participation in the meeting. The Chairperson also expressed his thanks to the Governments and to the spokespersons of the two groups for their constructive attitude.

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105. *The Committee on Legal Issues and International Labour Standards is invited –*

- (a) *to take note of the report of the Working Party on Policy regarding the Revision of Standards, based on the documents submitted by the Office;*
- (b) *to adopt the proposals in the corresponding paragraphs of this report on which the Working Party has reached a consensus.*

Geneva, 10 November 2000.

*Point for decision:* Paragraph 105.



## Appendix II

Appl. 22.183  
183. Maternity Protection, 2000

INTERNATIONAL LABOUR OFFICE GENEVA

### REPORT FORM

FOR THE

### MATERNITY PROTECTION CONVENTION, 2000 (No. 183)

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The Government may deem it useful to consult the appended text of the Maternity Protection Recommendation, 2000 (No. 191), the provisions of which supplement the present Convention and can contribute to a better understanding of its requirements and facilitate its application.

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### PRACTICAL GUIDANCE FOR DRAWING UP REPORTS

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#### *First reports*

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### *Subsequent reports*

In subsequent reports, information need normally be given only:

- (a) on any new legislative or other measures affecting the application of the Convention;
- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;
- (c) **in reply to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which

have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

### **Article 22 of the Constitution of the ILO**

Report for the period ..... to .....

made by the Government of .....

on the

### **MATERNITY PROTECTION CONVENTION, 2000 (No. 183)**

(ratification registered on .....) )

- I. Please give a list of the laws and regulations which apply the provisions of the Convention. Where this has not already been done, please forward copies of these texts to the International Labour Office.**

**Please indicate whether there exist other means which are relevant to the implementation of the Convention, such as collective agreements, arbitration awards or court decisions (see Article 12 of the Convention). If so, please provide the texts of sample agreements or awards and of leading court decisions.**

**Please give any available information concerning the extent to which the laws and regulations have been enacted or modified to permit ratification or as a result of ratification.**

- II. Please indicate in detail for each of the following Articles of the Convention the provisions of the abovementioned laws and regulations or the other means, under which each Article is applied. Please also give the information specifically requested below under each Article.**

**If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has had this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific measures.**

**If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.**

SCOPE

#### *Article 1*

For the purposes of this Convention, the term “woman” applies to any female person without discrimination whatsoever and the term “child” applies to any child without discrimination whatsoever.

## Article 2

1. This Convention applies to all employed women, including those in atypical forms of dependent work.

2. However, each Member which ratifies this Convention may, after consulting the representative organizations of employers and workers concerned, exclude wholly or partly from the scope of the Convention limited categories of workers when its application to them would raise special problems of a substantial nature.

3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, list the categories of workers thus excluded and the reasons for their exclusion. In its subsequent reports, the Member shall describe the measures taken with a view to progressively extending the provisions of the Convention to these categories.

*Please provide statistics on the total number of employed women including the number of those in atypical forms of dependent work (e.g. home work, telework, temporary work, etc.). Please state whether specific legislative or other measures have been taken or are contemplated in respect of women in any such atypical form of dependent work (paragraph 1).*

*In so far as exclusions have been made under paragraph 2, please provide detailed information on the consultations held with the representative organizations of employers and workers concerned and the decisions taken thereafter, including information on the number of workers excluded.*

## HEALTH PROTECTION

### Article 3

Each Member shall, after consulting the representative organizations of employers and workers, adopt appropriate measures to ensure that pregnant or breastfeeding women are not obliged to perform work which has been determined by the competent authority to be prejudicial to the health of the mother or the child, or where an assessment has established a significant risk to the mother's health or that of her child.

*Please indicate the consultations held and the legislative or practical measures that have been taken to give effect to this Article, specifying in particular:*

- (a) the work which has been determined by the competent authority to be prejudicial to the health of the mother or child;*
- (b) the procedure for carrying out an assessment of the health risks involved and of making the results thereof available to the woman concerned;*
- (c) the measures empowering the woman to decide not to perform work referred to in this Article (see Paragraph 6, subparagraph 2, of Recommendation No. 191);*
- (d) the authority or authorities responsible for adopting the measures called for in this Article.*

## MATERNITY LEAVE

### *Article 4*

1. On production of a medical certificate or other appropriate certification, as determined by national law and practice, stating the presumed date of childbirth, a woman to whom this Convention applies shall be entitled to a period of maternity leave of not less than 14 weeks.

2. The length of the period of leave referred to above shall be specified by each Member in a declaration accompanying its ratification of this Convention.

3. Each Member may subsequently deposit with the Director-General of the International Labour Office a further declaration extending the period of maternity leave.

4. With due regard to the protection of the health of the mother and that of the child, maternity leave shall include a period of six weeks' compulsory leave after childbirth, unless otherwise agreed at the national level by the government and the representative organizations of employers and workers.

5. The prenatal portion of maternity leave shall be extended by any period elapsing between the presumed date of childbirth and the actual date of childbirth, without reduction in any compulsory portion of postnatal leave.

*Please indicate the length of maternity leave before and after childbirth and the forms of certification for maternity leave recognized in national law and practice (paragraph 1).*

*Please indicate the length of compulsory leave after childbirth and, if less than six weeks, the manner in which it has been determined (paragraph 4).*

## LEAVE IN CASE OF ILLNESS OR COMPLICATIONS

### *Article 5*

On production of a medical certificate, leave shall be provided before or after the maternity leave period in the case of illness, complications or risk of complications arising out of pregnancy or childbirth. The nature and the maximum duration of such leave may be specified in accordance with national law and practice.

*Please state the nature and the maximum duration of the leave referred to in this Article, if such have been specified.*

## BENEFITS

### *Article 6*

1. Cash benefits shall be provided, in accordance with national laws and regulations, or in any other manner consistent with national practice, to women who are absent from work on leave referred to in Articles 4 or 5.

2. Cash benefits shall be at a level which ensures that the woman can maintain herself and her child in proper conditions of health and with a suitable standard of living.

3. Where, under national law or practice, cash benefits paid with respect to leave referred to in Article 4 are based on previous earnings, the amount of such benefits shall

not be less than two-thirds of the woman's previous earnings or of such of those earnings as are taken into account for the purpose of computing benefits.

4. Where, under national law or practice, other methods are used to determine the cash benefits paid with respect to leave referred to in Article 4, the amount of such benefits shall be comparable to the amount resulting on average from the application of the preceding paragraph.

5. Each Member shall ensure that the conditions to qualify for cash benefits can be satisfied by a large majority of the women to whom this Convention applies.

6. Where a woman does not meet the conditions to qualify for cash benefits under national laws and regulations or in any other manner consistent with national practice, she shall be entitled to adequate benefits out of social assistance funds, subject to the means test required for such assistance.

7. Medical benefits shall be provided for the woman and her child in accordance with national laws and regulations or in any other manner consistent with national practice. Medical benefits shall include prenatal, childbirth and postnatal care, as well as hospitalization care when necessary.

8. In order to protect the situation of women in the labour market, benefits in respect of the leave referred to in Articles 4 and 5 shall be provided through compulsory social insurance or public funds, or in a manner determined by national law and practice. An employer shall not be individually liable for the direct cost of any such monetary benefit to a woman employed by him or her without that employer's specific agreement except where:

- (a) such is provided for in national law or practice in a member State prior to the date of adoption of this Convention by the International Labour Conference; or
- (b) it is subsequently agreed at the national level by the government and the representative organizations of employers and workers.

*Please indicate whether the benefits referred to in this Article are provided by any of the following means or a combination thereof (paragraphs 6 and 8):*

- *compulsory social insurance;*
- *public funds;*
- *the employer;*
- *social assistance funds;*
- *other means as determined by national law and practice.*

*Please indicate, for each of the means used, the conditions to qualify for cash benefits, the categories and the number of employed women, including those in atypical forms of dependent work, to which the conditions apply, as well as the total number of women who have been receiving cash benefits from each of the abovementioned sources in the period under review (paragraphs 1 and 5).*

*Please indicate the methods used to determine the cash benefits and the rates payable calculated as a percentage of the woman's previous earnings or of such of those earnings*

*as are taken into account for the purpose of computing benefits (paragraph 3), or, if paragraph 4 is applicable, supply information permitting to verify that the amount of such benefits is of the same order of magnitude.*

*Please indicate the measures taken to ensure that cash benefits are maintained at the level prescribed in paragraph 2.*

*Please describe the medical benefits provided for in laws and regulations or in accordance with national practice, indicating the types of care (paragraph 7).*

#### Article 7

1. A Member whose economy and social security system are insufficiently developed shall be deemed to be in compliance with Article 6, paragraphs 3 and 4, if cash benefits are provided at a rate no lower than a rate payable for sickness or temporary disability in accordance with national laws and regulations.

2. A Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of this Convention under article 22 of the Constitution of the International Labour Organization, explain the reasons therefor and indicate the rate at which cash benefits are provided. In its subsequent reports, the Member shall describe the measures taken with a view to progressively raising the rate of benefits.

#### EMPLOYMENT PROTECTION AND NON-DISCRIMINATION

#### Article 8

1. It shall be unlawful for an employer to terminate the employment of a woman during her pregnancy or absence on leave referred to in Articles 4 or 5 or during a period following her return to work to be prescribed by national laws or regulations, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing. The burden of proving that the reasons for dismissal are unrelated to pregnancy or childbirth and its consequences or nursing shall rest on the employer.

2. A woman is guaranteed the right to return to the same position or an equivalent position paid at the same rate at the end of her maternity leave.

*Please state the duration of the period following a woman's return to work which has been prescribed by national laws or regulations in accordance with paragraph 1.*

*Please indicate the measures of the legal and procedural nature which give effect to paragraph 1, including remedies afforded in case of unjust dismissal.*

*Please indicate how effect is given to paragraph 2.*

#### Article 9

1. Each Member shall adopt appropriate measures to ensure that maternity does not constitute a source of discrimination in employment, including – notwithstanding Article 2, paragraph 1 – access to employment.

2. Measures referred to in the preceding paragraph shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment, except where required by national laws or regulations in respect of work that is:

- (a) prohibited or restricted for pregnant or nursing women under national laws or regulations; or
- (b) where there is a recognized or significant risk to the health of the woman and child.

*Please detail the measures adopted to give effect to the provisions of this Article, including such reparations and sanctions as may be deemed appropriate.*

#### BREASTFEEDING MOTHERS

##### *Article 10*

1. A woman shall be provided with the right to one or more daily breaks or a daily reduction of hours of work to breastfeed her child.

2. The period during which nursing breaks or the reduction of daily hours of work are allowed, their number, the duration of nursing breaks and the procedures for the reduction of daily hours of work shall be determined by national law and practice. These breaks or the reduction of daily hours of work shall be counted as working time and remunerated accordingly.

*Please describe in detail the daily arrangement of working time determined by national law and practice in order to permit a woman to breastfeed her child.*

#### PERIODIC REVIEW

##### *Article 11*

Each Member shall examine periodically, in consultation with the representative organizations of employers and workers, the appropriateness of extending the period of leave referred to in Article 4 or of increasing the amount or the rate of the cash benefits referred to in Article 6.

*Please indicate when periodic examinations provided for in this Article have taken place and specify the representative organizations of employers and workers consulted and the decisions taken.*

#### IMPLEMENTATION

##### *Article 12*

This Convention shall be implemented by means of laws or regulations, except in so far as effect is given to it by other means such as collective agreements, arbitration awards, court decisions, or in any other manner consistent with national practice.

*Please indicate the provisions of national laws or regulations or, where appropriate, collective agreements, arbitration awards, or court decisions which implement the provisions of the Convention and, in particular, those which determine the status of female persons and children for the purposes of this Convention.*

**III. Please state to what authority or authorities the application of the abovementioned laws and regulations is entrusted, and by what methods such application is supervised and enforced.**

- IV. If this information has not already been given in reply to earlier questions, please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**
- V. Please provide general information on the manner in which the Convention is applied in your country including, for instance, extracts from official reports, information regarding the number and the nature of contraventions reported and any other particulars on practical difficulties encountered in the implementation of the Convention.**
- VI. 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.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**
- VII. Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention. If so, please communicate a copy of the observations received, together with any comments that you consider useful.**

**MATERNITY PROTECTION  
RECOMMENDATION, 2000 (No. 191)**

[Text not reproduced here]

<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organizations recognized for the purpose of article 3, copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."

## Appendix III

### Ratifications or confirmations of previous commitments since the start of the campaign for the ratification of the fundamental Conventions

(25 May 1995-13 November 2000)

#### I. Forced Labour Convention, 1930 (No. 29)

Botswana	Saint Kitts and Nevis
El Salvador	Saint Vincent and the Grenadines
Eritrea	South Africa
Estonia	The former Yugoslav Republic of Macedonia
Georgia	Turkey
Malawi	Turkmenistan
Moldova, Republic of	Uruguay
Oman	Uzbekistan
Qatar	Zimbabwe

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

Botswana	Mozambique
Cambodia	Papua New Guinea
Cape Verde	Saint Kitts and Nevis
Chile	South Africa
Eritrea	Sri Lanka
Georgia	Tanzania, United Republic of
Indonesia	The former Yugoslav Republic of Macedonia
Libyan Arab Jamahiriya	Turkmenistan
Malawi	Zambia
Moldova, Republic of	

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

Botswana	Saint Kitts and Nevis
Burundi	Saint Vincent and the Grenadines
Cambodia	Seychelles
Chile	South Africa
Congo	Suriname
Eritrea	Switzerland
Georgia	The former Yugoslav Republic of Macedonia
Madagascar	Turkmenistan
Moldova, Republic of	Uzbekistan
Mozambique	Zambia
Nepal	Zimbabwe

**IV. Equal Remuneration Convention, 1951 (No. 100)**

Bangladesh	Moldova, Republic of
Belize	Nepal
Botswana	Papua New Guinea
Cambodia	Saint Kitts and Nevis
Congo	Seychelles
El Salvador	South Africa
Eritrea	Thailand
Estonia	The former Yugoslav Republic of Macedonia
Ethiopia	Trinidad and Tobago
Georgia	Turkmenistan
Korea, Republic of	United Arab Emirates
Lesotho	Uzbekistan
Malaysia	Viet Nam

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

Albania	Indonesia
Azerbaijan	Kyrgyzstan
Bahrain	Malawi
Belarus	Mauritania
Botswana	Romania
Bulgaria	Russian Federation
Burkina Faso	Saint Vincent and the Grenadines
Cambodia	Saint Kitts and Nevis
Chile	Slovakia
Congo	Slovenia
Croatia	South Africa
Czech Republic	Tajikistan
Eritrea	Togo
Estonia	Turkmenistan
Ethiopia	United Arab Emirates
Georgia	Uzbekistan
India	Zimbabwe

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

Albania	Lesotho
Bahrain	Moldova, Republic of
Belize	Papua New Guinea
Botswana	Saint Kitts and Nevis
Cambodia	Seychelles
Congo	South Africa
El Salvador	Sri Lanka
Eritrea	The former Yugoslav Republic of Macedonia
Georgia	Turkmenistan
Indonesia	United Kingdom
Ireland	Uzbekistan
Kazakhstan	Viet Nam
Korea, Republic of	Zimbabwe

## VII. Minimum Age Convention, 1973 (No. 138)

Albania	Korea, Republic of
Argentina	Kuwait
Austria	Lithuania
Barbados	Madagascar
Belize	Malawi
Bolivia	Malaysia
Botswana	Moldova, Republic of
Burkina Faso	Morocco
Burundi	Nepal
Cambodia	Panama
Central African Republic	Philippines
Chile	Portugal
China	San Marino
Congo	Senegal
Cyprus	Seychelles
Denmark	Slovakia
Dominican Republic	South Africa
Ecuador	Sri Lanka
Egypt	Switzerland
Eritrea	Tanzania, United Republic of
Ethiopia	The former Yugoslav Republic of Macedonia
Georgia	Tunisia
Guyana	Turkey
Hungary	United Arab Emirates
Iceland	United Kingdom
Indonesia	Yemen
Japan	Zimbabwe
Jordan	

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

Barbados	Malaysia
Belarus	Mali
Belize	Mauritius
Botswana	Mexico
Brazil	Nicaragua
Bulgaria	Niger
Canada	Panama
Central African Republic	Papua New Guinea
Chad	Portugal
Chile	Qatar
Denmark	Rwanda
Ecuador	Saint Kitts and Nevis
El Salvador	San Marino
Finland	Senegal
Ghana	Seychelles
Hungary	Slovakia
Iceland	South Africa
Indonesia	Switzerland
Ireland	Togo
Italy	Tunisia
Jordan	United Kingdom
Kuwait	United States
Libyan Arab Jamahiriya	Yemen
Malawi	

## Appendix IV

### Table of ratifications and information concerning the ILO's fundamental Conventions (as at 13 November 2000)

- No. 29 – Forced Labour Convention, 1930
- No. 87 – Freedom of Association and Protection of the Right to Organise Convention, 1948
- No. 98 – Right to Organise and Collective Bargaining Convention, 1949
- No. 100 – Equal Remuneration Convention, 1951
- No. 105 – Abolition of Forced Labour Convention, 1957
- No. 111 – Discrimination (Employment and Occupation) Convention, 1958
- No. 138 – Minimum Age Convention, 1973
- No. 182 – Worst Forms of Child Labour Convention, 1999

#### Explanation of symbols in the table

- × Convention ratified.
- Formal ratification process already initiated (with or without mention of time frame); approval of ratification by the competent body, although the Director-General has not yet received the formal instrument of ratification or it is incomplete (concerns chiefly Convention No. 138) or is a non-original copy; bill currently before the legislative body for approval.
- ▲ Ratification will be examined after amendment/adoption of a Constitution, Labour Code, legislation, etc.
- Convention currently being studied or examined; preliminary consultations with the social partners.
- Divergencies between the Convention and national legislation.
- ◆ Ratification not considered/deferred.
- No reply, or a reply containing no information.

Member States	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Afghanistan	-	X	-	-	X	X	-	-
Albania	X	X	X	X	X	X	X	O
Algeria	X	X	X	X	X	X	X	O
Angola	X	X	O	X	X	X	O	O
Antigua and Barbuda	X	X	X	X	O	X	X	O
Argentina	X	X	X	X	X	X	X	O
Armenia	●	●	O	●	X	X	●	O
Australia	X	X	X	X	X	X	◆	●
Austria	X	X	X	X	X	X	X	●
Azerbaijan	X	X	X	X	X	X	X	O
Bahamas	X	X	■	X	●	●	●	
Bahrain	X	X	●	●	●	X	●	●
Bangladesh	X	X	X	X	X	X	●	●
Barbados	X	X	X	X	X	X	X	X
Belarus	X	X	X	X	X	X	X	X
Belgium	X	X	X	X	X	X	X	O
Belize	X	X	X	X	X	X	X	X
Benin	X	X	X	X	X	X	O	O
Bolivia	▲	X	X	X	X	X	X	●
Bosnia and Herzegovina	X	O	X	X	X	X	X	●
Botswana	X	X	X	X	X	X	X	X
Brazil	X	X	▲	X	X	X	O	X
Bulgaria	X	X	X	X	X	X	X	X
Burkina Faso	X	X	X	X	X	X	X	O
Burundi	X	X	X	X	X	X	X	-
Cambodia	X	X	X	X	X	X	X	-
Cameroon	X	X	X	X	X	X	O	-
Canada	O	X	X	■	X	X	■	X
Cape Verde	X	X	X	X	X	X	●	◆
Central African Republic	X	X	X	X	X	X	X	X
Chad	X	X	X	X	X	X	O	X
Chile	X	X	X	X	X	X	X	X
China	◆	◆	◆	◆	X	●	X	●
Colombia	X	X	X	X	X	X	O	O
Comoros	X	X	X	X	X	O	O	-
Congo	X	X	X	X	X	X	X	-

Member States	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Costa Rica	X	X	X	X	X	X	X	O
Côte d'Ivoire	X	X	X	X	X	X	O	●
Croatia	X	X	X	X	X	X	X	O
Cuba	X	X	X	X	X	X	X	-
Cyprus	X	X	X	X	X	X	X	●
Czech Republic	X	X	X	X	X	X	⤴	O
Democratic Republic of the Congo	X	O	O	X	X	O	O	O
Denmark	X	X	X	X	X	X	X	X
Djibouti	X	X	X	X	X	-	-	-
Dominica	X	X	X	X	X	X	X	◆
Dominican Republic	X	X	X	X	X	X	X	O
Ecuador	X	X	X	X	X	X	X	X
Egypt	X	X	X	X	X	X	X	●
El Salvador	X	X	■	■	X	X	X	X
Equatorial Guinea	O	O	-	-	X	O	X	O
Eritrea	X	X	X	X	X	X	X	●
Estonia	X	X	X	X	X	●	●	●
Ethiopia	O	X	X	X	X	X	X	●
Fiji	X	X	O	X	O	O	O	O
Finland	X	X	X	X	X	X	X	X
France	X	X	X	X	X	X	X	O
Gabon	X	X	X	X	X	X	●	O
Gambia	O	O	O	O	O	O	O	O
Georgia	X	X	X	X	X	X	X	-
Germany	X	X	X	X	X	X	X	O
Ghana	X	X	X	X	X	X	O	X
Greece	X	X	X	X	X	X	X	O
Grenada	X	X	X	X	X	⤴	⤴	-
Guatemala	X	X	X	X	X	X	X	O
Guinea	X	X	X	X	X	X	-	-
Guinea-Bissau	X	X	O	X	X	X	O	O
Guyana	X	X	X	X	X	X	X	O
Haiti	X	X	X	X	X	X	O	O
Honduras	X	X	X	X	X	X	X	-
Hungary	X	X	X	X	X	X	X	X
Iceland	X	X	X	X	X	X	X	X

Member States	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
India	X	X	●	●	X	X	◆	▲
Indonesia	X	X	X	X	X	X	X	X
Iran, Islamic Republic of	X	X	▲	▲	X	X	▲	●
Iraq	X	X	▲	X	X	X	X	◆
Ireland	X	X	X	X	X	X	X	X
Israel	X	X	X	X	X	X	X	▲
Italy	X	X	X	X	X	X	X	X
Jamaica	X	X	X	X	X	X	▲	●
Japan	X	●	X	X	X	●	X	●
Jordan	X	X	●	X	X	X	X	X
Kazakhstan	●	●	○	●	●	X	●	●
Kenya	X	X	●	X	●	●	X	○
Kiribati*	-	-	-	-	-	-	-	-
Korea, Republic of	●	●	▲	▲	X	X	X	○
Kuwait	X	X	X	◆	◆	X	X	X
Kyrgyzstan	X	X	X	X	X	X	X	●
Lao People=s Democratic Republic	X	●	●	●	●	●	●	-
Latvia	○	X	X	X	X	X	○	-
Lebanon	X	X	●	X	X	X	▲	●
Lesotho	X	●	X	X	X	X	●	-
Liberia	X	X	X	X	-	X	-	●
Libyan Arab Jamahiriya	X	X	X	X	X	X	X	X
Lithuania	X	X	X	X	X	X	X	▲
Luxembourg	X	X	X	X	X	○	X	○
Madagascar	X	●	X	X	X	X	X	●
Malawi	X	X	X	X	X	X	X	X
Malaysia	X	◆	■	X	X	■	X	X
Mali	X	X	X	X	X	X	●	X
Malta	X	X	X	X	X	X	X	▲
Mauritania	X	X	X	○	○	X	○	-
Mauritius	X	X	▲	X	▲	▲	X	X
Mexico	X	X	X	■	X	X	●	X
Moldova, Republic of	X	X	X	X	X	X	X	◆
Mongolia	○	○	X	X	X	X	●	-
Morocco	X	X	▲	X	X	X	X	○
Mozambique	○	X	X	X	X	X	○	○

Member States	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Myanmar	X	◆	X	●	◆	◆	◆	●
Namibia	X	X	X	X	●	X	X	X
Nepal	●	●	●	X	X	X	X	●
Netherlands	X	X	X	X	X	X	X	▲
New Zealand	X	X	▲	▲	X	X	◆	▲
Nicaragua	X	X	X	X	X	X	X	X
Niger	X	X	X	X	X	X	X	X
Nigeria	X	X	X	X	X	◆	▲	-
Norway	X	X	X	X	X	X	X	▲
Oman	X	●	●	●	●	●	●	●
Pakistan	X	X	X	X	●	X	●	●
Panama	X	X	X	X	X	X	X	X
Papua New Guinea	X	X	X	X	X	X	○	X
Paraguay	X	X	X	X	X	X	○	-
Peru	X	X	X	X	X	X	○	○
Philippines	○	X	X	X	X	X	X	○
Poland	X	X	X	X	X	X	X	○
Portugal	X	X	X	X	X	X	X	X
Qatar	X	■	■	■	■	X	■	X
Romania	X	X	X	X	X	X	X	○
Russian Federation	X	X	X	X	X	X	X	○
Rwanda	○	X	X	X	X	X	X	X
Saint Kitts and Nevis	X	X	X	X	X	X	○	X
Saint Lucia	X	X	X	X	X	X	-	-
Saint Vincent and the Grenadines	X	X	○	X	○	○	○	○
San Marino	X	X	X	X	X	X	X	X
Sao Tome and Principe	●	●	X	X	X	X	○	-
Saudi Arabia	X	X	●	●	X	X	●	●
Senegal	X	X	X	X	X	X	X	X
Seychelles	X	X	X	X	X	X	X	X
Sierra Leone	X	X	X	X	X	X	◆	-
Singapore	X	●	●	X	●	●	●	○
Slovakia	X	X	X	X	X	X	X	X
Slovenia	X	X	X	X	X	X	X	○
Solomon Islands	X	-	○	○	●	●	-	-
Somalia	X	X	-	-	-	X	-	-

Member States	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
South Africa	X	X	X	X	X	X	X	X
Spain	X	X	X	X	X	X	X	O
Sri Lanka	X	▲	X	X	X	X	X	●
Sudan	X	X	▲	X	X	X	O	O
Suriname	X	X	X	X	◆	◆	O	●
Swaziland	X	X	X	X	X	X	●	●
Sweden	X	X	X	X	X	X	X	▲
Switzerland	X	X	X	X	X	X	X	X
Syrian Arab Republic	X	X	X	X	X	X	▲	▲
Tajikistan	X	X	X	X	X	X	X	●
Tanzania, United Republic of	X	X	X	X	●	●	X	O
Thailand	X	X	▲	▲	X	●	●	O
The former Yugoslav Republic of Macedonia	X	●	X	X	X	X	X	-
Togo	X	X	X	X	X	X	X	X
Trinidad and Tobago	X	X	X	X	X	X	O	▲
Tunisia	X	X	X	X	X	X	X	X
Turkey	X	X	X	X	X	X	X	●
Turkmenistan	X	X	X	X	X	X	O	-
Uganda	X	X	●	X	▲	▲	▲	-
Ukraine	X	O	X	X	X	X	X	O
United Arab Emirates	X	X	◆	◆	X	●	X	O
United Kingdom	X	X	X	X	X	X	X	X
United States	●	X	■	■	●	O	●	X
Uruguay	X	X	X	X	X	X	X	O
Uzbekistan	X	X	O	X	X	X	●	●
Venezuela	X	X	X	X	X	X	X	O
Viet Nam	●	●	◆	◆	X	X	●	O
Yemen	X	X	X	X	X	X	X	X
Yugoslavia**	X	-	X	X	X	X	X	-
Zambia	X	X	X	X	X	X	X	-
Zimbabwe	X	X	▲	X	X	X	X	O

\* Kiribati only became a Member of the ILO on 3 February 2000.

\*\* The former Socialist Federal Republic of Yugoslavia. Pursuant to decisions taken by the ILO Governing Body on the basis of relevant United Nations resolutions, no State has been recognized as the continuation of that Member.