



## TENTH ITEM ON THE AGENDA

**Reports of the Committee on  
Legal Issues and International  
Labour Standards****Second report: International labour  
standards and human rights****Contents**

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

1. The Committee had before it the report of the Working Party on Policy regarding the Revision of Standards.<sup>1</sup>
2. The representative of the Government of France, Chairperson of the Working Party, said that the Working Party had met for the fourteenth and last time, and recalled the five items on the agenda of the meeting.
3. The Working Party had examined the instruments on maternity protection.<sup>2</sup> Their examination had been deferred as a result of the pending adoption of new instruments in that area. The Maternity Protection Convention, 2000 (No. 183), had just entered into force. Like all the instruments adopted since 1985, that Convention and the accompanying Recommendation did not come within the mandate of the Working Party. They were considered as being, by definition, up to date and the Working Party had therefore not adopted any conclusions regarding these instruments. However, it had examined the status of the Maternity Protection Convention, 1919 (No. 3), and of the Maternity Protection (Revised) Convention, 1952 (No. 103), and Recommendation (No. 95) of 1952, in the light of the existence of the other two instruments. The Conclusions adopted on these three instruments are set out in paragraphs 44-46 of the report. The Working Party also re-examined seven Conventions and three Recommendations on social security<sup>3</sup> in the light of the consultations conducted by the Office in writing with member States and in the light of the general discussion on social security that took place during the 89th Session (June 2001) of the Conference. The aim of the Working Party had been to complete, or in the case of the Social Security (Minimum Standards) Convention, 1952 (No. 102), to clarify the decisions that had been taken with regard to these instruments. The discussions focused mainly on Convention No. 102. The recommendation made on that subject at the end of the debate served as a model for the other instruments.
4. The Working Party had also had an exchange of views on the incorporation of the results of its work in the official publications of the Office.<sup>4</sup> The discussions focused in the main on the compilation of Conventions and Recommendations and on the annual publication of the list of ratifications. The idea of this was to ensure that the Working Party's recommendations and the decisions of the Governing Body were more fully taken into account. The information note on the progress of work and decisions taken concerning the revision of standards<sup>5</sup> were also included on the agenda of the meeting. The document in question summarized the results of the work of the Working Party. It grouped standards in categories based on the decision taken by the Governing Body with regard to them. The Office intended to publish it in a more accessible form, including a glossary of terms. The fundamental and priority Conventions, as well as instruments adopted since 1985, did not

<sup>1</sup> GB.283/LILS/5.

<sup>2</sup> GB.283/LILS/WP/PRS/2.

<sup>3</sup> GB.283/LILS/WP/PRS/3.

<sup>4</sup> GB.283/LILS/WP/PRS/4.

<sup>5</sup> GB.283/LILS/WP/PRS/1/2.

come within the mandate of the Working Party, since they were regarded, by definition, as being up to date. After the Working Party's last meeting, and subject to approval of its recommendations by the Governing Body, the distribution of instruments by category was as follows: 71 Conventions and 71 Recommendations were up to date, including the fundamental and priority Conventions and instruments adopted since 1985; 24 Conventions and 15 Recommendations were to be revised; 55 Conventions and 68 Recommendations were outdated; 37 Conventions and 16 Recommendations were subject to requests for additional information; 23 Conventions and 25 Recommendations were classified as "other instruments". The latter category covered instruments that were no longer completely up to date but still relevant in certain respects. Lastly, the Working Party did not reach any conclusions in respect of two instruments: the Termination of Employment Convention (No. 158) and Recommendation (No. 166) of 1982.

5. As was customary during its March meeting every year, the Working Party had before it a general document on the follow-up to its recommendations.<sup>6</sup> That document was valuable in that it provided an indication of the work that still needed to be done in order to implement all the Working Party's recommendations. The Chairperson of the Working Party drew the attention of the Committee to the constitutional amendment regarding the abrogation of obsolete Conventions. It had to date been ratified by 71 States. One of the conditions for its entry into force had already been met, since six of the ten States of chief industrial importance had ratified it. However, it needed to be ratified by two-thirds of ILO member States, i.e. 117 States. However, progress in ratification remained slow. The Working Party had expressed the unanimous wish that the Director-General write to those member States that had not yet ratified the constitutional amendment, given that the Director-General's campaign for the ratification of the fundamental Conventions had had significant results. The Working Party therefore requested the Chairperson of the LILS Committee to pass on that request.
6. The Office was planning to produce country profiles for all the member States. These documents would indicate, for a given State, the measures that were required to implement the decisions taken by the Governing Body on the basis of the recommendations of the Working Party. The project would be possible, thanks to a voluntary contribution by France. The LILS Committee might in addition examine the follow-up to the recommendations of the Working Party each year.
7. In conclusion, he thanked the Office for the work it had done, particularly in producing the tabular data on each instrument. Discussions within the Working Party had taken place in a very positive atmosphere. Its members had shown the goodwill needed to achieve results. That augured well for the discussions that would take place as part of the new integrated approach to standards-related activities. He thanked the members of the Working Party for their spirit of consensus.
8. A Worker member of Sweden, the Worker Vice-Chairperson of the Working Party (Mr. Edström), thanked the Chair, all the members of the Working Party, as well as the Office for the work concluded and for the able record-keeping of the decisions of the Working Party. He noted that the Working Party had now concluded its examination of the ILO standards within its mandate. He emphasized that the work had been carried out in a climate of cooperation. At this stage, focus shifted towards the follow-up to the work of the Working Party and the Worker members expected that Governments and the social partners in all member States would give the recommendations adopted by the Governing Body all necessary attention and take concrete action to implement them. They hoped that

<sup>6</sup> GB.283/LILS/WP/PRS/1/1.

all parties involved would demonstrate good faith and the political will to implement the recommendations, with technical assistance from the Office, if necessary, so that a fourth examination of the international labour standards would not be necessary in the near future.

9. The Worker members recalled that in the past they had expressed a certain reluctance with regard to the re-examination of the standards system, especially with regard to the revision of standards. However, agreement had been reached on the general principle that the aim was not to weaken the standards system, and this had contributed to the success of the work of the Working Party. The same was true of the decision to adopt decisions by consensus and to examine Conventions and Recommendations on a case-by-case basis. There was therefore no question of general statements along the lines “the Conventions are not sufficiently flexible and cannot be ratified”. Member States had been invited to report to the Office on any obstacles to the ratification of certain Conventions, thereby facilitating technical assistance. The results of the work of the Working Party had resulted in some changes. For example, it was no longer possible to say in general terms that Conventions were out of date. Those that actually were had been considered as such by the Working Party. The other Conventions and Recommendations had been classified in distinct categories. Lastly, the follow-up to the recommendations of the Working Party needed to be continued by the LILS Committee or the Governing Body.
10. The Employer members endorsed the congratulations addressed to the Chairperson of the Working Party. The work done by the Working Party had been very positive, and a number of preconceived ideas that had been evident at the beginning had been rapidly overcome, thanks to the method adopted, in particular the examination of Conventions and Recommendations on a case-by-case basis. The work that had been done needed to be followed up.
11. An Employer representative from New Zealand, speaking on behalf of the Employer Vice-Chairperson of the Working Party, stated that the Employer members generally supported the report of the Office. They wanted, however, to draw attention to two points concerning Part C and Part D of the report. First, as regards the Recommendations concerning the maternity protection Conventions (paragraphs 44 and 45), the proposals from the Working Party were prefaced with the words “after the exchange of views.” During this exchange the Employer members had reiterated their strongly held view that the Maternity Protection Convention, 2000 (No. 183), could not be supported. They considered it to be even more prescriptive and unratifiable than the earlier Conventions on maternity protection. She noted that the Employer members had nevertheless agreed to a Recommendation which contained a less injunctive wording in the interest of arriving at a consensus; this Recommendation invited member States to contemplate ratification of Convention No. 183 but also to report to the Office on possible obstacles and difficulties that could prevent or delay the ratification of this Convention.
12. Second, with reference to the Recommendations on the social security Conventions, the Employer members considered that the Conventions in this area were too complicated, poorly supported and largely out of date. They were therefore pleased to have been able to participate in a general discussion on social security at the 89th Session (June 2001) of the ILO Conference. This topic was important and needed a strong focus by the Office. The Employer members supported the need for technical assistance and the dissemination of information based on the conclusions of the general discussion. However, the Employer members felt that the Office should go no further than inviting the member States to contemplate ratification of the existing Conventions and to take the opportunity to advise the Office on obstacles and difficulties preventing ratification. The first of the Conventions examined in this area dated from 1952 and the last from 1982. Member States had therefore had between 20 and 50 years to decide whether or not they should or could ratify

these Conventions. The majority of the ILO member States had not done so. Finally, the Employers' group strongly commended the recommendations in subparagraph (d) of paragraphs 74 and 84-88 of the report. This recommendation would enable a re-examination of these Conventions once the programme of work developed as a result of the general discussion had been completed so that an integrated approach to developing relevant instruments could be considered.

- 13.** The representative of the Government of Croatia thanked the members of the Working Party and the Office for the enormous work that had been accomplished. This work provided guidelines to member States as to their future activities regarding standards. As Croatia was not a member of the Working Party, her Government wanted to raise one particular question in the present context: as regards the instruments concerning maternity protection, Croatia was a party to both Conventions Nos. 3 and 103. She noted with regret that Convention No. 103 had been closed to ratification after its revision by Convention No. 183. Against the background of the difficulties in recommending an appropriate action in relation to Convention No. 3, particularly in the light of Convention No. 183, she noted that the Office invited States parties to Convention No. 3 not only to contemplate ratifying Convention No. 183 but also to inform the Office of any obstacles and difficulties that might prevent the ratification of the latter Convention. This Convention was not, however, within the mandate of the Working Party. She requested a legal opinion as to whether such a recommendation was appropriate.
- 14.** The representative of the Government of Germany congratulated the Working Party, and especially the Chairperson, on the results obtained. He also congratulated the two Vice-Chairpersons and the Office team. He had two critical points to make on the report. Regarding paragraph 7, he reiterated his Government's objection to the constitutional amendment without repeating the substantive legal reasons for their objection. His Government's view had already been recorded in previous Governing Body documents. His Government would oppose any ratification campaign on this question and would publicize its views so that other member States could decide to abstain from ratifying this amendment. With reference to paragraph 85 of the report, which contained the proposed recommendation on Convention No. 157, he noted that this Convention had only attracted three ratifications over the 20 years since its adoption in 1982. The promotion of this instrument therefore seemed superfluous. His Government did not, however, formally oppose the consensus on the point for decision. Finally, with reference to the 24 Conventions the Governing Body had decided should be revised based on recommendations by the Working Party, he considered that the implementation of these recommendations so far had progressed at an excessively slow pace. The Governing Body should call for a systematic approach to tackle this issue.
- 15.** The representative of the Government of Portugal also congratulated the Working Party, its Chairperson and the Office, for the work they had done, which was a valuable contribution to the ILO's efforts to improve its standards-related activities and make them more relevant and effective. It was vital to continue to follow up the Working Party's recommendations. To that end, the Office should produce and disseminate a more accessible version of the information note on the progress of work and the decisions taken concerning the revision of standards. It would also need to renew its requests for information from member States with regard to obstacles to the ratification of the up-to-date Conventions. Reports under article 19 of the Constitution also need to be requested with a view to obtaining precise information on the difficulties likely to prevent ratification of the Convention in question. It was appropriate in that regard to determine whether the obstacles to ratification were technical or political in nature. The Office also needed to generalize the country profiles for all member States. Those documents were very useful to governments in planning ratification of the up-to-date Conventions and of any denunciations. The Office should also send a reminder to member States that had not yet

ratified the constitutional amendment on the abrogation of obsolete Conventions, and needed to step up its promotional activities and report annually to the LILS Committee on the follow-up to the Working Party's recommendations.

16. The representative of the Government of the United States congratulated the Chairperson of the Working Party and the Vice-Chairpersons for their ability to maintain the perspective of the long-term benefits of their task. Regarding the comments made by the representative of the Government of Germany, he expressed the hope that the Office would include the revision of outdated Conventions in integrated approaches, where appropriate, so that the relevant recommendations of the Working Party could be implemented in a not too distant future.
17. Replying to a question raised by the representative of the Government of Croatia, a representative of the Director-General, the Deputy Legal Adviser of the ILO, recalled that the International Labour Conference had adopted three successive Conventions on maternity protection. Convention No. 3 had been adopted before the amendment to the final Articles in 1929. It had therefore not been closed to ratification by the entry into force of Convention No. 103, which revised it. Furthermore, ratification of Convention No. 103 by a State party to Convention No. 3 did not entail the automatic denunciation of the latter. Convention No. 103, on the other hand, had been closed to ratification since the entry into force of Convention No. 183; however, States that had ratified it remained bound by its provisions if they did not ratify Convention No. 183. Two Conventions were thus open to ratification in that area, but presented certain differences in approach. Each appeared to be more protective than the other in certain points.
18. He recalled that the Working Party had recommended that the Governing Body invite the States parties to either one of Conventions Nos. 3 or 103 to consider the possibility of ratifying Convention No. 183. In the case of Convention No. 3, that would require a formal denunciation of the earlier instrument, while in the case of States parties to Convention No. 103, denunciation would be automatic. The Working Party had also recommended that States parties to those Conventions be invited to report to the Office, where necessary, on any obstacles and difficulties encountered that might prevent or delay ratification of Convention No. 183. Such a recommendation came within the mandate of the Working Party. The Committee had already approved such requests for information with regard to other Conventions, in the light of the recommendations of the Working Party. Such an invitation was in conformity with article 19, paragraph 5(e), of the ILO Constitution, under the terms of which States that had not ratified a given Convention could, at the request of the Governing Body, be called on to report to the Office, in particular with regard to the difficulties which prevent or delay the ratification of that Convention.
19. The Chairperson, on behalf of the LILS Committee, thanked Mr. Cartier and the Working Party for their work over the years, which he considered to be a fundamental importance to the Organization. He noted the concerns regarding ratification of the constitutional amendment, and emphasized the important role of the Office in ensuring that the amendment would enter into force in the near future.
20. *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 relevant paragraphs of the report (paragraphs 44-46, 74, 84-88, 91-94) on which there was a consensus in the Working Party and the Committee.*

## **II. Proposed arrangement of Conventions by subject matter for reporting purposes**

21. The Worker members endorsed the proposals set out in the Office document. They hoped that the proposed arrangement would result in a more balanced workload, both for Office staff and for the national administrations concerned.
22. The Employer members also endorsed the Office proposals.
23. The representative of the Government of Thailand, speaking on behalf of the Asia and Pacific group, expressed his appreciation for the proposed arrangement of Conventions for reporting purposes, which were based on a broad consensus developed in the informal consultations held. The proposed arrangement of reports would alleviate the burden of reporting for member States. Furthermore, the Asia and Pacific Group urged the Office to present, for the consideration of the Governing Body at its next session, a simplified reporting form which would cover all Conventions dealing with the same subject matters. Reporting forms should be made available in all of the working languages of the ILO. The reform of the reporting procedures should also lead to the enhancement of the technical capacity of the member States through assistance provided by the ILO. As regards reporting in general, the Office should ensure that it made full use of its existing knowledge base in order to avoid requesting member States to provide the same information time and again. The group wished to underline that the change in the reporting procedure would only be a first step in the reform of the ILO's standards-related activities, and it looked forward to further substantive papers and discussions on subsequent steps in the reform process, in particular on the supervisory mechanisms, during the next session of the Governing Body.
24. The representative of the Government of India considered that the proposed arrangement of Conventions by subject matter for reporting purposes at issue seemed to be both reasonable and balanced. He recalled that, in the view of his Government, the current reporting procedures were, in general, very cumbersome. Thus, it was difficult to respond adequately to the reporting requirements, and in particular to the questions raised. In the case of India, the problem was aggravated because of the size of the territory, the diversity of its large population, and the different levels of development of the country. In addition, in certain instances the available national system of data collection and recording did not correspond to that of the ILO.
25. On the other hand, while the proposed arrangement appeared to reduce the workload of the Office, he emphasized that care should be taken to ensure that the new arrangement also gave similar benefits to the member States. He also stressed the importance of taking a holistic approach to the review of the reporting procedures, in particular to avoid an overlap between different procedures. This was true in particular for the eight core labour Conventions, the principles of which were covered by the Declaration on Fundamental Principles and Rights at Work and its Follow-up. He took the example of the two core Conventions on freedom of association and collective bargaining (Nos. 87 and 98) which were reviewed by the Committee of Experts, the Conference Committee on the Application of Standards, and the Committee on Freedom of Association, as well as in the context of the discussion of the Global Report. This was why his Government was of the view that the ILO supervisory system should be reviewed as a whole and that such review should encompass the reporting obligations under both articles 19 and 22 of the Constitution, the mandate, the working methods of the supervisory bodies and the requirements resulting from the annual review which was part of the follow-up to the Declaration on Fundamental Principles and Rights at Work. Subject to the foregoing comments, his Government supported the proposed arrangement reflected in the report of the Working Party.

26. The representative of the Government of Denmark, speaking on behalf of the Nordic countries, expressed her satisfaction with the proposed grouping of Conventions for reporting purposes. Denmark had long advocated a system of reporting by “families of Conventions” to ease the reporting burden for national authorities, especially for those which, like Denmark, also had to report for non-metropolitan territories. The proposed groupings, which appeared to follow the classification of standards in the International Labour Code, would certainly ease the work of the Office and the national coordinating authorities. They posed a certain risk, however, of overburdening authorities responsible for reporting on subject matters covered by many Conventions. For example, the workload might be very heavy in a given year for authorities dealing with occupational safety and health or maritime issues. This problem could be addressed by extending the time limit for reports. The Office’s letters with requests for reports could be sent out in January each year. Large groups of Conventions could be analysed with a view to subdividing them into groups which fit together. Finally, the report forms, especially the simplified report forms, should be reviewed. The simplified report forms today appeared too similar to the detailed report forms.
27. The representative of the Government of Brazil considered that it was an excellent proposal to group Conventions other than the fundamental Conventions by subject matter for reporting purposes. That would allow a more general view of the application of standards by member States and facilitate a global analysis of the benefits and problems of application. Nevertheless, the number of reports presented every year within the time frame requested by the Office was a matter of concern for governments, workers and employers. The figure for reports received by 1 September each year was not more than 30 per cent, and about 60 per cent in the case of reports for the meeting of the Committee of Experts in November and December. These figures highlighted the difficulties facing the Committee of Experts if it wanted to carry out a comprehensive analysis of the application of international standards, to the detriment of one of the most effective mechanisms known internationally. He considered that the simplification of the report forms on the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up would enable more countries to provide clear and objective replies.
28. He suggested that it would be desirable to discuss and implement in parallel a process of revision of the report forms for the fundamental, priority and other Conventions. The purpose of that process would be to improve the ILO’s available mechanisms for monitoring the application of ILO standards. Simplification of the report forms would lead to an increase in the number of countries meeting the established deadlines for sending reports, thus also making the work of the Office easier. Although the report forms contained some questions which at the time of their adoption by the Governing Body might have been useful for an analysis of the application of a given instrument, rapid changes in labour relations had meant that certain points lacked current relevance and were difficult to answer. In that respect, the Government of Brazil considered it opportune to revise the report forms under article 22 of the ILO Constitution. Lastly, he endorsed paragraph 9 of the document.
29. The representative of the Government of Trinidad and Tobago welcomed the strategy that had been developed to alleviate the problem of the workload of member States and the Office resulting from the reporting obligations related to the supervisory mechanisms. She supported the implementation of the proposed system on a trial basis. She questioned, however, whether the effect of the proposed grouping on the workload of individual member States had been taken into account, and whether special arrangements had been considered in individual cases where the workload appeared unmanageable. Furthermore, she requested the Office to prepare and transmit to all member States a comprehensive and user-friendly document explaining the new reporting arrangements. This document should also seek to reflect other reporting obligations of member States such as those related to

the follow-up to the Declaration on Fundamental Principles and Rights at Work, and ad hoc requests for reports and requests for reports emanating from the Committee of Experts on the Application of Conventions and Recommendations. Ideally, the country profiles discussed in the context of the Working Party on Policy regarding Revision of Standards should be joined to such a document.

- 30.** The representative of the Government of Cyprus expressed her Government's appreciation to the Office for its thorough and professional work both in terms of quantity and quality. She also expressed her support for the statement and proposals made by Denmark on behalf of the Nordic countries.
- 31.** The representative of the Government of Croatia congratulated the Office for the successful completion of the complicated task of developing a proposal for a new reporting arrangement. She hoped, however, that the workload on governments would not be insurmountable when it came to reporting on the largest groups, such as the maritime Conventions and requested the Office to consider ways to help governments through technical cooperation. She also had doubts as to whether the Committee of Experts would be able to effectively examine the application of Conventions and have an overview on the application of each group since reporting on the largest groups would be divided in two years.
- 32.** The representative of the Government of Japan expressed his appreciation for the proposed arrangement. He stressed that the arrangement should take into account the workload of the Office as well as that of member States and should be opened to revision at any time. He noted that member States should enable the Office, through the submission of their reports to the Committee of Experts, to fulfil its responsibility concerning the supervision of the application of international labour standards. At the same time, when fulfilling its responsibility, the Office should ensure to members States a fair and transparent handling of their reports.
- 33.** With regard to the presentation of reports, the representative of the Government of Italy emphasized the efficiency of the ILO's supervisory system, which in his view was one of the most advanced and effective in the United Nations system. He stressed that it was vital to ensure that any future changes would help to improve the effectiveness of the system and the visibility and transparency of the ILO's standards-related activities, without lowering the level of protection enjoyed by workers. In particular, he stressed the importance of revising the report forms in order to simplify the questions and indicate clearly the information required, and of avoiding duplication in different forms. Collaboration between different departments of the ILO needed to be enhanced in order to avoid overlaps in requests for information.
- 34.** At the same time, he emphasized the necessity of amending the Handbook of procedures relating to international Conventions and Recommendations to make it more practical. It was also important for the smooth functioning of the reporting system that officials responsible for writing reports on Conventions were properly trained. He emphasized the fundamental importance of the ILO's technical assistance and of the regional multidisciplinary teams and their usefulness for governments. Furthermore, he noted the importance of using the Internet and electronic mail to transmit report forms and receive replies, a practice which in his view the Office should encourage. Lastly, he referred to the principle approved by the Governing Body in November 2001, of not requesting reports on fundamental and priority Conventions except in cases of changes in legislation or practice, or at the request of the supervisory bodies; he suggested that the principle should be extended to the other Conventions, which had a five-year reporting cycle. That would suffice to relieve the workload of the Office and of governments. He said that his Government agreed with the three points for decision in paragraph 9.

35. The representative of the Government of Canada thanked the ILO for developing a manageable schedule for the reporting, as well as review and assessment of reports, on over 140 Conventions. She expressed Canada's support for decision points 9(a) and 9(b). As regards the decision point 9(c) dealing with the implementation of the adjustments to the grouping of Conventions from 2003 onwards, she stated that Canada recommended that the Office be open to consider country-specific schedules in the case of countries for which the proposed groupings and scheduling would create an undue burden, which could result in them not being able to meet reporting requirements.
36. The representative of the Government of Mexico welcomed the document presented by the Office, while drawing attention to a number of problems that might arise in practice. The proposed scheme for grouping the priority Conventions by subject matter for the purpose of presenting two-yearly reports might require member States to present two consecutive reports on the same Convention, as had been the case with her own country. Mexico was required to report on Convention No. 29 during the course of 2002, in accordance with the Handbook of procedures, but was also required to present another report on the same Convention during 2003. It was therefore important to build in some corrective element to avoid an excessive workload for the State party facing such a situation and for the Office. Another example of such a problem was provided by Convention No. 182, ratified by Mexico, which was required to present a first report in 2002, in accordance with the Handbook of procedures, despite also being required to present a two-yearly report on the same Convention in 2003 under the proposed new scheme.
37. He supported the proposed scheme for grouping together the other Conventions, and hoped that the scheme would be reflected in the Handbook of procedures. Furthermore, it was important for the Committee of Experts on the Application of Conventions and Recommendations to ensure that its observations to member States took account of those new groupings, so that they would cover the appropriate period. If that were not the case, the purpose of the new scheme, which was to reduce the workload faced by member States, would be defeated. To that end, a single focal point was needed for presenting reports to different bodies and committees under articles 19 and 22 of the ILO Constitution, in order to reduce the workload of ministries responsible for producing reports and providing information, especially in countries like his own that had ratified most of the ILO's Conventions.
38. With reference to paragraph 2 of the document, the representative of the Government of the Islamic Republic of Iran expressed his high appreciation for the efforts made by the staff and the social partners on the re-grouping of ILO Conventions according to subject matter. This integrated approach would certainly facilitate the work of labour ministries and provide both the Office and the Government a clear perspective on the application of ILO Conventions.
39. ***The Committee recommends to the Governing Body that it:***
- (a) ***approve, for reporting purposes, the proposed groupings by subject matter of Conventions in the five-year reporting cycle listed in Appendix II of the document GB.283/LILS/6;***
  - (b) ***take note of the distribution of Conventions in the two-year and five-year reporting cycles, as set out in Appendix III of the same document;***
  - (c) ***invite the Office to make the necessary arrangements for the new groupings from 2003 onwards, and to report to the LILS Committee after five years.***

### **III. Report of the High-Level Tripartite Working Group on Maritime Labour Standards** (Geneva, 17-21 December 2001)

40. The Committee had before it a document to which was attached the report of the High-Level Tripartite Working Group on Maritime Labour Standards held in Geneva from 17 to 21 December 2001.<sup>7</sup>
41. The Chairman of the High-Level Working Group introduced the report. He highlighted the high degree of consensus which emerged out of the meeting and summarized the conclusions contained in the report and, particularly in the Chairperson's summary. The proposed new maritime labour instrument should be based on the existing International Seafarers' Code but should incorporate some innovations in order to improve its ratification record as compared with the present situation. There should be more efficient application mechanisms, simplified amendment procedures, and improved links between the application of the new instrument and the registry of ships. The maritime industry attached great importance to the current work of the ILO to consolidate international maritime labour standards and therefore, the Governing Body should support the proposals made by the Group to continue work towards the adoption of a new Convention in 2005 contained in paragraph 5 of the document.
42. The representative of the Workers' group agreed, on the whole, with the way forward as identified in the Chairperson's summary. However, he warned that the Workers' group would not want certain standards to disappear or be diluted. Flexibility should not mean a reduction in the recognized rights of seafarers and the revision of maritime labour standards should not result in decisions which were against the interests of workers.
43. The representative of the Employers' group expressed support for the work of the group and the specific proposals for pursuing its work. He believed that the work being carried out for the maritime sector could provide an interesting experience for the integrated approach in the revision of standards.
44. The representative of the Government of Denmark, as Chairperson of the Subgroup of the High-Level Working Group, expressed strong support for the work towards the new consolidated Convention and for the proposals contained in paragraph 5 of the document before the Committee.
45. The representatives of the Governments of Japan, India, Canada, the United States and the United Kingdom also expressed similar support. Japan added that the Office might provide a clearer explanation on the implementation of the integrated approach and on the links with the maritime work as well as on the schedule of the ongoing work.
46. The Committee therefore endorsed the proposals contained in paragraph 5 of document GB.283/LILS/7.

<sup>7</sup> GB.283/LILS/7.

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

47. The Governing Body had before it a document<sup>8</sup> on ILO action concerning discrimination in employment and occupation.
48. The Worker members welcomed this informative document, but felt that it could be improved by providing more details on the impact and results of the activities referred to in it. They also pointed out that the Office should ensure that the promotion of gender equality really benefits women in the world of work. While recognizing the issues concerning refugee women and supporting the Office's cooperation with other organizations concerning the celebration of International Women's Day (8 March), the Worker members wondered whether it would not be more appropriate if the Office organized its own tripartite event on 8 March to discuss issues more relevant to its own objectives and concerns in the world of work. With regard to paragraph 19 of the Office paper, they stated that more mention could have been made of the efforts and activities by ACTRAV in promoting the Maternity Protection Convention, 2000 (No. 183), in the African and Latin American regions. As for the activities to promote equality in the labour market in rural and industrial areas in Mauritius and Madagascar (paragraph 27 of the paper), the Worker members wondered whether these activities had resulted in the ratification of relevant Conventions by these countries.
49. While considering the document to be a mine of useful information, the Employer members suggested that it might be helpful if, in the future, the document could expand on the specific objectives and results of the activities mentioned and give more focus to the priorities of the ILO.
50. The representative of the Government of Croatia supported the statement of the Employer members and thanked the Office for the useful document. Referring to the statement of the Worker members with regard to the role of ILO in the field of promoting gender equality in the world of work, she stated that no area should be excluded from the global picture when discussing discrimination issues. She strongly supported cooperation of the Office with organizations that promoted equality in areas other than labour. Finally, she hoped that the English version of Title I of the paper on "supervision of the application of the standards on discrimination" only referred to discrimination in national law and practice and not to the existence of any ILO standards on discrimination.
51. The representative of the Government of the Islamic Republic of Iran expressed appreciation to the Office on the very comprehensive document. He supported the Asian and Pacific group's efforts to bear in mind the cultural, historical and ideological differences which might exist amongst member States while trying to find a common ground to achieve the goals and aims for which the ILO had been set up. He added that it should be recognized that translating the principles embodied in the Conventions into national legislation and policies was different in each society. He recommended that the supervisory system focus more on improving labour relations, taking into consideration the capacity of the governments concerned. In this context, he pointed out that the expansion of technical assistance to developing countries would increase the prospects for more ratifications and better application of standards in these countries while reaffirming their commitment to these standards based on mutual respect and trust. In recent years, the Islamic Republic of Iran had been provided with more technical cooperation and this had

<sup>8</sup> GB.283/LILS/8.

been an important step in promoting ILO standards in the country. The active and constructive role of the ILO in exploring innovative and effective approaches would help developing countries to put into practice the ILO's strategic objectives, including its most important goal, the application of international labour standards.

**V. Form for reports on the application of unratified Conventions and Recommendations (article 19 of the Constitution): The Employment Policy Convention, 1964 (No. 122), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Human Resources Development Convention, 1975 (No. 142), and the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)**

52. The Committee had before it a document prepared by the Office<sup>9</sup> and was requested to examine the draft form to be used as a basis for the report on these instruments which member States would be requested to submit under article 19 of the Constitution of the ILO.
53. The Worker members considered that the draft report form was comprehensive. They anticipated that if full replies were given to the report form it would provide a reasonable overview of the application of the instruments under examination. They suggested several amendments (reflected in the draft report form, attached).
54. The Employer members felt that the report form would provide useful information on employment and human resources development policies, as well as the role of small and medium enterprises as a means of promoting employment, particularly in those member States which have not ratified the Employment Policy Convention, 1964 (No. 122), and the Human Resources Development Convention, 1975 (No. 142). They noted that the report form was long, but had no objections to inserting the amendments proposed by the Worker members.
55. The representative of the Government of Germany felt that it would not be easy for his Government to determine which questions it had already answered in reports submitted under article 22 of the Constitution of the ILO since the various sections of the report form did not specify to which instrument they referred. The speaker also wondered whether it was standard practice to ask about the prospects for ratifying instruments that were not explicitly included in the scope of examination of the General Survey.
56. The representative of the Government of Japan recalled the Committee's previous discussions of report forms. The speaker expressed concern over the burden this report form might place on governments, although it was acknowledged that the coverage of several instruments in this General Survey necessitated a longer report form. The speaker stressed that there should be no additional reporting burden for governments which have ratified the Conventions under examination.
57. The representative of the Government of Canada noted that it was useful to examine the application of Conventions Nos. 122 and 142 together, due to their complementarities.

<sup>9</sup> GB.283/LILS/9.

However, the speaker noted that the report form contained over 50 questions, some of which were very broad and which might require a lot of detailed information.

58. The representative of the Government of the Libyan Arab Jamahiriya supported the document, but shared the concern not to overburden ministries of labour, many of which have few staff available to fulfil reporting requirements. The speaker also requested that the Office undertake to translate the report form into Arabic, to stimulate Arabic-speaking member States to submit more thorough reports.
59. The representative of the Government of the United States noted that the new integrated approach necessarily required governments to provide more information to the Office. The speaker recognized that the length of the report form would pose a burden on governments, but that the information needed to come from them and that they should try to provide as much information as possible.
60. A representative of the Director-General stated that it was not standard practice to ask whether governments have considered ratifying instruments not explicitly included in the General Survey; nonetheless, the question was pertinent to the instruments concerned, taking into account the integrated approach under which this General Survey was requested. The Office also was conscious that the report form would be asking for a large amount of information. The Office was gradually getting more and more report forms translated into Arabic, but had not yet covered all of them.
61. *The Committee on Legal Issues and International Labour Standards recommends to the Governing Body that it adopt, as amended, the form for reports on the application of unratified Conventions and Recommendations (article 19 of the Constitution) concerning the Employment Policy Convention, 1964 (No. 122), the Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169), the Human Resources Development Convention, 1975 (No. 142), and the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189) (see Appendix II).*

## VI. Follow-up to ILO co-sponsorship of UNAIDS

62. The Committee had before it a document for information.<sup>10</sup> In the discussion, the representative of the Workers' group stressed the fact that ACTRAV had contributed to the publication "Workers' education manual for Africa" in collaboration with the Office. He also said that the next priorities should be to mobilize the social partners for the application of the ILO code of practice on HIV/AIDS and the world of work in the workplace, to advise governments and to raise awareness on the issue. The representative of the Employers' group underlined the fact that the International Organisation of Employers (IOE) had developed a manual on best practices on HIV/AIDS-related activities in collaboration with UNAIDS. The representative of the Government of Japan stressed the fact that there should be no duplication with the work of UNAIDS. The two organizations should cooperate and work together.

<sup>10</sup> GB.283/LILS/10.

## VII. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

63. The Committee had before it an information document prepared by the Office,<sup>11</sup> containing extracts from the Declaration and Programme of Action adopted by the World Conference. Introducing the document, the representative of the Director-General stated that, subsequently to its preparation, the Third Committee of the General Assembly had approved a draft resolution endorsing these texts. However, the draft resolution still had to be adopted by plenary. The secretariat also informed the Committee that the draft resolution invites relevant organizations of the United Nations system to become involved in the follow-up to the World Conference and that the Office would keep it informed on this matter.
64. The Worker members stressed that the draft resolution invited specialized agencies to strengthen and adjust their activities and programmes to take into account the follow-up to the World Conference. The Governing Body and the Director-General should therefore review the ILO's policy in this regard, including an evaluation of the contributions that the different departments can develop in order to eliminate racism in the world of work and to set up a comprehensive plan of work.
65. The Employer members pointed out that the Programme of Action urges States to apply the relevant provisions of the Declaration on Fundamental Principles and Rights at Work.
66. Recalling the strong reservations expressed by her country on the outcome documents in Durban, the representative of the Government of Canada stated that, while recognizing that the Durban Declaration and Programme of Action contain elements relevant to the work of the ILO, including those listed in the appendix to the document submitted by the Office, Canada could not agree that this is the case for the entirety of the texts. Canada therefore registered a reservation to the first sentence of paragraph 3 of the document.
67. The Committee noted the information in the document.

Geneva, 19 March 2002.

*Points for decision:* Paragraph 20;  
Paragraph 39;  
Paragraph 61.

<sup>11</sup> GB.283/LILS/11.