

# International Labour Review

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## The 70th Session of the International Labour Conference, June 1984

The 70th Session of the International Labour Conference was held in Geneva from 6 to 26 June 1984 and was attended by delegates from 139 member States. Observers were present from Bermuda, the Holy See, the Democratic People's Republic of Korea and the Republic of Korea, 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 69th Session, the regular report on the application of international labour Conventions and Recommendations, programme and budget proposals and other financial questions, the twentieth 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) employment policy; (2) occupational health services; (3) revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63); and (4) evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT).

The Conference adopted a Recommendation on the first of these technical items; it held preliminary discussions on the second and third items with a view to adopting a Convention and a Recommendation on both at its next session; and on the fourth item, it adopted conclusions concerning future ILO action in the field of working conditions and environment.<sup>1</sup>

Finally, elections were held to designate the members of the Governing Body of the ILO for the next three years.

### Employment policy

Following the first discussion of this item last year,<sup>2</sup> the Conference pursued its work of updating – through the preparation of a new instrument – the ILO's standards on employment policy, which date back to 1964, namely the Employment Policy Convention (No. 122) and Recommendation (No. 122). While this Convention, which is among those that have received the most ratifications, seems as valid today as when it was adopted, especially as regards its principal goal of promoting full, productive and freely chosen employment, the need has made itself felt since 1979, owing to the deterioration in the employment situation, to take stock of the experience of

the past two decades and tackle new issues that have arisen since 1964. Such was the object of the Employment Policy (Supplementary Provisions) Recommendation (No. 169), adopted by the Conference on 26 June 1984.<sup>3</sup>

The form of the instrument – a supplementary Recommendation, rather than a revised or supplementary Convention – was decided by the Committee on Employment set up by the Conference after a record vote had rejected, by a large majority,<sup>4</sup> an amendment to specify that “the present Convention undertakes to proclaim the application of the right to work” and that “the right to work must be an integral part of national, economic and social policy”. The Committee thereby confirmed the view expressed at the first discussion that “the promotion of full, productive and freely chosen employment” – provided for in the 1964 instruments – “should be regarded as the means of achieving in practice the realisation of the right to work” and that full recognition by Members of this right should be linked with the implementation of the economic and social policies whose priority goal should be the promotion of full employment.

The Committee also largely confirmed or strengthened its previous position with regard to other general principles of employment policy: considering the satisfaction of basic needs to be a paramount objective; extending tripartite consultation to organisations representative of the persons concerned, particularly those in the rural sector; endeavouring to ensure equality of opportunity and treatment; combating illegal employment and encouraging the progressive transfer of workers from the informal to the formal sector; facilitating adjustment to structural change; negotiating collective agreements on questions having a bearing on employment; encouraging multinational enterprises, in pursuance of the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, 1977, to ensure that negative effects of their investments on employment are avoided and positive effects are fostered; and strengthening international co-operation in the fight against unemployment.

Part II of the instrument, dealing with population policy, was expanded to include a subparagraph mentioning more specifically family planning and the improvement of living conditions in developing countries. The title of Part III, which during the first discussion covered disadvantaged groups in general, was changed to “Employment of youth and disadvantaged groups and persons”; the measures recommended for these categories, as compared with the 1983 text, include a number of additions deemed particularly relevant in regard to education and vocational training and, in general, to the links between these and the world of work.

The discussion on Part IV – technology policies – generally confirmed the position adopted last year and made it possible to introduce into an ILO instrument such innovatory notions as the appropriateness of including the development of technology in national policies and of establishing links between technology and the creation of employment opportunities and the satisfaction of basic needs; of striking a balance between the development of

new technologies and most appropriate technologies; of informing and holding prior consultations with workers and their representatives; of encouraging the establishment of technological linkages between large- and small-scale undertakings; and of incorporating occupational safety and health considerations at the design stage.

Parts V and VI deal, respectively, with the informal sector – defined as economic activities which are carried on outside the institutionalised economic structures – and small undertakings. As regards the informal sector, the Recommendation adopts a balanced approach combining the encouragement of family work and independent work with cautiousness as to the speed of the progressive integration – deemed necessary – of this sector into the national economy. The Paragraphs devoted to small undertakings stress their importance as providers of jobs as well as the diverse forms they can take and the variety of the measures that should be taken to assist them. The next two Parts deal in detail with the contribution of regional development as a means of correcting the uneven spread of growth and employment within a country, and with public investment programmes, including special labour-intensive public works programmes.

The final two Parts of the Recommendation are devoted to international economic co-operation and employment and to international migration for employment. As in 1983 they confirm major principles or introduce new and innovative ones: the interdependence of economies, the progressive reconversion of the armaments industry,<sup>5</sup> the establishing of the new international economic order, the intensification of capital movements and the expansion of trade as an alternative to migration together with measures for the protection of migrants.

To sum up, as several speakers from the three groups stressed – albeit with some reservations regarding the form of the instrument – the Recommendation adopted, following a great deal of work and patient reconciling of points of view, constitutes an instrument of notable quality which should stimulate thought and action in a crucial and complex area marked by a deteriorating situation. In his reply to the discussion of his Report, Mr. Francis Blanchard, for his part, described it as a “milestone” in the work of the ILO to meet the major challenge of our times.

In addition, the Conference adopted a resolution by consensus. In the operative part of this resolution the Conference invites the Governing Body of the ILO to take a number of measures with a view to enlarging the ILO's influence in international discussion, including the convening of a tripartite meeting of experts on employment, to which the international agencies concerned, such as the IMF, GATT, UNCTAD and the OECD, should also be invited.

## **Occupational health services**

Health and human activities are interdependent. Although it is generally agreed that work helps to keep an individual in good health as long as it does

not overtax his physical and mental capacities, various factors inherent in work can have harmful effects on workers' health: the type of work done, the physical and mental effort involved, the materials and products used, the nature of the working environment, the conditions in which the work is performed and the way in which it is organised.

Although much has been done to improve working conditions and environment, there is virtually no job or occupation that is wholly devoid of risks for the worker's health and safety. This is clear from the number of cases of occupational diseases and accidents – which in most countries, moreover, is known to be much higher than the number actually reported.

Occupational health, the science of reciprocal relations between work and the health of persons performing it, studies the physiological, psychological and pathological effects associated with work and the working environment. Its purpose is to promote and carry out programmes for the prevention of hazards that have been identified, to deal with health problems arising from hazardous working conditions, to adapt work to man and – in general – to maintain a satisfactory level of health.

These tasks can be carried out only under specialised institutional arrangements, i.e. by occupational health services. According to the definition adopted by the Joint ILO/WHO Expert Committee on Occupational Health in 1950, the functions of occupational health services are:

the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations; the prevention among workers of departures from health caused by their working conditions; the protection of workers in their employment from risks resulting from factors adverse to health; the placing and maintenance of the worker in an occupational environment adapted to his physiological and psychological equipment and, to summarise: the adaptation of work to man and of each man to his job.

In 1953 the International Labour Conference adopted a resolution recommending member States to encourage the training of physicians qualified in occupational health, and to study the organisation of industrial medical services. In 1954 the ILO convened a meeting of a group of experts to study the guiding principles for the organisation of occupational health services. Its work and the subsequent activities of the Governing Body and the Conference resulted in the adoption, in 1959, of the Occupational Health Services Recommendation (No. 112). With the passage of time, however, further developments in occupational health showed that it would be desirable to reopen the discussion at the international level on the organisation and functions of occupational health services. In 1976 the ILO launched the International Programme for the Improvement of Working Conditions and Environment (PIACT), while in 1981 the International Labour Conference adopted the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164) laying down the principles of a national policy in this field and establishing the framework for action at the level of the undertaking. Advances in national occupational safety and health policies,

the growing importance of workers' participation, and the development of universal public health strategies in many countries amply justified re-examination of the question at the international level. Furthermore, the growing concern of developing countries with occupational safety and health, the need to make the best use of health care personnel, and the problems of small undertakings had shown the desirability of having available models for the organisation of occupational health services that would be sufficiently flexible to make allowance for the varying conditions of countries with different socio-economic structures and levels of development.

At its November 1982 Session the Governing Body decided to place on the agenda of the 70th (1984) Session of the Conference the question of the revision of Recommendation No. 112 and the possibility of adopting a Convention. The Office prepared two reports,<sup>6</sup> the first containing background information and a questionnaire and the second replies from governments to the questionnaire and Proposed Conclusions to serve as the basis for the first discussion at the Conference.

At this year's session the subject was discussed at length by the Committee on Occupational Health Services set up by the Conference. The speakers welcomed the inclusion of the question of occupational health services in the agenda, feeling that the moment had indeed come for its re-examination.

A consensus did not emerge about the form of the instrument or instruments to be adopted. The Workers' members and a great many Government members were in favour of a Convention and Recommendation, whereas the Employers' members and some Government members preferred a Recommendation only.

It was acknowledged that there should be no compromise on health issues. The considerable differences between countries in their level of industrialisation, structure of health services and available resources argued in favour of the adoption of flexible instruments that could be applied by the greatest possible number of countries – especially developing ones – and not just a small minority of rich, industrialised countries. Occupational health services should be able to reach a large proportion of a country's population, contributing to the WHO's goal of "health for all by the year 2000".

It was agreed that the role of occupational health services should be essentially preventive. They should be professionally independent advisory bodies, their main tasks being surveillance of the working environment and of the workers' health and the provision of expert advice to the employers and workers and their representatives. The point was made that the terms traditionally used in French and Spanish – *médecine du travail* and *medicina del trabajo* – did not correspond exactly to the English term "occupational health", a difference not without significance for the whole concept of occupational health as a broad multidisciplinary field. The need to ensure that occupational health services are multidisciplinary was mentioned repeatedly: not only physicians, but also other specialists, such as occupa-

tional hygienists, ergonomists and safety engineers, play an important role in workers' health. The contribution of occupational health nurses to workers' health was duly acknowledged.

The particular problems of developing countries were stressed: the shortage of specialised personnel, the lack of information for workers, the failure to observe regulations or to provide the necessary equipment, the concentration of the labour force in traditional activities (agriculture, handicrafts) and the occupational hazards due to industrialisation. Some of these countries had found that occupational health services should be a component of primary health care, i.e. efforts to make essential health care accessible to workers could be used as the main strategy for health development.

The Committee discussed in detail all the points contained in the Proposed Conclusions. It recommended that the Conference should adopt both a Convention and a Recommendation. These instruments should contribute to the protection of workers against sickness, disease and injury arising out of their employment, and should cover: principles of national policy on occupational health services; functions of occupational health services, particularly in the fields of surveillance of the working environment and workers' health, information, education, training and advice, and first aid and medical care; organisation of occupational health services; and conditions of operation. The provisions proposed are in line with the Occupational Safety and Health Convention (No. 155) and Recommendation (No. 164) and are intended to contribute to their implementation.

The report of the Committee and the Proposed Conclusions were adopted by the Conference. During the coming months governments, in consultation with the most representative organisations of employers and workers, will prepare their comments on the form and content of the proposed instruments. The draft instruments will be submitted to the 71st Session of the Conference in 1985 for final decisions.

## **Revision of the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)**

The principal objective of Convention No. 63, at the time of its adoption in 1938, was to lay down guide-lines to meet the need for a basic set of regular statistics of wages and hours of work and to serve as a basis for the improvement and expansion of national statistics of wages and hours of work and for the promotion of their international comparability. Its provisions reflected to a large extent the progress made up to 1938 in statistical standards and techniques concerning the measurement of wages and hours of work. It was necessarily limited to "statistics which are sufficiently developed to permit of a substantial number of Members entering into definite

obligations in respect thereof"<sup>7</sup>; in other words, it covered only those types of data most easily compiled by most countries.

Over the years, the standards and guide-lines laid down in Convention No. 63 have been superseded, particularly by the resolutions of the International Conferences of Labour Statisticians. Furthermore, its coverage is insufficient to meet modern data needs for the purposes of labour administration and planning, policy-making and implementation, for which a whole body of information is required, covering not just wages and hours of work, but also other areas of basic labour statistics. For these reasons, the Governing Body of the ILO decided to place the question of the revision of the Convention on the agenda of the 70th Session (1984) of the Conference, under the double-discussion procedure.

The Committee set up by the Conference to consider this subject had before it two reports prepared by the Office as a basis for its discussion.<sup>8</sup> The first examined the relevant national practices and international standards and concluded that the Convention was obsolete and should be revised and expanded in order to provide for a basic set of labour statistics required at the national level for policy-making, planning and the monitoring of plans in particular. The report was accompanied by a questionnaire on the proposed revision and was communicated to governments of member States. The second report contained a summary of the replies received, on the basis of which proposals were made for a revised Convention.

While the Committee unanimously agreed that the Convention was obsolete as regards both coverage and content, there was a lengthy debate over whether it would be better to adopt a new Convention or a Recommendation, or both. The general discussion highlighted the need for sufficient flexibility to allow both for continuing developments and changes in the field of labour statistics and for implementation by the largest possible number of countries, whatever their level of development.

During the general discussion the Employers' and Workers' members alike emphasised the need to involve employers and workers in the development of national programmes of labour statistics since they were both users and suppliers of such data. The Committee also noted the importance of providing for the confidentiality of statistical data.

The Committee concluded that the need for flexibility would best be met by a revised Convention laying down principles and general provisions, supplemented by a Recommendation containing more detailed standards, so as to provide guide-lines for national practice, to promote international comparability and to ensure the necessary flexibility in the area of labour statistics.

In turning to the question of the contents of the Convention and Recommendation, the Committee examined the range of basic labour topics proposed in the Office report, which included, in addition to wages and hours of work, the economically active population, employment, unemployment and underemployment, consumer price indices, household income and



expenditure, occupational injuries and industrial disputes. The Employers' members were opposed to extending the scope of the Convention beyond statistics of wages and hours of work, feeling that the other topics could be covered by the supplementary Recommendation. The Workers' members, on the other hand, were firm in their support for the inclusion of the whole list of topics and proposed that labour productivity and occupational diseases also be covered. In their view, it was essential to expand the coverage of the Convention in order to meet existing and future needs for statistical information. The proposal to include labour productivity gave rise to considerable debate, being opposed in particular by the Employers' members and a number of Government members on the ground that there were many issues still to be resolved concerning concepts, definitions and methods of measurement. In the light of these arguments, it was concluded that the topic of productivity, which included labour productivity as one of a range of measures, was suitable only for the Recommendation. Consumer price indices and household income and expenditure were also subjects discussed at length. The Workers' members strongly supported their inclusion in the Convention as elements essential for measuring the well-being of workers as well as for use in collective bargaining.

The Committee finally decided that the Convention should be expanded to cover all the topics listed in the Office report plus occupational diseases, subject to a few changes to provide more flexibility with regard to this subject and to household income. The Committee further concluded that the Convention should not just list the topics for which basic labour statistics should be compiled but should also specify the coverage of the various types of statistics.

The Proposed Conclusions with a view to a Convention adopted by the Committee comprise three parts. The first sets out the general provisions under which ratifying Members would undertake to collect and compile basic labour statistics, which should be progressively expanded to cover the list of topics agreed upon. In doing so, consideration should be given to the latest relevant standards and guide-lines adopted under the auspices of the International Labour Organisation and account should also be taken of the needs of the representative organisations of employers and workers. Provisions are also included concerning the confidentiality of statistical data, the communication to the Office of information on the publication of the statistics and the publication of methodological information as an aid to users.

The second part sets out the coverage of each of the different types of labour statistics as regards geographical area, persons and industries in particular. The flexibility clauses contained in the third part would allow ratifying countries to apply selectively and progressively the detailed provisions on each of the subject areas specified in the second part.

In assigning to the Recommendation the points concerning classifications and periodicity for each of the subjects covered in the Convention, as

well as the topic of productivity, the Committee noted that the question of a supplementary Recommendation had not been raised by the Office when consulting governments concerning the revision of the Convention. The Workers' members therefore proposed that the Office should further develop the points to be covered to provide guide-lines concerning concepts, definitions, methodology and sources, which were of particular interest to the developing countries, and recommended that the latest resolutions adopted by the International Conferences of Labour Statisticians (ICLS) should be borne in mind for that purpose. The Employers' members, however, were opposed to any specific reference to the ICLS resolutions since they were not binding on the International Labour Conference and, in their view, had not been adopted by a tripartite body. The question of the status of resolutions adopted by the ICLS had been a subject of debate throughout the Committee's sittings.

Considering the importance of keeping up to date the standards and guide-lines relating to the statistics compiled in pursuance of the Convention and the Recommendation, the Committee agreed that, in order to fulfil its function as the major body for international standard setting in the field of labour statistics, the ICLS should be held more frequently than in the past, and adopted a resolution to that effect.

The Conference unanimously adopted the Proposed Conclusions with a view to a Convention and a Recommendation as well as the above-mentioned resolution.

## **Evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT)**

The International Programme for the Improvement of Working Conditions and Environment (PIACT) was launched in 1976 in order to strengthen the ILO's capacity to carry out its "first and permanent mission", which is "the improvement of working conditions and environment and the well-being of workers", according to the terms of a resolution adopted by the International Labour Conference in 1975. That resolution also called for the convening of an international tripartite meeting to evaluate the programme whose results would be submitted to the International Labour Conference in order to allow it to take stock of ILO action and to decide on a future programme of activities.<sup>9</sup>

Based on a new approach, since it recognises that "the improvement of the working environment should be considered a global problem in which the various factors affecting the physical and mental well-being of the worker are inter-related",<sup>10</sup> PIACT focuses on three main technical fields: occupational safety and health, working time and its arrangement, and the content and organisation of work. The participation of employers and workers and their organisations in solving the problems that arise in these fields, as well as the

reinforcement of labour administration, especially labour inspection, are also stressed by PIACT as essential conditions for the achievement of its goals.

The Conference had before it a report<sup>11</sup> reviewing the evolution of national policies and the current situation in member States regarding working conditions and environment and giving a critical analysis of the objectives and activities of PIACT, on the basis of which the Office had formulated suggestions for future ILO action.

The discussion centred on three major topics. The Committee set up by the Conference to examine this item first held a general discussion to assess the fundamental characteristics of PIACT and the impact of the activities carried out during the first phase of the programme. It then examined the problems arising at the national level as well as future action that would be appropriate at that level. Finally, it established the priorities that should guide future ILO action.

The conclusions,<sup>12</sup> adopted unanimously, set out an ambitious agenda for action at both the national and the international level; they recall that the improvement of working conditions and environment is an essential element in the promotion of social justice. They propose that action should be inspired by certain fundamental principles: work should take place in a safe and healthy working environment; conditions of work should be consistent with workers' well-being and human dignity; work should offer real possibilities for personal achievement, self-fulfilment and service to society. They stress that, while improvements can more easily be achieved in conditions of economic growth and prosperity, economic difficulties should not be allowed to weaken protection. There was in fact broad agreement that improved working conditions and environment make a positive contribution to national development, since the conditions in which work is performed directly influence the quality and quantity of production.

The reinforcement of tripartism was considered fundamental to the effectiveness of action for the improvement of working conditions and environment. Accordingly, the conclusions recommend that measures should be taken to ensure tripartite participation in the formulation and implementation of policies. The effectiveness of action was also linked to the use of a global approach, which would make it possible to take into account the inter-relationships among the various problems facing each worker, and of the multidisciplinary approach, which should include contributions from the wide range of specialists concerned with the production process and take full advantage of the disciplines directly related to occupational safety and health and conditions of work.

The discussion stressed the importance of tackling the question of improving working conditions and environment within the framework of national policies, since such policies can contribute significantly to the promotion of coherent and vigorous action. Priorities should be established for action with respect to the various specific problems. Immediate action was deemed necessary wherever conditions present a serious danger to the

worker's life or health or fall below a minimum standard of decency and dignity.

The conclusions also emphasise that appropriate legislation and regulations and adequate means of enforcement are a fundamental necessity for the protection of workers. Systems of labour inspection should be strengthened in order to improve their capacity to secure the enforcement of legal provisions, supply technical information and advice, and identify new areas where action is required.

The effectiveness of protection and the improvement of conditions in practice depend ultimately on the action taken by employers and workers and their representatives; hence the importance of promoting collective bargaining and strengthening action at the enterprise level.

The discussion also highlighted a number of elements requiring the attention of both member States and the ILO. First of all, attention should be given to the protection of workers employed in the rural sector, small and medium-sized enterprises or in the urban informal sector, who may be inadequately covered by existing measures. The same applies to temporary, casual or contractual work, home work and clandestine or undeclared work. The abolition of child labour is another objective that should be given high priority. While pursuing its action with respect to the organised sector, the ILO should make greater efforts to extend progressively the scope of protective measures in these sectors and for these groups of workers.

The conclusions further point out that technology plays a vital role in economic development throughout the world and that the greatest possible advantage should be taken of new technology as well as the transfer of technology to improve working conditions and the content of work. Care should be taken to ensure that all hazards are identified and effective measures taken for their control and possible elimination. Attention should be paid to the use of technology to eliminate or reduce particularly hazardous, strenuous or monotonous work. Action should be taken to ensure that the transfer of technology is accompanied by adequate measures concerning working conditions and environment. For its part, the ILO should place increased emphasis on the effects of technological change on the nature of work and the conditions in which it is performed, promote the application of international labour standards, and provide abundant and full information, presented in a simple manner. The potential benefits and risks associated with new technology should be a special focus of future PIACT analysis and action.

The conclusions recall that the use of ILO means of action (international labour standards, codes of practice, dissemination of information, research, technical co-operation) should be dynamic and adapted to the changing needs of member States. They also point out that training at all levels should be emphasised as a means of improving working conditions and environment. Various recommendations are made regarding the training of managers and workers, labour inspectors, occupational safety and health specialists and all other persons concerned. Such training should be supported by practical and

effective materials and methods and should be aimed particularly at trainers. At the international level this involves the development of training materials and methods that take into account the differing needs of specific target groups, support for training institutions, direct training activities and integration of training in the field of working conditions and environment into vocational, supervisory and management training programmes.

The wide tripartite agreement reached on these conclusions led the Conference to adopt unanimously a resolution<sup>13</sup> inviting member States to take appropriate measures to give effect to the conclusions and requesting the Governing Body of the ILO to instruct the Director-General to take them into consideration when preparing the Office's work programme.

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

The Conference reaffirmed its full commitment to the updated Declaration concerning the Policy of Apartheid in South Africa, as adopted by the International Labour Conference in 1981. It also approved the unanimous conclusions of the ILO Tripartite Conference on Apartheid, held in Lusaka from 4 to 8 May 1984, which called for an intensification of international action to combat apartheid in all fields and, in particular, the strengthening of the economies of the front-line and neighbouring States in order to reduce their dependence on South Africa. The Conference reaffirmed that "the solution of the problem of apartheid must take into account the total political implications of that system" and expressed deep concern that the South African Prime Minister had been received as an official or unofficial guest by several Western European governments and by the Vatican.

The Director-General's annual Special Report on apartheid in South Africa contained overwhelming evidence that there had been no fundamental change in the apartheid system – only in the ways of enforcing the system, which had been streamlined and made more sophisticated and vicious. The division of the country into "bantustans" was being accelerated so as to complete the task of exiling the majority of the people from their own country and denying their citizenship rights. So-called constitutional changes, which totally excluded the majority from exercising their political rights, were aimed at further segregating the oppressed people of South Africa.

It was suggested that future Special Reports should include an analysis of the social and economic situation of Black workers and each chapter should end with an analysis of the evolution of the situation showing trends, wherever possible through statistics. The Office should also provide a list of companies investing in South Africa, indicating the number of their Black employees and the extent of their investment, in order to facilitate the monitoring task of the Conference Committee on Apartheid.

Concerned about the role of trade and foreign capital and of investments and loans to the South African Government as an important element in

maintaining and strengthening the apartheid regime, the Conference called for the withdrawal of these investments and urged multinational companies to direct their investments towards the member countries of the Southern African Development Co-ordination Conference (SADCC). It also called on employers' organisations to encourage and support the development of small businesses for non-White entrepreneurs in South Africa.

It was noted that during his visit to Switzerland the South African Prime Minister had had extensive contacts with Swiss banks, some of which had participated in at least ten loans to South Africa in 1983 and 1984. The Conference invited the Director-General to contact these banks and reiterate the recommendations of the Declaration concerning the Policy of Apartheid in South Africa, indicating the consequences the banks could face.

Furthermore, the United Nations, UNCTAD, GATT and other competent agencies were called upon to undertake a study of alternative export and import markets to those offered by South Africa, while the ILO was requested to increase its dissemination of information and specialised material on apartheid. Support was given to the proposal to organise in 1985, under the auspices of the United Nations, an international conference on an oil embargo against South Africa with the participation of oil-exporting and transporting countries and of the trade unions from the appropriate sectors, a number of which were involved in research to provide information for use during that conference and in mobilising their membership for an effective oil embargo.

## **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 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.

There was general recognition in the Conference Committee of the great importance of the ILO's standard-setting activity "as an essential instrument in improving conditions of work and life, protecting human rights and promoting social justice in an extraordinarily troubled period".<sup>14</sup> The Director-General's Report to the Conference was, moreover, devoted this year to international labour standards.

A large number of members from all groups noted the quality of the report of the Committee of Experts and paid tribute to the independence, impartiality, objectivity and technical competence of that Committee. Some members also stressed the primary importance they attached to the standard-setting activities of the ILO but repeated criticisms they had already expressed in the past, especially with regard to the powers, procedures and working methods of the Committee of Experts. They also felt that the



supervisory bodies failed to take into account in the application of international standards the real economic and social circumstances prevailing in each country.

The spokesmen for the Employers' and Workers' members, speaking on behalf of the great majority of their members, stressed that the supervisory machinery was technical and legal, fair and effective, and that questioning it too often could lead to its destruction.

Several questions dealt with in the report of the Committee of Experts were taken up in the general discussion: employment policy and the fight against unemployment; the application of international labour Conventions to offshore industrial installations (it was suggested that a seminar on the question should be held with a view to formulating, if necessary, new standards) and in export-processing zones; action for the elimination of discrimination; the role of employers' and workers' organisations in the supervisory machinery based on the examination of reports (the Employers' and Workers' members noted with interest that 23 employers' organisations and 69 workers' organisations had sent comments to the Committee of Experts for consideration); and collaboration with other international organisations. There was consensus that all the activities undertaken by the ILO with a view to providing information, advice, assistance and training in relation to international labour standards were of great value to member States and had produced positive results. Many members felt that assistance in the form of direct contacts, advisory services, seminars and training in this area should be increased.

A wide-ranging discussion was held on the general survey made by the Committee of Experts,<sup>15</sup> which this year dealt with working time. Various aspects were considered: the social effects of reductions of working time; the employment consequences; methods of fixing working time; progress and problems in reducing working time; and further action and prospects. The Conference Committee agreed on the need for further examination of this complex issue and the desirability in due course of having a further general survey made. It expressed particular interest in the relationship between working time and employment, and hoped that further progress would be made through collaboration at the international, regional and national levels in clarifying the questions raised in the discussions.

The major part of the Committee's work was devoted to a discussion with representatives of the countries concerned of problems involved in applying ratified Conventions or complying with the obligation to supply reports and submit instruments adopted by the International Labour Conference to the competent national authorities. Fifty-eight governments collaborated with the Committee by providing information on the situation in their countries and participating in the discussion of individual cases. In the time available to it the Committee could only examine a limited number of cases among the total observations made by the Committee of Experts in its report.

The Conference 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 56 cases, from 39 States and three 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. Since 1964, the year the Committee of Experts first began drawing up such lists, over 1,500 cases of progress had been recorded. In particular, the Conference Committee noted with satisfaction the progress made in five countries whose cases had been discussed previously.

The Conference Committee also decided, in accordance with the established procedure, to draw the attention of the Conference to the discussion which it had regarding special cases concerning five countries in connection with the application of the Food and Catering (Ships' Crews) Convention, 1946 (No. 68), the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), the Protection of Wages Convention, 1949 (No. 95), the Abolition of Forced Labour Convention, 1957 (No. 105), and the Discrimination (Employment and Occupation) Convention, 1958 (No. 111).

This year, the plenary Conference engaged in a wide exchange of views on the entire system established in the ILO to formulate and implement international labour standards. The purpose of these discussions was to examine ways of strengthening and enhancing the effectiveness of the system. The Committee on the Application of Conventions and Recommendations wished, in pursuance of its mandate, to contribute to this continuing endeavour.

In its report, which was unanimously adopted, the Conference Committee emphasised that many difficult problems still had to be resolved to obtain a fully satisfactory measure of acceptance and implementation of the standards. However, it added, the calm and dignified atmosphere in which it had been able to conduct its business, the good will shown by many governments in entering into tripartite discussions concerning their problems and in their readiness to take account of the views expressed by the ILO's supervisory bodies, the emphasis placed on assistance from the ILO and the continuing evidence of the efforts made to comply with obligations, all justified the hope that, with patience and perseverance, the problems could be overcome.

## **Resolutions on questions not included in the agenda of the Conference**

The Conference adopted two resolutions on questions not included in its agenda.

The first concerns the contribution of the ILO to production and productivity improvement, with special reference to developing countries,



oriented towards greater social and economic development. This calls upon the Governing Body of the ILO to stress that the objective of full employment is possible and does not conflict with the goal of productivity improvement. The ILO should carry out studies on the positive and negative effects of measures to improve productivity and on the sharing of the benefits obtained as well as on the relationship between the proposed objective and the growth of wages, the effects of the application of science and technology, workers' participation and improvements in health care and other social services. Advisory services and other resources will need to be made available to the member States concerned and assistance given to them in setting up or strengthening tripartite machinery in order to raise the standard of living and well-being of workers.

The second resolution concerns the strengthening of action on behalf of the least developed countries. It calls upon all member States to take urgent measures to cope with the emergency situation in such countries, particularly in Africa. It appeals to the industrialised countries and to developing countries in a position to do so to increase considerably their bilateral and multilateral aid and to regard the targets of the United Nation's Substantial New Programme of Action for the 1980s for the Least Developed Countries as minimum requirements in this respect. It invites the ILO to give priority to technical co-operation programmes that benefit the least developed countries. Finally, it appeals to member States to develop programmes for employment creation, vocational training and workers' education, as this would contribute to the establishment of real economic sovereignty, to respect the ILO Conventions on freedom of association and to promote the participation of workers and employers and their organisations in the process of formulating and implementing national development plans.

## **Report of the Director-General**

The Director-General's Report consisted of two parts. The first part reviewed the ILO's standard-setting activities and supervisory procedures. The second part provided an account of the work of the Organisation in 1983, and was supplemented by a separate volume of appendices containing information on expenditure on technical co-operation activities during the period 1980-83 and on action taken on the resolutions adopted by the Conference from 1979 to 1983, as well as the report of a mission which visited Israel and the occupied Arab territories in February-March 1984 to examine the situation of workers of the occupied territories.

In the part relating to ILO standard setting and supervision, the Director-General recalled that this system had undergone continuing development and adaptation and that it had also been subject to periodic review. In the light of substantial changes in the world economic scene, in technology and in social structures and of criticisms of the ILO system voiced from various quarters, the time was ripe for a new discussion of the subject by the

Conference. This would assist the Governing Body and other appropriate bodies in deciding future policy concerning this area of the ILO's work. The Director-General stressed the importance of attention to ILO standards by other international agencies, especially those responsible for economic and monetary questions, such as the International Monetary Fund and the World Bank.

The Report noted a number of difficulties encountered in the adoption of Conventions and Recommendations, including problems in finding appropriate subjects for standard setting, inadequate response by member States to preliminary consultations on proposals for standards, inadequate consideration of texts at the Conference, insufficient consideration of the views and needs of developing countries, undue insistence on adoption of Conventions as compared with other forms of standards, the excessive use of promotional Conventions lacking precision in obligations, and inadequate ratification of many Conventions. It raised the question of what scope remained for meaningful new standards and whether in the years immediately ahead it might not be desirable to have a slower rhythm of standard setting and concentrate on the revision, consolidation and better implementation of existing standards. Various suggestions were put forward for improving the procedures followed in the adoption of standards, particularly in order to allow more time for consideration of proposals by member States and for tripartite consultations on them and to permit more effective participation in the standard-setting process by all member States. In this connection, the Director-General suggested that the question of financing of Conference delegations by the Organisation, which had been considered by the Governing Body some ten years ago, should be the subject of renewed discussion.

The Report analysed the legal nature and effectiveness of ILO supervisory procedures. It pointed out that bodies such as the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations were not courts of law and could not give binding rulings. While their views deserved respect, a government could not be forced to accept and act upon their conclusions. If questions could not be resolved through dialogue between a government and these supervisory committees, the ILO Constitution offered possibilities of obtaining a definite assessment through its provisions on commissions of inquiry and recourse to the International Court of Justice. The functioning of the constitutional procedures relating to the examination of representations and complaints and of the special procedure for complaints alleging infringements of trade union rights was also examined.

A section on promotional measures reviewed the various methods developed by the ILO to assist member States in dealing with questions of adoption, ratification, implementation and reporting on the application of ILO standards (direct contacts, advisory services, seminars and training, regional discussions, tripartite consultations, technical co-operation, etc.).

The main needs were to intensify such assistance, to ensure closer interaction between ILO standards and technical co-operation, to improve the practical application of ILO standards, and to develop and strengthen national arrangements for tripartite consultation in this field.

The Report reviewed collaboration between the ILO and other organisations (United Nations, UNESCO, Council of Europe) in the drawing up and implementation of international instruments. It noted problems of proliferation, overlapping and potential conflict, and warned against the danger of bringing into existence an unmanageable mass of international standards and supervisory procedures.

### Discussion of the Report

Some 250 speakers, including 107 Ministers, took part in the discussion of the Director-General's Report.

At a special sitting on 12 June the President of Costa Rica, Mr. Luis Alberto Monge, emphasised that the current crisis was not a purely economic challenge. His country was endeavouring to develop a new, comprehensive vision of democracy where the consolidation of political freedom went hand in hand with the enhancement of social, economic, educational and cultural values. An example of this was a Bill now before the Legislative Assembly to create a labour economy sector in which the workers would share in the ownership of the means of production. The Costa Rican President, remarking that something was amiss in a world where there were too many guns and not enough butter, said that the people of his country were not prepared to give up the benefits they had derived from its policy of unarmed neutrality to join in an insane arms race. They welcomed the plan of co-operation for Central America worked out by the ILO, for they were convinced that the region's future would not be settled on the battlefield but by pursuing peace and a form of democracy capable of solving the problems of production and winning the battle against underdevelopment and poverty.

Most of the other speakers devoted a substantial part of their statements to the question of ILO standards. There was general recognition of the importance of this field of action, and of the influence which ILO Conventions and Recommendations had exercised on national policies and legislation. It was, however, necessary to ensure that these standards responded to existing needs and problems. They must therefore be adapted to changing conditions. A number of speakers considered that the revision and consolidation of existing instruments should take priority over the adoption of new standards.

Many speakers felt that the pace of standard setting should be slowed down. This would allow better preparation of standards and would also facilitate the participation of the representatives of smaller countries in the discussions. Workers' delegates, however, felt that there should be no diminution in the rhythm of standard setting, since many important problems

still required solution. A number of speakers emphasised the administrative burden which work in connection with the preparation and implementation of ILO standards involved for national administrations.

Various speakers expressed support for reopening discussion on the question of financing Conference delegations out of the budget of the Organisation, with a view to providing equal opportunities for participation by all member States and also facilitating tripartite involvement in the standard-setting process.

There was general agreement on the need for taking account, in the preparation of standards, of differences in levels of development and in conditions in member States by the inclusion of elements of flexibility. However, a number of speakers emphasised that there were limits to flexibility in Conventions, since otherwise they would no longer impose meaningful obligations and would cease to be a stimulus to action. If a question did not lend itself to sufficiently strict regulation, it would be better to adopt a Recommendation or other form of non-binding instrument.

It was stressed by many speakers that flexibility was out of place in standards aimed at guaranteeing fundamental rights, such as freedom of association, freedom of labour and equality in employment and occupation.

The question was also discussed whether ILO supervisory bodies should take account of economic and social conditions of individual countries in evaluating compliance with ratified Conventions. Delegates from socialist countries felt that they should do so. Some delegates from developing countries felt that the same standards of performance could not be expected from developed and developing countries. Most speakers, however, felt that there could be no flexibility beyond what was expressly permitted by a Convention. They pointed out that States were free to ratify or not to ratify a Convention; if they did so, they must be treated alike and the universality of the standards and of supervisory processes must be maintained. No one would gain if ratifications were entered into lightly.

Delegates from a number of socialist countries felt that the composition of ILO supervisory bodies did not fairly represent the different social, economic and political systems of member States, and that the supervisory procedures were used for political purposes. They stated that there was a need to democratise the composition and methods of the supervisory bodies and referred to the memorandum which they had presented to the Conference in 1983 proposing action to that end. Most speakers, however, expressed their confidence in, and support for, the supervisory bodies. Some of them felt that attacks on the supervisory system were aimed at deflecting criticism of national measures.

There was widespread support for the various measures taken by the ILO to assist States in the implementation of ILO standards and in meeting their reporting obligations. These activities should be further developed and greater resources allocated to them. It was important to strengthen the links between ILO standards and technical co-operation. The ILO should also

promote the development of tripartite consultation at the national level on all questions concerning the adoption and implementation of Conventions and Recommendations.

Apart from the question of international labour standards, a subject taken up by many speakers was the debt crisis, its implications for social policy, and the need for international financial institutions to take into account the policies and standards of the ILO. The Minister of Labour of Brazil stressed the devastating social effects of the adjustment measures which his country had been obliged to adopt, especially on the most needy groups, which were bearing the brunt of unemployment and declining wages. Economic policy needed to be accompanied by a dynamic approach to employment and wages. The Minister of Labour and Employment of the Philippines observed that the Draconian policies being imposed on debtor countries were impairing the world economic recovery, harming international trade, menacing employment and heightening the dangers to world peace. The Minister of Social Affairs and National Solidarity of France stated that the ILO must be in a position to intervene with financial institutions with a view to keeping economic rigour within limits compatible with the preservation of social equilibrium.

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### **The Director-General's reply**

The Director-General observed that the Conference had proved important and fruitful by the diversity and substance of the questions dealt with: future ILO policy in the field of working conditions and environment, occupational health, labour statistics, employment policy and apartheid as well as the general discussion on international labour standards and on the consequences for workers of economic adjustment measures.

The Director-General stressed the importance of the further Recommendation on employment policy, adopted to supplement standards dating from 1964. The Recommendation emphasised the link between full employment and the satisfaction of basic needs. It stressed the need, in combating unemployment, for close co-operation and consultation between the public authorities and employers' and workers' organisations as well as for international co-operation. It also devoted much attention to the employment of young people.

The wide-ranging debate on international labour standards would give a fresh boost to ILO action in this field. Many speakers had stressed that ILO instruments must constantly be kept up to date. The Director-General recalled that 41 Conventions had already been revised, including half of those adopted before 1945. All the items before the Conference at its last three sessions involved the revision or re-examination of earlier instruments. The Governing Body was about to undertake a review of the classification of existing instruments and possible subjects for new standards, which it had established in 1979.

While noting these efforts, it should be remembered that the majority of Conventions were still valid. In particular, those dealing with the protection of workers, employment policy and the development of human resources, the situation of the more vulnerable groups, and basic freedoms should be ratified by all States and strictly applied.

The Director-General noted the view of many speakers that the pace of standard setting should be slowed down in the next few years. For understandable reasons, worker representatives were reluctant to envisage any appreciable reduction in these activities. They might possibly show less reluctance if they could be assured that, in return, greater resources would be devoted to the application of existing standards.

In considering proposals for the improvement of procedures for the selection of Conference agenda items and the drawing up of standards, the Director-General would give special attention to the desire for the widest possible involvement of all member States. Quite a number of speakers had referred in this connection to the question of financing of Conference delegations by the Organisation. There was also a clear desire for wider regional consultations and collaboration in connection with the adoption of standards.

The Director-General noted the views expressed concerning the need for flexibility in ILO standards but also the limits to flexibility. Differences in national conditions had to be taken into account at the time that standards were drawn up. The question had also been raised whether a State which ratified a Convention might go beyond the limits set by the Conference and ask to be allowed flexibility in applying the Convention in view of the conditions prevailing in that country. Many speakers had emphasised that the observance of obligations freely entered into was a moral as well as a legal duty and that the act of ratification would lose its credibility if each State were free to decide to what extent it would apply a Convention. It was difficult to see how supervisory bodies could introduce elements of flexibility for which provision had not been made by the Conference. More generally, would it be desirable to confer upon these bodies discretionary powers allowing them to override decisions taken by the Conference in the exercise of its standard-setting function? States should give careful thought to the possibilities of applying a Convention before they ratified it. If they had doubts on this point, the Office was at their disposal to provide explanations. It could also be approached for advice and assistance in overcoming any problem that might be encountered after ratification.

The Director-General pointed out that the authors of the ILO Constitution had envisaged that, in cases of doubt as to the proper application of a ratified Convention, the matter would be examined through the procedures of representations and complaints. In setting up the Committee of Experts and the Conference Committee on the Application of Conventions and Recommendations, the Conference and the Governing Body had given ILO supervision an additional dimension based on dialogue rather than conten-

tious procedures. One of the features of the ILO system was that the supervisory bodies had always enjoyed considerable autonomy in deciding their methods of work. This had allowed their methods to be gradually developed in a realistic way, a process which would no doubt continue.

The ILO did not confine itself to setting standards and appraising their application. It also provided assistance in this field. Considerable efforts in this respect had been made in the past 20 years. Many speakers had felt that such action should be further intensified. The Director-General would bear these views in mind in preparing his next programme and budget proposals.

ILO standard-setting activities must be linked more closely with technical co-operation programmes, and every State should have machinery for regular consultation between the public authorities and employers and workers on all questions relating to the framing, acceptance and implementation of ILO standards. The Director-General appealed to all States that had not yet done so to ratify the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144).

The Office would make a full analysis of the debate so that the Governing Body might examine in November 1984 the measures it would be appropriate to take. The Governing Body would no doubt wish to consider ways of consulting the entire membership and ILO regional bodies as to future policy with regard to standard-setting activities. The Conference would be kept fully informed of measures taken or envisaged as a result of this year's discussion.

The Director-General observed that international labour standards were not meant merely for internal use in the ILO but had also to be considered in relation to the world economic situation. Many delegates had drawn attention to the social effects of economic adjustment measures and had emphasised that sacrifices must be in proportion to the ability of each country or individual to bear them. The ILO must contribute to assisting member States and international organisations in tackling this problem and it must ensure that social considerations were not absent from the activities of international agencies responsible for economic, financial and monetary questions. The Director-General had already entered into discussions with the Director-General of the International Monetary Fund on the social aspects of measures to re-establish economic and financial equilibrium and would persist in this action. In the long term, the changes imposed by the present crisis could not merely take the form of a transformation of production structures. They must provide an opportunity for moving on to a more humane and just society.

## Notes

<sup>1</sup> The texts adopted by the Conference appear in *Official Bulletin* (Geneva, ILO), 1984, Series A, No. 2.

<sup>2</sup> For a summary of the first discussion, see "The 69th Session of the International Labour Conference, June 1983", in *International Labour Review*, Nov.-Dec. 1983, pp. 675-677. See also ILO: *Employment policy*, Reports VI (1) and (2), International Labour Conference, 69th Session, 1983.

<sup>3</sup> By 374 votes in favour to 1 against, with 34 abstentions.

<sup>4</sup> By 52,324 votes in favour to 13,539 against, with 5,741 abstentions. ILO: *Provisional Record*, International Labour Conference, 70th Session, 1984, No. 32, para. 23. However, the members supporting this amendment indicated that they were prepared to give their backing to the Recommendation as a minimum contribution by the ILO.

<sup>5</sup> This specific mention was upheld by a decision of the Conference following a record vote, by 259 votes in favour to 2 against, with 146 abstentions.

<sup>6</sup> ILO: *Occupational health services*, Reports V (1) and (2), International Labour Conference, 70th Session, 1984.

<sup>7</sup> Proposed Recommendation suggested to the International Labour Conference by the Fifth International Conference of Labour Statisticians (Geneva, 1937), cited in ILO: *International recommendations on labour statistics* (Geneva, 1976), p. 55.

<sup>8</sup> ILO: *Revision of the Convention concerning Statistics of Wages and Hours of Work, 1938* (No. 63), Reports VI (1) and (2), International Labour Conference, 70th Session, 1984.

<sup>9</sup> *Official Bulletin*, 1975, Vol. LVIII, Series A, No. 1, pp. 81-84.

<sup>10</sup> Resolution concerning the working environment, adopted on 25 June 1974 by the International Labour Conference. *ibid.*, 1974, Vol. LVII, No. 1, pp. 43-44.

<sup>11</sup> ILO: *Evaluation of the International Programme for the Improvement of Working Conditions and Environment (PIACT)*, Report VII, International Labour Conference, 70th Session, 1984.

<sup>12</sup> Conclusions concerning future action in the field of working conditions and environment. *Provisional Record*, International Labour Conference, 70th Session, 1984, No. 37, pp. 15-23.

<sup>13</sup> Resolution concerning the improvement of working conditions and environment. *ibid.*, p. 15.

<sup>14</sup> *ibid.*, No. 35, para. 5.

<sup>15</sup> ILO: *Working time: Reduction of hours of work, weekly rest and holidays with pay*, Report III (Part 4 B), International Labour Conference, 70th Session, 1984.