

The 69th Session of the International Labour Conference, June 1983

The 69th Session of the International Labour Conference was held in Geneva from 1 to 22 June 1983 and was attended by delegates from 138 member States. On 1 June Viet Nam gave notice of withdrawal from the International Labour Organisation; Poland, which had not sent a delegation to the Conference, informed the Director-General on 24 June, following the appointment of a Commission of Inquiry to consider the complaint concerning Poland's non-observance of the two Conventions concerning trade union rights, that it was suspending its co-operation with the ILO. On 6 June China resumed its active participation in the Organisation by sending a tripartite delegation to the Session headed by the Minister of Labour. Observers were present from Bermuda, the Republic of Korea, Oman and the Holy See, as were representatives of numerous international organisations, both governmental and non-governmental, and other bodies invited by the Conference.

In addition to the annual Report of the Director-General, a report submitted by the Governing Body summarising the more important decisions it had taken since the 68th Session, the regular report on the application of international labour Conventions and Recommendations, programme and budget proposals and other financial questions, the nineteenth special report on apartheid and the report of the working party set up to consider the structure of the ILO, the Conference had before it four technical items. These concerned (1) vocational rehabilitation; (2) maintenance of rights in social security; (3) employment policy; and (4) social aspects of industrialisation.

The Conference adopted a Convention and a Recommendation on the first of these technical items; on the second, it adopted a Recommendation supplementing last year's Convention on the same subject; on the third item, it held a preliminary discussion with a view to adopting a Recommendation at its next session and, on the fourth, it adopted general conclusions and conclusions concerning the ILO's future activities with regard to the social aspects of industrialisation.¹

The Conference adopted by 390 votes in favour and 28 against, with 13 abstentions, the Organisation's programme and budget for the 1984-85 biennium as well as the distribution of expenditure among member States, although several delegates had expressed reservations about the scale of assessment of contributions based on the new United Nations scale of assessments. Finally, after noting the reports of the Working Party on Structure, it considered that it was not yet in a position to adopt the amendments to the Constitution and Standing Orders under discussion. It therefore established a delegation to continue discussion of the question and placed on the agenda of the 70th Session the question of the proposed amendments to the Constitution concerning the appointment of the Director-General, the quorum rule of the International Labour Conference, the procedure for amending the Constitution and the composition of the Governing Body.

Vocational rehabilitation

Following the first discussion of this item at the 68th Session of the Conference,² the Office prepared a report which contained the text of a proposed Recommendation based on the conclusions adopted by the Conference in 1982 as well as a subsequent report reproducing the text as modified in the light of the observations made by governments.³

The sittings of the Committee set up by the Conference were attended by representatives of several invited international non-governmental organisations of or for the disabled who, as all members agreed, made a valuable contribution to the debate.

During the general discussion in the Committee, the Workers' members and some Government members renewed their plea for the adoption of a Convention supplemented by a Recommendation. In the Employers' group there was firm opposition, echoed by other Government members, to the use of obligatory standards for the organisation of rehabilitation services. With such a sharp division of opinion, it became necessary to decide how to proceed further. The Committee put the question to a vote which resulted in a majority decision to formulate both a Convention and a Recommendation. Although the Workers' members had prepared beforehand the draft text of a Convention which was made available to other Committee members as an unofficial paper, a request was made by the Committee as a whole that the Secretariat should draft an Office text as a basis for further debate.

While this draft was being prepared, the Committee proceeded first with the examination of the proposed Recommendation. Since the subject had already been considered in detail during the previous session of the Conference, the discussion in the Committee centred on adjustments of detail and editing of the text aimed at achieving greater clarity and improving the presentation of certain provisions.

The Committee again discussed the definition of "disabled persons", deciding in the end to delete the reference to "psychological impairment" and limit the term to "duly recognised physical or mental impairment". The feeling was that "mental impairment" included mental illness as well as retardation.

Some other amendments to the proposed Recommendation stressed the need for early rehabilitative intervention and regular co-operation for this purpose between medical, social and vocational rehabilitation services, broadening the reference to sheltered employment and including the provision of aids, devices and ongoing personal services to disabled persons. A new paragraph was also introduced calling for rehabilitation measures to be followed up in order to assess and evaluate the results.

The Committee members spent some time discussing the applicability of the various measures to both industrialised and developing countries. In the end, the Committee decided to insert a new paragraph in Part I of the instrument, indicating that all the subsequent provisions should be applied through measures which are appropriate to national conditions and consistent with national practice. It was felt that this type of flexibility was necessary to allow for the very considerable variations in practical rehabilitation possibilities in countries with different cultures and at different stages of economic and administrative development.

The text of the Convention was kept to a concise formulation, using the same language as the Recommendation as far as basic definition and scope were concerned. Part II, which deals with principles of rehabilitation and employment policies for disabled persons, lists four basic responsibilities: to formulate, implement and review periodically an appropriate national policy in this area; to apply the policy to all categories of disabled persons and promote their integration into the open labour market; to respect the principle of equal opportunity between the disabled and non-disabled, as well as between disabled men and women workers; and to implement the policy in consultation with employers', workers' and disabled persons' organisations.

The action required of member governments covers the provision of specialised vocational rehabilitation services as well as making use, with necessary adaptation, of existing vocational training and employment services for workers generally. As in the Recommendation, special emphasis is given to the need to provide vocational rehabilitation services in rural areas and also to the training of rehabilitation staff.

The Convention provides a framework of principles and basic measures by which member countries can, through laws and regulations, pursue a rehabilitation policy at the national level. Ratifying States will be required to accept the purpose of vocational rehabilitation as being "to enable a disabled person to secure, retain and advance in suitable employment and thereby to further such person's integration or reintegration into society".

The Recommendation goes into greater detail. It lays down various specific guidelines and refers to the organisation and development of services

covering the full range of vocational rehabilitation and employment measures needed by disabled persons.

The two instruments are in line with the aims and purposes of the 1981 International Year of Disabled Persons, calling for "full participation and equality", and the United Nations World Programme of Action concerning Disabled Persons. Equally important, as the Director-General stressed in his reply to the discussion of his Report, the new Convention and Recommendation finally open up for the Office an important field of practical activities in the context of the United Nations Decade of Disabled Persons (1983-92).

The Conference adopted the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), by 344 votes in favour and none against, with 77 abstentions, and the Vocational Rehabilitation and Employment (Disabled Persons) Recommendation, 1983 (No. 168), by 417 votes in favour and none against, with 3 abstentions.

Maintenance of rights in social security

The task of revising the Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48), which led to the adoption by the Conference in 1982 of the Maintenance of Social Security Rights Convention (No. 157),⁴ was completed this year, as foreseen, by the drawing up of a Recommendation on the same subject, which the Conference adopted by 419 votes in favour and none against, with 8 abstentions. Unlike Convention No. 48, Convention No. 157 contains a number of provisions which are not directly applicable but are to be given effect through bilateral or multilateral instruments which ratifying States are to endeavour to conclude. There are already a great many instruments of this nature in existence; since the end of the Second World War there has been a remarkable growth of bilateral and, especially, multilateral social security conventions in which the ILO has played no small part, first of all in Europe and then in Africa and Latin America. However, the network of these instruments still falls far short of reflecting the diversity and development of migration movements or the creation and expansion of social security schemes in countries where none existed hitherto; furthermore, the existing conventions also fall short of establishing full co-ordination of all the social security legislation in force in the States which are contracting parties. What was needed; then, was to review the lessons that had been learned in the international co-ordination of social security instruments and to recommend proven formulae which would facilitate the conclusion of such instruments by States still lacking sufficient experience in this field. This was the object of the Recommendation adopted following a single-discussion procedure based on the proceedings of a Meeting of Experts that had been held in Geneva from 23 to 30 November 1982.⁵

This Recommendation, which concerns the establishment of an international system for the maintenance of rights in social security, is designed to

supplement not only Convention No. 157 but also the Equality of Treatment (Social Security) Convention, 1962 (No. 118), which, apart from its provisions relating to equality of treatment of nationals and non-nationals, also requires, in the wording reproduced in Convention No. 157, the Members concerned to endeavour to participate in schemes for the maintenance of acquired rights and rights in course of acquisition. However, unlike these two Conventions and in accordance with the customary practice in international labour Recommendations, the term "Member", for the purposes of the Recommendation, means any Member of the ILO, whether or not bound by the Conventions it is designed to supplement.

The Recommendation comprises a number of very brief provisions and two annexes containing, respectively, model provisions for the conclusion of bilateral or multilateral social security instruments and a model agreement for the co-ordination of such instruments.

Whereas the range of persons covered by bilateral and multilateral instruments is very frequently limited to nationals of the contracting parties—a limitation which Convention No. 157 accepts as a bare minimum, extending it nevertheless to stateless persons and refugees resident in the territory of one of these parties, although in principle the Convention applies to any person who is or has been subject to the legislation of a State bound by it—Paragraph 2 of the Recommendation states that the benefit of the provisions of bilateral and multilateral instruments should be extended to the nationals of any State Member of the ILO, as well as to refugees and stateless persons resident in the territory of any Member. Other detailed provisions concern the adoption of measures to remove possible administrative or financial obstacles to the provision of long-term benefits and death grants to which a right is acquired by beneficiaries resident abroad, as well as to compensate equitably the loss or the absence of rights as a result of no legislation being in force in respect of unemployment benefit or family benefit in the country to which an unemployed person transfers his residence or in that in which the members of his family are resident. It is also provided that cash benefits to beneficiaries residing abroad should be paid with the minimum delay and, whenever possible, directly to the beneficiary.

The final Paragraphs of the Recommendation introduce the two annexes which should be taken into account in establishing systems for the maintenance of rights in which Members should endeavour to participate, either in accordance with Conventions Nos. 118 and 157 if a Member is bound by either of these Conventions, or in accordance with the Recommendation itself if a Member is not so bound.

Annex I, which contains detailed model provisions essential for the conclusion of bilateral or multilateral social security instruments, forms the principal object of the Recommendation. The provisions in question may be used directly by the contracting parties to such instruments, with alternatives being given to take into account possible differences in the characteristics of the social security systems to be co-ordinated. The first group of model

provisions relates to the determination of the applicable legislation and includes exceptions to the general rules for avoiding conflicts of laws laid down in Convention No. 157, which are referred to in footnotes. Other model provisions deal with the maintenance of rights in course of acquisition according to the traditional methods of adding together periods applicable to the various benefits, and the determination of long-term invalidity, old-age and survivors' benefit, either according to the method of apportionment as a basis for the payment by the various contracting parties concerned of certain parts of the benefit calculated in proportion to the periods completed under the legislation they apply, or according to the method of integration under which a single benefit is paid by a given contracting party. Co-ordination rules are also provided for the determination of benefits in respect of occupational diseases. Another group of model provisions concerns the maintenance of acquired rights and the provision of short-term benefits abroad—medical care; sickness benefit; maternity benefit; benefits for occupational injuries and diseases other than pensions; unemployment benefit; and family benefit—as well as non-contributory invalidity, old-age and survivors' benefits, in respect of which Convention No. 157 does not lay down direct obligations. Finally, special mention must be made of the model provisions concerning the maintenance of rights in the relations between or with provident funds since, unlike the other provisions in Annex I, these represent an innovation, there being no precedent in international substantive social security law: these provisions are intended to fill a gap in the international co-ordination of legislation relating to institutions based on the principle of compulsory saving, which still exist in some African, Asian and Caribbean countries where pension schemes have not yet been established.

The multiplicity of bilateral instruments and even multilateral ones concluded at regional levels raises the question of their co-ordination; a solution to this problem is essential for the maintenance of the rights of persons whose situation is dependent on a number of these instruments, either because of their nationality or because of the periods of insurance, employment, occupational activity or residence they have completed: this is the object of the Model Agreement contained in Annex II, which aims to achieve a "second-degree" co-ordination, as it were, of national legislation through a limited number of points of principle in the still numerous cases in which it is not possible to replace bilateral or multilateral instruments concluded between certain contracting parties with a multilateral instrument binding a much larger group. Paragraphs 6 and 7 of the Recommendation stress, in particular, the usefulness of this annex for the fulfilment of the obligations incumbent upon the States bound by Conventions Nos. 118 and 157, and the possibility that the ILO could assist in the conclusion of an international instrument aimed at establishing such co-ordination of the existing instruments.

Employment policy

In the field of employment policy ILO standards have hitherto been limited to two instruments dating from 1964: first, the Employment Policy Convention (No. 122), whose principal goal is to promote full, productive and freely chosen employment through policies appropriate to national conditions in each member State, drawn up in consultation with representatives of the persons concerned; and second, the Employment Policy Recommendation (No. 122), which is more explicit in that it suggests a wide range of practical measures to achieve this goal.

As the Secretary-General observed in his opening address to the Conference Committee on Employment, Convention No. 122, which is among those that have received the most ratifications (69), seems as valid today as when it was adopted; nevertheless, the need has made itself felt in the last few years—since the 65th (1979) Session of the Conference, which adopted a resolution concerning the follow-up to the World Employment Conference—for a thorough review of ILO instruments on the subject and, in view of the aggravation of structural problems and the deterioration in the employment situation, to take stock of the experience of the past two decades in order to find possible remedies. Moreover, as the Secretary-General went on to stress, new issues have arisen since 1964: the restructuring of national economies in the light of the international division of labour, the energy crisis and inflation; the development, choice and transfer of technology; the reduction in regional disparities between employment and income levels; the integration of the urban informal sector into the national economy; and international migration. All these themes provided the headings for separate parts of the Proposed Conclusions formulated by the Office in the light of the replies to a questionnaire sent to member States, which is contained in the report dealing with existing law and practice in the matter.⁶

On the basis of the results of the Committee on Employment's discussions, the Conference adopted, by consensus, a series of Conclusions which will serve as a starting-point for a second discussion next year. First, it considered that additional standards were necessary but that these should take the form of a Recommendation: this view, if confirmed in 1984, would mean that Convention No. 122 would not have to be revised and that, as an instrument of a promotional nature, it was thought to deal satisfactorily, *inter alia*, with the question of the right to work, which a minority of member States as well as some workers' organisations still wished to see included in a new Convention or a revised Convention No. 122.

The discussions in the Committee resulted in the inclusion of references to a number of standard-setting instruments in the preamble of the text proposed by the Office, namely ILO Conventions and Recommendations concerning specific categories of workers (workers with family responsibilities, migrant workers), the United Nations International Covenant on Economic, Social and Cultural Rights, and the United Nations Convention

on the Elimination of All Forms of Discrimination against Women. The preamble also cites the Declaration of Principles and Programme of Action adopted in 1976 by the World Employment Conference.

The general principles of employment policy, although similar in vein to those embodied in Convention No. 122, are nevertheless supplemented by a number of important riders: the promotion of full, productive and freely chosen employment should be regarded as the means of achieving in practice the realisation of the right to work; the satisfaction of basic needs should be regarded as a priority goal; tripartite consultation should be extended to representative organisations of the persons concerned, particularly those in the rural sector; methods of giving effect to employment policies might include negotiating collective agreements; and international co-operation should be strengthened in the fight against unemployment.

The section initially dealing with employment of young persons has been expanded to include all categories of persons having difficulties in finding a stable occupation in the labour market, such as women, young workers, disabled persons and older workers. Emphasis is also placed on the need to encourage institutions and undertakings to engage and to train young people as well as to set up special programmes with a view to employing young persons for the execution of community projects.

The section dealing with the measures to be taken in the field of technology embraces concepts which, if confirmed, would constitute innovations for most member States: the inclusion in national development policies of the development of technology as a means of creating employment opportunities and satisfying basic needs; emphasis on the importance of new technologies (rather than on appropriate technologies); and involvement of the workers in decision-making on the planning and use of new technologies in the undertaking.

As for the informal sector, it is recognised as playing a positive role as a source of jobs, at least for a transitional period and in the developing countries; the developed countries, for their part, are called upon to take measures to combat the growth of illegal or irregular employment.

For the first time an ILO instrument tackles regional problems in a comprehensive manner and recognises the importance of regional development as a means of correcting the unequal spread of growth and employment within a country; specific suggestions as to how this might be achieved are included. Likewise, particular stress is laid on the contribution that special public works programmes, as part of the whole range of public investment programmes, can make to employment.

The final two sections deal, respectively, with international economic co-operation and employment, and international migration and employment: on these two themes they confirm important principles or break new ground by introducing others: the interdependence between economies; progressive reconversion of the armaments industry; establishment of a new international economic order; and intensified capital movements and the expansion

of trade as possible alternatives to migration. However, the discussions in the Committee were not able to cover fully every aspect of these questions and the debate will be continued on the occasion of the second discussion.

In addition, a resolution—adopted by the Conference by 253 votes in favour and none against, with 71 abstentions—invites member States to give priority to measures for the creation of employment opportunities. For its part, the Office is invited to elaborate an international strategy to this end, to prepare a revised draft World Employment Programme and to publish on a regular basis a World Employment Report. It should also endeavour to promote a better understanding of the problems of employment and basic needs in the other international agencies, especially those responsible for economic and financial policies.

Social aspects of industrialisation

Industrialisation has been defined as an indispensable element in economic development and a dynamic instrument for achieving it. It has been accepted as such by many countries and has become a major objective of practically the entire developing world.

The Lima Declaration and Plan of Action on Industrial Development and Co-operation, adopted by UNIDO in 1975, called for a progressive restructuring of world industrial production in such a way that the share of developing countries in the volume of industrial manufacturing would be at least 25 per cent of the world's industrial output by the year 2000. Following this, the New Delhi Declaration and Plan of Action (1980) confirmed the 25 per cent target set in Lima and called for a progressive change in the pattern of world trade to raise the volume of manufactured goods exported by the developing countries in the year 2000 to at least 30 per cent of total manufactured exports as compared with the present 7 per cent. Moreover, it called for a series of measures such as the transfer of capital, equipment, materials and technology from the industrialised to the developing countries to enable the latter to achieve these targets.

The International Development Strategy for the Third United Nations Development Decade also sets out a number of objectives and policy measures relating to the industrialisation of developing countries, and makes several references to the social aims and aspects of industrialisation.

The industrialisation of developing countries is an important requirement for their sustained growth and for the attainment of higher levels of employment and income of their populations. Yet, if the goals of accelerated industrialisation are to be met, massive efforts will need to be made to train staff to operate and manage industrial enterprises. An expanding industrial labour force would require the institution of appropriate and effective industrial relations policies which can contribute to greater social justice, social stability and increased productivity. There must be transfers of technology suited to the requirements of the recipient countries, since

policies of industrialisation can have significant effects on employment, incomes and conditions of work and life of all workers, in both rural and urban areas, and measures need to be taken to mitigate their negative social and economic impacts, particularly those resulting from urbanisation. Moreover, the increased export potential of the developing countries, coupled with the structural changes that are taking place in the industrialised world, also affect workers in the industrialised countries. Adjustment to these developments raises difficult social and labour problems, especially in unfavourable economic circumstances.

Major changes have taken place in the world economy and in the progress and nature of industrialisation since the International Labour Conference last had occasion to examine this subject at its 50th (1966) and 51st (1967) Sessions. Moreover, the ILO's own activities in the field of industrialisation have become more diversified and have grown in volume.

The situation described above was discussed in detail in a report prepared by the Office,⁷ which served as the basis for a wide-ranging exchange of views by a Committee set up by the Conference on industrialisation and development, recent trends in world industrial development and current issues in industrialisation and industrial restructuring. Social aspects of industrialisation such as basic human rights, training, working conditions and environment, industrial relations, social security, equality of rights, tripartism and tripartite action were, however, the main focus of attention of the Committee and the Conference.

The general conclusions agreed upon by the Committee stressed that the process of industrialisation involved the entire social and economic system. Underlining both the immense benefits of industrialisation and those consequences which can involve undesirable social costs, the general conclusions pointed to the importance of a positive investment climate and to the need for industrial strategies which, in addition to aiming at rapid growth, modernisation, creation of wealth and self-reliance, should pay due attention to social goals such as increased employment, greater equality in income distribution, better working conditions, the satisfaction of basic needs and the social protection of workers and their families. Full respect for basic human rights and freedoms, on which all labour and social policy must be built, should be part and parcel of all industrial labour policies and legislation. Particular emphasis was laid on the strict application of ILO Conventions on freedom of association, freedom from forced labour and freedom from discrimination.

The general conclusions further stressed that continuous consultations and co-operation between the three social partners were essential for the effective development and implementation of industrialisation strategies. The Committee considered that social policy and legislation should protect not only those in the formal organised sectors but should include disadvantaged and vulnerable categories of workers in the rural and urban informal sectors. Due attention should be paid to the implications of technological

change which, if properly handled, can make major contributions to the progress of industrialisation and social development.

As regards future ILO action, the Committee reached agreement on conclusions which underlined the importance of the contribution the ILO can make to industrialisation. There was strong recognition of the need for strengthening the ILO's activities in promoting international labour standards and human rights and in assisting in employment promotion, manpower assessment and planning; such activities would enhance its contribution to the implementation of the International Development Strategy for the Third United Nations Development Decade.

There was a general consensus as to the high priority to be given to all types of training as a prerequisite for effective industrialisation and self-sustaining development; the ILO was called upon to expand its training programme to include training for self-employment, factory-level training and training in the informal sector, and the increased participation of women and youth in both urban and rural areas. The Committee reiterated the need for the ILO to review and update its training and retraining policies and programmes to take account of changing needs in industry and reaffirmed the desirability of more job-related training and the need for a much closer co-ordination of national educational systems with training schemes for and in industry.

The conclusions also called upon the ILO to promote the establishment of tripartite consultation machinery to deal with the social aspects of industrialisation, including adaptation of industrial relations policies, legislation and programmes and their extension to workers in the informal sector and the dissemination of information on good personnel policies and practice in dealing with social and labour issues affecting industries in difficult economic circumstances.

Other points in the conclusions stressed the need for strengthening the ILO's Programme for the Improvement of Working Conditions and Environment (PIACT); studies and training programmes on safety and health matters; investigation of working conditions in free trade zones; and further studies on child labour in industry and ways to end it. In this regard, the Committee highlighted the importance of the principle of tripartism as set forth in international labour standards, and drew particular attention to the need to follow and monitor the introduction and use of new processes and technologies to ensure that the safety and health of workers would be protected. The need for a major educational effort involving all concerned was also expressed.

The discussions on social security—an issue which the workers regarded as a fundamental right, and one on which employers pleaded for a cautious approach in view of what they termed the often limiting economic circumstances in developing countries—concluded with a call for the extension of social security protection to all workers, including workers in the rural and informal sectors, and to their dependants.

An expansion of sectoral activities was called for, for example by enlarging the scope of the industrial activities programme, undertaking comparative studies on social aspects of industrialisation in countries at different levels of development, and strengthening industrial co-operatives in the informal sector. The Committee reiterated the importance of strong, independent and fully effective employers' and workers' organisations as well as efficient and effective labour administrations as prerequisites for social and industrial progress and the smooth functioning of the industrialisation process. The holding of seminars and training programmes to strengthen both employers' and workers' organisations and to disseminate information on various technical fields such as safety and health, social security, etc., was also suggested.

Although the subject of employment, which was a separate agenda item under consideration in another committee of the Conference, was not discussed by the committee which dealt with social aspects of industrialisation, its conclusions nevertheless called on the ILO to carry out studies and disseminate relevant information on the effects of technological change on employment in developing and industrialised countries, promote self-employment schemes, and make significant contributions to the development and use of social indicators as measures of progress in the review and appraisal of the International Development Strategy by the United Nations.

Turning to equality of rights and in particular the problems of vulnerable groups such as migrants and women workers, the Committee called for equality in access to education, training, employment, remuneration and working conditions as well as promotion of greater awareness concerning discrimination against women, especially in job segregation, wages and social security and advancement prospects. The Committee considered that a great deal remained to be done at both the national and the international levels and called upon the ILO to intensify its research and other activities with regard to women workers in industry.

Finally, a request was made to explore means for closer co-ordination of activities with UNIDO, WHO, UNCTAD and GATT in fields of mutual interest.

During the discussions several speakers drew attention to the negative effects of protectionism on industrialisation. On new technologies, it was felt that the ILO should examine the regional impact of technological change and its training, social security and labour implications. A discussion of the role of multinational enterprises in the industrialisation process led to some controversy. The Committee nevertheless concurred that the ILO's Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy defined desirable principles and practices. There was also a call to reinforce tripartism in the ILO—in technical co-operation and through more effective consultations at national level in all matters of concern to the ILO.

Action taken on the Declaration concerning the Policy of Apartheid in South Africa

The International Labour Conference approved a report by the Committee on Apartheid embodying conclusions designed to ensure the implementation of the Declaration concerning the Policy of Apartheid in South Africa, which was adopted by the Conference at its 67th Session in 1981. These conclusions expressed, among other things, disappointment at the inadequate response of constituents to the questionnaires circulated by the Office concerning action taken against apartheid. It was stressed that there was a need for greater efforts to secure precise, detailed replies by governments and by employers' and workers' organisations in the future.

Particular concern was expressed over the role of trade and foreign capital and of investments and bank loans to the South African Government. A renewed request was made for detailed information, including lists of strikes and their causes, arrests and detentions, companies investing in South Africa, collective agreements signed with Black trade unions and government sanctions against South Africa. Employers were called on to hire and train Black workers for everyday employment and to promote them to positions of authority. Special training schemes should be established for this purpose. Furthermore, employers were requested to lodge protests to the South African authorities over the influx control system, which in various ways reduces their scope for the free engagement and employment of labour and is contrary to ILO Conventions on employment. Concerning action by trade unions, particular emphasis should be put on discouraging workers from emigrating to South Africa through intensive information campaigns organised in the major supplier countries. Trade unions should also select major companies investing in South Africa for intensive pressure campaigns. These companies should be listed and the unions' campaigns should be fully reported to the ILO.

Satisfaction was expressed regarding the initiative taken by the Workers' group of the ILO Governing Body and the international trade union movement in convening the International Conference of Trade Unions on Sanctions and Other Actions against the Apartheid Regime in South Africa in Geneva in June 1983. (The resolution adopted by that Conference was read out in the plenary session on 16 June.)

Finally, the Committee recommended that the ILO itself should further develop its assistance programmes, particularly in the areas of vocational training, rehabilitation and employment, for the benefit of the front-line States and the liberation movements recognised by the Organisation of African Unity. The ILO was also urged to convene in Africa, and preferably in a front-line State, another tripartite conference on apartheid, setting an agenda of four or five priority items in order to permit a thorough discussion and reach concrete conclusions regarding measures to be implemented. (A meeting of this nature had been held in Livingstone (Zambia) in May 1981,

the conclusions of which were incorporated in the updated Declaration on Apartheid adopted by the International Labour Conference in June 1981.)

Application of Conventions and Recommendations

As it does each year, the Conference Committee on the Application of Conventions and Recommendations reviewed the measures taken by the member States to fulfil their obligations under the ILO Constitution with respect to international labour standards and, in particular, to apply Conventions they have ratified. The Committee once again took as the basis for its work the report of the Committee of Experts on the Application of Conventions and Recommendations.

This year the Committee had discussions on a series of major issues. These included the principles and methods governing the ILO supervisory machinery, the situation among the ILO's entire membership in the field of trade union rights and many complex and difficult situations affecting the implementation of standards of fundamental importance. The length of the debates and the wide participation by the members of the Committee testified to the importance which continues to be attached to this part of the ILO's work.

As regards the supervisory machinery, a group of socialist countries submitted a memorandum concerning ILO standard-setting activities, which expressed criticism of the machinery and proposed that the composition, procedures and powers of the supervisory bodies be re-examined and that an ad hoc working group be established to prepare proposals for consideration by the next session of the Conference. The spokesmen for the Employers' and Workers' groups, speaking on behalf of the great majority of their members, and numerous Government delegates disagreed with the criticism of the supervisory machinery and expressed their confidence in its objectivity and effectiveness. Moreover, as they pointed out, the Director-General's decision to deal with ILO standard-setting activities as the major theme of his Report to the Conference in 1984 would provide an opportunity for discussion of all aspects of these activities next year.

This year the Committee also had before it the Report of the Fourth Session of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers. The discussion centred, in particular, on the possible adoption of an ILO Convention enunciating the fundamental principles set forth in this Recommendation.

A wide-ranging debate was held on the general survey made by the Committee of Experts,⁸ which this year dealt with the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), and the Rural Workers' Organisations Convention, 1975 (No. 141), and Recommendation (No. 149). Various aspects of freedom of association were

discussed, including the relationship between civil liberties and freedom of association; the right to organise of public servants, rural workers, employers and management personnel; trade union unity and pluralism; the right to strike; and collective bargaining. Noting that there existed fundamental differences of interpretation and application between the law and practice of many countries and those provisions of the Convention concerning the right of workers to establish organisations of their choice, the Committee expressed the wish that such divergences could be overcome and clarified with the assistance of the ILO, in particular by the organisation of seminars and other means. It also expressed the hope that the general survey and the discussion that had taken place would encourage the recognition and the promotion of freedom of association which the ILO in its Constitution had solemnly undertaken to foster.

As usual, the main part of the Committee's work was devoted to discussing with representatives of the countries concerned problems in the application of ratified Conventions or in the discharge of reporting obligations, and the requirement that Conventions and Recommendations be submitted to the competent national authorities. Forty-five governments co-operated with the Committee by providing information on the situation in their countries and participating in the discussion of individual cases. In the time at its disposal the Committee was able to examine only a very limited number of the cases on which the Committee of Experts had made observations in its report.

The Committee noted with particular interest the steps which had been taken by a number of governments to ensure compliance with ratified Conventions. This year the Committee of Experts had been able to list in its report 53 cases, from 27 States and five non-metropolitan territories, in which governments had made changes in their law and practice following comments made by the Committee. These cases related to countries from all regions, with different social and economic systems. They brought to over 1,500 the number of cases of progress recorded by the Committee of Experts since 1964. These bore out the positive results which are brought about by the work of ILO supervisory bodies.

The Committee noted with interest that a government had proposed the establishment of direct contacts with a view to examining questions relating to the application of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). It also decided, according to its established procedure, to draw the particular attention of the Conference to the discussions which it had had regarding special cases arising in three countries, particularly in respect of the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

The Committee's report was adopted by the Conference, by secret ballot, by 263 votes in favour and 4 against, with 164 abstentions.

Resolution on a question not included in the agenda of the Conference

The Conference adopted a resolution concerning young people and the ILO's contribution to the International Youth Year, which the General Assembly of the United Nations has decided to celebrate in 1985 under the slogan "participation, development, peace".

The resolution recalls the ILO's leading role in the field of employment and vocational training and invites the member States to take various steps, *inter alia* to combat youth unemployment, to ensure that young people obtain an adequate level of education, to enable them to participate in the economic, social and cultural development of their country, and to apply to them the principle of equal remuneration for work of equal value. The ILO, in co-operation with other governmental and non-governmental organisations concerned, will undertake between now and 1985 a general survey of the needs and problems of young people in the field of work. The agenda of the 71st Session of the International Labour Conference will include a discussion on these problems which might lead to the adoption of new standards and an ILO programme of action.

Report of the Director-General

As in past years the Director-General's Report was divided into two main parts, the first dealing with a special theme, child labour, and the second summarising the activities of the Organisation during the year 1982.

Although more than 60 years had passed since the International Labour Conference had adopted the Minimum Age (Industry) Convention, 1919 (No. 5), and ten since it had adopted the more comprehensive Minimum Age Convention, 1973 (No. 138), the Director-General pointed out that child labour remained a pressing problem in much of the world today, particularly in the developing countries. Nevertheless, under the influence of ILO standards, the majority of countries had adopted laws and regulations governing child labour; while this was a sign of progress, the persistence of child labour remained a challenge to the conscience of the world community.

Child labour was rooted in poverty, he said, but it was so deeply rooted that it did not lend itself to any simple or quick solution. The objective of the total elimination of child labour could only be attained as an integral part of the development process; this called for long-term action based on policies aimed at promoting adult employment, raising incomes and improving living standards.

Convinced that direct action could be taken in the immediate future to put a stop to the most shocking practices in the field of child labour pending its complete abolition, the Director-General recommended the member States to give priority to the following measures: a review of existing legal

standards on minimum age for admission to employment or work with the aim of identifying any significant gaps in coverage and, where possible, adopting laws or regulations for some or all of the sectors concerned; the adoption and strict enforcement of laws or regulations prohibiting the employment or work of children in hazardous activities; the promotion of occupational safety and health and the improvement of the physical environment at the workplace in sectors where children were known to be engaged; the regulation and improvement of other conditions of work of children, especially in respect of hours of work, night work, weekly rest and holidays; the regulation of levels and methods of remuneration and the protection of wages; the strengthening of labour inspection and other enforcement measures for the regulation of child labour; the provision of welfare facilities and services for children at or near the workplace; the expansion of educational facilities to permit the extension or more effective implementation of compulsory education; the introduction of schemes whereby children who were obliged to work could combine remunerative activity with education or training; the encouragement of action by employers, trade unions and voluntary organisations to promote child welfare; the exposure of particularly abusive or exploitative practices; and the dissemination of information designed to create greater public awareness of the adverse effects of child labour.

Reiterating the appeal made by the Conference in 1979 during the International Year of the Child, the Director-General concluded by inviting member States that had not yet done so to ratify the Conventions concerning child labour.

In the second part of his Report the Director-General described the activities of the ILO over the preceding year in pursuing its fundamental aims: protection of the worker under international labour standards concerning freedom of association and working conditions, the promotion of employment in member States, the alleviation of poverty, the development of human resources, equality of rights for all categories of workers, and effective tripartism in industrial relations and other aspects of national development. Briefly recapitulating the key problems of the world of labour in the preceding year, Mr. Blanchard noted that the continuing economic stagnation in many countries had highlighted the importance of certain ILO activities, while at the same time holding back progress towards the achievement of the Organisation's long-term goals.

As regards the follow-up to the resolution concerning the implications of Israeli settlements in Palestine and other occupied Arab territories in connection with the situation of Arab workers, the Director-General reported the conclusions of the mission sent to Israel and the occupied Arab territories.

Discussion of the Report

Some 250 speakers, including around 100 ministers, took part in the discussion of the Director-General's Report.

The President of the Arab Republic of Egypt, Mr. Hosni Mubarak, appealed to the ILO to strive for reconciliation, stressing that the struggle to achieve security and progress should be based on a conviction that the best approach lay in co-operation between nations and peoples, regardless of differences in their social and political systems. It had to be recognised that the struggle was not between North and South, East and West, creditor and borrower; it was a decisive struggle between backwardness and progress, between safety and fear, between trepidation and reassurance, between war and peace. President Mubarak proposed the establishment of an international fund for vocational training to enable those countries which suffered manpower outflows to implement programmes for training substitute elements, thus filling the gap left by migration.

The Prime Minister of Australia, Mr. Robert Hawke, spoke of the disastrous prospect of high unemployment even in the course of economic recovery and the need for innovative policies to respond to the virtual certainty that the conventional labour market was unlikely to expand rapidly enough to supply jobs for all who wanted them. One possibility might be to provide state assistance to help citizens to build alternative types of socially constructive employment by using resources that would otherwise be spent on providing unemployment benefits. Noting that in all regions of the world economic and social difficulties had been used as a pretext for severe measures against trade unions, he stressed the need to reverse this trend and to encourage governments to restore basic rights and freedoms to the union movement in their nations.

The Prime Minister of Zimbabwe, Mr. Robert Mugabe, expressed his thanks to the ILO and the international community for the positive and timely assistance given to his country in its long and difficult struggle for independence; the advice and technical assistance of the ILO had been greatly appreciated. He also welcomed the part played by the ILO in the struggle against apartheid. Noting that South Africa was continuing its acts of aggression, he declared that bombing front-line States would not stop the struggle; on the contrary, it would only inflame it. Without entertaining any illusions about the difficulties that lay in the way of building a new society, he declared that Zimbabwe was resolved to succeed in the necessary and urgent task of laying the foundations for a new and just social order.

Commenting on the part of the Report relating to the activities of the Organisation over the preceding year, many delegates stressed that the main preoccupation of the international community was employment; they appreciated the ILO as an invaluable forum for discussing the most important and serious problem confronting the nations of the world, both rich and poor. The personal tragedy of workers deprived of their livelihood

was assuming harrowing proportions, sapping their morale and undermining their respect for institutions. Unemployment spared no one: it attacked everyone and, though it might do so in different ways, it destabilised the individual and disorganised society with the same mercilessness everywhere. The employment crisis was bound up with the problems of economic development which should be resolved through far-reaching international negotiations in which all nations would take part in a spirit of solidarity. The international community had a duty to find the political means of achieving a solution: this was one of the most urgent tasks facing the ILO at the present time.

Other speakers concentrated on the specific problem dealt with by the Director-General: child labour, which was a dramatic manifestation of the underdevelopment currently affecting more than two-thirds of humanity. While awaiting longer-term solutions accompanying development, they considered that immediate steps could be taken to alleviate the problems posed by child labour. Side by side with the Director-General's proposals, it was stressed that any steps taken to promote the integration of mothers into the production process would greatly help to resolve these problems; the lack of vocational training and the discrimination suffered by women often impeded their integration into the labour market which, by improving family income, would help to remove the need for children to be put to work.

The Director-General's reply

Mr. Blanchard observed that the adoption of a Convention and of a Recommendation concerning the vocational rehabilitation and employment of the disabled had been the culmination of the debate initiated in 1981 on the occasion of the International Year of Disabled Persons. The right of the disabled to be granted equitable access to training and employment had long been proclaimed by the ILO. Unfortunately, this objective, for many, was still beyond their reach. The new instruments appealed for increased efforts to achieve it and emphasised the important role of employers' and workers' organisations in the planning, organisation and development of vocational rehabilitation; their direct intervention should have considerable weight in the elimination of discriminatory practices which continued to restrict the access of the disabled to the employment market. The instruments proposed to the member States also opened up for the Office an important field of practical activities in the context of the United Nations Decade for the Disabled.

The Maintenance of Social Security Rights Recommendation, which supplemented the Convention adopted in 1982, was designed to protect foreigners and migrants. It should facilitate the conclusion of bilateral and multilateral social security agreements between countries of immigration and countries of emigration. On the strength of these new instruments, the

ILO would have to follow carefully the problems arising from the movements of migrants, particularly those who moved for the purposes of employment.

The Director-General stressed that the particularly full discussion in the Committee on the Application of Conventions and Recommendations had made it possible to assess the progress achieved and the difficulties encountered in the implementation of the principles contained in the two major ILO Conventions on freedom of association and collective bargaining, principles which were part and parcel of those fundamental human rights the ILO had committed itself to promoting.

Following major political changes in a number of countries, basic freedoms and trade union rights too long suppressed had been restored. In others, the national legislation had been brought more into line with the principles contained in these two Conventions. This testified to the impact that ILO standard-setting activities had on the safeguarding and promotion of trade union freedoms. But the fact remained that the promotion of freedom of association faced serious obstacles. The Committee on Freedom of Association was receiving an increasing number of complaints: 80 a year at present, compared with about 30 only a few years ago. While this bore witness to growing trust in the ILO's supervisory machinery, the proliferation of complaints was also a sign of the deterioration of freedom of association throughout the world.

Mr. Blanchard recognised that, more than 30 years after the adoption of the ILO's standards on freedom of association, a task of impressive magnitude still lay ahead. In the years to come the protection and promotion of human and trade union rights must remain a key feature of the Organisation's mission as a means of redress for those whose rights were flouted. Its member States had a pre-eminent part to play in this regard through the adoption and application of international labour standards. To help them discharge this important responsibility the Director-General had decided to select international labour standards and all the related problems as the theme of his Report to the 70th Session of the International Labour Conference next year. In anticipation of that debate, several delegates had expressed reservations or made comments on the supervisory machinery. Nevertheless, the feeling which seemed to emerge was that, although the ILO was open to improvement, like any other institution, the supervisory procedures, without setting up the ILO as a tribunal, did offer a guarantee of objective evaluation of the implementation by member States of the obligations they had freely entered into.

International labour standards, which were universal both in their principles and from the point of view of the application procedures, required the support of all. If in some minds they gave rise to certain reservations and doubts, then an effort must be made to analyse the former and remove the latter. The 70th Session of the Conference would offer an opportunity for the member States to carry out an overall review of all problems relating to these

standards and to join together to examine how their effectiveness might be increased and their application facilitated.

Mr. Blanchard had no doubt that in this essential debate two considerations would be present in the minds of the delegates: the first was that the ILO had a pre-eminent responsibility in the defence of human rights and, in particular, such basic rights as freedom of association, the elimination of forced labour and discrimination in all their forms, and equality of opportunity and treatment; the second was that the problems relating to international standards were also problems of law. The ILO had a long tradition of respect for the role of law and due process of law. It would have to remain faithful to this tradition when making any adjustments deemed necessary.

In devoting a part of his Report to the difficult problem of child labour, the Director-General had chosen a subject which weighed heavily on the conscience of the world since it related to the exploitation of the weakest and most defenceless of human beings. He had been struck by the remarkable degree of consensus reached on the conclusions of his Report: with an honesty and a frankness which commanded respect, a large number of delegates had recognised that child labour was still a long way from being eliminated, notwithstanding the extensive network of national laws and regulations which had abolished it in law.

Mr. Blanchard called on all the governments and the employers' and workers' organisations of the countries confronted with this problem to enact laws and regulations and to take concrete action to improve the conditions of work of the youngest of workers. By the effort and dedication of all—and the ILO would play a large part—it would be possible to take bold and realistic steps to ensure that human rights also covered children's rights.

Once again the debates of the Conference had focused primarily on the problem of rising unemployment and underemployment in most countries: 500 million people unemployed or semi-employed in the developing countries and 32 million jobless in the industrialised market economy countries. It was significant that at the time when the UNCTAD had been discussing the major economic problems in Belgrade, the ILO in Geneva was discussing some of the most acute social problems: unemployment, poverty and the social aspects of industrialisation. Just as when considering social issues it was important to bear in mind the economic implications of the problems, so in discussions on economic and monetary questions and on development in general it was essential not to overlook the social and human environment. The measures too often hastily devised to meet short-term needs should be placed in the longer-term context of growth prospects. The battle against inflation and balance-of-payment deficits could be successfully waged by governments and by the international organisations with an economic or monetary vocation only if the remedial measures stabilised and improved the employment situation. While the ILO did not have a strictly economic vocation, its voice must nevertheless be heard in this great debate, so that social objectives might be recognised and taken into account.

Notes

¹ The texts adopted by the Conference appear in *Official Bulletin* (Geneva, ILO), Series A, No. 2.

² For a summary of the first discussion, see *International Labour Review*, Nov.-Dec. 1982, pp. 642-646.

³ ILO: *Vocational rehabilitation*, Reports IV (1) and (2), International Labour Conference, 69th Session, 1983.

⁴ See *International Labour Review*, Nov.-Dec. 1982, pp. 636-639.

⁵ See ILO: *Maintenance of rights in social security*, Report V, International Labour Conference, 69th Session, Geneva, 1983.

⁶ ILO: *Employment policy*, Reports VI (1) and (2), International Labour Conference, 69th Session, 1983.

⁷ ILO: *Social aspects of industrialisation*, Report VII, International Labour Conference, 69th Session, 1983.

⁸ ILO: *Freedom of association and collective bargaining*, General Survey by the Committee of Experts on the Application of Conventions and Recommendations, Report III (Part 4B), International Labour Conference, 69th Session, 1983.