



Twentieth sitting

Wednesday, 18 June 2003, 10.40 a.m.

Presidents: Mr. Wamalwa and Mr. Noakes

RATIFICATION OF THREE INTERNATIONAL
LABOUR CONVENTIONS BY MOZAMBIQUE

The PRESIDENT (Mr. WAMALWA) — I declare open the twentieth sitting of the International Labour Conference and give the floor to the Clerk of the Conference to make an announcement.

Original French: The CLERK OF THE CONFERENCE — I have the pleasure to announce to the Conference that on 16 June of this year, the Director-General recorded the ratification by Mozambique of the Forced Labour Convention, 1930 (No. 29), the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182).

REPORT OF THE COMMITTEE ON HUMAN RESOURCES:
SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT — We shall now proceed directly to the second item on the agenda, the report of the Committee on Human Resources, which is published in Parts I and II of *Provisional Record* No. 19.

The Officers of the Committee were as follows: the Chairperson was Mr. Chetwin (Government member, New Zealand); the Employer Vice-Chairperson was Mr. Renique (the Netherlands); the Worker Vice-Chairperson was Ms. Yacob (Singapore); and the Reporter was Ms. Allones (Government member, Philippines).

I would like now to give the floor to Ms. Allones to present the report.

Ms. ALLONES (*Government delegate, Philippines; Reporter of the Committee on Human Resources*) — I have the distinct privilege today to present to you the report under first discussion of the Committee on Human Resources. The work of this Committee was steered by its most competent and able Chairperson, Mr. Chetwin, Government member of New Zealand. His evident wisdom and unparalleled experience, amiable manner and impeccable sense of humour enabled the Committee to complete its tasks in a genuine spirit of cooperation, deep respect and social dialogue.

The proven leadership and professionalism demonstrated by the Employer Vice-Chairperson, Mr. Renique, of the Netherlands, and the Worker Vice-Chairperson, Ms. Yacob of Singapore were equally valuable. Tribute must also be paid to our Committee's secretariat, which worked very efficiently under the guidance of Mr. Henriquez, the representative of the Secretary-General, for their dedication, commitment and excellent assistance.

The support provided by the other secretariat members, including the Legal Adviser, was also indispensable for the completion of the Committee's work, particularly the final drafting of the revised proposed Conclusions.

The Committee held 15 sittings and its report, including the conclusions of the Committee, is before you in *Provisional Record* No. 19.

In view of the profound changes that have taken place in the economy, in society and in the world of work since the adoption of the Human Resources Development Convention, 1975 (No. 142), and its accompanying Recommendation No. 150, the Governing Body, at its 280th Session in March 2001, decided to include in the agenda of the current session of the International Labour Conference a first discussion of an item on human resources development and training, with a view to adopting a revised standard in 2004.

The Governing Body observed that a more dynamic and applicable instrument should be developed for use by the member States and the social partners when formulating and implementing human resources development and training policies which complement employment, structural, macro-economic and social policies, particularly those designed to improve the employability of individuals, realize decent work and contribute to the attainment of economic growth.

The broad support for a new, dynamic, comprehensive instrument, which was to take the form of a Recommendation, was accompanied by an awareness of the importance of certain related issues and themes, including the need for a clear definition and delineation of the responsibilities of governments and social partners for human resources development and training; the desirability of aiming human resources development and training at both economic and social outcomes addressing the needs of individuals, enterprises and society; the need to highlight the paramount importance of initial education, literacy and foundation skills, as well as lifelong learning; the need to recognize skills acquired formally and informally at all levels; and the need to focus on human resources development and training opportunities for people with special needs, such as women, youth, the elderly, disabled workers, migrants, workers in the informal economy and rural workers, among others.

To guide the discussions, the Committee had before it reports IV(1) and IV(2). Report IV(1) presented an analysis of laws, policies and practices in the area of human resources development and training in a wide range of member States. Report IV(2) set out the replies of the Governments of 96 member States

and some 40 employers' and workers' organizations and also included the proposed Conclusions intended to serve as a basis for discussions. These reports all proved useful to the Committee's deliberations.

The proposed Conclusions that have emerged from this round of deliberations are considered to be a considerable step forward from the existing 1975 instrument. They reflect the social partners' efforts to develop an instrument that is balanced, comprehensive and responsive to present and emerging challenges and that places people at the centre of development concerns.

The Preamble sets forth the core principles contained in the instrument, namely that education, training and lifelong learning contribute significantly to promoting the interests of people, enterprises, the economy and society as a whole; that social partners have roles to play and commitments to fulfil in support of lifelong learning; that education, training and lifelong learning policies should form an integral part of comprehensive economic, social and labour market policies and programmes; that many developing countries should be assisted to design, fund or implement modern education and training policies in order for them to attain development and economic growth and that the realization of decent work for workers everywhere is a primary objective of the International Labour Organization.

The statement of these core principles is also set in the context of the existing values and principles of the ILO, thus the Preamble refers to the ILO Declaration on Fundamental Principles and Rights at Work and to essential Conventions and Recommendations concerning human resources development and training.

The Committee has made an innovative effort to define, for the first time in an ILO instrument, the key concepts of employability and lifelong learning. This effort was intended to make a useful contribution to the current panoply of ideas and concepts, not only in the area of human resources development and training, but in the entire world of learning and work, by creating a common understanding of these concepts. The agreement to encourage member States to establish a system for skills recognition and certification was also welcome. The Committee reached unanimous consensus on the significance of making the skills, knowledge and know-how of workers portable and part of the formal qualifications system, particularly in view of the growing informal economy in various member States.

The Committee particularly wanted the instrument to encourage member States to recognize that education and training are a right for all. In addition, attention was given to defining the role of governments and social partners in the development of national strategies for education and training and in efforts to ensure universal access to lifelong learning. The Conclusions also set out ambitious guidelines for the development and implementation of education and training policies, strategies and programmes, as well as for the establishment of support services that enhance other forms of training, strengthen social dialogue on training and enable vulnerable and marginalized individuals and groups with special needs to gain easier access to training. As the promotion of equal education and training opportunities for women and men was a firmly supported principle, overcoming gender bias is a consistent theme in the Conclusions, covering not only the matter of education and training service

delivery, but also the provision of research and training support services for HRDT and lifelong learning.

We also tried to highlight the significant role of teachers and trainers, the usefulness of information and communication technology infrastructure and tools, the need to learn from examples of traditional and non-traditional best practices and the contribution of tripartite dialogue in shaping effective policies and developing relevant programmes on human resources development and training. The Conclusions introduce a reference to the important role of enterprises in training or the updating of skills, both of which contribute to job creation and economic growth. The Conclusions make timely provision for international and technical cooperation on human resources development and training in view of the beneficial consequences of cooperation between and among governments. The sharing of technical expertise, international best practice models, financial assistance and other forms of cooperation, are indeed indispensable to building national capacities in support of human resources development and training.

The Conclusions are notably consistent and clear with respect to the aim of securing decent work and social inclusion through education and training, in that they recommend that education and training opportunities be made accessible to the employed, the unemployed, marginalized individuals and groups with special needs. Member States are likewise encouraged to look after the HRDT concerns and needs of public sector employees. The Committee viewed human resources development through education and training as a potent means of enhancing the employability of individuals and improving productivity, thus promoting job creation and further growth in the economy.

At our last sitting, the Director-General mentioned the challenge of putting us constituents of the ILO at the service of the whole of society with the noble objective of finding answers to some of the big questions that confront our world today, particularly concerning poverty reduction. To paraphrase Mr. Somavia, it is indeed crucial to create jobs in order to address poverty. All our committee work was predicated on the thought that we were somehow responsible for ensuring that the world's people are prepared for the jobs that await them and in this spirit, I take great pride in recommending the adoption of the document presented by the Committee on Human Resources.

Mr. RENIQUE (*Employers' adviser and substitute delegate, the Netherlands; Employer Vice-Chairperson, Committee on Human Resources*) — It is an honour for me to present the Employers' views on the report and proposed Conclusions of the Committee on Human Resources. This is an honour, because the issue of human resources development and training is very important for our companies. It was already important in 1975, when the existing Human Resources Development Recommendation, 1975 (No. 150), was adopted. However, since then, it has become clear that human resources development is not just a tool, but a vital policy that, ultimately, may be a decisive factor in whether or not the strategy of companies will succeed. The human factor has become a crucial competitive factor.

This alone would have been reason enough to review the existing Recommendation, but there are further developments that made this necessary. I

should like to mention some of the important ones: first, the need for an instrument that is more dynamic than the existing one, and sets goals and principles rather than detailed operational prescriptions, enabling members and social partners to cope with the rapid changes in both the organizational and the technological spheres; second, the changing relationship between education and the labour market, making the concept of planning paradigms obsolete. Now more than ever, education should not be seen as a "once-and-for-all" preparation for a well-defined lifetime occupation. Its meaning has shifted to enable young people to acquire a broad range of competencies that serve as a basis for lifelong learning; third, the empowerment of the individual to be the builder and architect of his or her own learning and self-development; fourth, the potential of new technologies for learning, education and training; fifth, the recognition of social dialogue as an important catalyst to involve all parties concerned, including governments, social partners, individual employers and employees, in the development and implementation of policies on education, human resources development and training.

On the issue of dialogue, I should like to underline that dialogue does not mean mixing up the responsibilities of the actors who participate in the dialogue. We are convinced that, for good results and to achieve synergy, it is crucial to respect the differences in responsibilities between governments and each of the social partners. If not, even dialogue can soon become very confusing and, in the end, may be counterproductive.

One of the clauses in the Conclusions sets out those different responsibilities very clearly. It reads: "The instrument should recognize that the realization of lifelong learning is based on the explicit commitment by governments to invest in enhancing education and training at all levels, by the private sector in training their employees, and by individuals in developing their own abilities and careers."

Dialogue and partnerships should be developed within this clear framework of responsibilities.

I should like to mention two examples. First, a government can provide support to companies, for example, by providing training credits to those who are less skilled in the company or general fiscal incentives to encourage for investment in training. But a government should by no means interfere at the enterprise level. Secondly, social partners should always respect the notion that consultation with social partners does not change the fact that, in the end, governments need to translate the results into policies or programmes to be subjected to democratic procedures and submitted for approval in parliament.

Nevertheless, much can be done in terms of cooperation. One of the new perspectives in the proposed Conclusions is the importance of quality initial education, which provides a foundation for continuing learning later in life. We, as employees, should like to encourage governments to reinforce the interaction between pre-employment education and further learning. Many strong bridges should be built. Some examples are given in the Conclusions, such as the need to hold a regular dialogue on the curricula in order to ensure that they continue to be relevant for the labour market and, second, the need to establish a national qualifications framework to facilitate pre-employment education as well as further training.

Third, Members should be encouraged to provide information and guidance on entrepreneurship. I would like to add to these examples. Experts from the industrial sector should be invited to reach at vocational colleges and universities, business experts should be involved in the quality control of vocational colleges and, lastly, efforts should be made to stimulate dual forms of learning in which there is a close link between school-based learning and experience-based learning in a company.

During this Conference, a policy paper was adopted by my own employers' organization, entitled "Education 2010". This paper focused largely on the approach I outlined above. We realize that additional efforts will be required from Members, but we are convinced that closer links between vocational and higher education and the business environment is really necessary, in order to make the education system dynamic and responsive to the needs of our companies.

The intensive discussion we had on the right to education and training should perhaps also be placed more explicitly in the context of the different roles of state and social partners. Let there be no misunderstanding: employers, also, fully support the concept of a widely accessible right to education and training, and more than once in the Conclusions, we have committed ourselves to provide business-related training to our employees. But, at the same time, it is evident, unless governments want to pick up the total bill, that different actors have to deliver different things, depending on whether we are discussing the right to education or universal access to training. We will certainly come next year with a proposal that, while the ambition of the right to education and training should be fully respected, the different responsibilities of the actors should also be taken into account. According to the Conclusions so far, this goes hand-in-hand with the commitment by employees to take the opportunities offered to them and to invest in their own employability.

As a third issue, I should like to echo the appreciation expressed by the Reporter for the very well-balanced attention devoted in the Conclusions to the economic and social dimension of human resources development and training. The proposed instrument encourages Members to identify human resources development and training policies, and I quote "which give equal consideration to economic and social objectives, emphasize sustainable economic development in the context of the globalizing economy and the knowledge-and skills-based society, as well as development of competencies, decent work, job retention, social development, social inclusion and poverty reduction". In this context, we congratulate the Committee for having also included information and guidance on entrepreneurship as an issue in the orientation and guidance of young people. This can help to create new enterprises, new jobs and better employment opportunities.

The balanced approach is not only important for national policies, it can also provide guidance on how to address the needs and demands that arise from the globalization of the economy. This process is a fact of economic life, but all actors have to consider carefully where social needs might arise as a result of this process and especially how education and training can support the adjustments needed to ensure that all countries and all people benefit from the process by

which, on an unprecedented scale, goods and services are becoming accessible and affordable all over the world.

Allow me also to say a few more words on placing the human factor at the centre. I would like to say that, in our view, this is not the same as focusing only on individual needs. It acknowledges that the human factor is a decisive factor in the implementation of new technologies and new ways of work. It also acknowledges that motivation, creativity and entrepreneurship are elements that cannot be built by machines or by software. These elements prevent labour from becoming a commodity. Labour is performed by persons who can make a difference between good and excellent, between a creative and entrepreneurial working attitude or just completing the task at hand. When we speak about a company as a learning organization, then this human factor is crucial.

Just as labour is not a commodity, a company is not just a wage-paying machine. The employer is an entrepreneur captured by an idea, a conviction of a new market. New starters often have to risk all their savings and assets to transform their idea into reality. And this is precisely where human resources come in.

I should like to mention the address by His Majesty, King Abdullah of Jordan to this Conference. When referring to technologies and markets, His Majesty said, and I quote: "Let us remember that at best these are only tools — tools that have allowed the world's peoples to combine their energy and talents." I should like to add companies, which are important tools. Indeed, companies can be seen as a meeting place for inspired entrepreneurs and dedicated entrepreneurial workers. The development of all talents is as much in the interest of the realization of the dreams of the entrepreneur as in the interest of the growth and career development of the employees.

The same spirit is valid for the learning of developing countries. The saying goes, that it is better to teach someone how to fish than to buy him a fish everyday. For that reason, it is indeed important, as we concluded, to provide developing countries with technical and financial assistance so that they can build their own education and training systems. As long as basic education is not fully implemented, governments and social partners should combine their efforts to encourage employees to participate in adult basic education in order to compensate for their lack of basic skills.

Being on the learning curve may indeed be the most common and basic aspect of learning and human resource development. This is clear from the perspective of the individual, the company and the country as a whole. Irrespective of where each of these is on the learning curve, it is possible to move further upwards, if the motivation and efforts are there. In all cases, supportive conditions are desirable — training support by employers, for workers, good economic policies and perhaps fiscal incentives for companies, and support from the international community for developing countries. At the same time, however, and I would like to stress this, in each case the main actor also has to set its own priorities right. The employee has to invest him or herself in employability. The company has to view human resource development as a high priority in its strategy and developing countries have to make education and training a spearhead in their national policies.

As a last point of substance, I should like to refer to the broad consensus in the Committee that learning is not exclusively the result of formal education. This seems obvious but, since the emergence of national education systems, we seem to forget about the more non-formal ways of teaching and learning, such as those that existed in every culture to transfer knowledge, skills and values to the next generation. We very much appreciate the renewed attention given to non-formal learning and the development of assessment instruments to recognize competencies as an outcome of non-formal learning.

During a working life, a person will acquire many skills and competencies. Recognizing the workplace as a learning place may open new perspectives, especially for those employees who have a more practical style of learning and who never really flourished in a cognitive school-based environment when they were young. They may find a renewed interest in education and finally find the motivation to take a course in order to build upon the competencies acquired by experience, eventually leading to the acquirement of recognized national qualifications.

It may also mean a recognition of the more informal ways of learning within small and medium-sized enterprises. In such enterprises, personal coaching and an apprenticeship type of learning is often practiced instead of formal courses. This should be recognized more widely and, in addition, efforts should be made to conduct research in order to get a better picture of such efforts which are normally not included in any form in the statistics on training efforts by SMEs.

More generally speaking, we are strongly in favour, in accordance with the Conclusions, to encourage the diversification of training methods, as we believe that it is in the interest of companies and workers to have a wide range of solutions to meet the needs in terms of human resource development. We also support the suggestion to make optimal use of new technologies.

The Workers' spokesperson, during our Committee sittings, repeatedly referred to the answers of the questionnaire. I should like to demonstrate, to conclude my contribution, that we, also, have read the answers very carefully, and they contain some very interesting material indeed. I apologize for picking out only specific details, which gives a completely false idea of the answers as a whole, but it is too tempting not to mention them.

I will give you three examples, and next year there should maybe be a prize for the most original answer in an ILO questionnaire. The first example is a proposal for research on lost traditional skills, such as blacksmithing. The second is very interesting, and reads, "In relation to vulnerable groups, enterprises should also be included." We like that idea very much. The third one, and I quote again, "Governments are responsible for basic education. Every child, including girls, should have access to it ..."

I thank Mr. Chetwin, the Chairperson of our Committee, I thank Ms. Allones who was a very constructive and good Reporter as well as being very active in the debate, and I thank the Office, and the Employers' group. I am grateful for the support provided by the International Organisation of Employers (IOE). In that regard, I should like to mention one name, and that is Mr. Eric Oechslin. We had a wonderful group to assist us, but I would like to thank in particular the Workers' group led by Ms. Yacob,

and all the Government representatives because, without them, we would never have had such an interesting discussion and the report would never have been as balanced as it is today.

To conclude, I am proud to announce that the Employers' group can support the report and the proposed Conclusions.

Ms. YACOB (*Workers' delegate, Singapore; Worker Vice-Chairperson, Committee on Human Resources*) — It is with the greatest pleasure that I present to you the Workers' views on the work of the Committee on Human Resources.

In his Report to the Conference, *Working out of poverty*, the Director-General mapped out several critical strategies for alleviating poverty. One key strategy was promoting skills development for sustainable livelihoods. The Director-General took note of the critical role that training plays in improving productivity, incomes and equitable access to employment opportunities. He also stressed that training is no longer a once-and-for-all investment at the beginning of working life but a process of lifelong learning in which skills are constantly reviewed and adapted. We can apply these words from the Director-General's Report in explaining the rationale of the work done by this Committee on Human Resources Training and Development. Since skills training is important for alleviating poverty not only in the developing countries but in the developed countries too. The incomes gap is widening and there is a close correlation between a person's level of education and skills and his earnings.

It bears repeating that investment in human resources development and training is crucial for individuals, enterprises and countries to survive and prosper. In a knowledge economy, the greatest value resides not in the physical assets or resources of a country alone but in its people. This point comes across very clearly if we look at the performance of particular companies. Microsoft, for example, is worth much more than the physical assets which it owns. The real value resides in its employees, in the ability to develop and write software programmes which fetch immense prices in the market.

By the same token, a country may have vast natural resources but unless people add value to those resources, you cannot derive much revenue from trading in them. UNESCO studies have shown that countries which have invested much more heavily in their human resources have leapfrogged in terms of both economic and income growth.

Countries with the highest incomes are also those where workers are most educated, as indicated by their higher enrolment in primary, secondary and tertiary education. Some 98 per cent of the adult population in high-income countries are considered literate. Industrialized countries invest at least 30 times more per student in education and training than the least developed countries.

Hence, the importance of these Conclusions on human resources training and development that you are about to adopt. They will provide a very useful and relevant framework for governments and the social partners in their efforts to improve people's lives.

The Conclusions strongly endorse the importance of education, training and lifelong learning in achieving full employment, social inclusivity and sustained economic growth. They recognize that training,

education and lifelong learning cannot exist in a vacuum. The objective of education and training is not simply to create employment but to prevent social exclusion and this also requires the active promotion of the ILO's Decent Work Agenda. Decent work underpins an individual's independence, self-respect and well-being and is therefore the key to the overall quality of life. The Conclusions therefore establish a link with other important principles and rights at work as embodied in the relevant ILO instruments, such as the Declaration on Fundamental Principles and Rights at Work, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, the Human Resources Development Convention, 1975 (No. 142), the Paid Educational Leave Convention, 1974 (No. 140), as well as the Employment Policy Convention, 1964 (No. 122).

The Workers' group is also pleased to note the strong recognition of education and training as a right which must be made accessible to all workers. Many countries already recognize education and training as a right. It is found in the constitutions of Argentina, Brazil, Chile, Germany, Guatemala, Italy, Mexico and Spain, for instance, based on the documents prepared by the Office. This right is also acknowledged at the international level in the Universal Declaration of Human Rights of 1948. At the regional level, it is recognized by the social and labour declaration of MERCOSUR, and the Charter of fundamental rights of the European Union. In capturing the right of people to education and training in the text, we have reinforced a widely accepted principle practiced in many countries, which is a reflection of the significance and value placed by many countries on developing their human resources.

The proposed Conclusions also recognize that to be effective, training and education policies cannot be formulated or implemented in isolation from other economic and social policies or programmes. There is therefore a specific focus on the need for consistency and coordination between human resource development and training policies and economic, social and fiscal policies. In other words, development policies and strategies must be developed as a comprehensive whole and not in bits and pieces.

In Europe, for instance, according to the Lisbon European Council Presidency conclusions, objectives of learning, education and training are an integral part of the European Union's strategic goals to strengthen employment.

Governments have a primary responsibility for investing in education and training, and for formulating strategies for education and training. Governments continue to have an important role to play in providing training and in ensuring the quality of training provided by the private sector. Education and training is far too important to be left, unregulated, to the private sector. The Conclusions have made clear and specific references to this. But enterprises have a critical role to play in training their employees. This is also stated in the proposed Conclusions. In particular, MNEs should be called upon to provide training for all levels of their employees in both the home and host countries.

The Workers' group is also particularly pleased with the strong references made to developing strategies and according special attention to those with special needs to ensure their access to lifelong learning and a system to secure decent work. This is important in our

fight against poverty and social exclusion, and the proposed instrument also defines the categories and the identification process which would be adopted at the national level.

One category of workers with special needs that is mentioned in the Report is migrant workers. Huge shifts of people across the globe in search of work have created new challenges which require fresh responses. To this end, the Conclusions stress the importance of promoting national, bilateral and regional recognition and transferability of skills, competency and qualifications. This would enable skills acquired in one country to be accredited and used in another.

Equality of opportunities in education and training for men and women is an important principle endorsed in the Conclusions. Women worldwide continue to struggle under the dual responsibilities of work and family. Women also continue to enjoy lower pay for work of equal value and suffer from other forms of discrimination at work which inhibit their career progression. Hence, the categorical affirmation in the Conclusions that equality of opportunities and access would assist in removing barriers to training and lifelong learning for women.

The Conclusions also address the challenge of transforming activities in the informal economy into decent work through education and training. The focus here is on the integration of such activities into mainstream economic life and the validation of prior skills learned for this purpose, so that workers and employers can be helped to move into the formal economy.

The Conclusions also emphasize the need for sustained investment in the education and training infrastructure and for the use of information and communications technologies (ICTs.) Modern information and communication technologies, in particular Internet-based technologies, offer great opportunities. ICTs are used by an increasing number of people as learning tools. However, the "digital divide", unequal access to ICT and the Internet, both between and within countries, seems likely to grow wider and will have to be addressed.

The Conclusions provide for the establishment of a national qualifications framework to facilitate lifelong learning, assist enterprises and employment agencies to match demand with supply, guide individuals in their choice of training and career and facilitate recognition of prior learning and previously acquired skills.

Very often, workers have considerable skill and experience but no paper qualifications to vouch for their skills and, as a result, face tremendous difficulties in trying to secure another job once they are laid off. The Conclusions, therefore, include an important provision on the development of a transparent mechanism for the assessment, certification and recognition of skills, including the accreditation and validation of prior learning and previous experience, irrespective of where they are acquired and whether formally or informally, using a national qualifications framework.

The Workers' group also notes with satisfaction that there are now definitions of key concepts, such as employability, lifelong learning, competencies and qualifications. In this regard, employability is an important concept. It is important in ensuring that workers are able to secure and retain decent work and cope with changes in technology and labour market

conditions. Of course, this is possible only if there are other policy measures to ensure job creation and decent work. Clarity in definitions and the use of objective and measurable criteria are important for preventing discrimination and arbitrary actions.

The Conclusions call for the strengthening of social dialogue and the involvement of the social partners as an important strategy to achieve the goals under the proposed instrument. Collective bargaining is the core pillar in bipartite dialogue, and tripartite dialogue and training at various levels of government will further strengthen the process and ensure that workers get a fair deal and are able to have a strong influence on education and training policies and programmes that affect their lives. It will also give them a platform to ensure equitable distribution of rewards for their greater contribution arising from the higher skills that they have acquired.

It is of particular satisfaction to the Workers' group that the proposed Conclusions provide for increased technical and financial assistance for less advanced countries and call for the promotion of coherent policies and programmes at the level of the international financial institutions and funding agencies by placing lifelong learning at the centre of development.

The efforts of many developing countries to invest in human resources development and training are seriously hampered by the debts which they have to service and the stringent structural adjustment programmes which they are required to implement. For example, in 1995 the average per capita GDP in the richest 20 countries was 37 times the average in the poorest 20, a gap that has doubled in the past 40 years. In the world today, 600 million children are not in school. This is an enormous waste of human resources and a great opportunity lost for millions to move out of poverty. At the heart of this debate on human resources development and training is this very basic and important question: can the world continue to grow and prosper if the vast majority of people have no means or resources to gain access to education, training and lifelong learning? If the answer is a categorical "no" then we must, with a resounding vote, support the removal of all barriers and obstacles to education, training and lifelong learning. Only if we do this can we claim to have put people at the centre of development.

Labour is not just a sector of production. Workers have needs, hopes and aspirations. They want a say in how their lives are managed, in society at large and most certainly at the workplace. They want to be empowered and to have control over their work, and this can be done through education, training and lifelong learning.

Before I conclude, I will just say that we have had a very important, and in many ways, I think, an open debate and discussions on some very fundamental issues. And where we have disagreed, we have disagreed on the basis of principles, and I think that is important. The process of debate was useful and I think it should also form a sound basis for our discussions next year.

In conclusion, I would thank Mr. John Chetwin, our Chairperson, for his able chairmanship and for helping to steer us to our Conclusions, the secretariat which has worked indecent hours to produce excellent work for the Committee, and Ms. Allones, the Reporter for the Committee, for her excellent and hard work, and the Employer Vice-Chairperson,

Mr. Renique, for the constructive part he has played in our discussions in the Committee.

We in the Workers' group strongly support these proposed Conclusions. We are confident that they form a very good foundation for next year's discussion, leading to the adoption of a Recommendation.

Mr. CHETWIN (*Government delegate, New Zealand; Chairperson of the Committee on Human Resources*) — Human resources development and training contribute to people's ability to participate in work and in society.

Initial education and pre-employment training prepare people for the world of work. Lifelong learning enables them to maintain and strengthen their employability throughout their working lives. Together they enable people to adapt to the rapid changes and challenges of globalization and accelerating technological change. Technology also provides new means of learning.

Human resources development and training contribute to people's productivity and earning power. They also enhance the competitiveness and adaptability of enterprise, which in turn, enables enterprise to generate the jobs demanded by growing populations in many parts of the world and to progress in those countries with static and ageing populations.

Through all these avenues, human resources development and training can contribute to the reduction of poverty and to the ability of the informal sector, which is a major feature of many developing countries, to progress into the formal economy.

Effective targeting of delivery to groups with special needs can help address social exclusion.

Human resources development and training are thus central to the realization of the goal of decent work and to the role of the ILO. The Committee on Human Resources was given the challenge of translating these potential outcomes into practical realities, by providing members and social partners with the dynamic principle base instrument to guide them in the years ahead.

I believe the Committee has met the first phase of this challenge, to produce a set of Conclusions that can form the basis for the completion next year of a new Recommendation on human resources development and training, which would replace the Human Resources Development Recommendation, 1975 (No. 150).

In tackling that task, the Committee was greatly assisted by the work of the Office in preparing reports IV(1) and IV(2). The former, in particular, contains a wealth of information on the broad range of practices and innovations in human resources development and training in member countries, which will be a valuable resource for members in the period ahead.

We were also greatly assisted by the knowledge and insights brought to the Committee by its members — Employers, Workers and Governments alike. The work of the Committee was characterized by a spirit of positive cooperation, goodwill and good humour.

There were times when some important issues aroused strong passions, as they should. But those issues were few and were addressed with mutual respect and a genuine endeavour to seek understanding. Not all have been resolved but the basis for doing so has been established. The foundation has been laid

for the delivery next year of a new Recommendation which can meet the challenges of the dynamic world we all live in.

Many people have contributed to this outcome; Employers and Workers, through their Vice-Chairpersons, Mr. Chiel Renique and Ms. Halimah Jacob, brought their rich perspectives of the world of work in society to bear. In their roles as Officers of the Committee, the Vice-Chairpersons greatly assisted me in guiding the Committee to meet the challenges before us.

Government members fully played their part too in contributing both to the substance of the debate and to the process of reaching consensus. We were fortunate to have a substantial number of active participants on the Government benches, representing both developing and developed countries, as well as all the continents and many islands.

They say "an army marches on its stomach". If that is true, then the ILO marches on paper. No matter how talented the members of the Committee were, we could not have arrived at this point without the efficient, thoroughly professional and cheerful commitment of Mr. Michael Henriques, Mr. Trevor Riordan, Mr. Mark Levin and the many others in their team on the secretariat. Very often, when our work finished for the day, theirs began as they would work through the night and the early hours of the morning to ensure that the Committee's work could continue smoothly the next day.

The interpreters, as always, made the whole process possible and at the final stage, the Drafting Committee ensured that the text of our Conclusions met ILO standards. The Drafting Committee was chaired by the Legal Adviser, Mr. Picard, and comprised the Reporter of the Committee, the Vice-Chairpersons and Ms. Kocherhans, Government member for Switzerland.

One person who had a great influence on the preparation of the work of the Committee, was not present. At the beginning of our first sitting, members stood for a moment's silence in tribute to Pekka Aro, who recently passed away under tragic circumstances. Mr. Aro was the former Director of the InFocus Programme on Skills, Knowledge and Employability and was to have been the representative of the Secretary-General to the Committee.

I shall not repeat the summary of the Committee's report and Conclusions which has been so ably presented by our Reporter, Ms. Antoinette Allones, and commented on by the two Chairpersons. Suffice it to say, I believe we have broken some new ground and developed a number of established concepts.

I commend the report and Conclusions of the Committee on Human Resources. I invite the Conference to adopt these and the resolution to place an item entitled "Human resources development and training" on the agenda for the 92nd Session of the International Labour Conference.

The PRESIDENT — The general discussion on the report of the Committee on Human Resources is now open.

Mr. ASSIMAKIS (*Government adviser delegate, Greece, speaking on behalf of the European Union*) — As a representative of the Greek Government, which currently holds the presidency of the European Union, I am speaking on behalf of the European

Union. The acceding countries (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) and the associate countries (Bulgaria, Romania and Turkey) have aligned themselves to this statement.

Firstly, I would like to thank the Chairperson, Vice-Chairpersons and Reporter of the Committee on Human Resources for their work and efforts to produce this report. The work undertaken by this Committee is very important and relevant.

For the European Union, access to education and training opportunities for all is a strategic objective. At Lisbon, three years ago, the European Union set up a strategy for building a dynamic and knowledge-based society capable of sustainable economic growth with more and better jobs, greater social cohesion and inclusion. This strategy offers common solutions to common problems, taking into account the different situations in each member State.

The recently updated guidelines for the development of employment policies of the European Union member states give high priority to the promotion of human capital, lifelong learning, mobility, improvement of the recognition and transparency of qualifications and competencies, gender equality and combating discrimination in the labour market. The guidelines contain targets and indicators to improve effective implementation.

The European Union, however, is also facing restructuring, unemployment, social exclusion, poverty and illiteracy, as in other parts of the world. In order to address these challenges in a proactive way, education, training and related support services, such as advice and guidance for all, should prove to be effective tools.

In order to cope with economic and social changes, a coherent, sustained and long-term approach, in which all actors must be strongly involved and take up their respective responsibilities, is required. The method of tripartite and bipartite social dialogue has shown its effectiveness on many occasions.

For that reason, the European Union looks forward to next year's discussion and to building on the Conclusions which have been reached today, so that the final Recommendation will be an effective guide to human resources development and training in countries all over the world, based on close coordination with economic and social policies.

Therefore, the outcome of the next session should strengthen international dialogue and action on human resources development and training.

Finally, we affirm our strong commitment to the successful revision of the ILO Recommendation.

(Mr. Noakes takes the Chair.)

Ms. ROJVITHEE (*Government adviser and substitute delegate, Thailand*) — As a country that has just recovered from financial and economic crisis, the Thai Government considers that, to develop our country to keep pace with others and also to survive globalization, we should focus on human resources development. Thus, we are issuing and implementing integration policies concerning the upgrading of the skills of our people and their well-being with economic, financial and social policies.

As a result, Thailand fully supports the development of this new ILO human resources training and development instrument, which should take the form of a Recommendation.

The current proposal of the human resources training and development instrument that is submitted to this Plenary sitting for consideration was drafted with the spirit of harmony of humanity through the tripartite system.

The clear content of this proposed instrument can be seen in the Preamble, which reflects holistic approaches, the contribution of education, training and lifelong learning, to create various forms of employment accessible to all concerned in the society and the responsibility of all stakeholders in the country, supported by the world communities, for the quality of human resources that will lead to well-being and happiness.

The effective result of these measures will be achieved by the sincerity of their implementation by all concerned.

Lastly, I would like to extend my appreciation to the ILO, the secretariat of the Committee on Human Resources, the Chairperson and the Vice-Chairpersons, the Reporter and the tripartite delegates, and also the interpreters, seated together for nearly three weeks to complete the proposed Conclusions for a new international instrument.

Mr. TARNEJA (*Employers' adviser delegate, India*) — Thank you for giving me this opportunity to speak. May I convey greetings from India to all of you. With more than 1 billion people within India and a few million people of Indian origin outside India, my country has the second largest population in the world. We are the largest and the most vibrant democracy in the world. I congratulate the President and the Vice-Presidents of this session of the Conference as well as the ILO Director-General, Mr. Juan Somavia.

The Chairperson of the Committee on Human Resources, Mr. Chetwin, and the Worker Vice-Chairperson, Ms. Yacob, deserve our compliments. Our own Employer Vice-Chairperson for the Employers' group, Mr. Chiel Renique, has done a splendid job of presenting our viewpoint as regards this Committee, whilst our Reporter, Ms. Allones of the Philippines, has done an equally wonderful job of summing up. My felicitations to all my colleagues in this Committee.

Education and training are not only an integral part of human resources development, but they go hand in hand with improving and raising our living standards. Basic education may be taken as a first step in our early life, but continuous learning and relearning is a lifelong process. Thus, I endorse the Committee's recommendation that lifelong learning should be both supplementary and complementary to training and education. It also helps to improve employability in the context of rapid changes taking place in the world of work.

As we start the twenty-first century, we must realize that, whereas in the last half of the nineteenth and the first half of the twentieth centuries, the industrial revolution was a result of the invention of the steam engine, which gave rise to manufacturing, the beginning of the twenty-first century has brought in a multitude of information, communication and technology-related industries and services. This has become possible and continues to be possible as a result of many areas of activity. Utilization of knowledge has become possible because of cumulative human resources development and the availability of knowledge. The thrust on human resources development is a result of the thrust on education and later training

and skills development in many countries, especially developing countries like my own.

India has believed in and practised self-employment and self help. The newly emerging SMEs reflect not only entrepreneurship but also self-employment. More than half of our country's exports come from the SME sector. We have, through our innovative entrepreneurs, generated significant employment for the informal economy.

This has been possible because of constant national efforts in the areas of education, training at all levels and a belief in employment generation.

In my country, India, we have witnessed stupendous growth during the period 1990-2001 in almost all of these areas. Participation in primary education through to post-graduate education in all faculties, including advanced science and technology and engineering has grown impressively. The gross enrolment ratio, that was in the region of 40-80 per cent in 1990-91 rose to 70-98 per cent in 2000-01.

India's impressive growth in science and technology education and the improvement in health-care facilities have pushed up the demand for qualified personnel. As a result, India has witnessed a 90 per cent increase in the availability of such personnel during the 1991-99 period. Growth of 51 per cent in the number of graduates in science and technology and engineering, and 30 per cent growth in the number of health care personnel in a span of ten years is indeed no small achievement. My country, India, faces the challenge of increasing our annual GDP growth rate to 7-8 per cent from the current level of 5-6 per cent — its level during the past decade. India is in fact deemed to be a first-rate country for ITC-related activities, providing sizeable employment, not only in India but all over the world.

I am citing the facts and figures relating to India in support of the case that the adoption of a new instrument on HRD by the ILO in this session of the Conference is both timely and capable of achieving high targets. Employment generation everywhere and in every sphere and activity has to be a goal for all of us, especially for the developing world. This can become possible and will indeed be possible, due in no small measure to the new instrument of HRD that we are considering. Combined with the conclusions of the 90th Session of the ILO in 2002 on decent work and the informal economy, the approval of the human resources development instrument in 2003 will lead all of us to further employment generation. This Recommendation will not only diminish poverty, but will usher in relative prosperity. We must resolve and be determined for our future generations that through human resources development, we will generate employment, via the vehicle of SMEs and each country's global strength to shift from learning perpetually to updating our learning constantly, from formal employment to employability, from job security to income security and from static to dynamic mindset. Adaptation to new skills and competency requirements in the ever-changing environment can be achieved by implementing what we are recommending today in creating this new instrument on human resources development, which I fully support.

Before I end, I compliment all my colleagues in the International Organisation of Employers (IOE), for their total involvement and assistance. I also thank all my colleagues from India, who are not all here, for this wonderful opportunity to be with you all today.

The Employers' Federation of India, of which I am the President, will continue to serve and assist all of you.

Original Spanish: Mr. BARRETO (*Workers' adviser delegate, Uruguay*) — There are two aspects of the document on the proposed Conclusions prepared by the Committee that I would like to highlight. Firstly, in the text approved by the Committee, it states that “the instrument should encourage Members to recognize education and training are a right for all and, in cooperation with the social partners, work towards ensuring access for all to lifelong learning”. Therefore, recognizing by the right to vocational training, as other international legal instruments, including regulations of the highest importance, have done in recent years, reflect a process of valuing the rights of all those who work.

However, training is also an element of interest to employers, because of its repercussions on competition and the quality of production. This convergence of rights and interests means that training may become the subjects of collective bargaining and, more broadly, the subject of tripartite social dialogue and the agreements resulting from such dialogue.

This is in fact the second aspect which I would like to emphasize. Training, in addition to being a right of workers, and perhaps because of this, is a recurring theme in collective agreements in many countries, since it involves something consistent with the general definition of collective negotiations as laid down in the Collective Bargaining Convention, 1981 (No. 154).

The documents of proposed Conclusions has, therefore, allowed for the participation of workers' and employers' organizations at different levels, thereby recognizing their role in this process.

Finally, we value recognition of both the right to vocational training and collective negotiations within the framework of a document which brings standards on the development of human resources up to date.

Mr. POTTER (*Employers' delegate, United States*) — I am pleased to deliver these remarks on behalf of Ms. Ronnie Goldberg, Senior Vice-President for Policy and Program, United States Council for International Business, who participated in the Committee's discussions.

United States employers are particularly gratified to see the acknowledgement in this proposed Recommendation of the importance of human resource development and training in promoting the development of entrepreneurship. It is easy to forget that many of the largest of the world's enterprises began as an idea — indeed, sometimes in the garage — of a talented individual entrepreneur.

Fortunately, in every society, in any population, some subset of individuals will be entrepreneurs by nature: creative, proactive, and willing to take risks. This is particularly important because in many countries, economic growth and job creation will depend in large part on the creation of new small enterprises. But it is wrong to think that talent and attitude alone are sufficient for entrepreneurs to succeed, particularly in today's highly competitive, complex and technologically challenging world.

To start up and run a successful business requires enthusiasm and the ability to recognize an opportunity, as well as a supportive business culture and appropriate legal and regulatory institutions. But it

also requires the entrepreneur to be in command of a body of knowledge and skills.

In the United States, our graduate schools of business all have courses on entrepreneurship. But education and training for entrepreneurship must begin much earlier, with school curricula that encourage creativity and independent thinking, that teach children to take responsibility for their own actions and give them the analytical skills to master information and to adapt to change.

In recognizing the importance of lifelong learning, our proposed Recommendation acknowledges the reality of today's economy: most of us will have several jobs over the course of our working lives. A premium will be placed on the ability to adapt, to master new skills and to be open to change — in other words, to be entrepreneurial in managing our own lives and careers.

It is our hope that this proposed Recommendation will help equip governments to develop the policies appropriate to this challenge.

Ms. BHENGU (*Workers' adviser and substitute delegate, South Africa*) — On behalf of the Workers' group of the Committee on Human Resources, I would like to join our spokesperson for the Committee and firmly support the kinds of proposals that were put forward before this Conference.

I would like to start by recalling the words of the President of South Africa, my own country, when he spoke about the reality of the conditions of extreme poverty, under which the majority of people have to try to access education, training and development, or, put in the language of the ILO, human resources development, wherever they are. It is said that the poor of the world watch and wait to see what decisions we will take and what programmes we will implement at this session of the Conference. It is also said that these are the millions of people who are cast out into outer darkness and among whom there is much waiting. They are convinced that collectively, we have the power to do something to change their condition, including putting them on the ladder of opportunity, which will lead to the eradication of poverty through decent work, about which the Director-General of the ILO has written.

We think that this is an important context within which our contributions, through the work of the Committee on Human Resources, were given.

We welcome the strong commitment made by the proposals to ensure that human resources development is always aligned with strategies for practical actions to reduce poverty. We welcome this affirmation that as long as we have social exclusion, we must all ensure decent work promotion. As long as social exclusion exists, we must constantly adapt our human resources development, and ensure that at all times this is integrated into all our policies.

In short, we welcome the fact that poverty alleviation and poverty eradication has been placed at the centre of any human resources development strategy. More specifically, we welcome the instrument's focus on young and unemployed persons. We could not only concern ourselves with workers in the workplace and those already employed.

We welcome the focus on adults, especially the many men and women who have historically been excluded, and never had access to education and training opportunities in their early years. We wel-

come the focus on this issue as well as the overall commitment to combat illiteracy and view that combating illiteracy is an integral component of the whole national education and training system. In a sense, these commitments made by the recommendations of our Committee represent a huge shift from seeing labour as a commodity, to placing people at the centre of development and investing in our people.

The second point I would like to make concerns the recommendations relating to the participation of women and girls in human resources development. I come from a developing country and I know, as do many other colleagues, that close to two-thirds of the world's poor people are women. We also know that a majority of those that have historically been left out of formal education and training systems, when they should be part of them, are girls. We think that as we prepare ourselves for 2004 we should make much stronger and concrete practical commitments to improving the position of women and girls in human resources development. We think that we have already laid a sufficient foundation, but we are challenged at this session of the Conference to take this work forward so that we can achieve full gender equality as far as human resources development is concerned. On the basis of just those contributions, we wanted to align ourselves with all the other contributions that have been made, both by the Workers' and the Employers' group, in relation to a commitment to giving balanced social and economic considerations to human resources development.

Original French: Mr. TRICOCHÉ (Workers' adviser delegate, France) — Speaking not only as the Workers' delegate of France, but also on behalf of European workers, I want to give my support to the Conclusions of the Committee concerned with the issue of human resources and training. On the basis of the conclusions of the work of the 88th Session of the Conference, of June 2000, and in a spirit of tripartite dialogue, the Committee at first reading, drew up a draft Recommendation recognizing that education and training are a universal right for everyone in the world. The development of qualifications and skills for workers is a prerequisite for sustainable economic and social development, as well as for the creation of decent work throughout the world. Lifelong education and training are vital for promoting the interests of workers, enterprises and society as a whole, for instance in combating social exclusion.

The Conclusions of the Committee urge governments to invest in education and training and invite the social partners to act responsibly to ensure that workers enjoy improved training conditions and opportunities throughout their working life, in order to maintain and develop their employability. The Committee, on the basis of tripartite discussion, defined the various aspects of employability. Workers should be able to ensure recognition for their qualifications on the labour market. To that end, the Committee indicated that it is the responsibility of governments, with the participation of the social partners, to set up a national framework and mechanisms to assess and recognize qualifications and skills. Such mechanisms must guarantee the transparency and transferability of qualifications on the labour market, and ensure that workers can put their skills into practice, at work and in their social life.

Governments should promote the recognition of qualifications, at regional and bilateral levels, in particular for migrant workers. Mutual recognition mechanisms had already been established in some parts of the world, for instance in the European Union.

Social dialogue and collective bargaining are the best tools for developing and financing training policies that focus on formal training or informal mechanisms for large numbers for workers, which enable workers to acquire the necessary skills and knowledge for leading successful professional and social lives.

Within enterprises, collective agreements developed through bargaining should guarantee access to training and ensure recognition of qualifications and skills in the labour market. Governments should fulfil their part of the bargain by financing education and pre-employment training. Together with the social partners, governments should create the best possible conditions of access to lifelong learning.

Governments and social partners should ensure equal opportunities for all persons, in particular by access to training for women, unemployed workers, and specific groups, economic sectors and people with special needs.

In conclusion, I would like to thank all those involved in this Committee who made it possible for these proposals to be drafted, in particular the Chairperson of the Committee, Mr. Chetwin, the Employers' representative, Mr. Renique and, in particular, Ms. Yacob who, on behalf of the Workers, by means of her qualities, skills and negotiating ability, did an excellent job of promoting the interests of the workers whom we represent.

I urge all members of the Conference to adopt the Conclusions of the Committee on Human Resources, because here we have a draft instrument, which should be concluded during the year 2004, and which contains universal Recommendation fully consistent with the ILO's Decent Work Agenda and combating discrimination at work, rightly stated in the Global Report to the 91st Session of the Conference.

Original Arabic: Mr. EL YAFI (*Employers' adviser delegate, Syrian Arab Republic*) — I participated in the Committee on Human Resources as I was one of those responsible for introducing a number of planning strategies for the development of human resources at the Damascus Chamber of Commerce.

The work of the Committee was based on one of the main aspects of the development of human resources, namely education and training for new entrants into the labour market and lifelong learning.

Three years ago, at the Damascus Chamber of Commerce, we began with an apprenticeship project, the first project based on social dialogue, and we achieved excellent results. Eight months ago we launched a competence development unit, to develop the competencies of individuals working at various institutions pertaining to the Chamber of Commerce, to improve and develop their performance and to help their adaptation to modern technological and administrative developments.

I was very pleased with the results achieved by the Committee, as it was very well-informed on all matters related to training and education, whether technical cooperation or research or services assisting education and training. Despite our rather limited experience in my country, I believe that the results

achieved will help us in our present work and with the support projects which we are developing in this domain.

This is the first time that I have followed the proceedings of this Conference to the very end. I was very pleased with the content of the Committee's report, with the detailed discussions between the social partners and the Government on one hand, and between the developing countries and the developed countries on the other. The report gives a transparent account of what has been achieved. It will certainly help me and my colleagues to convince the people concerned with regard to projects for the development of human resources.

I think that economic progress can be achieved only if we involve all men and women in an appropriate environment, and I think that what we have agreed upon will reduce tensions in people's lives so that we can bring about a better social stability that will contribute to promoting a climate of peace and security, in the spirit of the International Labour Organization.

I thank this Organization which has offered me many opportunities, and I would also like to thank the Government representative, the Worker representative and the Employer representative, as well as the coordinators, for the experience gained here which will help me and my country, whatever solutions we adopt.

I would therefore urge the Conference to support and approve the report of the Committee on Human Resources, because it is a springboard for the development projects which will be implemented in this area in the future.

Ms. LENOIR (*Workers' adviser delegate, United States*) — I speak in support of the conclusions that we have all heard reported on here at this plenary session. I have two items that I would like to bring to the attention of the delegates, colleagues and brothers and sisters gathered here.

One has to do with preventing social exclusion and discrimination: we believe that that means including, supporting and investing in opportunities for education, training and lifelong learning, by providing equality of opportunity and treatment for people with disabilities, including migrants, indigenous peoples, ethnic minorities and persons of colour.

As Mr. Ed Potter, the Employers' delegate from the United States, indicated when he spoke on behalf of Ronnie Goldberg, a member of our Committee, promoting entrepreneurship is very important, and it is also included in these conclusions.

However, my perspective is that, as Mr. Potter said, in the United States colleges and universities have many courses on entrepreneurship. What is interesting is that in many developing countries the entrepreneurs are the people who tend to have no formal sector work. They are bright, they are inventive, they are creative, they use their skills to provide resources for their families, and they live in extreme poverty, and our sense is that, if all the peoples in the world, particularly countries such as my own and other developed countries, had such entrepreneurs as these, the gap between those who have and those who have not would be significantly smaller.

Of course, achieving sustainable development and progress in this globalized world is much more challenging for developing countries, because they do

not have the choices available to my country. What is important is that societies such as these, with huge and growing numbers of illiterate youth and adults, and massive debt crises, will not be able to design, find, or implement the education and training policies which are a prerequisite for sustainable development and economic growth unless we do our work, and part of that work is to support these Conclusions and then implement them.

In this, the beginning of the age of the knowledge society, UNESCO, as Ms. Yacob said, estimates that there are 114 million adults who are illiterate throughout the world, including in my own country, the United States. These 114 million people are unable to operate efficiently even with the intellectual tools of the old economy, and with no change that number will rise to 188 million in just a few years.

Multinational corporations should be encouraged to use the capital amassed from the sweat of people's brows for technology transfers, developing local high-level skills in developing countries that will transform their limited human infrastructure for this new knowledge society. The contributions to sustainable development that multinational corporations can make through training, as elaborated in the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, should be recalled, activated and included in next year's final document. When taken together, these contributions to developed and developing economies and societies — both the richest and the poorest people of the world — are issues that we have included in our final Conclusions. They provide a ladder on which people in both developed and developing countries can progress, starting with decent work, and therefore I ask all of you to support these Conclusions.

Mr. HEWETT (*Workers' adviser delegate, Australia*) — I am privileged to be speaking at this session of the Conference as a member of the Workers' group on human resources training and development and in particular, to support the proposed Conclusions of the Committee.

The Committee has determined that education, training and lifelong learning contributes significantly to promoting the interests of workers, enterprises and governments in equipping nations to face the challenge of attaining full employment, social inclusivity and sustainable economic growth, whether that be in the developed or the developing world.

Workers in the labour market must be able to access education and training to sustain employment, economic independence, dignified life and effective participation in the democratic processes of society. Teachers and trainers are co-workers in this vital historic objective.

Teachers and trainers must be well-trained, up-to-date professionally and technically to assist in this task, because they are preparing young people to enter the labour market and others in transition between the existing world of work and the new world of work in which education and training is a key element in ensuring the fruits of labour are equally distributed.

The greatest challenge for teachers and trainers is to build a lifelong learning culture within a world in a constant state of transition, while ensuring that professional standards and quality educational resources are available to all.

This is best achieved, as the Committee has agreed, within a framework of a strong government funding commitment, quality national education and qualifications frameworks and the commitment of the social partners.

Teachers and trainers can assist in achieving employability and career sustainability for all workers, while managing change in themselves. Teachers and trainers also need to be appropriately rewarded for assisting in improving the rewards to other workers.

The Committee has recognized the contribution of teachers and trainers in recommending the development of a framework of certification of qualifications for training providers, the inclusion of quality assurance in the public education and training system, and development of quality standards for teachers and trainers.

Colleagues, I was born at the end of the Second World War, I dropped out of school at age 15 and worked as a labourer and then as an electrician for ten years. I then completed an economics degree and worked in industry before becoming a vocational teacher. I am now employed as an officer of the Australian Education Union.

If my working life is any example, then the future lives of millions of workers in the developing and the developed world will largely be dependent on their capacity to adapt to changing labour market conditions by accessing quality public education, training and lifelong learning.

Mr. THENGE (*Employers' adviser delegate, Uganda*) — I would like to begin by saying that as a native of East Africa, a Ugandan of Kenyan origin, I am very pleased to speak at this Conference, where a prominent native of East Africa namely, Mr. Christopher Wamalwa, has been ably presiding over the discussions.

The proposed Conclusions for a new instrument on human resources development and training, confirm our strong conviction as employers, that a sound human resources policy is a prerequisite of the competitiveness of our companies. The instrument will encourage employers to pursue this policy in cooperation with the workers. Companies will be encouraged to commit themselves to providing business-related training linked not only to the needs of the firm but also to the capacity and development ambitions of individual workers. This means that it is not only the employer who must take responsibility for training; the employee also has to take advantage of the opportunities available and invest in his or her career development and employability. Consultation and dialogue on training policies and arrangements can further improve the effectiveness and relevance of training. This can enhance the effectiveness of enterprises and the employability of workers.

During the last two weeks, we on the Committee on Human Resources have greatly appreciated the spirit of dialogue and partnership in the discussions on human resources issues. The results of the Committee's deliberations have, without a doubt, proved that social dialogue can greatly contribute to the creation of a lifelong learning culture among employees and enterprises which are responsive to the same culture. With those brief remarks, I unreservedly support the Conclusions of the Committee for adoption by this Conference.

Mr. RAMAN (*Workers' adviser delegate, India*) — I come from the subcontinent of India, which, despite

its rich diversity, is recognized as the second largest workforce in the world, providing brainpower to various sophisticated systems around the globe. I echo the concerns and feelings of my fellow sisters and brothers in support of this proposed Recommendation.

Every human being is born with immense potential. Only the environment, opportunity and the limits of what is permissible allow it to flourish or thwart it.

In the context of rapid globalization and technological change, economic growth and social development can be neither stimulated nor sustained without human resources development (HRD).

In an age of unprecedented turbulence in the labour market, HRD plays a crucial role in many countries, assisting people to adjust to change. Globalization, which claims to stimulate output and income, has created wider inequalities, job instability and economic vulnerability. Mass dismissals, high unemployment, the rise of part-time and temporary contractual jobs — all of these reflect a labour market very different from that of the past. Nevertheless, the importance of long-term employment relationships cannot be wished or brushed away.

Competition has long spread beyond its traditional arenas of price and cost. The consumer can keep consuming only if income is generated, and creation of decent jobs alone can ensure sustainable income generation. Both these aspects are crucial to any country wishing to maintain its competitive edge. There is enough empirical evidence, in the developed and developing countries alike, to show that people satisfying the so-called employability criteria — that is, with skills in modern production processes, including in the IT sector — are losing jobs in the hundreds of thousands owing to competition and downsizing, and are compelled to accept jobs far below decent work standards.

The proposed Recommendation, in order to be effective, requires a sound strategy for getting governments, as well as employers' and workers' organizations, involved in the process of ending the problems of unemployment. The term "employability" as defined in this Recommendation has to be read, understood and used in this context.

The proposed Recommendation realizes the importance of stronger ties between the social partners, providing insightful reflection and analysis for the formulation of effective policies and strategies for human resources management in the years to come. It therefore advocates strengthening the social pillars in the globalization process in areas such as education, training and lifelong learning policies, within the overall economic, fiscal and social policies that can be adopted by various countries in order to improve the benefits and reduce the costs as the world becomes more economically integrated.

The objective here is to remove obstacles that hamper the worker's ability to work more effectively and efficiently to produce high-quality output. This is to be done through more human-oriented work organizations and sound environments, and high standards of corporate social and humanitarian responsibility that are fundamental prerequisites for our future prospects.

The proposed Recommendation looks at the practical aspects of an enterprise where knowledge has been utilized to match the work environment to the needs and characteristics of the workers and the processes. This will lead to major gains for both

the workers and employers alike, and eventually the country.

In a world where new products and services can render previous skills obsolete, access to training is a very important element of retaining employment security. Access to training should therefore be looked upon as promotional measures that avert deprivation through job and income losses. "Involve me and I learn" is the clarion cry as we enter the new global order.

The proposed Recommendation also identifies vital ILO instruments concerned with human resources development and examines the broader international policy challenges faced by many developing, transition and developed countries around the world.

For many women, training is a means of both improving their present work and moving to another occupation that is more remunerative. They require skill training before they can change their products or their work.

The proposed Recommendation is not prescriptive, but aims at providing all the active players, including training providers, with enough flexibility to implement measures within the national framework. When everyone is addressed, the process creates its own binding cohesion — a cohesion that allows clear goals to be formulated and achieved.

It therefore offers an environment that lends itself to the calm pursuance of social and economic progress through labour-friendly technology along with sustainable production, productivity and quality, in the consumers' interest.

In 15 sittings, our Committee, with the able support of the secretariat and the interpreters, has reached this consensus in an atmosphere opposed to that of Geneva during the past two weeks. The synergy between what is and what ought to be is captured by the key elements introduced in the proposed Recommendation for a finer debate at the next session of the International Labour Conference.

I seek your commitment to make a more humane world.

Mr. LAMBERT (*Employers' delegate, United Kingdom*) — I was privileged to be present in the debate when we first discussed this issue two years ago and I just want to say, at the outset of my brief remarks, that I thought that the whole debate we had this time was a wonderful example of people working together for something which is so crucial to the future of many, many people around the world.

During the past two weeks, what we have discussed is an absolutely essential building-block in establishing a better world, particularly for that part of the world where people have no education and often no hope. So we need to reflect that we have been working on a document that eventually may be adopted around the world, but that needs desperately to be adopted by the governments of these marginalized people of the world who barely manage to survive today. What we have discussed can make the difference between poverty and a normal life, success or failure. This is my absolute conviction, because a fully educated world is, to use a very common expression these days, the road map out of poverty.

My second point is really about what makes the difference when you have the right policy; and the difference is made by having set up proper established regulations and opportunities through governments

and through companies, and that is the commitment of the individual. So often what makes the difference between two people working in one enterprise or in one location is that one is committed and one is not; and the one who is committed makes it, and the one who is not does not. I believe that what we are talking about here is creating opportunity for all.

Ms. Yacob talked about the ladder of opportunity. The real issue is, how many people are going to take the time and be committed to climb the ladder? I believe that, with the work we are doing, which is, in my view, so essential, about creating a better world, we must never lose sight of the fact that the motivation of the individual is so key in this.

So, that is more or less what I wanted to say today, but I think, overall, we should recognize that this world of ours has many, many problems. The most important thing, I believe, is to provide the opportunity of education for all, and so I commend this to everybody and I sincerely look forward to the discussions next year.

Ms. AWASSI ATSIMADJA (*Employers' delegate, Gabon*) — I would like to join those who preceded me in congratulating the Employer and Worker Vice-Chairpersons, Mr. Renique and Ms. Yacob, and the rest of the tripartite Committee involved in discussions on human resources training and development, as well as the ILO and IOE representatives who accompanied us during this exercise, facilitated our work and made us feel at home.

The purpose of the discussions on human resources training and development has been to discuss and adopt elements of the first of two discussions on the proposed new instrument on human resources development and training. The gist of my presentation will be in support of the arguments of the Employers' group. As Employers' delegate for Gabon, representing the Confederation of Gaboness Employers (CPG), I would like to reiterate our support for the Employers' group position regarding the various part of this instrument and the proposed Conclusions, which are adaptable to the African social economic context and to the Gabon context in particular.

As Employer representative for the CPG, I would like to underscore the Employers' position during the course of our meetings by citing the words of the CPG president, Mr. Henri-Claude Oyima when he outlined the CPG's objectives during the February 2003 CPG board meeting. He said that the CPG must tighten its ranks around all issues concerning the enterprise, and demonstrate to the Government that the Government's job is not to manage the economy or the enterprise but to remove obstacles to growth and development. The CPG must be the engine of growth and seek to minimize government action in business, by implementing training for company employees, through research and innovative technology, and so forth.

These words by Mr. Oyima were reported in *CPG Enterprise*, No. 9, of April-June 2003.

The CPG has also been proactive with regard to gender issues. An eloquent illustration of this is the fact that a woman is in charge of running CPG representative and coordinating activities relating to the International Labour Office, the International Organisation of Employers and the Pan-African Employers' Organization. These are real and palpable signs of recognition that women have to be counted

among the players in enterprises. The CPG does not believe in token action.

As a professional human resources manager, working in a French-speaking African country for an English-speaking multinational corporation, I would like to conclude by sharing some thoughts based on my hands-on experience as a human resources manager in the global context.

In our efforts to improve our human resources competencies, we often find that the main areas where we need to catch up concern general management practices, general employment practices, staffing principles and theories, human resources development and training, and compensation and benefit policies and practices.

In the context of the globalization process, institutional mechanisms and bodies are being set up for the purpose of attracting foreign direct investment. This is the case in Gabon, and in many least developed countries in Africa such as Gabon, and I am certain that this is applicable to other CAEMC countries, where multinational companies from outside Africa are arriving.

I would like to emphasize that cross-cultural training is a vital element for all people involved in industry. Employers and employees from different socio-cultural background and horizons often have to work together on a daily basis. Some have the status of local employees, others are expatriates, and they include also women and men working together with their families.

What is being discussed in this forum here may be classified as theory. The actual practice of the human resources manager's day-to-day work, and the implementation of effective and appropriate cross-cultural training for all, is for me the *sine qua non* of successful globalization, at the enterprise level, for both multinationals and local private firms. In the global context, this must be understood in situations in which business people from the developed countries come into contact with people from developing countries. For example, when an African businessman does not look someone in the eyes, this is not a sign of dishonesty. In many African countries, not looking someone directly in the eyes is a sign of respect. This is an area where, in training and development, we often encounter obstacles because the people training and the people receiving training do not understand the cultural context in which they are working. African people in industry must also learn to understand that not looking someone in the eye may create a negative impression on their business counterpart. Closing my statement with this small example related to cross-cultural training, I simply wish to show that, while we are working on these instruments here in Geneva, when we go back home, people need to understand the need to allow people in African countries to adapt them to local conditions.

Mr. HEFDAHTAN (*Government delegate, Islamic Republic of Iran*) — First of all, I would like to express my appreciation to the Committee for having addressed such an important issue, and my thanks to the spokesperson of the Workers' delegates for having offered his excellent report in this regard.

Human resources development is essential for social development and social justice. The development of education, particularly educational training systems, could play a vital role in human resources

development, provided that all countries in the world eliminate discrimination and combat the exclusion of poor people. We support efforts to facilitate access to education and vocational training for all sectors of the population.

In most developing countries, the vast majority of beneficiaries of training courses are low-income families, and the governments of developing countries must play a vital role in eliminating discrimination and exclusion and creating equal opportunities and free access to training services.

In the Islamic Republic of Iran, in line with the objective of human resources development, the Government has done its utmost to develop the vocational training system throughout the country.

Each year, on average, the Government allocates more than 1,000 billion riyals to education and vocational training, with equal emphasis on women and men. More than 90 per cent of the beneficiaries are from low-income families. These training courses, running throughout the country, and in more than 200 centres, are offered to people in more than 80 fields. All of these short and long-term training courses are offered free-of-charge to young people.

Mr. OWUOR (*Employers' delegate, Kenya*) — My delegation also wishes to endorse the proposed Conclusions of the Committee, especially its focus on lifelong learning and on an explicit commitment by governments, as well as the private sector, to enhance investment in training.

To ensure the relevance and quality of lifelong education, appropriate funding mechanisms need to be put in place at the national level to supplement government efforts.

In Kenya, for example, and in many other countries, we have established a tripartite national industrial training council which operates an industrial training levy scheme, under which training facilities are approved and selected workers sponsored for training, both at home and abroad.

There is also a need to enhance donor funding to update training equipment, especially in areas of information and communication technology. Countries should also harmonize their general education curricula with their vocational training programmes so as to ensure that we develop employable skills.

Given the flexibility of lifelong training, employees should be prepared for the continuous changes that are taking place in the global market.

Lifelong training should also involve the establishment of centres of excellence to enhance the development of specific skills in various fields.

In conclusion, I would like to state that my delegation supports the balanced Conclusions of the report, particularly since these will form a major pillar of

human resources development and make a major contribution to the Decent Work Agenda and the alleviation of poverty.

The PRESIDENT — As there are no more requests from the floor to speak, we shall now proceed with the adoption of the report (paragraphs 1-688) and the proposed Conclusions. If there are no objections, may I take it that the report is adopted?

(The report — paragraphs 1-688 — is adopted.)

We shall now proceed to the adoption of the proposed Conclusions, part by part.

(Parts I-XI, of the Conclusions are adopted seriatim.)

We shall now conclude by adopting the report and Conclusions of the Committee as a whole.

If there are no objections, may I take it that the report and the Conclusions of the Committee on Human Resources, as a whole, are adopted?

(The report and the Conclusions of the Committee on Human Resources, as a whole, are adopted.)

RESOLUTION TO PLACE ON THE AGENDA
OF THE NEXT ORDINARY SESSION OF THE CONFERENCE
AN ITEM ENTITLED "HUMAN RESOURCES DEVELOPMENT
AND TRAINING": ADOPTION

The PRESIDENT — Our last task of the morning is the adoption of the resolution to include an item on the agenda of the next ordinary session of the Conference entitled "Human resources development and training" for second discussion.

If there are no objections, may I take it that the resolution is adopted.

(The resolution is adopted.)

We have now concluded the consideration of the Committee on Human Resources. I should like to take this opportunity to thank the Committee, Officers and members, as well as the secretariat and staff, who have, I know, put very long hours into the production of this report and its conclusions. I am sure that it will provide a good basis for the second discussion to take place at the next ordinary session of the Conference. Congratulations to all concerned.

I declare the twentieth sitting of the International Labour Conference closed.

(The Conference adjourned at 1 p.m.)

Twenty-first sitting

Wednesday, 18 June 2003, 3.10 p.m.

Presidents: Mr. Wamalwa, Mr. Wojcik, Mr. Noakes

REPORT OF THE COMMITTEE ON SEAFARERS: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT (Mr. WAMALWA) — We shall start immediately with the examination of the report of the Committee on Seafarers, which is contained in *Provisional Record* No. 20, Parts I and II. The Officers of the Committee were as follows: the Chairperson was Mr. Smefjell, Government, Norway; the Employer Vice-Chairperson was Mr. Cox, from the United States; the Worker Vice-Chairperson was Mr. Orrell, from the United Kingdom; and the Reporter was Ms. Martyn, Government, United Kingdom.

I call upon Ms. Martyn, Reporter of the Committee, to submit the report of the Committee on Seafarers.

Ms. MARTYN (*Government adviser delegate, United Kingdom; Reporter of the Committee on Seafarers*) — It is a great privilege to address the International Labour Conference and I am honoured that the Committee on Seafarers has chosen me to introduce our report. It is a particular pleasure because I can report the success of our Committee in establishing the text of the proposed revised Seafarers' Identity Documents Convention.

Let me first say a few words about the background to our work. It is a truism that shipping is a global industry and seafaring, perhaps more than any other, is a global profession. It is fundamental to the working lives of seafarers that they need to be able to move freely around the world, to join their ships while they are working and to return to their homes. While they are at sea their ship is their home, but a ship is by its nature a confined environment, without all the facilities that workers ashore may take for granted. So seafarers need to be able to take shore leave while their ships are in port. They may need shore leave for personal or medical reasons, or simply for a well-earned recreational break. With the very short turnaround times that are now typical, they need to be able to take their shore leave without delay.

In 1958 the ILO approved the Seafarers' Identity Documents Convention, No. 108. That Convention sets out the current standard for a document designed to confirm that a seafarer is a bona fide seafarer and to facilitate travel and shore leave. The Convention No. 108 document is quite a simple identity document, but the world has changed and, with heightened and very real concerns about security, the original document is no longer fulfilling its purpose. The shocking events of 11 September 2001 brought matters to a head.

The ILO's sister agency, the International Maritime Organization, quickly began consideration of mari-

time security issues and, highlighting the issue of seafarer identity documents, asked the ILO as a matter of urgency to review the issue. That is how we came to undertake our review.

Our goal was therefore to develop a revised document which would strike a balance between strengthening the security aspects of the Convention and facilitating the movement of seafarers. We wanted to create an identity document in which countries would have real confidence, but without placing an undue burden on the seafarer in obtaining that document.

To begin the task, special consultations with governments, shipowners and seafarers took place in 2002 and February 2003, and with various regional groups prior to the Conference. Even with this preparatory work, the Committee's work has been long and arduous, with several night sittings. At times, we wondered whether we would succeed in agreeing a draft Convention in the time allowed. The issues involved were complex and sensitive, with strongly held but divergent views. But all Committee members remained motivated, with a very real will to succeed on the part of shipowners, seafarers and governments alike.

To achieve our result, the Committee held 21 sessions and established three working parties. We considered 207 amendments and many more sub- and sub-sub amendments. There were two votes, including a record vote. The report before the Conference is a long one, but it had to be so in order to properly reflect our discussions, the positions of the different delegations and the way that compromise was reached on difficult issues.

The report reflects what has happened to the 207 amendments and the resolutions submitted by the Committee members. The work of the three working parties is also reflected. These working parties made a crucial contribution to the work of the Committee, which could not have succeeded without them. Most significantly, the report includes the draft Convention which is the culmination of our work.

The main body of the Convention consists of ten Articles, with the final clauses in addition. There are three comprehensive and important annexes. The Convention contains carefully balanced provisions. The new seafarers' identity document which it introduces is designed to be a stand-alone identity document, allowing seafarers access to shore leave. The document is based on international standards and should be easily recognizable to immigration authorities.

It is also ground-breaking in including a requirement for a biometric. This, for those of you who are not familiar with the term, is the electronic recording of a unique physical identifier for an individual. On

this technical subject we were greatly helped in our discussions by the presence during the Committee's discussions of a representative of the International Civil Aviation Organization. For seafarers, the biometric will be a template of the fingerprint stored in a 2D bar code.

In that regard, an important step still to be taken will be the development of a technical international standard to ensure global interoperability. In addition, the document will include a digital or digitized photograph. Members will be able to verify the authenticity of seafarers' identity documents by interrogating a database either electronically or through a focal point. Detailed requirements and procedures are also included for producing and issuing the document itself.

I believe that the draft Convention we have produced is a pioneering document for the Organization. Not only have we produced the draft at a single Conference, we have also introduced some important innovations. We have developed standards for an internationally uniform document: the seafarers' identity document. The draft Convention includes a simplified amendment procedure, so that its technical annexes can be readily updated. It provides a reporting mechanism for international oversight to reassure each ratifying country that it can rely on identity documents issued by other countries. These reports, which will be made available to other members, are in addition to article 22 reports. The Governing Body will be asked to make arrangements for approving a list of countries fully meeting the requirements for issuance of the seafarers' identity documents.

The draft strikes a delicate balance between enhancing security, on the one hand, and improving the daily lives of seafarers by facilitating their travel and shore leave, on the other. For seafarers, it should ensure that their need for speedy access for shore leave can be met. It should also help shipowners, whose business is international trade and who need to ensure that their ships are not subject to unnecessary delay. For all, including governments, the outcome is not only the words in a Convention, but a practical outcome in terms of the development of a physical document.

In short, we have, I believe, a comprehensive instrument which I hope will receive wide and fast ratification. The Committee also expressed this desire by recommending that the Convention should enter into force six months after the ILO has received two ratifications. Thereafter, for every other ratifying Member, the Convention should also enter into force only six months after ratification.

During the adoption of the report of the Committee, the Government member of Greece raised the question of the relationship between the new proposed Seafarers' Identity Documents Convention and the Protocol to Convention No. 147 as regards the inclusion in the Protocol of Convention No. 108. The Legal Adviser of the Conference had considered that this question could be referred to the Conference Drafting Committee.

However, after thorough examination he came to the conclusion that the legal situation resulting from the ratification of the new Convention does not require any specific reference to that Protocol in the new Convention. In his view, two possible legal situations may be distinguished. The first is that of a Member which has ratified Convention No. 108, and

at the same time has accepted the obligations under Part B of the Supplementary Appendix to the 1996 Protocol. The ratification of the new Convention by the Member concerned would imply the automatic denunciation of Convention No. 108. However, the Member would be bound by the provisions of the new Convention and, as such, would satisfy any obligations of substantial equivalence under Convention No. 147.

The second situation is that of a Member which has not ratified Convention No. 108 but has ratified the 1996 Protocol and accepted the obligations under Part B. Where that Member ratifies the new Convention, it will continue to be bound by substantial equivalence in respect of Convention No. 108. In this case, the obligations resulting from the new Convention would constitute substantial equivalence under the Protocol. In both these situations, the Legal Adviser considers that ratification of the new Convention will enable Members concerned to meet the requirements of the Protocol.

In addition to the Convention, the Committee adopted four resolutions which are related to the application of the instrument. One requests member States to facilitate shore leave and travel of seafarers; the others relate to technical cooperation, the development of the technical biometric specification to be used in the identity document, and the establishment of a list of Members which comply with the Convention.

I hope that I have said enough to give you a clear picture of our work. Particular thanks for our achievement are due to our Chairperson and our Shipowner and Seafarer Vice-Chairpersons, and to the Chairpersons of our Working Parties. We could not have achieved what we have without a great deal of help and support from the Office. Cleo Doumbia-Henry, in particular and all her staff, worked tirelessly on our behalf. I would especially like to thank Ms. Ann Herbert, Mr. Brandt Wagner and Mr. Norman Jennings who have so skilfully and speedily produced our report.

Finally, I request that the International Labour Conference adopts the report, the revised instrument concerning seafarers' identity documents, including the annexes, and the resolutions that are attached. I hope that, given the thorough work done in the Committee, and the tripartite support for the draft Convention, a unanimous vote in favour will be forthcoming.

Assuming success, I urge all governments to take the necessary steps to ensure rapid ratification and application of this Convention.

Mr. COX (*Employer adviser delegate, United States; Employer Vice-Chairperson of the Committee on Seafarers*) — In February 2002, I was privileged to be the United States Shipowners' representative in the United States delegation to the International Maritime Organization. During the discussion occurring during that month a year ago, we debated various scenarios for vessel security. Among those that we debated was a requirement for seafarers' identification. After some debate, it was concluded unanimously by the governments represented at that organization that the proper area for discussion of that subject would be the International Labour Organization. I personally observed the ILO representative becoming busy with phone calls to Geneva to find out just how fast this

Organization could operate. Within a few days, the message came back to the International Maritime Organization that, indeed, the ILO could act in a swift manner and could come up with a document within one year.

We are now sitting in June 2003, some 16 months later and we have a document before us. A short time after the IMO had concluded its work, I was very pleased to receive a call from the international shipowners, wherein they requested that I be their spokesperson on this issue at the ILO. We have worked very hard over this past 16 months. We have had many meetings. We have had many night meetings in conjunction with our other effort, which you will observe in another year's time, the consolidated maritime labour Convention.

From the very beginning, the international ship-owning community recognized three points that were important.

The first point was that there must be facilitation of a seafarer's shore leave. Voyages at sea have not got shorter. Stays in port have got shorter. Those two do not mix, so we have to have an opportunity for seafarers to get ashore. The second point is that we, as an industry, a very efficient industry at moving the world's trade, have to move our seafarers around the world to replace seafarers on ships. The facilitation of that seafarers' movement is a very critical and important aspect of our industry.

The third point was the rationale for bringing this issue to the IMO some 16 months ago and that was an increase in the security of our industry. We, the Shipowners and the Seafarers, both recognized that we do not want our industry to be utilized by persons in such a manner as to bring problems to our industry. We did not at that point, and do not now, feel that the issue of security is incompatible with the other two issues that are important to us as Shipowners. We knew, from the beginning, that the critical question would be that of reviewing the alternatives available for identifying individuals, i.e. which one would be the one selected. We are very pleased to see that fingerprinting mechanisms have been selected for this purpose. The basic principle of identification in our document is that of fingerprints. We have a document which I am shortly going to suggest that you vote affirmatively on. Prior to doing that, I am going to ask all the Government representatives here to carefully review the requirements within this document and, when you take it home to begin your own processes to bring into force the requirements that are spelt out in this Convention and, more importantly, in its annexes. On behalf of the Employers' group, we endorse this document and we recommend it to you for your affirmative vote.

In closing, it would not be appropriate for me not to thank some individuals and some groups. The first, of course, is Georg Smeffjell, our Chairperson, for his leadership in this endeavour, and Mary Martyn, our Reporter for her eloquence, and, yes, the Seafarers who sit on the other side of the room from myself, for their work, under the leadership of Brian Orrell and Dave Heindel.

Most importantly, the Shipowners want to thank Ms. Cleo Doumbia-Henry and her team handling this issue, who have been working all these months, and particularly these past three weeks. We would not have completed this important task without them — so, we thank them.

Mr. ZELLHOEFER (*Workers' delegate, United States*) — I have the honour to give the comments of the Workers' group on the report of the Committee on Seafarers, but first of all the Workers' group would like to congratulate the Office for the documentation they provided, their hard work during the past two weeks, their extraordinary commitment and professionalism — all of which were crucial in bringing us to this stage.

I would also like to extend the Workers' group's congratulations and our appreciation to the Chairperson, the Officers and the Committee. To have secured a comprehensive agreement and balanced package on such a technical and highly charged issue, within the time constraints imposed by a single discussion is a remarkable achievement.

It is generally accepted that the issue under discussion was sensitive and highly politically charged. This is evidenced by the fact that the last two G8 Summits have referred to the revision of ILO Convention No. 108 in their final communiqués. The fact that the ILO was able to respond so quickly to what was perceived as an urgent issue and be flexible enough to use the single-discussion provisions of the ILO Constitution is to the credit of the Organization. That the ILO was able to produce this far-reaching agreement shows the strengths of the Organization and demonstrates its continued relevance and its ability to address highly charged political imperatives. We hope the fact that the ILO was able to respond to this challenge will strengthen the Organization.

The issue was sensitive because it will have profound implications for the seafarers who serve on ships and who play a crucial role in the globalized economy: 90 per cent of world trade is carried on ships. When we discuss such issues, we need always to bear in mind that we are talking about people and their ability to pursue their profession and make a living, while at the same time enjoying the basic human rights and privileges for which we are all here, rightly, at this Conference, but which are routinely taken for granted. We need to be very careful that we do not make the profession of being a seafarer more unattractive, and thereby exacerbate the problems there are in many countries of recruiting and retaining new entrants to the industry. International trade and the global economy require adequate numbers of suitably trained and qualified seafarers, and the retention of a maritime skills base in all maritime countries.

Seafarers, because of the nature of their profession, need to be able to enter the territory of another state in order to join and leave a ship and for the purposes of shore leave. Seafarers live and work on vessels, often for long periods, and need shore leave for access to shore-based welfare facilities, including medical care. The provisions of this proposed Convention are therefore fundamental to the ability of seafarers to enjoy decent work.

Throughout the negotiations, there was a need to balance the legitimate security concerns of states and the needs of seafarers. We believe that this was achieved during the difficult negotiations on Article 6 (facilitation of shore leave and transit and transfer of seafarers). These concerns were also reflected in the Conference resolution concerning decent work for seafarers. One of our key concerns was that the new instrument should be consistent with international law and with other relevant international instruments,

especially on access to shore leave, and we believe that this has been achieved.

In response to 11 September 2001, a new regime is, as a matter of necessity, being established in the maritime industry — one which seeks to address the security concerns of governments. The International Maritime Organization has adopted far-reaching amendments to one of its key Conventions and a related International Ship and Port Facility Security Code, which will enter into force on 1 July 2004. This particular instrument places seafarers in the front line in implementing the new maritime security regime. The implementation of these provisions will also involve a considerable amount of work for governments and will have substantial cost implications for them and for the employers. They will also have significant operational implications for shipowners and seafarers alike. The new seafarers' identity document will further increase this burden, as putting in place the required secure systems will place additional costs on states and the industry. It was for these reasons that the Workers' group tabled the resolution concerning technical cooperation relating to seafarers' identity documents.

There needs to be a balanced approach which is proportionate and which provides suitable incentives. Multilateral negotiations also involve compromise and give-and-take on all sides. As an American, and the United States Workers' delegate, I feel it is appropriate to note that the United States has led this process. It was the United States which called for the development of a new seafarers' identity document, and many countries will be watching what the United States does as they consider whether to ratify this instrument. I, representing the Workers' group, call on the United States to continue to lead the way in terms of enhanced maritime security and be the first country to ratify the new instrument. We believe that the United States must lead by example as, if they do not ratify this Convention, others may not, in the belief that the implementation of the provisions will cause a considerable amount of pain with, in the end, little gain.

The new seafarers' identity document is not a travel document; it is only an identity document. The Workers' group was disappointed that the Employers and Governments voted down a proposal that the seafarers' identity document should be issued without cost to seafarers. This means the express provisions found in the International Civil Aviation Organization's Chicago Convention, which establishes the equivalent regime for the civil aviation sector, will not be extended to maritime transport, even though the Preamble to the new instrument recognizes that, given the global nature of the shipping industry, seafarers need special protection.

Moreover, we cannot think of any other group of workers who are required to pay for their professional identity documents; for that matter, delegates to this Conference are not required to pay for their identity badges. We therefore call on the Director-General to ensure that the Office closely monitors this aspect and thereby ensures that the failure to adopt an equivalent provision, which reflects the norms found in the other sectors and most notably in civil aviation, does not lead to seafarers being disadvantaged and, in the process, suffering discrimination.

I must say, the Workers' group was astonished and outraged by the actions of the Canadian Government.

To announce, during these sensitive negotiations and with only three days' notice, that Canada was to institute a new regime which will require seafarers to have temporary residence visas in order to transit through their country, was not only insensitive, but had the capacity to sabotage the delicate negotiations. We therefore hope that all those assembled here join us in condemning, in the strongest possible terms, the Canadian Government's action.

In conclusion, it is fair to say that the negotiations were long and difficult; however, in the end a complex and far-reaching package was adopted, one which has the capacity to address the very real problems seafarers are currently facing as a result of increased security concerns, while at the same time being balanced, in that it also provides governments with the additional protection they require.

We will only have succeeded if the new instrument makes a real difference to the daily lives of seafarers, and this requires that it be widely ratified. We hope that the Director-General will take all necessary measures to vigorously promote its ratification.

As the final package represents an equitable balance between the various interests, I can advise that the Workers' group will be voting for its adoption.

Mr. SMEFJELL (*Government adviser and substitute delegate, Norway; Chairperson of the Committee on Seafarers*) — We have finished an important piece of work, not only for seafarers, but also for the whole maritime community: shipowners, legislators, the control organizations and the customers.

The drafting of this Convention has parallels in Norwegian history. One of our most famous kings, Harald the fair-haired, who was the first King of Norway about 1,200 years ago, was courting the beautiful Ragnhild. She was not impressed, and rejected him, by saying — pardon my language — that there was a snowball's chance in hell she would marry him, or, in her words, that it would only happen when he had united all of Norway under his rule. Well, the young King Harald did just that by killing most of his rivals. As he did so, he let his hair grow longer, only shaving it all off once he had finished uniting Norway. Luckily, our Committee also achieved the impossible, but without spilling any blood, even though I felt obliged to do as Harald did and shave all my hair off.

The parallels with Norwegian history do not stop there. Had the British, Irish, French and American coastguards and other border controls checked that my ancestors, the Vikings, had proper seafarers' identification, they would surely have been able to stop them from going ashore and causing so much trouble.

On a more serious note, the need for facilitation of seafarers' movements is an essential element in our truly global industry. Without seafarers, ships cannot be operated, and facilitation of the movement of seafarers is in everybody's interest: seafarers themselves, shipowners, governments, as they facilitate trade, and all of us, as citizens and customers. The work of the ILO in this area was taken up in response to the tragic events of 11 September 2001. In response to a requests by the International Maritime Organization to improve maritime security, the Governing Body agreed at an early stage to place this item on the agenda at this session of the Conference, with the intention to adopt a new instrument.

Seafarers' travel and access to shore-based facilities had been restricted in many countries already and

there was great urgency in finding an international solution to the problem. I have had the pleasure and the honour of chairing the Committee, which is now submitting a comprehensive instrument for adoption by the International Labour Conference. I have also been actively involved in the series of consultations which were held in the ILO in preparation for this session and I am proud to see the results of our work. While realizing and supporting the need for tighter security and positive and verifiable identification of seafarers in relation to their international movements, it has been equally important to ensure that seafarers can move as freely as possible with, to, and from their place of work, and that their ships, engage in international trade, across borders, and from country to country. It has been even more important to ensure that seafarers can enjoy shore leave, crucially important since the opportunities to go ashore become few and far between, as ship turnaround in ports becomes so rapid.

It looks clear to me that it would be very hard, if at all possible, to find national or regional solutions to the challenges in our international industry. For the seafarers, the ships and their owners, with the transient character of ships' schedules and workplans, it would be impossible to keep abreast of different requirements if we set them at a national or regional level. The international efforts were justified, many countries set this as a priority, and it shall continue to be so. The Committee's work provided for an international solution to facilitation and security, which had been an international challenge, and broke new ground for identification of people. It is new ground as it is the first time that such strict international objectives have been set for the issuance of identity documents. I will strongly, and I repeat strongly, urge all countries, as we surely will be impacted by the regulations in the industry, to adopt this Convention, ratify it and ensure that it is implemented effectively so that we can ensure facilitation, safety and security for crews and their ships. This will, at the same time, contribute to enhancing security in general. Some countries will surely need technical cooperation to be able to implement the Convention and the ILO should allocate resources in this respect.

The Reporter has mentioned in her statement the main contents of the new instrument. It is comprehensive, gives the necessary safeguards to seafarers, states, and shipowners as well. I am convinced that we all, by the way, can contribute to ensure the rapid ratification and implementation of the new Convention, and start issuing the new and more secure ID to all seafarers, and accepting them as well, in lieu of complicated entry procedures. We have succeeded in retaining the essential intent of the Seafarers' Identity Documents Convention, 1958 (No. 108), to ensure shore leave and facilitated entry into member States for seafarers when joining their ship, transferring to another ship, or transiting to join their ship in another country, or for repatriation. Such entry shall be allowed unless clear grounds exist for doubting the authenticity of the seafarers' identity document, provided that the competent authorities have no reason to refuse entry on the grounds of public health, public safety, public order or national security. It is quite clear that without such facilitation, on the basis of security concerns, we would have traded one problem for another, as tight restrictions on shore leave and travel to and from vessels would cause safety

problems for seafarers and vessels, and would have involved the breaching of basic rights of seafarers.

Before concluding, I would like to extend my thanks to all those who have enabled the Committee to complete its work, the Vice-Chairpersons, Mr. Joe Cox and Mr. Brian Orrell, the Chairperson of the Government group, Captain Douglas Bell of the Bahamas, the Chairpersons of the Working Parties, Mr. Anthony Mangion of Malta, Ms. Sølling Olsen of Denmark, Mr. Boumbopoulos of Greece, the Reporter, Ms. Martyn, of the United Kingdom and the members of the Committee themselves, as well as their advisers. I would like all the members of the Drafting Committee, which worked past midnight on Saturday, to enable us to get an instrument on Monday morning with our report. My sincere thanks also go to the clerk of the Committee and the secretariat for their truly essential work before, during and after our meetings. Their ability to make sense of our interventions and translate them into text which I have seen on a daily basis in the office of our Committee is truly impressive. I want to express my sincere thanks to Ms. Cleo Doumbia-Henry, the representative of the Secretary-General, and Mr. Norman Jennings, the deputy representative of the Secretary-General. I also want to thank the interpreters who have such a fantastic knowledge and ability to make our interventions understandable. In this international setting they are truly invaluable.

Finally, to conclude and just to repeat myself one more time, I will strongly, and I repeat strongly, urge all delegations present to vote for this instrument. A unanimous vote is the only legitimate way to concretely express the tripartite support that this instrument has generated throughout its preparation. I also urge member States to ratify it and ensure that it is implemented effectively and without delay so that we can ensure facilitation, safety and security for ships, crews and at the same time ensure basic human rights for seafarers with the least amount of red tape possible.

The PRESIDENT — The general discussion of the report of the Committee on Seafarers is now open.

Original Russian: Mr. SHMAKOV (*Workers' delegate, Russian Federation*) — I would like to join previous speakers in commending the Office, the Chairpersons, the Officers and the Committee on Seafarers for managing to produce such a comprehensive and balanced package in the short time provided by a single discussion of the Convention.

As the representative of the Russian workers, I am aware of the considerable problems Russian seafarers face in securing visas and access to shore leave in certain countries. We know that these problems are not confined to Russian seafarers, but are also faced by seafarers of many other countries. We hope that the ratification of a new instrument and strict application of its provisions will make it possible to remedy the current situation and to secure decent work for seafarers.

We also note that the G8 at its last two summits, has agreed that a secure and reliable seafarers' identity document should be developed under the aegis of the International Labour Organization. This has now been achieved, and it is therefore legitimate to expect the G8 countries to follow this up by being amongst the first countries to ratify the new Convention. The

new system to be put in place by the new Convention will only have a significant impact on the daily lives of seafarers if it is widely ratified.

The new maritime security system being developed by several United Nations agencies will have a considerable impact on the shipping industry and the seafarers who crew the world's fleets. We hope that the application of this Convention will facilitate seafarers' travel and their access to shore leave.

The issue of technical cooperation is important. We note that the G8 also adopted an action plan to build the international political will and capacity to combat terrorism. It includes a section on areas of mutual interest with regard to capacity building. We hope that the countries concerned will, as a result of the successful negotiation of this Convention, add the International Labour Organization to the list of organizations which currently includes the World Customs Organization, the International Civil Aviation Organization and the International Maritime Organization. This would greatly facilitate the widespread ratification of the new instrument. We also hope that they will use their political influence to secure the rapid implementation of the Conference resolution, tabled by the Workers' group, concerning the development of the global interoperable biometric.

Asking the International Labour Organization to address this issue in a single discussion was a challenge to the Organization, and the document before us shows that the Organization was certainly equal to that challenge. It is now time for member States to play their part by proceeding quickly to ratify the new Convention.

Maritime transport is a global industry, which requires global minimum standards, and such standards are fundamental to securing decent work for seafarers. We support the adoption of this new instrument and we hope that the necessary measures will be taken to promote its rapid and widespread ratification.

Original Spanish: Mr. VIDAUD MÁRQUEZ (*Employers' delegate, Cuba*) — I am grateful for the possibility of expressing my views and addressing the participants in this plenary. I feel that it is very important for employers and seafarers to put into effect the seafarers' identity documents Convention because it not only increases the protection and security of states, but it also makes it easier for seafarers to obtain leave to go ashore and to transit to and from their vessels without difficulty. We hope that governments will now eliminate current obstacles to the enjoyment of these rights.

I think that, in order to ensure the success of the Convention, it is vital that we approve and implement the special resolution on technical cooperation for developing and poor countries which will make it possible to use funds to finance the Organization's cooperation programme, giving due priority to countries requiring such assistance, to define what help the most technologically advanced countries can give to those which are less advanced in the field of biometrics and to furnish that help.

I would ask the ILO to give maximum priority to the implementation of this resolution and to do so in the most objective manner possible. In my opinion, the report reflects the excellent work done by the Committee on Seafarers and its agreements evidence

a determination to promote decent, humane working conditions for seafarers.

Mr. SERANG (*Workers' adviser delegate, India*) — As General-Secretary of the National Union of Seafarers of India, I would like to join the other speakers in extending congratulations to the Office, Chairperson, Officers, and the Committee on Seafarers for being able to produce this important new Convention in such a short period of time.

As a representative of the Indian seafarers who, along with other colleagues from the Asia-Pacific region, provide a substantial proportion of the labour supply for the world fleet, I came to this Conference in the hope that it would address the grave problems which seafarers from the region now face. While we are aware that these difficulties are faced by all seafarers, they are particularly difficult for those in our region. Holding a visa for a certain country is becoming a precondition for their employment. At the same time, they are facing problems in securing access to shore leave. This is adversely affecting their ability to secure employment, to enjoy decent work and to remain in contact with their families during the long months of their period of service. Many seafarers serve on a ship for nine or ten months at a time and have no idea of the ports the vessel will visit during their period of service. Seafarers rely on the shore-based welfare facilities provided under ILO instruments addressing seafarers' welfare, and access to them is of fundamental importance. Situations arise where shore leave is denied and seafarers are asked to get visas from their country of nationality. When the seafarers apply to the administrations in their country of nationality for a visa, they are denied one and most of the time no proper specific reason is given. This affects the employment prospects of even experienced seafarers. They may have been seafarers for ten or 15 years and, with one stroke of the pen, their visa is denied. This sometimes lead to suicidal tendencies among seafarers of the labour-supplying countries.

As regards the matter of shore leave, when seafarers are away for long periods of time and their ship approaches a port, they think they will get shore leave, but at times this is denied.

While we have been here for the last 20 days, we have surely all been in touch with our families, with our wives and children. I got in touch with my wife and also my neighbour's wife — and also my neighbour, but fortunately he was not. The point is, if it is a hardship to have no contact with families in 20 days in Geneva, just think of the seafarer who is on board ship for six, seven, nine months, and denied shore leave. This is something that has to be addressed. When we are thirsty, we can ignore our thirst for awhile, but when we see a reliable source of water, we get more thirsty, and this is so as far as shore leave is concerned. We would request that shore leave for seafarers should not be stopped, for any reason. Today, many seafarers feel that they are being treated as criminals or terrorists and yet when they finally join a ship, they are expected to be in the front line in the enhanced maritime security regime.

We hope that the new instrument, which contains all the necessary checks and balances, will be widely ratified, especially by the countries which have been so active in demanding its adoption and in securing the inclusion of many onerous requirements.

As the United Nations has said, there is a need to protect human rights and fundamental freedoms while also fighting terrorism, and states must ensure that any measure taken to combat terrorism complies with their obligations under international law, especially international human rights, refugee and humanitarian law. Central to this must be the protection of decent work for seafarers, and is a crucial element of this shore leave. Shore leave is one of the most time-honoured maritime customs and undoubtedly one of the most vital elements of the seafarers' well-being in terms of living and working conditions. However, it is under threat both in law and in practice. The facilitation of travel for seafarers, to enable them to join a ship and secure repatriation after completion of their period of service, is also of fundamental importance.

We very much regret that the proposal that the seafarers' identity document be issued at no cost to the seafarer was defeated, and we look to the ILO to ensure that this will not result in discrimination against seafarers. Both the Preamble to the proposed Convention and the Conference resolution on decent work for seafarers provide that, given the global nature of the shipping industry, seafarers need special protection. We very much hope that the ILO will ensure that this protection is delivered in practice.

Last night, I had a dream, and many times what I dream proves to be right. I had a dream that the first country to ratify this Convention will be the most prosperous country. We support the adoption of the Convention and look forward to it being widely implemented, in the expectation that it will alleviate the hardship which the seafarers I represent are currently facing.

We the seafarers join our ships because of the call of the sea, which no seafarer can resist, leaving our families, friends and neighbour's wife behind. We challenge the waves for months on end, braving storms, inspired by the prospect of again sighting land and enjoying shore leave. If, when we put into port, we are informed that shore leave is denied, we are physically and mentally shattered and frustrated. We call on governments to ratify this Convention and not to deny us shore leave under different pretexts. We hope you are listening, and agree with us, and will be the first to take the lead in ratifying. Oh dear big brother!

The PRESIDENT — As there are no further speakers, we shall proceed with the adoption of the report of the Committee on Seafarers, paragraphs 1-736.

If there is no objection, may I take it that the report is adopted?

(The report — paragraphs 1-736 — is adopted.)

PROPOSED SEAFARERS' IDENTITY DOCUMENTS
CONVENTION (REVISED): ADOPTION

The PRESIDENT — We shall now proceed with the adoption of the proposed Convention, Article by Article, and the Annexes.

If there are no objections, may I take it that the proposed Convention and its Annexes are adopted?

(The proposed Convention — Articles 1-10 — and its Annexes I-III are adopted seriatim.)

RESOLUTION CONCERNING DECENT WORK
FOR SEAFARERS: ADOPTION

The PRESIDENT — We shall now proceed to the adoption of the resolutions submitted by the Committee on Seafarers, starting with the resolution concerning decent work for seafarers.

If there is no objection, may I take it that the resolution is adopted?

(The resolution is adopted.)

RESOLUTION CONCERNING TECHNICAL COOPERATION
RELATING TO SEAFARERS' IDENTITY DOCUMENTS:
ADOPTION

The PRESIDENT — Let us now proceed to the adoption of the resolution concerning technical cooperation relating to seafarers' identity documents.

If there is no objection, may I take it that the resolution is adopted?

(The resolution is adopted.)

RESOLUTION CONCERNING THE DEVELOPMENT
OF THE GLOBAL INTEROPERABLE BIOMETRIC:
ADOPTION

The PRESIDENT — Let us now proceed to the adoption of the resolution concerning the development of the global interoperable biometric.

If there is no objection, may I take it that the resolution is adopted?

(The resolution is adopted.)

RESOLUTION CONCERNING THE ESTABLISHMENT
OF A LIST OF MEMBER STATES COMPLYING
WITH THE SEAFARERS' IDENTITY DOCUMENTS
CONVENTION (REVISED), 2003: ADOPTION

The PRESIDENT — Let us now proceed to the adoption of the resolution concerning the establishment of a list of member States complying with the Seafarers' Identity Documents Convention (Revised), 2003.

If there is no objection, may I take it that the resolution is adopted?

(The resolution is adopted.)

The PRESIDENT — In accordance with paragraph 7 of article 40 of the Standing Orders of the Conference, the provisions of the Convention concerning the Revision of Seafarers' Identity Documents (Revised) will be submitted to the Conference Drafting Committee for the preparation of the final text.

A record vote will be held tomorrow in the plenary on the Convention concerning the revision of Seafarers' Identity Documents (Revised).

We have now concluded the consideration of the report of the Committee on Seafarers. It remains for me to warmly thank the Officers and members of the Committee, as well as the staff of the secretariat for the excellent work they have done.

The PRESIDENT — We now have before us the report of the Committee on the Employment Relationship, which is contained in *Provisional Record* No. 21.

The Officers of the Committee were as follows: the Chairperson was Ms. Van Leur, Government, Netherlands; the Employer Vice-Chairperson was Mr. Finlay from Canada; the Worker Vice-Chairperson was Mr. Patel from South Africa; and the Reporter was Ms. Khayâl, Government, Lebanon.

I call upon Ms. Khayâl, Reporter of the Committee, to submit the report of the Committee on the Employment Relationship.

Original Arabic: Ms. KHAZÂL (*Government delegate, Lebanon; Reporter of the Committee on the Employment Relationship*) — I am pleased to submit the report of the Committee on the Employment Relationship, which you can find in *Provisional Record* No. 21.

The report which you have before you and will be asked to adopt is divided into four parts. The first, which comprises paragraphs 1-23, is the introduction. It concerns, first of all, the composition of the Committee, the way in which it organized its work and the number of sittings held (14 in total). It then devotes several paragraphs to the opening statements made by the Employer and Worker Vice-Chairpersons and those of several Government members, which served as a starting point for the Committee's subsequent discussions.

The second part of the report gives a description of the discussions on the six points proposed by the Office with a view to facilitating the discussion and which were accepted by the Committee. These discussions are summed up in paragraphs 24-86. I am bound to say that it was a difficult discussion because of the considerable differences of opinion. You could also say that, it was a real brainstorming session on the employment relationship, and I would like to emphasize the fact that we were enormously helped and guided by the remarkable report which the Office prepared as the basic working document for our deliberations.

The third part of our report is presented in paragraphs 87-140 and concerns the discussion of the proposed Conclusions which the Committee had before it after several sittings of the Drafting Group. This Drafting Group held five sittings, during which it examined the draft Conclusions prepared by the Office. Complete agreement was not reached on the Conclusions, but nonetheless, much progress was made and 26 paragraphs of draft Conclusions were submitted to the Committee, on several of which there was a consensus. The Committee subsequently devoted six sittings to an examination of the draft Conclusions, in respect of which 73 proposed amendments were submitted. Several amendments were withdrawn by their sponsors, while several others gave rise to lengthy discussion. I must point out, and this is indeed to the credit of the Committee on the Employment Relationship and enhances the credibility of tripartism in the ILO, that very few votes took place in the second part of our discussion, since the Committee was able to agree on the final text by consensus in respect of the vast majority of the

paragraphs in the proposed Conclusions, including those which had appeared to pose the greatest problems.

Finally we come to the proposed Conclusions as adopted by the Committee, which are set out in the fourth and final part of this report. These conclusions recognize, first of all, that the employment relationship is a concept which is common to all legal systems and traditions throughout the world, even if it is difficult to reach an agreement on a definition of the employment relationship that is valid for all countries. They also recognize that each country should have criteria to determine whether or not an employment relationship exists between persons providing work or services and persons to whom these services or work are provided. This is all the more important because in today's changing conditions, it may on occasions be difficult to determine whether a worker is a dependent wage earner or a genuinely independent worker.

The proposed Conclusions consider the situation of workers who are effectively wage earners, but are deprived of the protection associated with the employment relationship. There are a number of possible reasons for such a situation, including inadequate legal provisions, the ambiguous nature of the work relationship, the way an employment relationship is often "disguised" on the basis of a civil or a commercial agreement, failure to identify the employer in so-called "triangular" relationships, and non-compliance with the law. The proposed Conclusions specify quite clearly that disguised employment constitutes an abusive practice which jeopardizes both workers and employers, runs counter to the concept of decent work and cannot be tolerated.

Another aspect of the problem dealt with in the proposed Conclusions concerns the role of the state in ensuring that the law is applied. The Conclusions appeal to member States, not only to strengthen their labour inspection services, but also to study the trends in the labour market and developments in working arrangements and to combat disguised employment relationships. The proposed Conclusions also propose the establishment of appropriate mechanisms to facilitate the settlement of disputes regarding the status of workers, which should be easily accessible for employers and workers. At the same time, there were certain gender-specific aspects of the issues considered by the Committee on the Employment Relationship. The proposed Conclusions point out that the absence of protection aggravates inequalities between men and women on the labour market, and call for a policy of equality between men and women to be made clearer and laws and agreements to be better applied.

Finally, let us talk about the action, at both national and international levels, which the Conclusions propose. The Conclusions emphasize the central, crucial role of social dialogue in the preparation and application or implementation of national policies aimed at better evaluating and dealing with different problems relating to the employment relationship. These policies should have a number of different objectives. They should give workers and employers clear guidelines on the employment relationship, and particularly as regards the distinction between dependent and independent workers. They should provide effective protection to workers, combat disguised employment relationships, facilitate access to appropriate dispute settlement mechanisms and, last but certainly

not least, avoid coming into conflict with authentically independent or commercial contractual relationships.

The final part of the proposed Conclusions refers to the role of the ILO. These Conclusions refer to the Office's capacity as a world observatory of labour market trends and its ability to conduct studies and disseminate information and publications on developments in this area, including in the area of labour law. The Office should also provide technical assistance so that member States can deal with these issues, and also help in the training of those who are responsible for applying the law, particularly labour inspectors, but also judges and magistrates.

It is legitimate to ask: should the ILO undertake preparation of international standards in this area? The Committee considered this question, on which, as you can easily imagine, there were many different and opposing views at the beginning of our discussions.

In the end, the Committee came to the conclusion that standards are indeed possible, and considered that the appropriate response would be a Recommendation focusing on the issue of disguised employment relationships and the need to have mechanisms to ensure that persons involved in a work relationship have access to the protection due to them at the national level. For further details regarding the possible content of such a Recommendation, I would refer you to paragraph 25 of our Conclusions which was adopted by consensus, at the cost of sometimes difficult concessions but always in the spirit of dialogue and tripartism which are so dear to us in this Organization.

In conclusion, may I take this opportunity to offer my congratulations to the Chairperson of our Committee, Ms. van Leur and the two Vice-Chairpersons, Mr. Finlay and Mr. Patel, who played an essential role in enabling the Committee to reach a successful conclusion. And I must not forget all the work done by my colleagues in the Government group and in the Employers' and Workers' groups. Lastly, but certainly not least, I would like to thank the secretariat for the assistance given to us to ensure the success of our work.

The report on the work of our Committee is now before you. I would ask you, Mr. President, to submit it to the consideration of the Plenary so that it can be discussed and adopted, together with the resolution and the proposed Conclusions.

(Mr. WOJCIK takes the Chair.)

Mr. FINLAY (*Employers' adviser and substitute delegate, Canada; Employer Vice-Chairperson of the Committee on the Employment Relationship*) — The discussion on the scope of the employment relationship has been enormously challenging. The issues have been uncommonly difficult.

On behalf of the Employers' group involved in this discussion, I would like to thank the Office for their efforts at making this discussion a success and to thank the Governments for their active participation and effort to seek compromise. I would also like to congratulate the Workers for their vigour in this discussion. All told, there was no lack of participation or engagement.

The ultimate resolution of this discussion gives rise to cautious optimism. Optimism because we reached a qualified resolution that provides some direction for the ILO and for governments. Cautious, because of the great care still needed as the various parties contemplate future steps.

There is common agreement that there are workers in employment relationships that do not enjoy the protections they are due by virtue of their employment status and the law.

It has been the view of the Employers' group since this issue first arose that the challenges we collectively face with respect to protections for those in employment relationships cannot be addressed effectively, practically or meaningfully through international standards, because of the vast range of causes and responses, differences driven by unique cultural, economic, social and industrial relations systems. Nor, is the standardized or "one-size-fits-all" response appropriate given the differences between countries and within countries, and because of the diversity of possible solutions. We remain to be convinced otherwise, notwithstanding our acceptance of these Conclusions.

National differences must be recognized and respected. This includes careful consideration of the range of different needs. All of this makes standardization of responses impractical, if not impossible.

But, we have heard the call of governments that seek a Recommendation to assist them in bringing focus to solutions. We have made it abundantly clear to the Committee that better and more realistic solutions will be obtained from action taken at the national level, whether by the ILO or by national authorities.

As we go forward, careful attention should be given to the divisiveness of this discussion since 1997. We have heard fundamental differences in views of the issues involved, and the responses needed. We have expressed fundamental concerns regarding the characterization of the employment relationship, the appropriateness of an instrument as a vehicle for international response, and the potential for interference with legitimate and credible commercial relationships.

The conclusion in paragraph 25 is presented with considerable caution, and we should take great care to respect those cautions. Failing to do so will inevitably lead to further conflict, and could risk the development of constructive and meaningful action.

Governments have asked for international action to help guide them.

Paragraphs 20-24 of the Conclusions offer examples of international action that can be taken now: action that can be taken without an instrument and without a standard. This includes action on the two areas where governments consistently identified challenges — in the enforcement of laws, and the capacity in the labour administration.

I would like to draw attention to the proposed, but withdrawn, Employers' amendment to paragraph 20, which is set out in full in the report at paragraph 129. In that amendment, we elaborated substantially on opportunities available at the national and international levels to deal with the challenges faced by governments.

Should we ever reconvene to discuss a Recommendation on disguised employment relationships in future, it will serve us well to reflect on the successes arising from the suggestions in that amendment to paragraph 20, suggestions which are practical, can be pursued now, and which rely on and enhance the credibility of the ILO.

Should we ever reconvene, we should take great care not to be distracted by issues of common criteria, and triangular relationships. The wide variety of

approaches used to capture the employment relationship evidenced during this discussion and in research on the topic demonstrates that standardization at the international level is inappropriate and impractical.

The demonization of subcontracting and outsourcing, and the use of concepts like the triangular relationships, should be avoided. It should be recognized that employment relationships in subcontracting are not triangular. The employer's responsibilities under an employment relationship cannot be shared. There can only be one employee, and there can only be one employer.

We should not build barriers to creative methods of structuring work. We should take great care not to proceed down paths that will lead to interference in commercial relationships and thereby create uncertainty. We should ensure that we do not promote barriers to a flexible and responsive labour market. We should ensure, instead, that the path we take supports investment and job creation.

I would also like to highlight the Employers' fundamental disagreement and concern with paragraphs 5, 7, 8 and 9 of the Conclusions. These paragraphs are unfortunate, and lead down unproductive and divisive paths. They make suggestions that will promote commercial uncertainty and labour market rigidity. The treatment of triangular employment especially will lead to action that discourages investment and innovation.

These paragraphs do not contribute to an understanding of the real issues, nor do they contribute to real solutions.

For some of us, it has been a challenging two weeks. For many, it has been a challenging six years. Let us learn from our mistakes and proceed cautiously, if at all, within the parameters of paragraph 25 of the Conclusions. To be more clear: while the Employers' group accepts that the Committee is of the view that only the issue of disguised employment can be appropriate for a Recommendation, the Employers' group remains sceptical that such a diverse and vague concept can be adequately addressed through normative action.

Further, to the extent that such an approach may ultimately be deemed by the Governing Body to be a suitable topic for discussion of a Recommendation, it must, as these Conclusions provide, focus only on disguised employment, and avoid setting out criteria to describe the employment relationship, and should not encroach on commercial relations, including commercial structures like subcontracting and outsourcing. It should respect the cultural, social, economic and industrial relations differences among countries. It may focus on enforcement but should not standardize responses. On this basis, we believe a fruitful discussion is possible. Otherwise, we will do nothing more than continue the divisiveness that has characterized previous debates.

As I have said, we are cautiously optimistic that the issues we have identified can be dealt with constructively. But we stress the word "caution", and encourage all parties to learn from the mistakes of the past. If we cannot learn from these mistakes, we are destined to repeat them.

Mr. PATEL (*Workers' delegate, South Africa; Worker Vice-Chairperson of the Committee on the Employment Relationship*) — May I begin by congratulating the Reporter on her summary of the Committee's conclusions.

The work of the Committee has been enhanced by the excellent contributions of its many Government members, the consistent and charming way in which our Chairperson, Ms. van Leur, has nurtured an atmosphere conducive to a productive discussion, the solid work done by the staff of the ILO, the guidance given to me by the Workers' group, the support and superb assistance of my advisers and the good humour and flexibility that emerged from my counterpart Andrew Finlay.

The Committee's conclusions on the scope of the employment relationship are balanced, sensible and forward looking. In these conclusions, the Committee has laid a solid base for the ILO to address a most fundamental set of questions, namely: who is an employee and who is an employer, and what is the scope of the employment relationship? These questions are old, but they arise in new circumstances. Their resolution goes to the heart of the ILO's mandate and involves the protection of millions of workers all over the world.

Over the last 150 years, the world of work has turned full circle. In my opening remarks to the Committee, I noted that the sweatshops of the nineteenth century had been replaced in many countries by greater security and efficiency in the twentieth century, thanks to the emergence of laws and institutions to govern the labour market. However, I also suggested that an explosion of evasion and avoidance of labour law in recent decades has undermined the progress achieved in the past. I concluded that the challenge we face in the twenty-first century was to prevent a return to the insecurity and inequality that characterized the working world a century ago.

Many of the arguments mounted against extending labour protection to all dependent workers are based on nineteenth century classic economics. In the debates on the scope of the employment relationship, it has been suggested that the demise of labour protection had generated millions of new jobs that would otherwise not have existed. It has also been suggested that providing dependent workers with the protection that they are legally entitled to receive would boost labour costs and destroy jobs.

These arguments deserve careful scrutiny. First, the suggestion that the growth of disguised, ambiguous and other forms of unprotected work constitutes a net addition to the stock of employment is completely unfounded. No evidence has been produced to suggest that disguised, ambiguous and triangular employment relationships have augmented the aggregate employment picture. In fact, when the truck driver, the security guard or the clothing worker — who has been an employee of an enterprise for many years — is told that, from next week, she or he will be classified as an independent contractor, it adds nothing to the number of jobs in the economy. All this represents is the transformation of decent jobs into indecent jobs.

The erosion of the employment relationship does nothing to increase the aggregate quantity of employment, but it certainly diminishes the quality of employment.

Second, the assertion that providing labour protection for dependent workers will push up labour costs and thus reduce employment is equally flawed. If low labour costs were the secret to a strong economy, then countries where employers pay their workers a dollar a day would be the economic powerhouses of the global economy.

The most important economic lesson of the twentieth century was that economic development cannot be forged by exploiting labour. On the contrary, human capital development is a critical ingredient for economic advancement as are well-functioning capital markets, stable institutions, product and technological innovation, modern work organization and appropriate macroeconomic policies. Policies predicted on simplistic labour cost-cutting assumptions are incompatible with the levels of productivity and technological advances required in a modern, competitive economy.

During its debate, the Committee consistently addressed the argument that the scope of the employment relationship was an unsuitable subject for standard setting. We considered the view that this subject was too complex and only national solutions that reflected countries' specific economic, social and cultural traditions would suffice. While it is true that the subject is multifaceted, the debate in this Committee over the last two weeks has laid to rest the myths and fears created by the contract labour discussion six years ago. The Committee has demonstrated that the constituents of the International Labour Organization are more than capable of grappling with complex issues and reaching conclusions that contribute to efficient and equitable outcomes.

This debate has also enhanced the reputation of the ILO as an organization that can deal with contemporary labour market realities. The erosion of the employment relationship and the failure of labour law to keep pace with evolving labour market issues is the most important industrial relation issue of our time.

It has threatened the mechanisms that successful societies constructed for channelling and redistributing social and economic risk. The erosion of the employment relationship has gone hand in hand with heightened insecurity and an ever widening gulf between rich and poor, or, in the words of President Lula of Brazil, of islands of wealth amidst oceans of poverty. It is contributing to the growth of poverty among the working poor at the time when, in the words of President Mbeki of South Africa, "The resources exist within the world economy and society to achieve the objective of the eradication of poverty, globally". Income inequalities within countries have returned to the dimensions that characterized the era before programmes for economic inclusion emerged. The backlash against globalization is intrinsically linked to the failure of the State to tackle this phenomenon and to adjust labour laws and institutions to offset the increasing industrial power of mobile capital in an unconnected world economy.

Failure to face this challenge and find sufficient consensus to commence the search for solutions would have been the greatest threat to the credibility of the ILO. Fortunately, we now have the opportunity to move forward and provide an international contribution — through both the new Recommendation and a substantial body of ILO work — to ensure that we refocus the employment relationship on today's realities and prevent any return to the labour market insecurities that characterized the last big wave of globalization over a century ago.

In so doing, we will promote the interests of workers and scrupulous employers, as well as society's legitimate concerns with justice and fairness. Lest I be thought inclined to quote only statesmen from the South or contemporary leaders who have graced

the ILO with their presence in the past three weeks, let me share with you the apposite comment made by Winston Churchill in 1909, when he spoke in favour of introducing a minimum wage. He said, "The good employer is undercut by the bad, and the bad employer is undercut by the worst". His comments are relevant to the challenge of unprotected work in its many forms.

The Reporter has ably summed up the conclusions — namely that there is much that is very helpful in the quest to provide workers with rights.

I will simply identify a few areas for comment. The conclusions lay bare the practices of disguised, ambiguous and triangular relationships and the need to extend protection to workers who are in fact in employment relationships, but are not recognized as employees in law or in practice; in short, the challenge of unprotected work.

The conclusions go to the heart of ILO work. They answer the question of why we have an employment relationship with labour laws and a sophisticated industrial relations system, different from normal commercial relationships that characterize the interaction between suppliers and customers in an economy, and the question of why we have minimum wages, maximum hours of work and collective bargaining, instead of simply leaving this to contracts between consenting parties.

The conclusions recognized that it is because of the inherent inequality between the suppliers of labour, i.e. workers, and the customers who are users of labour. There is a body of law, namely employment law or labour law, which exists to provide redress. As long as this inequality exists, society needs the legal construct of an employment relationship, and its associated protections and rights, that are distinct from normal commercial relationships. Without it, we are in the zone of the jungle, where the strong impose their will on the weak.

Despite a range of different legal systems throughout the world, the employment relationship emerges as a universal concept. In every legal system the employment relationship is the essential basis for this distinct form of law, namely labour law or employment law. The manner in which employment relationships are defined and identified is also remarkably consistent across legal systems and jurisdictions, with common notions of subordination or dependency. Work has changed dramatically in recent decades. The decline of the vertically integrated enterprise in many parts of the world, the feminization of the workforce, the growth of atypical forms of work and the expansion of the informal economy, all represent challenges to the employment relationship and to the various functions it is required to fulfil within enterprise and society. Yet, despite these revolutions taking place in the world of work, the employment relationship has proven remarkably resilient and is responding to these challenges. As one commentator noted, the employment relationship "has been a remarkable social and economic institution, as important as the invention of limited liability for companies".

The conclusions add to the stock of ILO agreements on disguised employment relationships, first identified in this form in the text of the Promotion of Cooperatives Recommendation, 2002 (No. 193) adopted last year by the ILC. The conclusions describe disguised employment relationships as situations where an "employer treats a person who is

an employee as other than an employee so as to hide his or her true legal status ... through the inappropriate use of civil or commercial arrangements ... [often in the form of] ... false self-employment, false subcontracting, the establishment of pseudo cooperatives, false provision of services and false company restructuring ... [with an effect that] can be to deny labour protection to the worker and to avoid costs that may include taxes and social security contributions". This is a helpful characterization and can serve as a basis for action at national and international level.

Consequently, the conclusions address the labour market dimension of the increasing phenomenon of corporate behaviour which steps outside the bounds of law or good practice. Enron and WorldCom is the accounting equivalent of disguised employment, and it is right that governments have stepped in to ensure appropriate regulatory arrangements. Tax evasion and tax avoidance are the fiscal equivalent of disguising an ambiguous employment relationship. It is appropriate that States constantly act to ensure that their capacity to finance social programmes is not undermined. The case for urgent action in the labour market has been made.

The conclusions address the challenge of ambiguous and triangular relationships. In the case of triangular relationships, they recognize the problem where a worker is in fact an employee, but it is not clear who the employer is, what rights the worker has or against whom those rights might be enforced. In paragraph 9 the conclusions call for triangular relationships "to be examined in so far as they may result in a lack of protection to the detriment of the employee" and for mechanisms "to clarify the relationship between the various parties in order to allocate responsibilities between them".

The conclusions refer to "the need for mechanisms to ensure that persons with an employment relationship have access to the protection they are due at the national level". Paragraph 23 of the conclusions identifies measures that have been adopted by countries, including the establishment of legal presumption of employment for work performed or services provided, powers for a competent authority to declare that an employment relationship exists and criteria for identifying the employment relationship.

The conclusions recognize that lack of labour protection exacerbates gender inequalities in the labour market and it identifies sectors with high female participation, such as domestic work, the textile and clothing industry, retail, nursing and home work, as ones where the proportion of disguised and ambiguous relationships is relatively high.

The conclusions recognize that the ILO has a major ongoing role to play in collecting, assessing and disseminating information about the various reforms taking place at national level. They also contain a substantial work programme of regional, expert and sectoral meetings and technical cooperation on the scope and application of the employment relationship. Not every nation can afford to start from scratch and experiment with labour law reform. The views expressed by governments over the past two weeks are a remarkable testimony to the fact that policy-makers are looking to the ILO for guidance on how to adjust their laws and institutions to capture contemporary labour market developments and provide protection for all dependent workers.

A Recommendation is rapidly required to meet this demand and provide direction to and restore the relevance of the employment relationship.

In an unusually powerful signal of intent, paragraph 25 of the conclusions states the unanimous view of the Committee — workers, employers and governments — that a Recommendation is considered "an appropriate response". We look forward to working in partnership with other ILO constituents to realize this goal.

Should the report of the Committee be accepted today, we hope to reconvene at a future session of the International Labour Conference to consider an international labour standard, in the form of a Recommendation. In all this, the constituents at the Committee have shown the will to take action. They have rejected the argument that lack of protection for an ever-increasing number of dependent workers is an economic necessity. It may be apt then to end with the words of another British statesman, William Pitt, who declared: "Necessity is the plea for every infringement of human freedom: it is the argument of tyrants; it is the creed of slaves."

For many millions of workers in my part of the world, the employment relationship is what separates them from working under conditions similar to slavery.

It is appropriate to recall the rationale behind international labour standards, and why the ILO was established. The Constitution of the ILO states: "The failure of any nation to adopt humane conditions of labour is an obstacle in the way of other nations which desire to improve conditions in their own countries."

In a globalized economy with relentless economical competition, the pressure to seek commercial advantage through labour exploitation is intense. The requirement for international labour standards is thus more relevant today than ever and I therefore have pleasure in indicating the support of the Workers' group for these conclusions.

Ms. VAN LEUR (*Government adviser and substitute delegate, the Netherlands; Chairperson, Committee on the Employment Relationship*) — Allow me, in my capacity as Chairperson of the Committee on the Employment Relationship, to say a few words about our general discussion. As you have just heard from our Reporter, Ms. Khazâl, we finalized the work of our Committee in a more than satisfactory manner. I actually feel that we should even be somewhat proud of the results that we have reached.

I believe I am not revealing a secret if I say that our discussion was, at times, very difficult and that we were confronted in the Committee from the outset with a wide divergence of views on what is often said to be the controversial subject of the employment relationship.

I must admit that, at times, the failure of the 1997-98 discussion concerning contract labour felt like a shadow hanging over our Committee. As one of the delegates in the Committee pointed out, it seemed as if the various groups were sitting on their own little islands and that, at first, we were unable to find and build the ILO bridge that was required to make progress in our discussions. Yet, at the same time, there was clear recognition, as pointed out in our conclusions, that the issue is at the heart of the ILO, as it concerns the protection of workers worldwide. That is why I am pleased to say that we managed in the end

to complete construction of our ILO bridge of social dialogue.

Allow me to highlight what I consider to be some of the major achievements of our Committee. First and foremost, we reached a consensus, not only on the understanding of the issues linked to the employment relationship, but also on what is to be done by the tripartite partners under the umbrella of the ILO. A consensus on this issue is crucial, and in my view the only way to conduct this is in the ILO: after all, tripartism and consensus are the key strengths of the ILO.

Second, we had a frank and free exchange of views which in some instances complicated matters even further, but as whole generated better understanding of the different positions and interests.

Third, the conclusions of our general discussion reflect the concerns expressed by the members of the Committee and set out a road map for future action, both at national and international level, as well as for all parties concerned.

Fourth, we enjoyed the active participation of all three groups in our discussions. In particular, I would like to single out the active role that governments played in this Committee, through the valuable contributions which showed a very strong commitment to achieving a successful outcome to our work.

Fifth, I believe that our discussions clarified the employment relationship and that this clarity is reflected in our conclusions: that women and men working anywhere in the world and who are within an employment relationship should have access to the protection they are due; that national level action should include labour law reform, proper enforcement mechanisms, dispute resolution mechanisms and improvement in labour administration and labour inspection; that genuine commercial and independent contracting arrangements, as well as genuine self-employment, are beyond the scope of the employment relationship; that an international response to the problems discussed is required, in which the ILO should play a significant role, particularly under its research and technical cooperation programmes; that a Recommendation should form part of this international response, and that such a Recommendation should focus on disguised employment relationships and on the need for mechanisms to ensure that persons within an employment relationship have access to the protection they are due, and — last but definitely not least — tripartism and social dialogue should form key elements in all actions related to the employment relationship, both at national and international level.

In my view, these results justify a certain pride in the work that was accomplished in our Committee. The success of the Committee can be attributed mainly to the Workers' and Employers' Vice-Chairpersons, Mr. Ebrahim Patel, Mr. Andrew Finlay and their respective groups. They managed, through a process of dialogue, to overcome their seemingly insurmountable differences to reach a consensus.

Much credit is also due to a fantastic group of Government representatives, who contributed actively to the discussion and who, at times, even played a crucial role in helping to reach consensus.

As you know, we, the Governments, like very much to play such a role in the ILO, but unfortunately it does not happen too often. A big thank you goes to the Office, the entire secretariat, including the inter-

preters and the representatives of the Secretary-General, without whom our work would have been simply impossible.

I would like to thank: Patricia O'Donovan, Arturo Bronstein, Enrique Marin, Javier Escobar and others for their great work and kind cooperation. Now a special tribute to Ms. Flory Lopez, who has indicated that this might be her last session of the Conference. The Committee had the benefit of her many years of experience in Conference committee work.

To conclude, I now wholeheartedly recommend the report and conclusions of the Committee on the Employment Relationship for adoption by the International Labour Conference. It was an honour for me to chair this important Committee and, despite the difficulties faced during our Committee's work, I have enjoyed it thoroughly. This has been an experience that I will probably never forget.

The PRESIDENT (Mr. WOJCIK) — The general discussion on the report of the Committee on the Employment Relationship is now open.

Mr. ANDERSON (*Employers' adviser and substitute delegate, Australia*) — As presiding officer, I will be brief in accordance with your request. I support the statement of the Employer Vice-Chairperson, Andrew Finlay. I commend him and those in the secretariat of the IOE and ACTEM, especially Gary Rynhart and Roy Chacko, who also guided the Employers with skill and commitment. I acknowledge the contribution of Governments, the Workers' group and the ILO staff. The apparent simplicity of the draft Conclusions masks the difficulties of this debate. Initially, it conveyed all the hallmarks of a regulatory solution in search of a problem.

The Conclusions before us fortunately bring some better definition to the problem in advance of solutions being advocated. The gap between the Office report and this report is considerable — and evidence of a more common sense approach. The issues do not lend themselves to standardization; there are also important principles at stake here, ones we can discuss but cannot allow to be undermined.

The right to freely contract is as fundamental as decent work. Interfering in genuine contractual arrangements through labour regulation is a no-go zone.

Fortunately, this is recognized in the draft report. Paragraph 1 states that boundary very plainly — “Self-employment and independent work-based on commercial and civil contractual arrangements are by definition beyond the scope of the employment relations.” This is repeated a number of times in the draft Conclusions, most importantly in the much-debated paragraph 25. Without such clear statements of principle, this report would have been fundamentally unacceptable to both business and to genuine contractors.

Having decent work does not require a contract of employment. Work exists in many legal forms, including self-employment and genuine contracting. There are millions of people who choose to work in self-employment, and who neither seek employment relationships nor the protection of labour instruments. We should all aspire to more decent work, whether as an employee, contractor, or a self-employed person.

At this Conference much is rightly being said about poverty, based on the Report of the Director-General.

Unemployment and lack of income-earning opportunities are a primary cause of poverty. Thriving dynamic labour markets, which present a suite of choices how work is performed — including by self-employment — are the best cure for unemployment and poverty.

Resisting well-intentioned but inappropriate regulation is an example of a tough but correct decision. Governments which need to reduce unemployment should not extend employment regulation into the field of genuine contract work or self-employment. These conclusions give them no basis for doing so.

In a knowledge economy we will see more and more self-motivated individuals working as they want to. This is good and should be encouraged. That is why they are outside the framework of these conclusions.

Equally, employers have no difficulty accepting that solutions should be found to provide people who are in fact employees, the benefits and rights they have as employees despite their disguised employment. It is no solution to arbitrarily define someone to be something which they are not. It is no solution to have national mechanisms which unmask the truth of what they are and what they have always been.

There is much work still to be done. The conclusions should be used for the purposes for which they are meant, and not misused as a platform for regulation outside their boundaries. As Mr. Finlay said, “there are many alternatives to regulation even at a national level”.

Limited ILO resources need to be put where the greatest practical good can be achieved. Moving into the field of contractual relationships in search of ill-defined problems remains a poor use of resources. Even with these draft conclusions one must tread very carefully. Moves in the future to make these conclusions into something that they are not, or to broaden the scope of the issues they describe will be counter-productive.

Mr. CABRERA (*Workers’ adviser and substitute delegate, Trinidad and Tobago*) — The phenomenon of disguised employment is a real and growing problem in North America and the English-speaking Caribbean.

New forms of employment are constantly emerging, and whilst we have no intention of inhibiting employment creation by innovative employers, we do believe that employers have a responsibility to comply with national laws.

Unfortunately, there is a culture of non-compliance that allows too many employers to circumvent basic employment rights, laws on safety and health, and laws on taxation and social security contributions and to prevent workers from being represented by trade unions.

Trade unions know only too well that numerous workers are unprotected by laws and beyond trade union protection because they are placed outside the scope of the employment relationship under the guise of some other form of civil or commercial contract. Whilst there may be the short-term gain of cheap labour for an employer and a job for a worker in need, these arrangements carry a longer-term negative impact. Such workers ultimately require social security protection, yet have not made sufficient contributions to the system through no fault of their own.

In my own country, Trinidad and Tobago, my trade union is currently involved in a matter before the Industrial Court which involved an employer who has denied workers the benefits due under the terms of a collective agreement, and has made no social security contributions on behalf of the workers. This is an interesting and relevant case. The workers concerned are journalists, photographers and sales representatives employed by a media company. They have been contracted on the basis of a verbal agreement and are designated as freelancers; however, they work for only one employer, and work under the direction of that employer. They are subject to the discipline of that employer, who can dismiss — as has been the case in the past — some of these workers. All these characteristics indicate an employment relationship, yet by renaming employees as freelancers and structuring their pay around the number of articles, photographs or sales actually accepted, the employer has disguised the employment relationship and denied the workers concerned their rights and legitimate protections. The end result is that the workers suffer. This destructive weed in the employment garden must be rooted out.

In reaching the Conclusions of this Committee, the ILO has taken a bold stand against the wrongful practice of disguised employment. This debate has shown that globalization still does not have a human face. A Recommendation on disguised employment will help put a human face on the forces of economic competition. I fully commend the Conclusions made by our Committee to the plenary.

Ms. KARIKARI ANANG (*Employers’ adviser delegate, Ghana*) — Thank you for giving me the opportunity to make a few remarks, on behalf of the Employers from the African region, on the debate and conclusions arrived at by the Committee on the Employment Relationship. The employment relationship has been noted as a universal concept, but it has also been noted as being complex, with differing national realities and therefore as being an area where international regulation could be disruptive in an unforeseen and unintended manner. It could be so because one jacket cannot and will not fit all.

In Africa, the informal sector is the main driver of the macroeconomy. Indeed, it is the incubator for entrepreneurship, job creation and employment, and therefore needs to be handled with skill and tact. Furthermore, the panacea to all the Poverty Reduction Strategy Papers littered across the developing world, especially in Africa, is the creation of employment for millions of our poor people.

Globalization has forced businesses to restructure their affairs to focus on competitive advantage. What is the competitive advantage of businesses in developing economies? It lies in the huge asset of our unemployed millions and our large informal economy. It is within these environments that our various governments are struggling to implement actions aimed at addressing unemployment and the vicious cycle of poverty. Thus, any attempt at internationally regulating the employment environment in such situations could be disruptive, serving as an obstacle to growth and opportunity because jobs migrate, but protection does not. I would like to repeat: jobs migrate, but protection does not. Any action in this area therefore needs to be characterized by flexibility and diversity, recognizing national differences.

The Employers' group would not support activities under the guise of employment creation which avoid valid obligations. Therefore, the appropriate policy response ought instead to be the clarification of the issue at the national level, taking into account national specificities and difficulties, and implementation of laws to give protection to such identified employment relationships as lack of protection. Such action should be jointly promoted by governments, employers' and workers' organizations. For us, the key issue that has been illuminated during our discussions over the last two weeks is the need for effective application of existing laws, and the fact that many developing countries simply did not have the resources to implement them. But, allied to the lack of application of existing laws, is the issue of responsibility.

The ideal and preferred option, in our view, is that the ILO should put emphasis on the technical cooperation/assistance approach, to empower the tripartite partners at the national level to adopt or formulate the most appropriate mechanisms and/or guidelines to ensure the protection of employment relationships so identified. Most importantly, the ILO should assist in the training and strengthening of the enforcement of laws, structures and mechanisms in those countries that need it most. Adopting instruments at ILO level could inadvertently ignore the different levels of economic development at which different countries find themselves. Such instruments, because of their global perspective, could act as barriers or disincentives to innovative commercial and civil arrangements, particularly in developing countries. However, in the circumstances, the Committee's conclusion in favour of drawing up a Recommendation, focusing on disguised employment relationships and ensuring that persons with an employment relationship have access to the protection they are due at the national level, is welcomed. It will respond to the diverse and varied needs at different levels, with different treatments, and not take a "one-size-fits-all" approach.

Finally, it was interesting to note that the issue of gender was just tacked on to the discussions of the employment relationship, despite its importance in view of its marginalization in various considerations. We believe that the issue of gender deserves a more focused approach than it has been accorded in these Conclusions.

Ms. TUCH (*Workers' delegate, Estonia*) — The discussion in the Committee on the Employment Relationship was preceded by devoted work on the part of the Office, which has raised the awareness of the governments, workers and employers in different parts of the world.

Now we are at the stage where loopholes in legislation on employment protection are recognized as a universal problem that affects developing countries as well as industrialized countries and transitional countries.

National ILO studies carried out in a number of European countries on the scope of the employment relationship show that the issues we discussed in this Committee, in particular, disguised and ambiguous employment relationships, do not stay within the borders of a particular state. The problems of workers denied the protection of an employment relationship are common across nations, across regions, across

continents. They are global problems. Even in my country, there are workers who are in fact employed but are falsely classified or labelled as self-employed. Often it may happen that they do not go to court to claim employment rights because the relationship with their alleged employer is unclear to them, is unclear to their employer and will be unclear, presumably, even to a judge. Their employment relationship may be avoided or disguised in a number of different ways, but the avoidance of employer responsibilities and obligations is the common motivation.

I wish that parties to employment relationships were as imaginative in creating decent workplaces as they often are in escaping responsibilities. Let me give you an example. There are mail carriers who have been forced into the status of tradesmen, and their trade is actually to carry a mailbag from a post office to your mailbox. This is hardly a trade, in the real sense of the word, but, thanks to increasingly complex civil laws, and the demand for labour market flexibility, their alleged employer even manages to get an expert legal opinion stating that this kind of work may be performed either on an employment contract or on a civil contract arrangement.

The people who carry mail, the people who paint walls, the people who teach your children are substantially employees if we think in terms of subordination and dependency. They should not lose their access to employment protection and collective bargaining rights only because legislators' thinking does not always keep pace with developments and changes in employment relationships.

This Committee, through very hard work, and through very difficult compromises, has shown the possibility to develop international solutions to these problems. People in different countries, including my own country, look forward to this international solution, and to a time when carrying a mailbag as an entrepreneurial service to the post office will be perceived as a juridical joke, and not as a reality.

Original German: Mr. KLOTZ (Government adviser and substitute delegate, Germany) — The report before us and the results achieved by our Committee show, I think, that we worked hard and that we were determined this time around to produce tangible results on a very complicated and controversial issue. As I said earlier on, we are dealing here with one of the oldest and most important matters relating to labour law — a crucial issue. Of course, there were differences of opinion — that was to be expected — but there was also agreement on a number of points. We all agreed that something had to be done to extend protection to the many working people who until now have been working in an unprotected employment relationship. There was less agreement, however, on the way in which we should go about this, and also with regard to the role of the ILO in this process. I do not now wish to go into the details of the compromise which was achieved, because several people have already done so, but it was a compromise for all three parties, for the Employers, for the Workers, and also for the Governments. The important point, I believe, is that we should continue this dialogue, that, in a few years' time, we will probably meet again here in Geneva to discuss this very same topic at another forthcoming international labour Conference and to discuss the possible contents for a

Recommendation which should provide worldwide guidance for the member States and social partners.

At this point, I would like to express my thanks to all who took part in the debate in the Committee and who helped to shape this compromise. First of all, I want to thank my colleagues in the Government group who, as several people have already mentioned, contributed their extensive specialist knowledge on the issues concerned during the Committee's deliberations and who demonstrated a great deal of patience and perseverance both during the negotiations and in the intervening periods. I would also like to thank the spokespersons of the Workers' and the Employers' groups, who gave tough, clear and comprehensive statements setting out the divergent — often the very divergent — positions that their groups held.

I would also like to thank the Drafting Committee which managed to draw together the many different strands of the discussion with admirable meticulousness and to produce draft Conclusions which we have managed to adopt in the last few days, without any major disagreement or changes, apart from one or two important exceptions. I would also like to offer my thanks to the secretariat who provided discreet and efficient support to the work of the Committee. Lastly I would also like to thank our Chairperson who showed so much patience and ability to build consensus, such great skill, and not least a tremendous sense of humour which kept us altogether, motivated us and enabled us all to keep our eye on the goal which now lies before us. With such a complicated issue as the one we dealt with and with such widely diverging views, it was only to be expected that not everything would go completely smoothly. As our Chairperson said at the end of our work, it was not a beauty contest, where the most attractive procedure wins. We all knew that we had to come up with a workable compromise and we therefore waited patiently until negotiations which were conducted in smaller groups came up with the results and presented them to us.

In closing, may I express the wish that these negotiations, this social dialogue, which we have been conducting here at the International Labour Conference is further pursued both at national and international level. Labour law and, above all, the world of work with its many and various employment relationships is a dynamic process, and we must see to it that workers' rights are not neglected in this process, that they are not sacrificed, and that as many as possible of the workers who are still unprotected are given certain guarantees and protective rights. But it is also important to protect employers who are responsible for granting these rights, who guarantee them and who honourably comply with the legislation and collective agreements which have been established and negotiated for this purpose. Their efforts are undermined by unfair competition and so, they too should enjoy the protection of an international instrument which is intended to combat this unfair competition.

I recommend that the Conclusions drafted by the Committee be unanimously adopted by this plenary assembly.

Mr. MAGNUSSEN (*Employers' adviser and substitute delegate, Norway*) — Unlike some of the other committees, this Committee was not supposed to produce an instrument in the form of a Convention or a Recommendation. Its conclusion should, however,

suggest future work for the ILO on this issue, one of the alternatives being an ILO instrument.

After the first reading of the report produced by the Office for the Conference, I drew two conclusions: first, the issue of the scope of the employment relationship did not, without the greatest difficulty, lend itself to standardization and prescription, which are what instruments are all about and, secondly, that a whole chapter — which is Chapter III on triangular relationships — did not belong in the report at all.

The ILO, through its instruments, has in the past contributed greatly to a civilized working life throughout the world. But in order to be effective and accepted, instruments should deal with fundamental and common concerns in the form of aims which are shared widely across national borders — and on very different levels of economic development. However, the scope of the employment relationship, though common and often important, is largely about mechanisms and processes within national legal contexts. What comes through very convincingly in the Office report is the enormous variation in cases dealt with and approaches chosen in the different countries. I, in fact, read the report as providing, for me, a convincing argument against international instruments and for flexible nation-based conclusions. But the documentation in the report also indirectly provided a convincing argument for an important role for the ILO in providing and disseminating information, and pointing conclusions, even though the latter have to be dressed in distinctly national colours in order to be effective. In the conclusions to the Committee's work, we did not manage to come that far, but sufficiently far to accept the results.

Equally important, if not more so, is the result on the triangular relationship, as already mentioned, which ideally should not have been dealt with. We are satisfied that paragraph 25 of the conclusions ends with the sentence, "The issue of triangular employment relationships was not resolved." The basic reason, even though not intended as such, is, in fact, found in the same paragraph where it states that, "Such a Recommendation should not interfere with genuine commercial and independent contracting arrangements." But, in triangular relationships, you meet such arrangements at every corner, one example of which is afforded by temporary employment agencies.

The future is free, however, and the issue of triangular employmentships may come back on the agenda. But I invite those concerned, on the basis of the experiences with this Committee and the Committee on Contract Labour in 1997-98, to reflect on the difficulties which would be encountered if this particular relationship somewhere in the future should be put on the agenda as a prospective ILO instrument. I hope that this extra time afforded us would preclude such a possibility.

Let me also in this context touch upon the nature of the labour market, which lies at the foundation of our concerns. The labour market is not a slab of concrete; it is not a static entity that requires one permanent solution, but a constantly evolving creature that needs a flexible approach. The concept of standard employment is out of place in the modern business world. Perhaps the major aspect of change is the freedom of choice that it gives to workers. That choice needs to be respected. Freedom of choice is extremely important and should not be diluted. Traditional

relationships have changed, and the direct link between employers and employees may appear disguised because individuals are becoming autonomous. They are therefore able to forge relationships with companies and enterprises which are more akin to that of suppliers of services than that of the traditional employee.

Finally, the informal economy figured in many interventions during our discussions. Perhaps this is the best illustration of the need to take a practical approach, on the one hand, to legislation and, on the other, to job creation. For people in the informal economy the solution to their problems lies not in creating laws that are irrelevant to them. The answer lies in devising policies that help informal economy workers cross over to the mainstream economy and to help them stay there.

Original Spanish: Mr. MONTES DE OCCA (*Workers' adviser delegate, Colombia*) — On behalf of the Workers' delegates of Latin America, I should like to start by expressing our gratitude for the effort and understanding shown by Government and Employers' delegates in this Committee, which enabled us to come up with a report and Conclusions acceptable on a tripartite basis.

We support the report and Conclusions of the Committee on the Employment Relationship, which are a very considerable step forward on the debate which took place in 1998.

Nevertheless, the effects of our work will only be tangible if Governments and Employers guarantee the development and implementation of these Conclusions, which will prevent any further growth in the number of workers worldwide who lack any labour protection.

This particularly applies to the least developed countries, where the growth of unemployment and shortage of labour protection have arisen from the existence of various types of ambiguous, triangular labour relationships, which continues to hinder the major efforts made by the ILO to ensure decent work throughout the world.

In my own country, Colombia, it is very common for the Government to hire workers on a service provision agreement, denying them the protection that a proper labour contract would provide.

This practice is commonplace in the private sector, where, in the last five years, it has become increasingly prevalent in the industry, transport, communications and the energy sector.

In that context, we urge Employers and Governments to apply fully and sincerely the Conclusions reached in this Committee, so that, in future, we will have a clear Convention on this problem, in order to strengthen the employment relationship between employer and worker, within the framework of social dialogue, and to reduce the likelihood of labour disputes.

Ms. RANTSOLASE (*Workers' adviser and substitute delegate, South Africa*) — On behalf of the Workers' delegates of the African region, I would like to comment on the report and conclusions of the Committee on the Employment Relationship to the plenary sitting of the Conference.

I am from the retail and distribution sector in South Africa where up to 75 per cent of workers are subcontracted, and employers seek to give them no benefits whatsoever.

In situations where subcontracted workers work alongside regular employees, there is usually no difference in the work they perform but considerable differences in the pay and benefits they receive.

Disguised and ambiguous employment relationships not only deprive workers of their rights, but also create divisions and discrimination in the workplace, even between the workers themselves. Subcontracted workers in my sector often refer to themselves as slaves, and this is because they do not enjoy any of the benefits provided to regular workers.

Subcontracted workers have very little certainty in their terms and conditions compared with those of regular employees. For example, they are not guaranteed fixed hours of work, their wages are not regular and they are often on call. Furthermore, they are required to work anti-social hours and are not provided with transport accordingly.

Regular employees see cheap and more flexible workers as a threat to their own employment status since they are prepared to work for less money and without any benefits.

Despite recent and very positive changes in our laws to help workers to combat unscrupulous employers and to claim employment rights, many companies still resist compliance.

Throughout the African region, multinationals are setting up and offering their promise of investments and job creation. However, the reality we see in my sector is that even if the multinationals themselves are able to provide decent work with better than average pay and conditions, they are actually relatively small heads of a long and complicated chain of subcontracting for small, local firms and enterprises.

In those situations, employment relationships are not clear and workers find themselves without rights and protection and unable to access justice. This is either because they do not know that they are actually employed or who their employer is, or because they are too dependent on whatever work they have to risk challenging the situation.

In our Committee discussions we addressed the positive links between workers' rights and the industrial relations system and good business.

I feel that this message is particularly important for developing countries such as those on the African continent.

I believe that the conclusions of our Committee's work represent an important step forward for the ILO in addressing the very central and pressing topic of the scope of the employment relationship. I ask all those present to devote all the time, energy and resources necessary to develop a concrete response to the problem we have highlighted, and to build on the advice we have given.

Original Spanish: Mr. RICCI MUADI (*Employers' delegate, Guatemala*) — On behalf of the Employers of the five countries of Central America, Panama and the Dominican Republic, I would like to express my gratitude for the extraordinary work done by the Chairperson of the Committee, Ms. Van Leur, and the Worker and Employer Vice-Chairpersons, Mr. A. Finlay and Mr. E. Patel.

I would like to echo what has been said by previous Employers' delegates, and to share with you a few ideas in opposition to the adoption of international standards in this area.

The viewpoint of the Employers in this debate is very clear, with respect to the fact that the employment relationship is not a universally accepted concept, but is structured in different ways in different countries.

This view was emphasized in the debate and illustrated with various examples given to the Committee by the Office and by Governments participating in the discussion.

Any attempt, therefore, to give a universal definition of the employment relationship is doomed to failure.

We believe that there are common elements in the conceptual approach to the employment relationship, although we also recognize that probably the most important aspect emerging from this debate is the specific, national nature of the concept. In the final analysis, it is at the local level where we find solutions to problems. There is no need to emphasize the complexity of this issue, since we know that the dividing line between certain employment relationships and certain kinds of civil or commercial contracting is very fine, but must be respected nonetheless. There should be no attempt to interfere with the choice made by those who opt for a commercial structure, such as self-employment.

We greatly appreciate the consensus reached on an area that we consider to be vital: the rejection of fraudulent forms of contracting, designed to enable people to wriggle out of their legitimate obligations, and to leave workers without legal protection or rights, as well as the fact that enterprises who operate on this basis are competing unfairly with other enterprises who meet all of their obligations.

Another thing which has become clear in the course of the debate is the need to distinguish between illegal practices and contracts made in good faith between two persons who agree to regulate their relationship in the way they consider to be most beneficial for them and their respective interests. Obviously, whatever such parties decide in these circumstances must be respected.

We have concentrated on disguised employment relationships with a view to seeking practical solutions to this problem. I think this has been proved to be an appropriate approach, by the fact that many developing countries believe that the solution to the problem lies in effective implementation of existing rules and regulations.

Therefore, I ask myself, is the solution to this problem really to be found in the adoption of more laws which will probably never be applied.

Mr. SANDRASEKERE (*Workers' delegate, Sri Lanka*) — I speak to you today on behalf of trade unions representing the Asia and Pacific region, expressing the concerns of billions of workers who are mostly engaged in agricultural pursuits.

The text of the resolution concerning the scope of the employment relationship is the result of a long and, sometimes, difficult debate, and it represents a hard-line compromise between Governments, Employers and Workers and, in my view, constitutes a superb example of collective bargaining tactics.

I believe that the text before us represents an important milestone in reaffirming the relevance of the ILO, in the context of globalization and its impact on the ordinary wage earner.

The Conclusions of our Committee will, if used well, provide a valuable set of tools for governments and the social partners to start to come to grips with

the effects of increasing impact of globalization of the labour market and the range of allied phenomena that has resulted in the denial of labour rights, social protection, health care and income support for millions of workers around the world.

In Sri Lanka, in spite of the existence of extensive social systems, privatization processes have resulted in a large percentage of the workforce being placed outside the coverage of labour law and beyond the protection of the trade unions.

In the public construction sector, for example, and in other formerly state-sponsored enterprises where privatization has taken place, workers who were previously employed have had their employment contracts terminated and have been rehired as casual or temporary workers, and they are said to be self-employed. These workers are often recognized as dependent workers, but are not covered by labour laws. There is still no labour legislation covering self-employment in Sri Lanka, and thus the workers concerned are in a no-man's land and with no recourse to any labour protection.

The transport sector is another example. There are frequently arrangements where the owner of a taxi cab, or trishaw, will rent out or sublet his vehicle to a driver for the day for a share in the profits. Out of the daily earnings, a fixed amount is set aside to cover expenses and the balance is divided between owner and driver. In some cases, the driver may have to pay a fixed amount to the owner at the end of the day, irrespective of the amount earned. It is not clear if such arrangements create an employment relationship or not. In other cases, transport companies avoid employing their own drivers, and transport managers contract out to owner-drivers to provide the necessary services. Often, such drivers have previously been employed by the company and have driven vehicles owned by the company. When the workers had their employment contracts terminated, they were obliged to buy the vehicles from the company and they now effectively perform the same work without the protection of an employment relationship and they bear the liability of maintaining their vehicles themselves.

I consider that the Conclusions of our Committee, and the work that must now follow, will help member States begin to tackle the kind of emphasis I have indicated above, and many others. This will be an important step in ensuring social justice and ensuring that together we can work our way out of poverty. I am, therefore, commending the Conclusions of this Committee to the Conference, and appeal to all member States to act upon them on a priority basis.

I also call on the ILO to begin the important task of preparing the way for a detailed Recommendation on disguised employment relationships to offer concrete advice and guidance, not just to governments but also to workers and employers and their respective organizations.

In conclusion, I wish to state that honeyed phrases and disguised rhetoric will not bring the suffering masses out of their misery.

Mr. DEWAN (*Employers' adviser delegate, India*) — Thank you for giving me this opportunity to express my views on the complicated subject of the employment relationship. The Committee, after detailed discussions, has arrived at some conclusions, although the issue of the triangular employment relationships was not resolved. Based on these conclusions, should

this august house envisage the adoption of an instrument on disguised employment relationships and attempt to establish a mechanism to offer protection to such employees, a great deal of care and caution needs to be exercised.

Care and caution need to be exercised, because we are living in a knowledge economy and the forms of relationships between the user and the service provider are undergoing rapid and diverse changes. Some traditional relationships have changed and direct links between the employee and the employer may appear disguised because individuals are becoming more autonomous and are often multi-occupied as home workers with flexitime and flexi-location.

More and more individuals with special skills, knowledge and expertise prefer to be self-employed. They are entrepreneurs in the making.

Entrepreneurship or self-employment offers no scope for interpretation in any form other than principal-to-principal relationship. Self-employment and independent work based on commercial and civil contracts does not come within the scope of employment relationship at all.

We all know that the informal sector of the economy and entrepreneurship at the level of small and medium-sized enterprises offer great potential for job creation, especially in the developing countries.

Uncertainties in defining such contractually valid relationship as a disguised employment relationship or a triangular employment relationship adversely affect job creation within nations and trans-nations in the areas of data processing, ancillary development and other service areas which are the "sunrise areas" of job creation for the developing economies.

Subcontracting and outsourcing reflect today's need to cope with the global integration of economies and to face the challenges that it poses.

It is therefore suggested that the ILO instrument must focus only on disguised employment relationships and should carefully avoid setting out criteria to describe the employment relationship. It should not encroach on commercial and commercially valid relationships, including subcontracting and outsourcing, or part-time workers, etc.

Our objective should be to remove barriers and create flexible and responsive labour markets that are supportive to investment and job creation.

Most countries, especially developing ones, have national laws to deal with this subject and offer due protection to employees at all levels.

The obligations of employees for productivity, creativity and performance of their own enterprise can no longer be ignored; we are in a competitive society, and need to address this issue effectively.

In India, we have laws dealing with contract labour and wage protection, the Workers' Compensation Act, etc. Even the Supreme Court of India has held that subcontracting is a legal form of outsourcing provided that the contract is not a sham to camouflage the employment relationship. Laws protect the workers. What we need is proper compliance with existing laws and not adding more laws to the list.

Different socio-economic and industrial relations and traditions and practices, do not afford a common prescription for all nations. It is at best handled by the process of social dialogue with the focus on job creation as well.

I would lastly like to mention that consultations or dialogue lose their value if implementation is delayed beyond a reasonable timespan.

The PRESIDENT — As there are no further speakers, I propose that we proceed with the adoption of the body of the report of the Committee, which is contained in paragraphs 1-143.

If there are no objections, may I take it that the report is adopted?

(The report — paragraphs 1-143 — is adopted.)

RESOLUTION CONCERNING THE EMPLOYMENT
RELATIONSHIP: ADOPTION

The PRESIDENT — We shall now proceed with the adoption of the resolution concerning the employment relationship.

If there are no objections, may I take it that the resolution is adopted?

(The resolution is adopted.)

CONCLUSIONS CONCERNING THE EMPLOYMENT
RELATIONSHIP: ADOPTION

The PRESIDENT — We shall now proceed with the adoption of the Conclusions concerning the employment relationship, paragraphs 1-25.

If there are no objections, may I take it that the Conclusions are adopted?

(The Conclusions — paragraphs 1-25 — are adopted.)

I should like to thank the Officers and members of the Committee, as well as the secretariat for their excellent work.

(Mr. NOAKES takes the Chair.)

REPORT OF THE COMMITTEE ON OCCUPATIONAL SAFETY
AND HEALTH: SUBMISSION, DISCUSSION AND ADOPTION

The PRESIDENT (Mr. NOAKES) — We now have before us the report of the Committee on Occupational Safety and Health, which is contained in *Provisional Record* No. 22. The Officers of the Committee were as follows: the Chairperson was Mr. Békés, Government, Hungary; the Employer Vice-Chairperson was Ms. Knowles from New Zealand; the Worker Vice-Chairperson was Mr. Bennett from Canada; and the Reporter was Ms. Nouthé, Government, Cameroon.

I call upon Ms. Nouthé, Reporter of the Committee, to submit the report of the Committee on Occupational Safety and Health.

Original French: Ms. NOUTHÉ (Government adviser and substitute delegate, Cameroon; Reporter of the Committee on Occupational Safety and Health) — Around 2 million people die every year throughout the world as a result of occupational accidents or diseases and, according to the ILO, these figures are constantly increasing. The ILO also estimates that every year around 270 million workers are injured at the workplace, and that 160 million other workers fall victim to occupational diseases of some kind. These

figures are to be found in the Office Report on ILO standards-related activities in the area of occupational safety and health Report VI, paragraphs 21 and 22.

These are estimated world figures. However, occupational accidents and diseases present a particularly serious problem in developing or industrializing countries, where the figures are much higher than in the established market economy countries. In economic terms, the estimated cost of accidents at work and work-related health problems is around 4 per cent of total world GNP. These alarming figures were the starting point for the general discussion of the Committee on Occupational Safety and Health. I am here before you now to inform you of the conclusion we have reached.

Our conclusion is that the current situation requires the urgent adoption and implementation by the ILO and its tripartite constituents of a new global strategy for the ILO's standards-related activities in the field of occupational safety and health. The purpose of such a strategy will be to contribute to bringing those figures down significantly in order to ensure that decent work also means safe and healthy work.

The report which I submit to you is contained in *Provisional Record No. 22*. It was adopted by the Committee on Tuesday, 17 June 2003 and is a succinct record of our discussions. These discussions over the past two weeks were wide-ranging and lively, but at the same time extremely constructive. They were based, inter alia, on Report VI. Our interest in this matter and our ambition to take decisive and urgent action in this area are borne out by the very high level of participation. In addition to the two groups, which were represented so competently by Ms. Anne Knowles for the Employers and Mr. Dave Bennett for the Workers, more than 100 member States participated in our discussion, and all regions of the world were able to see their concerns expressed and taken into consideration.

The proposed Conclusions adopted by the Committee are included at the end of the report. They are based on two fundamental premises. Firstly, occupational safety and health is not a matter for experts alone. It concerns society as a whole and all the social partners. Secondly, at present, the priority objective is to mobilize efforts in order to ensure that occupational safety and health is given a higher level of priority at all relevant levels.

The proposed Conclusions that you are now asked to consider are therefore intended to bring about the adoption of a global strategy that will place occupational safety and health at the heart of society's concerns, and they are intended to help us to move towards an action plan to implement such a strategy. This action plan will be based on a number of fundamental ideas, in particular promotion, awareness-raising and mobilization. These are the key components in any global strategy. A promotional campaign should also be undertaken to establish a preventive occupational safety and health culture at the global level. It is prevention that creates the conditions for a safe and healthy workplace. Public authorities and enterprises must act, rather than react, and they must take steps before it is too late, in other words, before accidents and health problems arise. It is also important to ensure that the public at large becomes more aware of work-related risks by developing

awareness-raising programmes for schools and other educational establishments, as well as places of work.

We are also proposing that one day or even a week every year be dedicated to the issue of occupational safety and health, along the lines of the World Day for Safety and Health at Work on 28 April when we paid tribute to the victim of accidents at work and occupational diseases.

Looking now to the ILO instruments, if we want priority to be given to occupational safety and health in national policy strategies and action plans, it is vital to develop and adopt a new promotional instrument, as we have proposed. Such an instrument would in itself represent an innovation, because it would be a flagship instrument of a promotional nature, rather than a binding instrument, and it would make it possible to improve the application of existing standards. Endorsement by the highest state authorities of national occupational safety and health programmes could play a crucial role in this area.

As regards the updating of existing standards, I am pleased to note that we agreed that priority should be given to standards concerning the protection of machines and chemical products. I come from Africa and I can certainly tell you that the protection of machinery is an extremely important issue. We also reached agreement on the idea that the ILO should consider the possibility of drafting new instruments on problems that are appearing or reappearing, such as ergonomics and biological hazards. We will also, in future ILO activities, need to consider work-related psycho-social risks.

Technical assistance and cooperation are also key factors in ensuring that standards result in tangible results. Such results, however, will always depend on the level of commitment at national level. What is needed is, first and foremost, to ensure that occupational safety and health programmes are drafted and adopted at national level. When based on such programmes, technical cooperation and assistance can be better targeted, more effective and stand the greatest chance of being really effective.

We also discussed the development, management and dissemination of knowledge. It became clear from our discussions that access to knowledge about occupational safety and health, and in particular education and training, are a precondition of progress in creating and maintaining a sustainable preventive safety and health culture. An infrastructure already exists within the International Labour Standards and SafeWork Departments of the ILO, and their databases provide an overview of the issues. The ILO should consider making that information available to its constituents, either free of charge or at nominal cost. Given the enormous amount of knowledge that has to be managed, the ILO should also step up its cooperation with other relevant organizations, in order to create global occupational safety and health information networks. With that in mind, it would be appropriate to develop the existing network of the International Occupational Safety and Health Information Centre (CIS) by reinforcing existing national centres and, where necessary, establishing new ones.

The role of international cooperation is crucial. Only by instituting sound collaboration between the ILO and the many other organizations concerned, for instance WHO, can we be more effective in promoting occupational safety and health. We must exchange ideas on good practices and the approaches that will

enable us to get to grips with specific problems. Within the Office occupational safety and health must be more successfully integrated into the ILO's many other programmes and areas of activity, particularly those relating to child labour, multinational enterprises and social dialogue.

While I have been speaking to you here, around 50 people have died as a result of accidents at work, or as a result of a work-related disease. We need a preventive culture for occupational safety and health, and in order to allow such a culture to come into being I would now be so bold as to ask you to do the following two things. Firstly, to give the ILO a clear and precise mandate to commit itself to implementing such a global strategy as rapidly as possible. Secondly, I would ask you to read again this contents of this strategy, and our proposed Conclusions, on your way home. I would ask you to think about what you can do to give immediate effect to that strategy.

To conclude, I would like to thank all of those who have been in any way involved in our discussions and who have made any kind of contribution, major or minor to its success. I would like to thank you in particular for making it possible for us to reach consensus.

Ms. KNOWLES (*Employers' delegate, New Zealand;Employer*) — On behalf of the Employers' group of the Committee on Occupational Safety and Health, I am pleased to speak in support of the adoption of the Committee's report. In doing so, I would like to extend my thanks to all the participants who ensured that there was consensus on the outcome. To the Chairperson, Dr. Békés, to the Workers' group spokesperson, Dave Bennett, the Governments and, of course, the Office, our thanks for their efforts in ensuring that the Committee's conclusions can be so widely supported. Our thanks to the Reporter for putting so concisely to this plenary session the key points arising from our discussions.

When I spoke at our Committee's first plenary session, I said that the Employers' group had two primary considerations that would colour everything said and done over the days the Committee sat. The first was our firm belief that one workplace death was one death too many. We were committed to achieving the best health and safety culture, practices and systems possible, and the second was that we wanted the integrated approach to work. It is the Employers' group's view that, in succeeding with the second point, in the process, a discernible difference will be made to the improvement of occupational safety and health, the substance.

The work of the International Labour Conferences has traditionally focused on developing formal instruments, Conventions and Recommendations. The expectation was that, as such instruments had been developed in a tripartite forum, then member States would quickly formally adopt them by way of ratification. During the early 1990s, it became of increasing concern that, although new Conventions were being developed apace, ratifications of what should have been quite basic principles in the world of work were simply not happening.

An initial solution was to renegotiate older ones, to make them more relevant, and thus more ratifiable. The maternity protection Maternity Protection Convention, 2000 (No. 183), was dealt with in this way. The result was a Convention even more prescriptive

than its predecessor and, in the three years since its adoption by the majority of the Conference; four countries have ratified it. Four out of a possible 174.

A more effective approach had to be found and the Governing Body agreed in 2000 with the Employers' group's proposal that a holistic approach needed to be taken to the ILO's work, a way forward that integrated existing instruments more closely with technical cooperation, promotion, research and education. The challenge for our Committee was to reassess the ILO's response to date in all areas of OSH activity and determine what more needed to be done to assist in making the ILO occupational safety and health response coherent, modern and suitable for wide global application.

At our first plenary meeting I said that the Committee had to be innovative. We had to collectively think of all the different strands that could be pulled together to develop a blueprint for the way forward — a plan of action that could be adopted, with appropriate adaptations as necessary, at a national level in each member State, supported by ILO programmes and assistance, that made a difference at each and every workplace.

As an overarching instrument, therefore, the Employers' group proposed a promotional framework. We specifically did not call it a Convention or a declaration, or a Recommendation, or a guideline or any of the other names currently used by the ILO. We intended it to be new and different and we intended it to work where it is most needed at the national level.

We are very pleased that the Committee shared our views, as shown by the adoption of paragraph 6 of the Conclusions.

We look forward to an early opportunity to develop such an approach. In our view, countries would not have to ratify such a promotional framework, nor report on it, nor change their domestic legislation in a particular, prescribed way. We envisage that the mere adoption of the commitment to develop a national safety and health plan of action — the first plank of our promotional framework — would be sufficient to trigger practical ILO assistance on a needs assessment basis carried out in each country.

Our Committee's Conclusions set out in a proposed workplan for the ILO on how it can best move forward to provide the technical assistance that is such a key part of making the integrated approach work.

The Employers' group also focused on the ILO itself becoming more involved in its work programmes. We expressed our appreciation of the way that the InFocus Programme on Safety and Health at Work and the Environment (SafeWork) and the Standards Policy and Information Programme (POLNORM) have worked together so constructively to achieve this outcome, but we also expressed concern that a sectoral meeting with an occupational safety and health focus has already been established regarding stress and violence in the service sector without waiting to refer to the priorities set by this Committee.

Such a silo mentality would simply not meet the needs of constituents. The only way forward is to integrate all strands of the Office's work.

I return to the Employers' group's primary focus, namely that one workplace death is one death too many and, that health and safety is important and is everyone's concern. The only real way to instil that in a nation's psyche is to instil a preventative safety and

health culture in each and every individual and at each and every workplace.

It is the hope of the Employers' group of this Committee that the report presented today will do much to begin the task of ensuring that the aspiration of healthy and safe workplaces for all becomes a reality.

Mr. BENNETT (*Workers' delegate adviser, Canada; Worker Vice-Chairperson of the Committee on Occupational Safety and Health*) — We do appreciate the presentations of our Reporter and of Ms. Anne Knowles for the Employers group. I want to say first of all, that the Workers group is very proud of the report and the conclusions that the Committee has produced. My first thanks are to the Workers' group on the Committee for all their hard work, participation, support and activism. In particular to our secretary, Fiona Murie of the IFBWW. I also want to thank the Employers group for the respect and recognition they gave to our group and for the flexibility they showed on issues that were dear to all sides. We also thank our chair, Dr. Békés, for his fairness and decisiveness in bringing our deliberations to a successful conclusion.

Through him, we wish to thank the Government group for the seriousness with which they took the agenda and for putting forward progressive and tangible positions, with full consideration to the views of the other two groups.

After a rocky start, we all developed a spirit of cooperation and genuine consensus building, so that we reached conclusions that everyone can put forward with enthusiasm. The conclusions of the Committee are ones that promote and give a priority to health and safety, both in the ILO and among its constituents: national governments, workers and employers.

I would like to explain briefly those principal parts of the conclusions which we believe will support this agenda and programme: the proposal for a new promotional instrument in safety and health is one that we wish the Governing Body to treat as a most serious and central concern; the definition and description of a preventative safety and health culture is a crucial part of the programme, especially in its reference to workers' rights and the importance of preventing hazards before they occur, as opposed to trying to control them once they have appeared; the endorsement of an annual international event, aimed at raising the awareness of the importance of occupational safety and health, and promoting the rights of workers to a safe and healthy working environment, while at the same time respecting national workers' events, of which 2004 is the 20th anniversary; and the increased ratification and implementation of ILO standards.

Lastly, I would like to explain briefly what we think are the salient aspects of the integrated approach which will serve the promotion of health and safety: inside the ILO, SafeWork needs the support and participation of other ILO departments and initiatives, to reinforce the safety and health agenda; in turn, the ILO needs to work with other international agencies, such as the WHO, a style that we would wish to see reflected in health and safety activities and provisions at the national level, in line with the tripartite mandate of the ILO; the development of instruments and standards should be conducted in conjunction with a range of standards-related activi-

ties, before, during and following their development so they become meaningful in national practice.

Perhaps we should remind ourselves why we are here. Two million workers a year die of workplace injuries and diseases. There is a death every five minutes in construction, one every three minutes in agriculture. This includes the deaths of children from the range of workplace hazards and from pesticide poisonings, all of them avoidable.

Faced with these brut facts, it is self-evident that we would wish to see health and safety at the top of national policy agendas, and it is obvious why we should see a safe and healthy working environment as a fundamental human right.

And so we look forward to the practical application of our work as embodied in the conclusions and as recommended to the Governing Body. We could not have done this without the work of the ILO secretariat, POLNORM, SafeWork, ACTRAV, with a special thanks to Beth Goodson and Ahmad Khalef, and all those who laboured for many months behind the scenes to make the work of the Committee a success. The work of the interpreters mediated everything we did and the grand, professional job they did gives lie to the supposition that nobody is indispensable.

Mr. BÉKÉS (*Substitute Government adviser and substitute delegate, Hungary, Chairperson of the Committee on Occupational Safety and Health*) — It is a privilege for my country and myself to address this august house as the Chairperson of the Committee on Occupational Safety and Health. The excellent presentation by our Reporter and the contributions from my two Vice-Chairpersons, make my task a very easy one indeed.

This item was placed on the agenda of our Conference for a general discussion based on an integrated approach. I am convinced that what has been accomplished by the Committee will have far-reaching consequences and impact, not only in the area of occupational safety and health, but also within the ILO.

The Conclusions reached are innovative and constructive and constitute a strong signal from the constituents that occupational safety and health should now be placed at the top of national agendas, as well as at the top of the ILO's agenda.

The two fundamental pillars of a global OSH strategy, as defined in the proposed Conclusions, provide complementary road maps for member States and for the ILO. The first pillar introduces the concept of a preventative safety and health culture, as one in which the right to a safe and healthy working environment is respected at all levels, and is achieved by the active participation of the social partners, through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority. It also introduces a systems approach to the management of occupational safety and health, as the most effective method for increasing the impact of national structures and programmes.

The second pillar of the strategy is aimed at the development of an integrated ILO toolbox to assist the tripartite constituents in transforming the goals of the global strategy into reality. The main tool is the elaboration of a new instrument establishing a promotional framework, designed to put occupational safety and health higher on the national agendas of

member States, to increase the impact of existing ILO standards in this area, to raise the awareness of all social partners to the fact that safety and health is a responsibility to be shared by all and to strengthen national safety and health systems.

As already presented by the Reporter, the Conclusions also focus on the need to use technical assistance and cooperation to help countries assess their needs and to take appropriate action to improve their national systems, while promoting ILO instruments and values.

This assistance should focus on the formulation and implementation of national occupational safety and health programmes by governments, in close collaboration with employers and workers, as the main mechanism for improving national OSH systems.

In this context, I am pleased to inform you that in Hungary we have recently initiated such a programme, with the approval of our Parliament. Advocacy events, such as a world day or a safety and health week, are another component of the ILO's toolkit.

Finally, a very important outcome of the general discussion is that the ILO should consider applying the integrated approach progressively to all other areas of ILO activities.

This year, I had the privilege to work with a Committee fully dedicated to the process of consensus building. I could not have carried out my own task without the unrelenting assistance of the two Vice-Chairpersons, Ms. Anne Knowles, for the Employers, and Mr. Dave Bennett, for the Workers, who managed to ensure that a cordial atmosphere was maintained throughout the debate and to always find a basis for consensus on the key issues.

I also thank the Government members for being so well prepared for this general discussion and for their constructive input in the work of the Committee. I would like to thank the Office, under the leadership of Mr. Takala and Ms. Zarka-Martres, for the professional and dedicated support they gave to the whole Committee. And finally, I would like to thank the Office for an excellent Report VI which was our guide during the discussion, and was often used as a reference to support specific points.

It is my hope that the plenary will agree to the high quality of these conclusions and adopt them on a unanimous basis.

The PRESIDENT — The general discussion on the report of the Committee on Occupational Safety and Health is now open.

Ms. SAAB (*Government delegate, Lebanon*) — First of all, I would like to congratulate the Committee on Occupational Safety and Health on the quality of this report. The integrated approach to the issue of occupational safety and health is the first pilot project in a series anticipated to tackle other international labour standards which address homogenous subjects. This approach has proved its relevance and potential chances of success in harmonizing policies and efforts directed towards common objectives.

The conclusions which describe the elements of a global strategy and the action plan for the promotion of safety and health at work comprise the necessary prerequisites for securing a safe and healthy environment, which is at the heart of the well-being and existence of both the worker and the enterprise.

The strategies and plans of action for occupational safety and health which appear in the resolutions can only be implemented through proper and sound legislation and the full commitment of governments, employers and workers to share the burden of implementing the principles forming part of their objective. As regards the envisaged new instruments in this area, we would like to see a text that is promotional in nature; a framework instrument that is flexible and far removed from lengthy prescriptions; we want an instrument that can be implemented.

The InFocus programme of the ILO could constitute an excellent contribution from the Office to foster the capabilities and human resources of member States, who are called upon to meet the requirements as subscribed in these documents. Hence, it is important that the InFocus programme is given financial support to meet the many challenges in the area of safety and health at work all around the world.

Mr. CHAVALITNITIKUL (*Government adviser and substitute delegate, Thailand*) — First of all, I would like to join other speakers in confirming that the Committee on Occupational Safety and Health has had a constructive and fruitful discussion. Occupational safety and health has been a core issue of the ILO since 1919 and a number of instruments, including Conventions, have been developed. The ILO has also developed many support materials and a broad knowledge base. The problem is how to make full use of these instruments and this knowledge worldwide.

To fulfil this objective, the key challenge is to place occupational safety and health high on national and international agendas. We need to work to make sure that all governments are committed to taking action on occupational safety and health. As a basis for occupational safety and health promotion, we need to carry out global national and local campaigns to enhance occupational safety and health awareness.

Thailand has been organizing annual national safety week campaigns since 1986. We are fully aware of the need to further strengthen both this kind of activity and joint worldwide campaigns. The proposed promotional framework instrument could play a key role in this regard. A major vehicle for this approach is the formulation of national occupational safety and health programmes as a medium-term strategy action. I am pleased to report here that Thailand has developed such a programme in collaboration with the ILO and it is being implemented.

To be effective, the proposed instrument should take the form of either a convention or declaration but, at the same time, we should endeavour to make such an instrument applicable in all countries. If it takes the form of a convention, it should be ratified quickly by all countries. In this regard, it should focus on key promotional aspects, avoiding duplication with the provisions of existing Conventions. Another important point for the new approach is to facilitate the gradual but continuous improvement of national occupational safety and health systems and programmes.

Developing countries like Thailand require technical cooperation from the ILO for the effective implementation of national programmes. In this connection, I would like to request donor countries and institutions to pay special attention to the areas of occupational safety and health. The Committee has confirmed the

importance of further strengthening the occupational safety and health knowledge base for decision-making. With the availability of modern systems such as the Internet, we can share knowledge and experience more rapidly and effectively. The ILO should play an important role in facilitating the exchange of knowledge and experience, and ILO information should be made available free of charge to constituents with supporting translations in the appropriate languages.

To conclude my statement, I would like to say that, while this session of the Conference may produce positive conclusions, this is only the start of a new, integrated approach to standards-related activities in the field of occupational safety and health, and we have a lot of tasks to perform in order to complete it. Our success will depend on whether we can come up with a practical instrument which will have a substantial impact. Finally, on behalf of the Government of Thailand I would like to thank the ILO and particularly recognize the work put in by SafeWork, the International Labour Standards Department and the secretariat. I would also like to thank the Committee, the Chairperson, the two Vice-Chairpersons and the various regional coordinators for working very hard to make the work of the Committee a success. Last but not least, I would like to give special thanks to our interpreters for their patience and efficient work.

The PRESIDENT — As there are no further speakers, I propose that we proceed with the adoption of the body of the report of the Committee, which is contained in paragraphs 1-197.

If there are no objections, may I take it that the report is adopted?

(The report — paragraphs 1-197 — is adopted.)

RESOLUTION CONCERNING OCCUPATIONAL SAFETY
AND HEALTH: ADOPTION

The PRESIDENT — We shall now proceed with the adoption of the resolution concerning occupational safety and health.

If there are no objections, may I take it that the resolution is adopted?

(The resolution is adopted.)

CONCLUSIONS CONCERNING ILO STANDARDS-RELATED
ACTIVITIES IN THE AREA OF OCCUPATIONAL SAFETY
AND HEALTH — A GLOBAL STRATEGY: ADOPTION

The PRESIDENT — I would like to thank all those concerned for the work they have put into this first experience of a general discussion, based on an integrated approach. A great deal of work has been packed into a very short period of time, and I wish to thank and congratulate — on behalf of the Conference — the Officers and members of the Committee, and also the secretariat and the ILO staff, who have worked to finalize the presentation of the Committee's thoughts and opinions.

(The Conference adjourned at 6.55 p.m.)

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