



NINTH ITEM ON THE AGENDA

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)

1. In accordance with the decision taken by the Governing Body at its 282nd (November 2001) Session, the Committee is requested to examine the appended draft form to be used as a basis for the reports on the instruments which member States will be required to submit in 2003 in accordance with the recommendations made by the Committee. The report form approved by the Governing Body will be made available on the ILO web site, and member States will be encouraged to submit their replies in electronic format.
2. *The Committee is invited to decide on the report form for the Employment Policy Convention, 1964 (No. 122), and the Employment Policy Recommendation (Supplementary Provisions), 1984 (No. 169), and aspects of the following instruments as they relate to the promotion of full, productive, and freely chosen employment: the Human Resources Development Convention, 1975 (No. 142), and the Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189).*

Geneva, 23 January 2002.

Point for decision: Paragraph 2.

Appendix

Appl. 19.
C.122, C.142, R.169, R.189

INTERNATIONAL LABOUR OFFICE

REPORTS ON

UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

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

REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Employment Policy Convention, 1964 (No. 122)

and the

Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

and aspects of the following as they relate to the promotion of full,
productive and freely chosen employment:

Human Resources Development Convention, 1975 (No. 142)

and the

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

GENEVA
2002

INTERNATIONAL LABOUR OFFICE

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

5. In the case of a Convention:

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

6. In the case of a Recommendation:

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

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

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

.....

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

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

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

REPORT

to be made no later than 1 April 2003, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to the matters dealt with in the following instruments:

Employment Policy Convention, 1964 (No. 122)

and the

Employment Policy (Supplementary Provisions) Recommendation, 1984 (No. 169)

and aspects of the following as they relate to the promotion of full,
productive and freely chosen employment:

Human Resources Development Convention, 1975 (No. 142)

and the

Job Creation in Small and Medium-Sized Enterprises Recommendation, 1998 (No. 189)

This General Survey will examine parts of various instruments that are relevant rather than focus on selected instruments in their entirety. In the context of a possible future general discussion in this subject area based on an integrated approach, this General Survey will facilitate the work of both the Office and the Conference as well as alleviate the workload of the constituents as the examination of the instruments concerned by the Committee on the Application of Standards would precede such a discussion.

The report form is available on the ILO web site and member States are encouraged to send their report in electronic form, including any attachments. Although attachments are welcome, it would be greatly appreciated if member States would summarize their replies to questions, to the extent possible, or clearly identify the relevant portion of any attachment supplied.

Member States which have already provided some of the information requested in the report form for the General Survey as part of their reporting obligations under article 22 of the Constitution should simply refer to the relevant section of the article 22 report. Any additional updated information would be appreciated.

Many aspects of an active employment policy go beyond the immediate competence of the ministry responsible for labour questions or human resources development, so that the preparation of a full report on the abovementioned instruments may require consultation with the other ministries or government agencies concerned, such as those responsible for planning, economic affairs, finance, education and training, and statistics.

I. Adoption of an active policy designed to promote full, productive and freely chosen employment

- A. Please indicate whether your country has adopted an active policy designed to promote full, productive and freely chosen employment. If so, please indicate how the active policy has been declared as a major goal in your country.
- B. Please describe the extent to which the active policy is developed within the framework of a coordinated economic and social policy.
- C. Please describe the manner and extent to which the competent authorities responsible for the following areas of policy take into consideration the impact on employment: fiscal and monetary policy (including debt restructuring, if relevant), trade policy, sectoral policy, and rural and regional development policy.
- D. Please indicate any measures taken to promote interministerial coordination in the field of employment policy.
- E. Please indicate any mechanisms established to monitor progress towards achieving full, productive and freely chosen employment.

II. Labour market data

- A. What are the principal labour market surveys conducted and what is the frequency with which they are carried out? Who is responsible for collecting and analysing the data?

- B. Are these labour force survey data used to monitor regularly progress made towards full employment? If so, is this information disseminated widely, especially among policy-makers?
- C. To what extent, and how frequently, are the data utilized to assess policy impacts on employment promotion and to formulate changes in policy as necessary?

III. Promoting freedom of choice of employment and the fullest possible opportunity for each worker to qualify for, and to use his or her skills and endowments in, a job for which he or she is well suited

- A. Please describe any measures taken to promote freedom of choice of employment, and to ensure equality of access to education and training, and to employment.
- B. Please describe any measures taken (laws, complaints mechanisms, educational campaigns, etc.) to prevent discrimination in employment based on race, colour, sex, religion, political opinion, national extraction or social origin. (Reference may be made to reports on the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), if ratified, and if the reports contain this information.)
- C. Please describe any measures taken to promote employment of first-time jobseekers (apprenticeships, work experiences, etc.).
- D. Please describe any measures taken to promote employment of people re-entering the labour market.
- E. Please describe any measures taken to promote employment of workers who have been displaced from an occupation, such as workers affected by structural change.
- F. Please describe any special measures taken to promote employment of women, older workers, people with disabilities, and other categories of people subject to discrimination and exclusion, e.g., racial, ethnic or religious minorities.
- G. Please describe the relationship between your international migration (immigration and/or emigration) policy, if any, and your active employment policy, and indicate the approximate number of persons immigrating and/or emigrating annually.
- H. Please describe any policies or programmes to prevent long-term unemployment and to promote employment of the long-term unemployed.

IV. The role of education and training policies in attaining full employment

- A. Please describe briefly how general, technical and vocational education policy is oriented towards promoting full employment.
- B. Please describe the main elements of your government's training policy and legal framework under which it operates.
- C. Please describe: (i) any structured measures to identify the skills needs of the labour market; and (ii) how training policies and programmes are adjusted to reflect these needs.
- D. Please describe any policy measures to support and promote lifelong learning.
- E. Is there an assessment at the national level of the relevance of training programmes to employment needs, and especially of the impact of any such programmes?
- F. What are the major institutions responsible for providing career development information and services (including vocational guidance) to prospective and current workers? How is information provided to interested persons by the various institutions?
- G. Please indicate the manner in which cooperation with employers' and workers' organizations and, where applicable, other interested bodies, is assured in the formulation and implementation of vocational guidance and vocational training policies and programmes. Please describe any formal procedures or machinery established for this purpose.

V. The role of the public employment service (PES) in employment promotion

- A. Please list the labour market programmes administered by the PES (e.g., job search assistance, training/retraining, or job creation/public works programmes for unemployed workers in general or targeted groups).

- B. Please describe the role of private placement agencies in your country's policy on job placement.
- C. How are the efforts of the private placement agencies coordinated with the PES?
- D. If your country has not ratified the Employment Services Convention, 1948 (No. 88), or the Private Employment Agencies Convention, 1997 (No. 181), has it considered ratifying these instruments relating to placement services?

VI. The role of micro, small and medium-sized enterprises (MSMEs) in employment promotion and job creation

- A. What is the official definition, if any, of micro, small and medium-sized classes of enterprises in your country?
- B. Please describe your country's MSMEs' promotion policy, if you have one, including a statement of the role of MSMEs in meeting employment objectives, any constraints identified, the implementation plan for this policy, frequency of monitoring of follow-up. Please indicate any laws or regulations adopted to promote MSMEs.
- C. How does your country review the potential impact of MSMEs when designing new economic policies in broader policy areas such as fiscal and monetary policies; access to domestic and international markets and foreign currency exchange; taxation; property rights; and bankruptcy provisions?
- D. Please provide information on how creation and operation of MSMEs are supported through each of the following measures, if applicable:
- promoting an entrepreneurship culture and integrating entrepreneurship training into the curriculum of secondary and vocational education and universities;
 - improving access to small business management training;
 - ensuring access to credit and other financial resources. Please describe any specific schemes or special institutions created, if any, to cater to the financing needs of MSMEs;
 - simplifying business registration, licensing, and reporting requirements;
 - ensuring access to technology, market information, and material inputs within the private sector.
- E. Women's entrepreneurship: What steps have been taken to identify and remove barriers that women face to starting and increasing the size of businesses?
- F. What measures are being implemented to improve the quality of work within MSMEs (e.g., extending social protection to workers and promoting occupational safety and health and workplace safety training, eliminating child labour and bonded and forced labour) and to address the problems of low productivity and low incomes?
- G. How are MSMEs encouraged to participate in employers' organizations? How are workers in small enterprises encouraged to participate in workers' organizations?
- H. How does your country collect national data on MSMEs and on the quantity and quality of employment in them? How often is this data collected?
- I. Please provide information on the employment impact of MSMEs in your country, if available.

VII. Consultations

- A. Please indicate the manner in which representatives of the persons affected are consulted concerning employment policies, with a view to taking fully into account their experience and views and securing their full cooperation in formulating and enlisting support for such policies?
- B. How does your government consult with representatives of employers and workers, and other groups affected by employment policies, such as rural and informal sector workers, concerning employment policies and programmes? Please indicate whether formal consultative procedures have been established for such consultations.

VIII. Prospects for ratification and implementation of the employment-related instruments

- A. Convention No. 122 is a priority Convention of the ILO. Has your government considered ratifying it? Do you see any obstacles to ratification?
- B. The Governing Body has invited member States to consider ratification of Convention No. 142. Has your government considered ratifying it? Do you see any obstacles to ratification?
- C. What kind of assistance from the ILO would most help your government to promote full, productive, and freely chosen employment and concerning MSMEs?

IX. If not already included in your previous responses, please indicate whether any legislative, administrative or other provisions exist in your country in regard to all or some of the matters dealt with in the Conventions and the Recommendations. If so, please give in summarized form information concerning the legislation, regulations and practice existing in your country which may facilitate an appreciation of the extent to which effect has been given to the Conventions and the Recommendations particularly to the questions raised above.

- (1) Please indicate whether any modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Conventions or of the Recommendations.
- (2) Please state also whether it is intended to adopt measures to give further effect to the provisions of the Conventions or of the Recommendations.
- (3) Please state, where appropriate, any difficulties due to the Conventions, to the legislation, to the national practice or to any other reason, which may prevent or delay the ratification of the Conventions.

X. 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.¹

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

Federal States

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

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The full texts of the relevant Conventions and Recommendations are appended.

¹ Article 23, paragraph 2, of the Constitutions 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".