THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS:

ITS DYNAMIC AND IMPACT

THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS: ITS DYNAMIC AND IMPACT

Eric GRAVEL
Chloé CHARBONNEAU-JOBIN

INTERNATIONAL LABOUR OFFICE GENEVA

Copyright © International Labour Organization 2003

Publications of the International Labour Office enjoy copyright under Protocol 2 of the Universal Copyright Convention. Nevertheless, short excerpts from them may be reproduced without authorization, on condition that the source is indicated. For rights of reproduction or translation, application should be made to the Publications Bureau (Rights and Permissions), International Labour Office, CH-1211 Geneva 22, Switzerland. The International Labour Office welcomes such applications.

Libraries, institutions and other users registered in the United Kingdom with the Copyright Licensing Agency, 90 Tottenham Court Road, London W1T 4LP [Fax: (+44) (0)20 7631 5500; email: cla@cla.co.uk], in the United States with the Copyright Clearance Center, 222 Rosewood Drive, Danvers, MA 01923 [Fax: (+1) (978) 750 4470; email: info@copyright.com] or in other countries with associated Reproduction Rights Organizations, may make photocopies in accordance with the licences issued to them for this purpose.

ISBN 92-2-114830-0

First published 2003

The designations employed in ILO publications, which are in conformity with United Nations practice, and the presentation of material therein do not imply the expression of any opinion whatsoever on the part of the International Labour Office concerning the legal status of any country, area or territory or of its authorities, or concerning the delimitation of its frontiers.

The responsibility for opinions expressed in signed articles, studies and other contributions rests solely with their authors, and publication does not constitute an endorsement by the International Labour Office of the opinions expressed in them.

Reference to names of firms and commercial products and processes does not imply their endorsement by the International Labour Office, and any failure to mention a particular firm, commercial product or process is not a sign of disapproval.

ILO publications can be obtained through major booksellers or ILO local offices in many countries, or direct from ILO Publications, International Labour Office, CH-1211 Geneva 22, Switzerland. Catalogues or lists of new publications are available free of charge from the above address.

Visit our website: www.ilo.org/publns

Photocomposed in Switzerland BRI

Printed in Switzerland SRO

Preface

Each year a report is published by the Committee of Experts on the Application of Conventions and Recommendations. The Committee examines the conformity of law and practice in the 177 member States of the International Labour Organization with international labour law. But what is the impact of the work of this Committee and of its report? In the various countries concerned, what are the practical consequences of the work undertaken each year by independent experts from all the continents? With the passage of time, what actual changes occur in the various legal and political systems?

Appreciation must be expressed to Eric Gravel, as well as to his assistant Chloé Charbonneau-Jobin, for having undertaken such a difficult analysis with enthusiasm and rigour. It was necessary to make a selection from the many changes in law and practice to which the Committee of Experts on the Application of Conventions and Recommendations has contributed. In practice, not everything can be analysed, measured and quantified in a precise and exhaustive fashion. As experience shows, law is very complex and the effectiveness of standards is a delicate and controversial matter, particularly in the field of labour. Law and policy are consubstantial. Legal standards and cultures are interdependent. Law and practice take on an infinite number of complex combinations. In law nothing is set in stone, because it participates in social and economic life.

The numerous international labour standards cover widely varying fields, even though the constituents of the ILO have in recent years pertinently undertaken the remarkable task of

classifying and grouping these standards. In this publication, it was therefore necessary to make choices, steering clear of analysing everything, but emphasizing the diversity, profundity, permanence and progression of the impact of the work carried out by the Committee of Experts on the Application of Conventions and Recommendations.

It is essential to emphasize the extent to which so many people, workers and employers alike, have benefited, often in a lasting manner, from these legal and social changes which occur when the national situation is brought into conformity with international labour standards. Legal and practical changes of this nature cannot occur without this dynamic, which has been developing within the ILO since 1919. Indeed, these changes in law and practice are a result of the complementarity of the roles played by the various supervisory bodies. And there have been new developments in this synergy through the reforms of working methods carried out over the past few years at the instigation of the ILO Governing Body.

The strength of the ILO lies in this permanent desire for dialogue between employers, workers and member States. All of them contribute with determination to the development of law and practice so that international labour standards become a reality in all countries and continents. This study bears witness to what has been achieved. It calls for continued progress, without exaggeration or false modesty, along the path which is often so uncertain, and at times so long, of the effective application of international labour law, which in turn leads to *decent work*.

Jean-Claude Javillier

Director of the International Labour
Standards Department

Contents

Introduction

Since its establishment in 1919, the International Labour Organization[1] has constantly availed itself of international law, and more precisely international labour standards, as an instrument for the promotion of social justice. From the very beginning, it has been evident that without effective standards this objective would not be achieved. The Organization therefore took this as its central concern and progressively developed various supervisory bodies which make it possible to monitor, after their adoption by the International Labour Conference and their ratification by member States, the effect given to Conventions and Recommendations in practice.

The Constitution of the ILO, adopted when the Organization was first established, set out the obligation for member States to submit regular reports on their national practice for each of the Conventions that they had ratified.[2] However, it did not set up a supervisory body with the specific task of examining these reports, and it therefore fell to the International Labour Conference to supervise the application of standards during the first years. It rapidly became apparent that the Conference could not continue to carry out this task in view of the constantly increasing number of ratifications and reports, quite apart from the adoption of new standards every year. In 1926, at its Eighth

[1] Hereinafter the "ILO" or the "Organization".

[2] Articles 19, 22 and 35 of the *Constitution of the ILO*.

Session, the Conference therefore adopted a resolution providing for the establishment of a Committee responsible for examining the reports submitted, thereby marking the birth of a body which was to become one of the most important and influential in the ILO, namely the Committee of Experts on the Application of Conventions and Recommendations.[3] Together with the Conference Committee on the Application of Standards, the Committee of Experts has become the principal body for the regular supervision of the application of standards. Its work constitutes the cornerstone of the ILO's supervisory system.[4] The present study is intended to analyse both the institutional development and practical impact of the work of the Committee of Experts on the Application of Conventions and Recommendations over the years, make an assessment of it and, in so far as possible, draw certain lessons for the future. However, as a similar study was undertaken in 1977,[5] the present study is confined to the work of the Committee of Experts over the past 25 years. Furthermore, even though the Committee of Experts celebrated its 75th anniversary in 2001, it has only been systematically enumerating cases of progress since 1964. The cases of progress listed by the Committee therefore necessarily cover only this period.

The present study is also limited to a thematic analysis of cases of progress relating to the fundamental Conventions, which should not in any way serve to obscure the importance of, nor the fact that numerous cases of significant progress have occurred over the years with regard to the application of the so-called priority or technical Conventions.[6] The study therefore proposes to demonstrate, based on a selection of the examples listed over the past 25 years, the dynamic nature of the Committee's supervisory work. To do so, the first part of the study covers

[3] Hereinafter the "Committee of Experts" or the "Committee".

[4] For a description of the functioning of these two Committees, please refer to the publication by the International Labour Standards Department entitled *Handbook of procedures relating to international labour Conventions and Recommendations*, ILO, Geneva, 1998.

[5] See: *The impact of international labour Conventions and Recommendations*, ILO, Geneva, 1977.

[6] See in annex 1 a non-exhaustive list of cases of progress relating to priority and technical Conventions over the past 15 years.

the composition and functioning of the Committee of Experts. The second part, which is more empirical, draws up a non-exhaustive list of the cases of progress enumerated in relation to the application of the eight fundamental Conventions.[7]

[7] In so doing, this study responds to the call made by the Director-General of the ILO, Mr Juan Somavia, for the reports of the supervisory bodies to review the status of the application of standards in general by region or by subject area. Such a review could highlight more success stories and genuine efforts to improve in the various regions of the world. See: *Decent work*, Report of the Director-General, International Labour Conference, 87th Session, Geneva, 1999, p. 20.

I. The Committee of Experts on the Application of Conventions and Recommendations: Composition and functioning

1. Composition

The Committee of Experts on the Application of Conventions and Recommendations was set up by the Governing Body, in accordance with the resolution adopted by the International Labour Conference in 1926, to examine government reports on the application of Conventions and other obligations relating to international labour standards set out in the ILO Constitution. The Committee held its first session in May 1927. Then composed of eight members, it examined 180 reports from 26 of the 55 member States. At that time, the Conference had adopted 23 Conventions and 28 Recommendations, and the number of ratifications registered was 229.

Today the number of Conventions adopted by the Conference has risen to 184, together with 194 Recommendations, while the number of ratifications registered was 7127 as of April 2003.[8] There have also been over 1980 declarations of the application of Conventions to non-metropolitan territories. Furthermore, the International Labour Organization now has 176 member States.

The 20 members of the Committee are high-level jurists (judges of supreme courts, professors of law, legal experts, etc.) appointed by the Governing Body for renewable periods of three years. Appointments are made in a personal capacity of persons who are impartial and have the required technical competence and independence. From the very beginning, these characteris-

[8] For constantly updated information on the number of Conventions, Recommendations and ratifications, please consult the Organization's official Internet site: www.ilo.org.

tics were found to be essential and of vital importance in ensuring that the Committee's work enjoys the highest authority and credibility. The experts are in no sense representatives of governments. This independence is guaranteed by the fact that the experts are appointed by the Governing Body on the recommendation of the Director-General, and not by proposal of the governments of the countries of which they are nationals. The members of the Committee are from all the regions of the world so that the Committee benefits from direct experience of the various legal, economic and social systems. Each member of the Committee acts in a personal capacity.

2. Terms of reference and organization of the Committee's work

2.1 Terms of reference

In the beginning, the Committee of Experts was responsible for considering ways and means of "making the best and fullest use" of the reports submitted on ratified Conventions. This originally simple mandate was developed and modified by the Governing Body at its 103rd Session in 1947 following constitutional reforms.

Since then, the Committee has been called upon to examine:

- the annual reports under article 22 of the Constitution on the measures taken by Members to give effect to the provisions of Conventions to which they are parties, and the information furnished by Members concerning the results of inspection;
- the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
- the information and reports on the measures taken by Member in accordance with article 35 of the Constitution.

The Committee is also called upon to carry out certain tasks in relation to instruments adopted under the auspices of other international organizations. For example, it examines the reports by member States which have ratified the European Code of Social Security.

On the occasion of its 60th anniversary in 1987, the Committee of Experts recalled the fundamental principles underlying its work and examined its terms of reference and methods of work.[9] The Committee's task consists of pointing out the extent to which the law and practice in each State appears to be in conformity with the terms of ratified Conventions and the obligations that the State has undertaken by virtue of the ILO Constitution. "Its function is to determine whether the requirements of a given Convention are being met, whatever the economic and social conditions existing in a given country. Subject only to any derogations which are expressly permitted by the Convention itself, these requirements remain constant and uniform for all countries. In carrying out this work, the Committee is guided by the standards laid down in the Convention alone, mindful, however, of the fact that the modes of their implementation may be different in different States."[10] The Committee recalled that, as they are international standards, the manner in which their implementation is evaluated must be uniform and must not be affected by concepts derived from any specific social or economic system.

2.2 Competence of the Committee

In its evaluation of the conformity of national legislation, the Committee of Experts exercises a competence which has often been qualified as quasi judicial, even though it is not a tribunal.[11] It has broad discretion in respect of the application of international provisions. Despite the fact that the Committee carries out an exercise involving the interpretation of international standards and that over the years its case law has acquired considerable moral force, it is nevertheless the case that by virtue

---

[9] International Labour Conference, 73rd Session, 1987, Report III (Part 4A), pp. 7-19, paras. 9-49.

[10] *Ibid.*, para. 20.

[11] N. Valticos: *Traité du droit du travail*, 2nd Edition, Dalloz, 1983, p. 587, No. 756.

of article 37 of the ILO Constitution, only the International Court of Justice is competent to make "definitive interpretations" of Conventions.[12] It is therefore more precise to emphasize that the Committee of Experts' observations constitute assessments of the conformity of the national laws of a member State with the Conventions that it has ratified, and not definitive interpretations. To fulfil its function of evaluating the implementation of Conventions, the Committee has to consider and express its views on the meaning of certain provisions of Conventions.[13]

To make such assessments, the Committee of Experts bases itself on the reports submitted by governments in accordance with their constitutional obligations.

2.2 Reports submitted by governments

In 1949, the Committee decided to pay special attention to first reports following ratification (over 200 first reports now have to be examined nearly every year) and it therefore requested the Office to prepare comparative analyses of them. Up to 1959, an annual report was required for each ratified Convention. This system had to be modified in view of the constantly increasing number of reports and it was decided only to request a report on the various Conventions every two years, with a simple general report each year. In 1976, the cycle for detailed reports was extended to four years, except for the most important Conventions, for which the frequency of reporting continued to be every two years.

In 1993, the Governing Body decided to modify the reporting system, with detailed reports to be submitted every two years for a group of instruments known as "priority" Conventions, and the reporting cycle of "simplified" reports was extended to five years. At the same time, the Governing Body decided that governments should submit detailed reports in the event of major changes affecting the application of Conventions and that the supervisory bodies could request additional reports where necessary.

---

[12] *Ibid*., Note 11.[13] ILC, 1987, Report III (Part 4A), *op. cit*., p. 12, para. 21.

[13] ILC, 1987, Report III (Part 4A), *op. cit*., p. 12, para. 21.

Following the Report of the Director-General in 1994, entitled *Defending values, promoting change*, the Organization decided to give priority to strengthening the system for the supervision of standards. This issue has subsequently been examined on several occasions by the Governing Body.[14] With a view to ensuring that the ILO's supervisory machinery remains among the most advanced and effective in the United Nations system, certain procedures, including the reporting system, have recently been the subject of substantial modifications.

Since 1993, the workload relating to the reporting system has been constantly increasing in view of the rise in the number of ratifications of Conventions and the admission of new member States. In 2001, after re-examining the reporting system, the Governing Body therefore suggested new changes with a view to strengthening the effectiveness of the supervisory machinery. While retaining the two-year and five-year reporting cycles, the Governing Body adopted a system of the grouping of reports according to subject and the type of Convention, as well as certain additional procedures.[15] The objective of grouping reports in this manner is to facilitate the collection of information by the Ministries responsible for labour matters, contribute to improving coherence in the analysis of reports and allow a more complete overview of the application of Conventions in a particular field.

More precisely, the Governing Body decided to:

- group the fundamental and priority Conventions, with countries divided alphabetically in even and uneven years for the submission of reports according to the two-year reporting cycle;
- arrange all the other Conventions by subject groups for the purposes of reporting according to the five-year cycle;
- discontinue detailed reports on fundamental and priority Conventions, except in certain particular cases;
- discontinue the automatic requirement to send a detailed report if a government fails in its obligation to send a simplified report; and

---

[14] See in particular the following Governing Body documents: GB.268/LILS/6; GB.277/LILS/2; GB.279/4; GB.280/LILS/3; GB.280/LILS/12/1; GB.282/LILS/5; GB.282/8/2; GB.283/LILS/6; and GB.283/LILS/6/1.

[15] See Governing Body documents GB.283/LILS/6 and GB.283/LILS/6/1.

- discontinue the automatic requirement to submit a second detailed report.

For reporting purposes, the non-fundamental Conventions have been subdivided into 20 groups of instruments covering specific subjects. These changes began to be implemented in 2003 for an initial period of five years, following which the Governing Body will re-examine the issue.

2.4 Working methods

The methods of work of the Committee of Experts have evolved over the years and in the context of its general terms of reference. The Committee determines its own methods of work independently. The Committee meets once a year in Geneva for nearly three weeks in November-December and its report is examined at the following session of the International Labour Conference.

Its meetings are held in private and its documents and deliberations are confidential. The United Nations is invited to be represented at appropriate sittings of the Committee. When the Committee deals with instruments or matters related to the competence of other specialized agencies of the United Nations system, representatives of those agencies may be invited to attend the sitting.

The Committee assigns to each of its members initial responsibility for a group of Conventions or a subject. The reports and information received early enough by the Office are forwarded to the member concerned before the session. The expert responsible for each group of Conventions or subject may take the initiative of consulting other members. Furthermore, any other expert may ask to be consulted before the preliminary findings are submitted to the Committee in plenary sitting in the form of draft observations and direct requests. At this stage, the wording is left at the sole discretion of the expert responsible. All the preliminary findings are then submitted for the consideration of the Committee in plenary sitting for its approval.

The documentation available to the Committee includes: the information supplied by governments in their reports or to the

Conference Committee on the Application of Standards; the relevant legislation, collective agreements and court decisions; information supplied by States on the results of inspections; comments of employers' and workers' organizations; reports of other ILO bodies (such as commissions of inquiry, or the Governing Body Committee on Freedom of Association); and reports of technical cooperation activities.

The Committee of Experts draws up two types of comments: observations and direct requests. Observations are written comments relating to the application of a ratified ILO Convention. In general, observations are made in cases of serious and persistent failure to comply with obligations under a Convention. They are published each year in the report of the Committee of Experts, which is transmitted to the International Labour Conference. The observations provide the starting point for the examination of specific cases by the Conference Committee on the Application of Standards.

In 1957, to avoid overburdening its report, the Committee decided to address a number of comments directly to governments instead of including them in its report. Direct requests are written comments by the Committee of Experts which may deal with matters of secondary importance or technical issues. They provide a means of requesting clarifications so that the Committee can make a better assessment of the effect given to the obligations deriving from a Convention. As in the case of observations, they may request a detailed report before the date envisaged for its submission. Copies of the request are also addressed to the representative organizations of employers and workers in the country concerned. The main difference between these two forms of written comments concerns their dissemination: only observations are published in the annual report of the Committee and are therefore publicized to a certain extent.

Where appropriate, the Committee requests the Office to prepare a comparative analysis of the law and practice of the ratifying State for examination by the expert responsible. It also requests the Office to prepare notes for the expert on legal questions necessary for the examination of the information provided.

Although the Committee's conclusions traditionally represent unanimous agreement among its members, decisions can nevertheless be taken by a majority. Where this happens, it is the established practice of the Committee to include in its report the opinions of dissenting members if they so wish, together with any response by the Committee as a whole. The Committee's report is in the first place submitted to the Governing Body and its final findings take the form of:

a) *Part One:* a general report in which the Committee reviews general questions concerning international labour standards and related international instruments and their implementation;

b) *Part Two:* observations concerning particular countries on the application of ratified Conventions, on the application of Conventions in non-metropolitan territories and on the obligation to submit instruments to the competent authorities;

c) *Part Three:* a general survey of instruments on which governments have been requested to supply reports under article 19 of the ILO Constitution, which is published in a separate volume.

Over the years, even though the Committee's workload, working methods and responsibilities have evolved, the principles of objectivity, impartiality and independence which animate its work have not changed. It continues to examine the application of Conventions and Recommendations, and of related constitutional obligations, in a uniform manner for all States. The rights and obligations under the instruments adopted by the International Labour Conference are the same for all, and should be applied in a uniform way in all member States.

2.5 Subcommittee on working methods

The Committee may appoint working parties to deal with general or especially complex questions, such as general surveys of reports submitted under articles 19 and 22 of the Constitution. Working parties include members with knowledge of different legal, economic and social systems. Their preliminary findings are submitted to the Committee as a whole.

The Committee also has the power to examine and revise its own methods of work. Since 1999, the Committee has been undertaking a thorough examination of its working methods. In 2001, the Committee paid particular attention to drafting its report in such a manner as to make it more accessible and to draw the attention of a larger readership to the importance of the provisions of Conventions and their application in practice. The following year, in order guide its reflections on this matter in an efficient and a thorough manner, the Committee decided to create a subcommittee.[16] The Subcommittee on working methods, composed of a core group and open to any member wishing to participate in it, has as a mandate to examine not only the working methods of the Committee as strictly defined, but also any related subjects, and to make appropriate recommendations to the Committee.

The Committee of Experts considered the first recommendations of the Subcommittee at its session in November 2002[17]. These recommendations were prepared after a wide-ranging review of the Committee's methods of work during which all of its members had an opportunity to contribute throughout the year.

The principal conclusions of the Subcommittee on working methods concerned the need for the Committee of Experts to maintain its independence, impartiality and objectivity in carrying out its work. Secondly, with a view to promoting the visibility and influence of the Committee and its work, its members expressed an interest, where appropriate, in participating in field missions and in contributing to international conferences or to training seminars in areas related to their work. Thirdly, the Committee decided to introduce a number of significant changes in its working methods. These changes are intended to: further the Committee's diversity; increase the synergy between experts, and particularly between those working on the same groups of Conventions; ensure the most effective working methods during particularly high-pressure periods of work; continue to improve the presentation of its annual report to make it more accessible to readers; and continue to foster and improve cooperation and

[16] International Labour Conference, 90th Session, 2002, Report III (Part 1A), p. 14, para. 24.

[17] International Labour Conference, 91st session, 2003, Report III (Part 1A), paras. 7 and 8.

good relations between the Committee of Experts and the Conference Committee on the Application of Standards.

It was therefore agreed that the Subcommittee would meet each year and as often as necessary to monitor these reforms, to report to the Committee on their implementation and to recommend any further changes which may be necessary in future.

3. Direct contacts missions

The work of the Committee is essentially a written process. Nevertheless, the Committee may be called upon to exercise, request or supervise other functions. In 1967, on the occasion of its 40th anniversary, the Committee put forward a suggestion which led to the introduction in 1968 of the procedure of direct contacts, which consists of on-the-spot missions with a view to developing dialogue with governments and employers' and workers' organizations in order to overcome difficulties encountered in the application of Conventions. This procedure has become commonly used since then and has produced positive results.

4. Synergy between the various supervisory bodies of the ILO

The supervisory mechanisms, whether they form part of the regular system or consist of so-called special procedures, are closely linked. Indeed, the work of the Committee of Experts frequently serves as a basis for that of other supervisory mechanisms. As the Committee recalled in its report on the occasion of its 60th anniversary in 1987,[18] a spirit of mutual respect, cooper-

[18] ILC, 1987, Report III (Part 4A), op. cit., p. 8, para. 12.

ation and responsibility has always existed in its relations with other ILO bodies.

The Committee of Experts was created at the same time as the Conference Committee on the Application of Standards. Although there have at times been differences in approach between the two Committees, they have developed a close collaborative relationship, especially in recent years, and each relies on the work of the other. The Committee of Experts has also found that its relations are intensifying with the committees set up to examine complaints and representations under articles 24 and 26 of the Constitution, as was the case for the complaint concerning the application by Myanmar of the Forced Labour Convention, 1930 (No. 29), and with the committees examining a constantly increasing number of representations.

Furthermore, special note should be taken of the links existing between the Committee of Experts and the Committee on Freedom of Association. Where a legislative problem arises and the country concerned has ratified the Conventions in relation to which a complaint has been brought to the Committee on Freedom of Association,[19] the latter may draw the attention of the Committee of Experts to the legislative aspects of the case. The Committee of Experts can then follow developments in the situation in the course of its regular examination of the Government's reports on the Convention in question. When examining the law and practice of a country in the context of its regular supervision of the application of Conventions, the Committee of Experts may also take into account the recommendations adopted unanimously by the Committee on Freedom of Association. Although the two Committees differ in their composition, the nature of their functions and their methods of work, they take as a basis the same principles, which are universal in scope and cannot be applied selectively.[20]

---

[19] It should be noted that a complaint can be made to the Committee on Freedom of Association against a State which has not ratified the Conventions on freedom of association.

[20] For a study of the impact of the Committee on Freedom of Association, see E. Gravel, I. Duplessis and B. Gernigon: *The Committee on Freedom of Association: Its impact over 50 years*, ILO, 2nd Edition, 2002.

II. Impact of the Committee of Experts and cases of progress

1. Preliminary considerations

The first part of this study provides an overview of the background and functioning of the Committee of Experts on the Application of Conventions and Recommendations by outlining the major parameters of its action. These parameters explain the successes noted by the Committee of Experts since its creation. In the first place, these successes have their roots in the Committee's general mission, which has as its objective the effective implementation of international labour standards. This mission is at the heart of the fundamental objectives of the ILO.

2. The fundamental Conventions

Over the years, the Committee of Experts has had a global impact covering all the fields in which Conventions have been adopted. Nevertheless, the present study is confined to issues relating to the application of fundamental Conventions.

There are eight fundamental Conventions covering freedom of association and collective bargaining, the abolition of forced labour, non-discrimination and equality between workers and the elimination of child labour. They are considered to be fundamental irrespective of the level of development of the various member States. The fundamental Conventions were, with two exceptions, adopted between 1930 and 1958. The oldest is the

Forced Labour Convention (No. 29) adopted in 1930, which was followed in the same field in 1957 by the Abolition of Forced Labour Convention (No. 105). The Freedom of Association and Protection of the Right to Organise Convention (No. 87) was adopted in 1948 by the 40 member States which then made up the ILO, with the Right to Organise and Collective Bargaining Convention (No. 98) being adopted in the following year. The two Conventions dealing with equality and non-discrimination, namely the Equal Remuneration Convention (No. 100) and the Discrimination (Employment and Occupation) Convention (No. 111) were adopted in 1951 and 1958, respectively. It should be noted that the principles of freedom of association, equality and non-discrimination are universally recognized as they are included, among other instruments, in the Universal Declaration of Human Rights of 1948 and the two Covenants respectively on Civil and Political Rights and Economic, Social and Cultural Rights of 1966[21]. Finally, the Conventions on the elimination of child labour were added to this list more recently and bear witness to the current and increasingly deeply felt concerns within the ILO on this subject. The Minimum Age Convention (No. 138) was adopted in 1973, while the most recent of these Conventions, namely the Worst Forms of Child Labour Convention (No. 182), was adopted in 1999.

For the purposes of the present study, special attention should be paid to the date of the entry into force of the above Conventions and the number of ratifications registered between their adoption and the date of this study.[22] Indeed, these data have a considerable influence on the number of cases of progress listed in relation to the application of each instrument. By way of

---

[21] *Universal Declaration on Human Rights*, G.A. res. 277 A (III), U.N. Doc. A/810 at 71 (1948); *International Covenant on Economic, Social and Cultural Rights*, G.A. res. 2200 A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force on January 3, 1976; *International Covenant on Civil and Political Rights*, G.A. res. 2200 A (XXI), 21 U.N. GAOR Supp. 999 U.N.T.S. 171, entered into force March 23, 1976.

[22] The fundamental Conventions entered into force on the following dates: the Forced Labour Convention, 1930 (No. 29), on 1 May 1932; the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), on 4 July 1950; the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), on 18 July 1951; the Equal Remuneration Convention, 1951 (No. 100), on 23 May 1953; the Abolition of Forced Labour Convention, 1957 (No. 105), on 17 January 1959; the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), on 15 June 1960; the Minimum Age Convention, 1973 (No. 138), on 19 June 1976; and the Worst Forms of Child Labour Convention, 1999 (No. 182), on 19 November 2000.

illustration, the Minimum Age Convention, 1973 (No. 138), only entered into force in 1976, three years after its adoption, and for many years thereafter it had only received a low number of ratifications. It is only recently that numerous ratifications have been registered for the Convention, which explains the limited number of cases of progress in this field. Furthermore, as Convention No. 182 only entered into force in 2000, the first reports of governments on the application of this Convention have only been examined since 2002, which explains the absence of cases of progress up to now.

3. Identification of cases of progress

Since 1964, the Committee of Experts has been listing the cases in which governments, in response to its comments, have made changes in their law or practice in order to give fuller effect to ratified Conventions. These cases are commonly known as "cases of progress" and the most significant of them are the subject of this study of the Committee's impact. In practice, the Committee identifies a case of progress by noting "with satisfaction" in an observation that the government concerned has given effect to its previous comments.

Moreover, since 2000, the Committee has begun to enumerate cases in which it has been able to note "with interest" measures taken for this purpose. In the first year in which it followed this new practice, the Committee listed 159 instances in which it noted with interest changes made in 85 countries. These indications make it possible to follow matters at the national level more closely by identifying the existence of positive changes in the situation. However, as it did not fail to emphasize in its general report in 2002, the Committee is well aware that there are also many "invisible" or less apparent instances in which international labour standards have exerted a positive influence.

These are not the only cases in which Conventions and Recommendations have a tangible influence on the law and practice of member States. The Committee notes each year a number of cases in which it appears, from the first report on the application of a Convention, that new measures of a legislative or other nature have been adopted shortly before or after ratification.

Over the past 25 years, it is possible to discern an undoubtedly positive evolution in the implementation of the Committee of Experts' observations. Admittedly, the rise in the number of cases of progress is necessarily linked to the increase in ratifications and the reports submitted. There are currently some 1189 ratifications just for the fundamental Conventions. Nevertheless, it may be noted that, in addition to the rise in the number of reports examined by the Committee of Experts, member States are more receptive to the Committee's comments and are tending to implement them more fully.

It is nevertheless true that certain serious failings and difficulties of application of Conventions persist in many countries, despite the repeated interventions of the Committee of Experts and its combined action with the Conference Committee on the Application of Standards and the Committee on Freedom of Association. Even so, these cases must not be allowed to obscure the real progress that has been noted and which is directly related to the work of the Committee of Experts. Furthermore, the cases of progress noted by the Committee of Experts cannot be assessed solely on the basis of figures, which cannot by themselves claim to give a real and detailed picture of the developments in the situation. The analysis must therefore be both quantitative and qualitative.

4. Preventive supervision carried out by the Committee of Experts

Firstly, it is important to emphasize that the impact of the Committee of Experts cannot be measured solely in the light of the cases of progress enumerated. In this respect, the indirect or a priori impact of the Committee's work should not be overlooked. In practice, the Committee of Experts can exercise considerable preventive supervision. This impact is by its nature difficult to quantify. It consists, for example, of the comparative analysis of draft legislation bringing to light the incompatibility of certain provisions of the draft text with the Convention concerned. Such an examination, even before the entry into force of the law, offers the legislative authorities of a member State the possibility to make the necessary amendments. As a result,

the law will probably not be the subject of comments by the Committee of Experts subsequently unless, of course, problems of application arise.

On the subject of the preventive supervision that can be exercised by the Committee of Experts, reference should also made to the direct requests that it sends out each year to certain governments. These direct requests, in which the Committee generally seeks clarifications from governments and enters into dialogue with them without any form of publicity, do not appear in the Committee's report. As a result, the measures taken pursuant to direct requests and their effectiveness never appear in the figures of cases of progress. However, if the State does not comply, the following year the Committee can reiterate its requests in an observation which will appear in its report.

5. Dialogue with governments and causality

Moreover, certain observations should be made concerning the elements which may influence cases of progress. These cases can only be listed if the governments concerned provide the information and/or documents requested by the Committee. The process of supervising application, to be effective, therefore necessarily requires a certain degree of collaboration by member States. A real dialogue is established between the Committee and the governments concerned.[23] In this respect, the information that can be provided by workers' and employers' organizations takes on a certain importance by making it possible for the Committee to keep itself informed of cases in which, for example, the government concerned does not provide the requested information.

Furthermore, even though the Committee endeavours to enumerate cases of progress, in so doing it does not establish a hierarchy between them. A case of progress is listed as such almost irrespective of the circumstances in which measures are taken by the government. The value of the present study therefore lies in its aim of only referring to the clearest examples of

[23] N. Valticos, *op. cit.*, Note 11, p. 601, No. 773.

progress which have occurred following comments made by the Committee. The choices implied by such a selection are clearly guided by the circumstances prevailing at the present time, and certain cases of significant progress noted 20 years ago may have lost their relevance today. This study cannot be appreciated without bearing these considerations in mind. In addition, it is not a review of the current problems faced by the Committee of Experts, but a catalogue of selected cases providing a global picture of the situation in relation to four principal themes (freedom of association and collective bargaining, equality and non-discrimination, forced labour and child labour), taking into account geographical distribution.

The question may arise as to how to establish a causal link between the observations of the Committee of Experts and the measures taken by the governments concerned. In this respect, it should be emphasized that the dialogue between the various actors is of vital importance. The outcome of the Committee's work can be measured on the basis of a whole range of sources of information, including the indications provided by the governments concerned, those transmitted by employers' and workers' organizations, draft legislation submitted to the Office and requests for technical assistance.

It should also be emphasized that States base their reports on the report forms established for each Convention. These report forms indicate the questions to which States which have ratified the Conventions must reply, as well as the information that has to be provided. The report forms have a direct influence on the content of the reports submitted by governments to the Committee of Experts. Indeed, the Committee of Experts and the International Labour Office have paid particular attention to report forms in recent years. Changes to their content have been proposed and adopted periodically, thereby improving the information collected and at the same facilitating the Committee's work.

The report forms may request information concerning legal decisions on the application of Conventions by the authorities responsible for the enforcement of the laws and regulations giving effect to them. They may also request the provision of various types of statistical data. Under article 23, paragraph 2, of the ILO Constitution, member States are also obliged to communicate

to the representative organizations of employers and workers copies of the information and reports that they transmit to the Director-General. The resolutions adopted by the International Labour Conference in 1971 and 1977 have led the Committee of Experts to examine with particular care the manner in which States comply with this obligation. In addition, these organizations can make comments on the application of ratified Conventions and send them directly to the Organization. Following the adoption of these resolutions, the Governing Body decided to set out more clearly in the report forms the obligation to communicate copies to the representative organizations, as well as issues relating to the comments received from these organizations.

The causal link between an observation by the Committee of Experts and a case of progress is more difficult to establish where the Committee's comments have not given rise to immediate action and several years pass before the government concerned takes the necessary measures to give effect to those comments. In this respect, it is important to emphasize that throughout this period the Committee of Experts will have been following the case, pursuing its examination of the problems of application which have arisen and reiterating its previous comments until it is able to note a change in line with its observations. Furthermore, in the case of certain particularly grave and persistent shortcomings, where the comments of the Committee of Experts have remained without response by governments, and following consultations in the Governing Body and the International Labour Conference, this may lead to the application of other measures envisaged by the Constitution of the ILO.[24]

6. Other factors

In other cases, the measures taken by governments in response to the comments of the Committee of Experts are related to other factors. In general, States do not like their shortcomings and non-compliance with their international obligations

[24] See, for example, the recourse to article 26 of the Constitution and the establishment of the Commission of Inquiry on Myanmar concerning the violation of the provisions of Convention No. 29 on forced labour.

to be discussed publicly. In this respect, the work of the Committee of Experts serves as a basis for that of the Conference Committee on the Application of Standards and the fact that a State may be included on the list of individual cases discussed at the Conference can certainly have a dissuasive effect.

Certain measures also escape any direct supervision by the Committee of Experts as they are related to a series of factors unrelated to the action of the Committee, such as a change of political regime. The difficulties encountered by the Committee of Experts in the elimination of divergencies between national law and international labour Conventions have various origins. In the first place, there may exist difficulties of an economic or social nature preventing the implementation of and compliance with the Conventions ratified by a specific State. These sometimes consist of premature ratifications, with the State marking its adhesion to the principle through its ratification, but not yet having the means to ensure effective compliance with the Convention.

Similar problems have also been noted by the Committee of Experts in the case of newly independent States. In other instances, political difficulties may delay the adoption of measures to remove the divergencies noted by the Committee. It should be recalled that, as the work of the Committee of Experts is of a legal nature, its comments relate essentially to the need to amend legislation. Political issues therefore necessarily influence the progress made in the application of Conventions and may range from serious internal problems to the difficulties experienced by the government in obtaining the adoption of the necessary amendments by Parliament.[25] These may be combined with difficulties of a legal nature, such as those encountered on occasion by federal states when the measures to be taken lie within the competence of the constitutent units of the federation.[26]

Finally, while the legislative progress noted in relation to the application of the ILO's fundamental Conventions cannot all be attributed directly to the influence of the Committee of Experts,

---

[25] N. Valticos, *op. cit.*, Note 11, p.575.

[26] *Ibid.*, p.576.

it is nevertheless reasonable to maintain that States are not indifferent to the pressure of a supervisory body working in the context of an international organization.

So as to better illustrate this impact at the global level, a selection of examples of cases of progress are presented below by theme. As indicated above, the examples which follow have been selected out of a concern to indicate the most notable cases of progress recorded in the various regions of the world, and quite clearly therefore make no claim to being exhaustive.

7. Cases of progress

7.1 Cases of progress in relation to freedom of association and collective bargaining (Conventions Nos 87 and 98)[27]

1978

Convention No. 87

Greece

Act No. 89 of 1975 restored full rights to the trade unions dissolved under the previous regime and provided for the restitution, as far as possible, of their property. Several provisions incompatible with the Convention were repealed by Act No. 549 of 1977, including the requirement to have been a member of the organization for one year to be eligible for trade union office and, in congresses of federations and confederations, the need for the total number of votes allotted to each organization not to exceed one-tenth of the total number of votes of the congress. Furthermore, a new system of financing established by collective agreement henceforth enables trade unions to collect dues through a check-off system.

[27] All the cases of progress referred to in this study are taken from Part 1A of the various reports of the Committee of Experts on the Application of Conventions and Recommendations for the years 1978 to 2003.

1979

Convention No. 87

Japan

Act No. 80 of 21 June 1978 provides for the registration of trade unions in the public sector with the competent authorities and that the registration certificate confers legal personality on the unions concerned. The cancellation of the registration of a trade union can take effect only after the expiry of the period for appeal or after the decision of the court if an appeal has been disallowed (Act No. 79 of 21 June 1978).

1980

Convention No. 87

Honduras

Several changes were made to the Labour Code in May 1979, including the abolition of:

- the requirement that at least 90 per cent of the members of a trade union should be citizens of Honduras;
- the possibility of suspension by administrative authority of trade union leaders who violated the Labour Code;
- the powers of the Ministry of Labour and Social Welfare to suspend the legal personality of a trade union if it supported an illegal strike;
- its power to suspend the right of those guilty of such acts to be members of trade unions.

1981

Convention No. 87

Philippines

In May 1980, the Government extended the right to organize for purposes of collective bargaining to persons employed in non-profit religious, charitable, medical or educational institutions.

Moreover, ambulant, intermittent and itinerant workers, and those without any definite employers, are allowed to form labour organizations for the purposes of enhancing and defending their interests.

1982

Convention No. 87

Panama

Act No. 8 of 30 April 1981 amended sections 401 and 480 of the Labour Code, removing the limitation imposed on the exercise of the right to strike. Previously, the right to strike had been subject to the condition that the demands for better working conditions made by workers should not, in the opinion of the administrative authority, affect the profitability of the enterprise.

Convention No. 98

Panama

Act No. 95 of 31 December 1976, which unduly prolonged the period of validity of collective agreements beyond their date of expiry and prohibited collective bargaining during the period of their extension, was repealed by Act No. 8 of 30 April 1981. Act No. 95 had also exempted newly created enterprises from the obligation to conclude collective agreements during the first two years of their operation and authorized employers to refuse to conclude a collective agreement where the workers' claims could endanger the profitability of the enterprise, with the Minister of Labour alone being competent to evaluate this criterion.

1983

Convention No. 87

Bolivia

Presidential Decree No. 18957 of 26 May 1982, on the one hand, brought an end to the order of suspension of trade unions, employers' organizations and professional associations.

It also laid down that trade union organizations shall restore their activities to normal. The restoration of trade union life in the country was decided upon at all levels (the reinstatement of former trade union leaders and of trade unions, federations and confederations, which can now carry on their activities in full freedom).

The Government declared a general amnesty for all Bolivian nationals who may have been exiled or left the country for political reasons.

Moreover, the Government provided for the reinstatement of all workers dismissed for political or trade union reasons since June 1980, the normalization of the situation in respect of the administration, custody and maintenance of trade union property and the repayment of the union dues which had been blocked.

1984

Convention No. 87

Egypt

Legislative Decree No. 2 of 1977, under the terms of which workers who participated in a strike likely to endanger the national economy were liable to a life sentence of forced labour, was repealed in 1983.

Nicaragua

A Decree adopted on 31 May 1983, which is in conformity with the Convention, amended various provisions of the Regulations on trade union associations, including those laying down:

- the impossibility of establishing national trade unions;
- the removal of members of trade union executives by administrative action, without appeal to the judiciary;
- the representation of the labour administration at trade union meetings;
- the use to be made of a certain percentage of trade union dues for specific purposes;
- reasons for exclusion from trade union membership;

- the limitation of trade union office to workers in employment;
- the prohibition of the election of trade union leaders for more than two successive terms;
- the conditions imposed on the right to establish federations and confederations; and
- the limitation of the number of delegates that trade unions could appoint to attend the congress of a federation.

1985

Convention No. 87

Nicaragua

In 1984, the right to strike, which had been suspended by several successive decrees under the National Emergency Act, was re-established by Decree No. 1480 of 6 August 1984.

1988

Convention No. 87

Guinea

A Presidential Ordinance adopted in 1986 recognized the independence of the National Confederation of Workers of Guinea (CNTG) in respect of the State (thereby ending the control of the Secretariat of State for Labour and then the Permanent Secretariat of the Military Committee for National Recovery).

Trade unions are no longer considered to be administrators of enterprises, but social partners whose fundamental mission is to defend the material and moral interests of the workers.

Convention No. 98

Guinea Bissau

The provisions of the new General Labour Act of 3 April 1986, which apply the Convention, guarantee the protection of workers against acts of anti-union discrimination and provide for

the independence of the parties in the process of collective bargaining.

1989

Convention No. 87

Burkina Faso

In October 1987, under the terms of Communiqué No. 5 of the People's Front, all the teachers dismissed in 1984 following a strike were reinstated in their original services. Teachers and/or workers in general are therefore free to join and participate in the activities of the trade union of their choosing. The sanctions that had been applied to suspended public employees were set aside and all political prisoners and administrative detainees were freed.

Convention No. 98

Finland

Under amendments to the Employment Contracts Act and the Seamen's Act (Acts Nos. 935 and 936 of 4 December 1987), the requirement of equitable treatment of employees has been expressly extended to cover recruitment, and that penal sanctions, including penalties of imprisonment, are now provided for such violations. Increased protection was also afforded to labour protection delegates, new provisions adopted on periods of notice and protection against anti-union discrimination extended to persons employed by local authority employers.

1990

Convention No. 87

Poland

The Act of 1989 confirms the possibility of trade union pluralism (also for individual farmers) by repealing the provision which imposed the existence of a single trade union for each enterprise. All trade unions are equal and workers have the right to establish trade unions with the structures of their own choosing.

With the adoption of Act No. 104 of 7 April 1989, the Government recognized the right of all citizens, whatever their religion or opinion, to establish associations of their own choosing.

Convention No. 98

Poland

The adoption of the Amnesty Act No. 179 of May 1989 completely annulled all convictions on grounds of strikes or other protest actions which occurred after 31 August 1980.

All persons, including secondary school teachers and university professors who had been dismissed for trade union activities could apply for reinstatement. In the event of the refusal of their application by their employer, they could apply to the conciliatory commission, which is empowered to order their reinstatement.

1991

Convention No. 87

Algeria

In April and June 1990, through several labour Acts, the Government brought an end to the single trade union system, introduced the possibility of trade union pluralism and authorized the exercise of the right to strike in both the public and private sectors.

Bulgaria

Article 1 of the Constitution (the guiding role of the Party over mass organizations) was amended in April 1990 to set forth the principle of political pluralism. Moreover, workers are granted the right to call strikes to defend their occupational interests.

Hungary

The new Constitution of 1989 refers to trade union pluralism and the right of workers to call strikes to defend their economic and social interests. As a consequence, several new independent trade unions were established.

Romania

In 1989, the Government adopted several Decrees repealing the previous legislation. The guiding role of the Communist Party with regard to mass organizations was abolished and the possibility of trade union pluralism was recognized.

Ukrainian SSR

Article 6 of the Constitution was repealed and the Government thereby brought to an end the guiding role of the Communist Party over mass organizations, including trade unions. Article 7, as amended, sets forth the principle of political pluralism.

At the first Congress of the new Federation of Independent Ukrainian Trade Unions, the new Charter was adopted. It lays down the principle of the independence of trade unions with regard to State and political authorities and the right to freely join or leave the Federation.

USSR

Article 6 of the Soviet Constitution, which provided for the leading role of the Communist Party on organisations, including trade unions, was amended by the Law of the USSR of 1990. In addition, the Law on Public Associations of 16 October 1990, and the Law on Trade Unions, their Rights and Safeguard of their Activities of 10 December 1990 establish trade union pluralism and the independence of trade unions.

1993

Convention No. 87

Canada

The Province of British Columbia repealed section 80 of the University Act, which excluded university teachers from the Industrial Relations Act and as a result limited their right to establish organizations of their own choosing. The latter Act was replaced by the Labour Relations Code. The criteria applicable to arbitrators in interest arbitration were eliminated. The definition of essential services was amended to cover only those services "necessary or essential to prevent immediate and serious danger

to the health, safety and welfare" of the population and the concept of a "limited strike" was made available in areas not deemed to be essential.

Congo

Article 25 of the Constitution of March 1992 guarantees all citizens the right to establish and join a party, a trade union and associations. The right to trade union pluralism was also established by a Decree of June 1991. Several trade unions were established as a result.

Dominican Republic

The Civil Service and Administrative Careers Act and the new Labour Code of May 1992, adopted following cooperation with the ILO, take into account the principles of freedom of association and accord the right to organize to all workers in agricultural enterprises, agro-industries, farming and forestry, state enterprises and public employees. Limitations on the right to strike are confined to essential services in the strict sense of the term. The prohibition was lifted on political and sympathy strikes and on all trade union propaganda or proselytizing in public institutions.

Ethiopia

Labour Proclamation No. 42/1993 repealed the single trade union system imposed by the previous legislation and recognizes the right of workers and employers to establish and join trade unions and employers' associations in order to represent their members in collective bargaining.

Rwanda

Under the new Constitution of June 1991, political and trade union pluralism is now in force and the right to strike has been extended to employees in public services. The independence of the trade union movement is set forth in the statutes of the Central Trade Union Organization of Rwanda (CESTRAR).

1994

Convention No. 87

Costa Rica

The Government repealed certain sections of the Penal Code under which public officials who went on strike could be punished by imprisonment and fines. The new Act prohibits "solidarist" associations from engaging in any activity intended to combat or in any way hinder the establishment and operation of trade unions and cooperative organizations.

The minimum number of workers required to establish a trade union is now 12 (the same as for "solidarist" associations) and workers are granted the free exercise of their collective rights. Employment security is guaranteed for members of trade unions which are being formed, trade union officials and candidates for the executive committee.

Acts committed in violation of ILO Conventions are henceforth considered to be punishable infractions.

Paraguay

The new Labour Code of 1993, among other matters:

- lifts the ban on strikes in public services: the trade unions of public employees (who now enjoy the right to organize) represent their members before the competent authorities to defend their common interests;
- lowered the criteria required to be able to call a strike to the absolute majority of the members of a union; sympathy strikes and general strikes are authorized;
- raises the ban on subsidies or economic assistance for trade unions from foreign organizations.

Convention No. 98

Dominican Republic

Since May 1992, the new Labour Code has provided protection for trade union rights (section 390) and has increased the level of fines and other sanctions against those committing anti-

union acts and discriminatory practices (sections 720 and 721). The provisions protecting against anti-union discrimination and the promotion of collective bargaining are also applicable to workers in agro-processing, stock-raising and forestry enterprises, as well as in export processing zones, which were previously excluded from this legislation.

Portugal

The entry into force of a collective agreement concluded in a public enterprise no longer requires the prior authorization of the Minister concerned.

1995

Convention No. 87

Australia

Section 75 of the Industrial Relations Reform Act of 1993 amends section 189 of the Industrial Relations Act of 1988, reducing from 10,000 to 100 the minimum number of members required for the registration of workers' and employers' organizations in the federal industrial relations system. The prohibition on public servants from engaging in strikes affecting public services or utilities was repealed. Workers enjoy greater protection against dismissal for engaging in industrial action.

1996

Convention No. 87

Azerbaijan

The Law on Trade Unions of 1994 allows for the possibility of trade union pluralism and guarantees the right to strike.

Gabon

The new Labour Code of November 1994 redefines the conditions for the establishment and functioning of trade union organizations of public servants (ending the trade union monopoly and important restrictions on the right to strike). As a result,

trade union pluralism is possible in both the private and public sectors, as is the right to strike in defence of occupational, economic and social interests. It also provides for the possibility of having recourse to arbitration. Moreover, any deductions from wages apart from those covered by collective agreements are prohibited.

Latvia

The Law on Trade Unions of December 1990 allows for the possibility of trade union pluralism and guarantees the right to strike.

Convention No. 98

Gabon

The new Labour Code of November 1994 guarantees workers protection against acts of anti-union discrimination at the time of recruitment and during employment, as well as against acts of interference, and is enforceable by penal sanctions.

Greece

Act No 2123 of 14 April 1993, which had suspended the implementation of the national general collective agreement for workers in the public sector in the broad sense of the term, and workers in public utility enterprises and local administration, ceased to be in force at the end of 1993. Workers employed by the State, by public enterprises and under private employment contracts by local administrations are specifically covered by the national general collective agreement concluded on 21 March 1994 in agreement with the social partners.

1997

Convention No. 87

Chad

The 1993 Constitution, adopted by referendum, establishes freedom of association and the right to strike and provides that unions may be dissolved only by judicial procedure. Further-

more, the ordinances suspending all strike action in the country and those prohibiting public employees from exercising the right to organize were repealed.

The section of the Labour Code banning all political activities by trade unions was repealed. The length of residence required for foreign nationals to be able to participate in the administration of a trade union was reduced to five years.

Namibia

The Labour Act (No. 6 of 1992) accords workers and employers the right to establish and join organizations of their own choosing without previous authorization and broadens their powers in relation to their constitutions and rules, the election of representatives, the organization of their administration and the right to strike.

Slovakia

The 1992 Constitution permits trade union pluralism on an independent basis and enshrines the right of workers to strike in the defence of their interests.

1998

Convention No. 87

Chad

The new Labour Code of 1996 repeals the ordinances which suspended all strike action and prohibited public employees from exercising the right to organize. The ban on all political activity by trade unions is lifted and the length of residence in the country required for foreign nationals to be able to participate in the administration or management of a trade union has been reduced.

Convention No. 98

Panama

The conciliation procedure before a tripartite commission was amended to eliminate the possibility of resorting to arbitra-

tion without the agreement of the organization concerned. Workers may go on strike in the event of the failure of this procedure.

Romania

Certain restrictions on the right to bargain collectively were lifted by the adoption of the new Law on collective labour contract of 1996. The right to bargain collectively is no longer restricted to chambers of commerce and industry.

1999

Convention No. 87

Latvia

In 1998, the Government adopted the Law on Strikes, which provides for the right to strike of employees in enterprises, institutions, organizations and branches.

Mozambique

The new Act on trade unions guarantees workers, without distinction whatsoever, the exercise of trade union activities for furthering and defending their rights and occupational interests. It also guarantees the right of workers to establish and join trade union organizations of their own choosing in full freedom, the right of trade union organizations to draw up their constitutions, elect their representatives, organize their activities and formulate their programmes.

Nigeria

Following the abrogation of several Decrees in 1998, workers now have the right to elect their representatives in full freedom and to organize their administration and activities without interference by the public authorities. Moreover, the trade unions and associations of teaching personnel may affiliate with organizations of their own choosing.

South Africa

The Labour Relations Act of 1995 extends the coverage of the previous legislation to include civil servants and rural

workers. It refers to the right to strike and trade union pluralism, removes administrative interference in the internal affairs of trade unions and provides for the simplification of the process of registering trade unions.

United Kingdom

The Government restored to employees of the Government Communications Headquarters (GCHQ) the right to join the trade union of their choosing, published a White Paper on Fairness at Work, simplified the law and Code of Practice on industrial action ballots and notices and accorded the right to complain to a tribunal for unfair dismissal in relation to participation in lawfully organized official industrial action.

Yemen

The new Labour Code of 1995 does not reproduce the provisions concerning prior authorization for the establishment of a trade union. It recognizes the right to strike and provides for a system for the settlement of disputes.

Convention No. 98

South Africa

The new Labour Relations Act of 1995 covers civil servants and rural workers. The authorities can no longer modify the contents of freely concluded agreements, nor exclude certain areas or classes of work from them. The Act also contains guarantees relating to voluntary collective bargaining.

2000

Convention No. 98

Ghana

The Government repealed Law 125 of 1985 of the Provisional National Defence Council (PNDC), section 2 of which prohibited the application of the collective agreement to the Ghana Cocoa Board. This prohibition related to cases in which the Board decided to declare workers redundant for economic

reasons in contravention of the collective agreements in force with regard to redundancy awards in case of redundancies for economic reasons.

Greece

Act No. 2738/99 was adopted and provides that workers in the public service may enjoy the right to collective bargaining.

2001

Convention No. 87

Estonia

Following Case No. 2011 before the Committee on Freedom of Association, in which the said Committee drew the attention of the Committee of Experts on the legislative aspects of the case, the Central Association of Estonian Trade Unions obtained its registration without having to amend its statutes. Furthermore, the new Trade Union Act, adopted on 16 June 2000, does not repeat the provisions of the Trade Union Act of 1989, which mentioned the Central Trade Union of Estonia by name. The Act of 16 June 2000 guarantees workers the possibility of trade union pluralism. It provides that trade unions are independent and voluntary associations of workers. Obstacles to the establishment and functioning of trade unions were eliminated or amended, particularly in relation to the provisions which imposed a long, cumbersome and detailed procedure to obtain legal personality (abolition of notarized documents with payment of notary's fees for the establishment of a trade union and abolition of taxes for obtaining legal personality). The same applies to the provisions conferring upon the authorities the power to interfere in the formulation of trade union statutes and in the election of union leaders and the management of organizations. The new Act also specifies that several provisions of the law on non-profit associations apply, unless the union statutes provide otherwise. The right of employers to establish organizations is still governed by the Non-Profit Associations Act.

Pakistan

The ban on trade union activities in the Pakistan Water and Power Development Authority has been lifted. The exemption of export processing zones from the application of labour laws was to be lifted at the end of 2000.

Romania

New Act No. 168 of January 2000 on the settlement of labour disputes provides that:

- the compulsory arbitration procedure which could, in certain cases, be set in motion at the sole initiative of the Minister of Labour, and mediation and arbitration, are henceforth only compulsory where the parties so decide by consensus;
- the power conferred upon the Supreme Court to suspend, under certain circumstances, the commencement or continuation of a strike for a period of 90 days is repealed;
- the heavy penalties, financial responsibility and ineligibility for trade union office to which persons were liable who had called a strike without observing certain conditions, are repealed;
- the provisions respecting the excessive period of employment at the workplace as a prerequisite for eligibility to trade union office have been repealed.

Slovakia

Paragraph 2 of Act No. 83 of 1990 on citizens associations, as amended by Act No. 300 of 19 July 1990 (section 1), guarantees the right to organize to all citizens. According to the Government's report on the application of the Convention, the rights of agricultural workers are now covered by the same laws and regulations as the rights of other categories of workers.

Switzerland

A new Article 28 entitled "freedom of association" has been added to the revised Federal Constitution, which came into force on 1 January 2000. Paragraph 1 of this Article explicitly enshrines the right of workers, employers and their organizations to associ-

ate in defence of their interests, establish associations and join them or not. Paragraphs 2 to 4 of Article 28 recognize the legality of strikes and lock-outs, provided that they are related to industrial relations and are in conformity with the obligations of maintaining labour peace and having recourse to conciliation.

Section 24 of the Act respecting federal employees provides that the Federal Council may only restrict or prohibit the right to strike where so required by the security of the State, the safeguard of its interests governed by external relations or the guarantee of vital supplies or goods for the country.

2002

Convention No. 87

Republic of Moldova

The Law on Trade Unions dated 7 July 2000 no longer contains references to an imposed trade union monopoly and there ensures the right of workers to establish organizations of their own choosing.

7.2 Cases of progress in relation to forced labour (Conventions Nos 29 and 105)

1978

Convention No. 29

Burundi

Legislative Decree No. 1/12 of 4 May 1977 repealed the Act of 1964 on the minimum personal tax and Ministerial Order No. 117/395. These provisions determined the conditions for the seizure of persons for non-payment of the above tax and the obligation on defaulting taxpayers to undertake labour by administrative decision.

Convention No. 105

Cyprus

Law No. 24 of 1976 repeals certain provisions of the Merchant Shipping Law, 1963, which provided that deserters could be forcibly returned on board ship. Henceforth the scope of provisions allowing the imprisonment of seafarers guilty of certain disciplinary offences or acts liable to endanger the safety of the ship or the life or health of persons is limited. Seafarers convicted of such offences are exempt from compulsory prison labour.

1979

Convention No. 29

Burundi

Legislative Decree No. 1/19 of 30 June 1977 abolished the traditional institution of ubugererwa, a form of serfdom that placed on the mugererwa and their descendants an obligation to perform ill-defined personal services.

Convention No. 105

Sudan

Act No. 33 of 1974 repealed the Punishment of Corruption Act, 1969, under which sentences involving compulsory prison labour could be imposed on certain persons for offences connected with the press or the expression of opinions. The 1908 Apprenticeship Ordinance, under which sentences involving compulsory prison labour could be imposed on apprentices for breach of contract of apprenticeship, was also repealed by the 1974 Apprenticeship and Vocational Training Act.

1980

Convention No. 29

Hungary

The repeal of certain provisions of Act No. 1 of 1968 on contraventions brought to an end the power of non-judicial authorities to impose penalties involving an obligation to work.

Convention No. 105

Finland

The new Seamen's Act (No. 423/78 of 1978) ends the possibility of bringing deserting seafarers back on board by force. The authority of the captain to use force in re-establishing order is limited to cases of danger and any abuse of power in this respect is liable to punishment.

Netherlands

The provision of the Penal Code which punished with imprisonment involving compulsory labour the neglect or refusal to work by public officials and railway employees was repealed.

Pakistan

The provisions which empowered the authorities to impose compulsory service and cultivation, to prohibit strikes and impose restrictions on various other fundamental rights, subject to penalties of imprisonment, were repealed.

1982

Convention No. 29

Ecuador

The revision of the Penal Code of 1938 means that vagrants can no longer be punished for the mere fact of not habitually carrying on a trade or occupation.

India

The Orissa Compulsory Labour Act, 1948, which enforced local customs under which work in connection with irrigation or drainage is usually performed by the joint labour of the village community, was repealed.

Sweden

Act No 450 of 1964, which provided for placement in a workhouse of a person neglecting to support him or herself by honest means and leading an anti-social life such as to endanger public order or public safety, was repealed.

1985

Convention No. 29

Brazil

A new provision of Act No. 7210 of 11 July 1984 respecting the serving of sentences provides that the performance of labour for private entities is conditional on the explicit consent of the prisoner.

Central African Republic

Ordinance No. 83/010 of 4 February 1983 brings to an end the obligation of all persons who have received training at the expense of the State to serve the State for 15 years.

Suriname

Decree No. E-41 of 12 September 1983 amended section 20a of the Labour Act, 1963. It is prohibited to force an employee to perform labour by violence or threat of violence, by threats of punishment or any other force or threat of force. Exceptions are envisaged in the event of war or other such disasters or threats thereof which might endanger the life or the normal living conditions of the whole population or any part thereof. Any person in contravention of these provisions is liable to imprisonment not exceeding nine months.

Convention No. 105

France

Act No. 83-605 of 8 July 1983 repeals section 50 of the National Service Code, which prohibited all propaganda of whatever form intended to encourage another person to take advantage of the conscientious objector's statute with the sole aim of evading military obligations, under penalty of imprisonment involving the obligation to work.

1987

Convention No. 105

Egypt

Section 7 of Act No. 194 of 1983, which punished with hard labour for life all workers who intentionally stopped work together if the strike endangered the national economy, was repealed.

1990

Convention No. 29

Byelorussian SSR

The new Collective Farms Model Rules, adopted on 23 March 1988, provide that any member is entitled to resign by giving three months' written notice. Neither the management nor the general assembly of the members have the right to refuse applications to resign. The resignation takes effect after the three-month period, even in the absence of a reply. The management is then obliged to hand over the work-book to the former member of the collective farm.

Mauritius

The new Labour Act repeals the Rodrigues Labour Regulations, 1882, under which persons who have no means of subsistence and who, although fit to work, do not habitually work, could be sentenced to imprisonment.

Poland

The Act of 1982 on the procedure concerning persons evading work, which accorded the administrative authorities extensive policing powers in respect of persons whom they considered to be inactive for socially unjustified reasons, was repealed.

Suriname

A new Act which entered into force in 1988 sets forth the principles concerning the supervision of detainees and the management and superintendence of penitentiaries and houses of detention.

1991

Convention No. 105

Brazil

The Act of 28 June 1989 respecting the exercise of the right to strike repeals: (1) the Act of 1 June 1964 under which strikes could be declared illegal and punishable by penalties involving compulsory labour in a broad range of circumstances; and (2) the Legislative Decree of 4 August 1978, which prohibited strikes in services "of importance to national security".

Italy

The decision of the Constitutional Court of 28 June 1985 invalidated section 273 of the Penal Code, under which "any person who, without the authorization of the Government, founds, establishes, organizes or manages, on the territory of the State, associations, organizations or institutions of an international character, or divisions of these associations, shall be liable to imprisonment for up to six months". These sentences of imprisonment involved compulsory labour.

1992

Convention No. 105

Peru

The new Penal Code (the Legislative Decree of 25 April 1991) repeals section 44 of the former Penal Code, under which, where offences were committed by "savages", the judge could replace sentences of imprisonment by assignment to a penal agricultural colony for an unspecified period of up to 20 years, irrespective of the maximum duration of the sentence that the offence would entail if it had been committed by a "civilized man".

1993

Convention No. 29

Pakistan

The Bonded Labour System (Abolition) Act was adopted on 11 March 1992.

Convention No. 105

Nicaragua

The Act of 19 October 1989 repeals the Decree respecting the maintenance of public order and security, which provided for penalties of imprisonment and public works to be imposed on persons who disseminated, by speech or in writing, certain political opinions.

1994

Convention No. 29

Bahrain

New section 302bis, incorporated into the Penal Code of 1976 by the Legislative Decree of 1993, provides that anyone who subjects workers to forced labour for a specific job or who withholds without due cause the whole or part of their wages is liable to imprisonment or a fine.

Zambia

Regulation No. 40 of the Preservation of Public Security Regulations, under which public officers could be prohibited from leaving their employment, was repealed by the Preservation of Public Security (Amendment) Regulations, 1990.

1996

Convention No. 105

Mozambique

The Act of 1991 repeals Act No. 2/79 respecting the security of the State, the provisions of which permitted the imposition of prison sentences involving compulsory labour.

1997

Convention No. 29

Bulgaria

The Law of 13 December 1995 on the defence and armed forces, setting out the conditions for termination of service, allows career members of the armed forces to leave the service at their own request by giving six months' notice. Moreover, this Law limits compulsory military service to work of a purely military character.

Tunisia

The Act of 23 January 1995 repeals the Legislative Decree under which certain persons could be assigned by administrative decision to a State worksite. It also repeals the provisions of the Act of 8 March 1978 respecting civilian service, under which any Tunisian of 18 to 30 years of age unable to show that he was in employment or registered in a school or vocational training establishment could be assigned, for one year or more, to economic and social, or rural or urban development projects, under threat of re-educational labour in the event of refusal or desertion.

Convention No. 105

Uganda

The Press and Journalist Statute, 1995, repeals the Press Censorship and Correction Act and the Newspaper and Publications Act. The latter Act provided for the prohibition, enforceable with imprisonment (involving an obligation to perform labour) of the publication of any newspaper if the competent Minister considered it to be in the public interest.

1998

Convention No. 29

Venezuela

In a decision issued on 14 October 1997, the Supreme Court of Justice declared the Act of 1956 relating to vagrants to be unconstitutional. This Act empowered the administrative authorities to order internment in a rehabilitation and labour establishment, an agricultural reformatory colony or a work camp in order to reform vagrants and rogues or to put them out of harm's way.

1999

Convention No. 29

Netherlands

The Act of 14 May 1998 respecting flexibility and security repeals the Decree under which workers were legally required to obtain the approval of the District Employment Office for the termination of their employment.

Convention No. 105

Fiji

Act No. 20 of 1995 repealed the Sunday Observance Decree, 1989, under which it was prohibited to convene, organize or take part in an assembly, including one for the expression of views, or procession in any public place on a Sunday, subject to penalties of imprisonment involving an obligation to work.

2001

Convention No. 29

Cambodia

The Sub-Decree of 4 July 2000 brought to an end the obligation to participate in irrigation works. It provides that henceforth adult citizens may voluntarily participate in one day of manual work on hydrology on 4 March every year.

Convention No. 105

El Salvador

The new Penal Code (Legislative Decree No. 1030 of 26 April 1997) repeals the provisions under which sentences involving compulsory labour could be imposed for activities related to the expression of political opinions or opposition to the established political order.

2003

Convention No. 29

United Republic of Tanzania

The Human Resources Deployment Act, 1983, under which compulsory labour could be imposed by administrative authority on the basis of a general obligation to work and for purposes of economic development, was repealed by the National Employment Promotion Service Act, 1999.

Convention No. 105

Thailand

Act B.E. 2543 (2000), which entered into force on 4 June 2001, repealed Act B.E. 2495 (1952) respecting anti-communist activities, which contained provisions punishing with penalties of imprisonment (involving compulsory labour) various acts connected with communist activities, such as propagating communist ideology, belonging to any communist organization or attending any communist meeting.

7.3 Cases of progress in relation to equality and non-discrimination

(Conventions Nos 100 and 111)

1979

Convention No. 111

Bulgaria

The new Ordinance on the placement and employment of young specialists of 15 April 1977 no longer mentions political activities among the criteria to be taken into consideration. The previous Ordinance established distinctions and preferences based on political opinions and activities.

Italy

The Act on equality of treatment of women and men in employment was adopted in December 1977. This Act applies to both the public and private sectors and prohibits discrimination on grounds of sex, marital and family status. It also prohibits discrimination on grounds of pregnancy as regards recruitment, type of work, promotion and career progression, as well as remuneration.

1980

Convention No. 100

India

The 1976 Equal Remuneration Act, applied progressively, has covered all sectors of employment since June 1978. The State governments took appropriate action to promote the application of the 1976 Act in the plantation sector. Moreover, collective agreements conforming to its provisions came into force in several plantations.

Israel

The ruling of 5 March 1978 of the National Labour Court, relating to the first appeal introduced by a woman worker under

the Male and Female Workers (Equal Pay) Law, declared illegal the fixing in collective agreements of wage scales based on sex.

Convention No. 111

Madagascar

The section of the General Civil Service Rules under which the employment of women in posts of responsibility could be limited to 10 per cent, was repealed by Act No. 79-014 respecting the General Civil Service Rules.

1981

Convention No. 100

France

The Order of 2 May 1979 respecting housing allowances for members of the staff of mines ends discrimination based on sex due indirectly to the application of the notion of "head of household" in the granting of supplementary wage benefits in the semi-public sector.

1982

Convention No. 100

Switzerland

Article 4 of the Constitution now includes a new paragraph 2 under the terms of which "men and women shall be entitled to equal wages for work of equal value". This provision is self-executing and any women at a disadvantage in respect of her wages may henceforth appeal to the ordinary courts for the implementation of the principle of equal remuneration.

Convention No. 111

Malta

Act No. XI of 1981 amended the Conditions of Employment (Regulation) Act, 1952, so as to protect women workers against termination of employment on grounds of marriage or maternity.

1983

Convention No. 111

Netherlands

The following legislative provisions respecting protection against discrimination entered into force in 1981 and 1982:

- the Men and Women (Equality of Treatment) Act of 1 March 1980, which prohibits and declares null and void any discrimination between men and women workers in employment;
- the Works Council Act was amended to provide that works councils have to guard against discrimination in enterprises and, in particular, to promote equal treatment of men and women in enterprises;
- the Equal Treatment of Men and Women in the Civil Service Act of 2 July 1980 entered into force;
- the General Incapacity Act, the Incapacity Insurance Act and the Sickness Act were amended to introduce equal benefit entitlements for men and women.

1984

Convention No. 100

France

Act No. 83.635 of 13 July 1983 amended the Labour Code and the Penal Code in respect of occupational equality between men and women and established a Central Council for Occupational Equality responsible for participating in the definition, implementation and pursuance of the policy on occupational equality.

Greece

Sections 1398 and 1399 of the Civil Code were repealed by new Act No. 1329 of 1983. Under these provisions, the man normally bore the expenses of the household and his liability was therefore greater than that of a married women.

1985

Convention No. 111

Algeria

Decree No. 68-216 of 20 May 1968, containing a discriminatory provision applying to the recruitment of public officials, was amended by Decree No. 83-481 of 13 August 1983, which permits the recruitment of officials of both sexes.

Belgium

Progress was achieved in the implementation of equality of opportunity and treatment for men and women in employment and occupation, particularly through the adoption of:

- the Act of 15 May 1984 establishing equality of treatment of spouses in respect of survivors' pensions, both for workers in the public sector and for wage-earners and self-employed workers;
- the Royal Order of 2 March 1984 establishing the advisory committee on disputes regarding equal treatment of men and women in the public service;
- the Royal Order of 29 June 1983 respecting equal treatment between men and women regarding access to vocational training provided in teaching establishments;
- the Royal Orders of 12 April 1983 and 13 July 1984 amending, inter alia, the Royal Order of 20 December 1963 respecting employment and unemployment: the reference period taken into account for entitlement to unemployment benefit is extended by the number of days for which remunerated employment is interrupted or working activity is reduced, at least by half, due to the bringing up of a child, with the period being not less than six months and the extension of the reference period not exceeding three years dating from each birth;
- the Royal Order of 20 December 1963 concerning employment and unemployment was amended in 1982 to extend the entitlement to unemployment benefit of part-time workers who have interrupted their work to raise their own children up to the age of three years.

Tunisia

The Ministry of the Family and the Advancement of Women was established. The functions of the Ministry are set out in Decree No. 84-107 of 9 February 1984 and consist of the drawing up and putting into effect of the Government's policy on the family and the advancement of women.

1986

Convention No. 100

Guyana

Minimum Wage Orders Nos. 3, 4, 5 and 6 of 1966 respecting employees in dry goods stores, drug stores, hardware shops and grocery shops, which made distinctions on the basis of sex, were repealed. They were replaced by Orders Nos. 8, 7, 6 and 5 of 1984, respectively, which fix new minimum wages without any distinction on the basis of sex.

1987

Convention No. 111

Central African Republic

Decree No. 81-020 of 17 January 1981 repealed Decree No. 68-192 of 23 July 1968, which prohibited women police officers from marrying and made pregnancy a ground for terminating the employment relationship.

Chile

The Organic Constitutional Law for the general basis of State administration, No. 18.575 of 12 November 1986, repealed section 5 of Decree n°2345 of 17 October 1978. The said Decree permitted the adoption of arbitrary and discriminatory decisions enabling the Government to cease employment of any civil servant, without the possibility of defence for the persons affected.

1988

Convention No. 100

Guinea-Bissau

The principle of equal remuneration for men and women workers was introduced in the new Labour Code, which prohibits the establishment of different occupational categories for each of the sexes and the payment of lower wages to women performing similar or equivalent activities to those performed by men.

Mozambique

The new General Labour Act (Act No. 8 of 1985) lays down the principle of equal remuneration for work of "equal value" and forbids any discrimination on the basis of sex in the determination of remuneration rates.

Convention No. 111

Belgium

Several texts implement the principle of equality of opportunity and treatment for men and women in employment and occupation:

- the Royal Order of 14 July 1987 issuing measures for the promotion of equality of opportunity between men and women in the private sector, is intended to remedy de facto inequalities which affect opportunities for women;
- the Royal Order of 9 January 1985 entrusts additional functions to the advisory committee on disputes in relation to equal treatment of men and women in the public services.

Guinea-Bissau

The new General Labour Act No. 2/86 of 5 April 1986 adds to the grounds already set forth in the 1984 Constitution those of age, nationality, membership or non-membership of a trade union and political opinion as criteria on which discrimination in employment is prohibited.

Peru

Act No. 24514 of 31 May 1986 is promulgated. As a result, the repeated harassment of a worker due to political, trade union or popular activities, religious beliefs or race, as well immoral acts, sexual harassment and all acts betraying dishonest attitudes that are prejudicial to the dignity of the worker, are deemed to be hostile acts by the employer or his representatives. Workers who consider themselves to be victims of the above acts may henceforth apply to the labour administrative authority to put an end to the antagonism.

Sweden

The new Act No. 442 prohibits any ethnic discrimination. Under the Act, ethnic discrimination means that a person or group of persons is treated unfairly in relation to others by reason of their race, colour, national or ethnic origin or religious creed. The Act provides for the appointment of an Ombudsman to assist anyone subjected to ethnic discrimination.

1989

Convention No. 111

Barbados

The Public Employees Pension Act, 1961, provided that women public employees could be required to retire from service upon marriage. This Act was repealed by the Pensions (Miscellaneous Provisions) Act, 1985-18. The Immigration Act, 1979-27, also contains a new provision giving foreign husbands of Barbadian women the same rights as foreign wives of Barbadian men as regards employment in Barbados.

1990

Convention No. 100

Australia

Following the expiry of the 12-month exemption of the State of Western Australia from the provisions of the federal Sex

Discrimination Act, 1984, no awards operating in that State contain unequal pay provisions. The exemption had been granted in order to allow a review of the all State laws, regulations and industrial awards to eliminate sexually discriminatory provisions.

Pbilippines

New Act No. 6725 of 1989 amends the Labour Code to make unlawful and liable to penal sanctions the payment of a lesser compensation, including wages, salary or other fringe benefits, to a female employee as against a male employee for work of equal value.

1991

Convention No. 111

Brazil

Act No. 7855 of 24 October 1989 amended the Consolidation of Labour Laws by repealing section 446 thereof, which entitled the husband to demand the cancellation of the contract of employment of his wife if its continuance would constitute a menace to family relations.

Bulgaria

The amendments to the Constitution published on 10 April 1990 delete all references to the leading role of the Communist Party in society and in the State. They provide for political pluralism and the right of citizens to freely express and circulate their opinion on matters of a political, economic, social, cultural and religious nature. They eliminate distinctions, exclusions or preferences in employment and occupation based on political opinion.

Section 172 of the Penal Code, as amended by the Act of 19 December 1990, punishes with imprisonment or a fine anyone who knowingly prevents a person from taking up work or forces a person to quit work on the grounds of ethnicity, race, religion, social status, affiliation or non-affiliation to a party, organization, political movement or politically oriented coalition, or on the grounds of his/her political ideas or the ideas of his/her close relations.

Hungary

Article 70/A of the Constitution, as revised in October 1989, ensures for every person staying within its territory human and civil rights, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national and social origin, property, birth and other status. Act No. XLI of 24 November 1989 amended section 18 of the Labour Code to extend the prohibition of discrimination to the ground of political opinion by providing that in the establishment of employment relationships and in the determination of rights and obligations emanating therefrom, workers must not be discriminated against on grounds of sex, age, nationality, race, social origin, religion, political opinion and membership in their representative organizations.

Rwanda

Act No. 42/1988 of 27 October 1988, issuing the Preliminary Title and Book One of the Civil Code, repeals former section 122 which required the authorization of the husband for all acts through which his spouse contracted to provide a personal service.

Senegal

Act No. 89-01 of 17 January 1989 amended the Family Code by repealing former section 154, which authorized a husband to oppose the exercise of an occupation by his wife.

1992

Convention No. 111

Poland

Political criteria no longer constitute the basis for the appointment or removal of judges. Section 13 of Act No. 435 of 20 December 1989 respecting the National Judiciary Council sets out a period of time for the nomination of judges who had previously been deprived of their positions on account of political activity and who have the necessary qualifications. The Act of 9 March 1990 to amend the Act on State enterprises (No. 122)

makes fundamental changes to the principles governing the selection of candidates for executive posts, including the elimination of the political character of competition committees.

Zambia

The new Constitution (Act No. 1 of 24 August 1991) no longer makes reference to the United National Independence Party as the only political party. It provides that every person in Zambia, whatever his or her race, place of origin, political opinions, colour, creed, sex or marital status, is entitled to fundamental rights and freedoms, including freedom of conscience, expression, assembly, movement and association. There is therefore no longer a legal basis for the application of distinctions, exclusions or preferences in employment and occupation based on political opinion. Under Article 23 of the Constitution, any discrimination on grounds of sex and marital status is unlawful.

1993

Convention No. 111

Dominican Republic

Fundamental Principle VII of the Labour Code, adopted on 29 May 1992, explicitly prohibits "any discrimination, exclusion or preference based on grounds of sex, age, race, colour, national extraction, social origin, political views, trade union activity or religious belief". The Labour Code repeals the provisions of the 1951 Labour Code requiring women (but not men) wishing to take up employment to provide a medical certificate attesting to their physical fitness for work.

1994

Convention No. 100

Austria

The new collective agreement for the confectionary industry, which came into force on 5 March 1993, abolishes the discriminatory wage scales for men and women. Furthermore, the concept of "work of equal value" was incorporated into the

Equality of Treatment Act. This concept henceforth has to be taken into account in the fixing of wages.

Convention No. 111

Honduras

The amendment of the Agrarian Reform Act of 30 December 1974 by a Decree of 1992 permits women, irrespective of whether they are married or single, with or without family responsibilities, to benefit on an equal footing with men from the assignment of land within the context of the agrarian reform.

1996

Convention No. 111

Brazil

Act No. 9029 of 13 April 1995 prohibits employers from requiring a medical certificate attesting to the sterilization of women workers and sets forth severe penalties for violations.

Egypt

Act No. 221 of 1994 repealed the Act of 1978 on the protection of the home front and social peace (which restricted access to senior public sector posts on religious grounds). Certain provisions of the Act of 1980 concerning the protection of values were amended, including section 4 which had denied access on religious grounds to governing boards of public companies or bodies, or to posts and functions related to influencing public opinion and the education of future generations.

Germany

On 1 September 1994, the Act for the advancement of women and the compatibility of marriage and occupation in the federal administration and in the federal courts (know as the Second Equality Act) entered into force. Federal administrative bodies and public enterprises have to take numerous measures to protect women against discrimination in the working environment, including: issuing a plan for the advancement of women

every three years; compiling annual statistics on the numbers of men and women in a number of areas for submission to the supreme federal authorities; drafting vacancy advertisements in gender-neutral terms, unless one or the other sex is an indispensable precondition for the job advertized; increasing the proportion of women in under-represented areas, taking into account suitability, capability and occupational performance; encouraging women's further training to facilitate their career advancement; and, where there is a regular staff of at least 200 persons, having women's representatives (or a "confidential advisor" if there is no such representative) to promote and supervise the application of the new Act, including the lodging of complaints with the management.

1997

Convention No. 100

Côte d'Ivoire

A new Labour Code was adopted by the Act of 12 January 1995. It contains provisions explicitly guaranteeing equal remuneration for work of equal value for workers of both sexes.

1998

Convention No. 111

Brazil

In March 1996, the Government launched a National Programme for Human Rights. In April 1997, it set up a National Department of Human Rights in the Ministry of Justice, which is responsible for coordinating, administering and monitoring the implementation of this Programme.

The Act of May 1997 amended certain sections of Act No. 7716 which defines crimes resulting from discrimination on grounds of race or colour and imposes more severe sanctions. Furthermore, the list of prohibited grounds of discrimination is supplemented by reference to ethnic origin, religion and national extraction.

India

By its judgement of 13 August 1997 (Vishaka and Ors. V. the State of Rajasthan and Ors.), the Supreme Court issued guidelines to combat sexual harassment. It considered that gender equality includes protection from sexual harassment and the right to work with dignity, which is a universally recognized human right, and that the common minimum requirement of this right has received global acceptance.

An amendment to the Constitution provides for 30 per cent of all elected offices in local bodies, whether in rural or urban areas, to be reserved for women.

1999

Convention No. 100

Ecuador

Article 36 of the new Political Constitution, which entered into force in 1998, provides that "the State shall promote the incorporation of women into the paid labour force under conditions of equal rights and opportunities, guaranteeing women equal remuneration for work of equal value". The Article provides that the State shall promote respect for women's employment and reproductive rights in order to improve working conditions for women and ensure their access to social security systems. Particular reference is made to expectant and nursing mothers, working women, women working in the informal and handicrafts sectors, women heads of households and widows.

2001

Convention No. 100

Lithuania

The Equal Opportunities Act of 1 December 1998 sets forth the principle of equal remuneration for work of equal value. It establishes a presumption of discrimination on the part of the employer if, because of the person's sex, the employer applies

to an employee less or more favourable terms of employment or remuneration. The Office of the Equal Opportunities Ombudsman was established.

2003

Convention No. 111

Bulgaria

The Labour Code was amended in 2001 to prohibit explicitly indirect discrimination. Section 1(7) of the Supplementary Provisions defines that "indirect discrimination shall be such where decisions seemingly admissible by law are applied in the implementation of labour rights and duties, but in a manner which in view of the criteria under section 8, subsection 3, of the Labour Code, actually and as a matter of fact renders some employees in a more disadvantaged or more privileged position compared to others". Furthermore, the new Labour Code adds the criterion of skin colour to the list of prohibited grounds of discrimination.

7.4 Cases of progress in relation to child labour (Convention No. 138)

1989

Convention No. 138

Finland

Decree No. 508 of 27 June 1986 concerning the protection of young workers was adopted. It regulates admission to dangerous work and henceforth applies to agriculture, forestry and the transport of logs by water. It limits the employment of young persons in dangerous work to those over 16 years of age and makes it subject to the conditions set out in Article 3, paragraph 3 of the Convention.

Norway

Act No. 58 of 1985 extends the provisions of the Working Environment Act of 1977 on the protection of children and young persons in employment to cover agriculture and forestry.

1997

Convention No. 138

Sweden

The Work Environment Act (No. 1977/1160) was amended by the Act of 30 November 1995. Work performed by employees under the age of 18 in the employer's household has been covered since 1 January 1996 by the Work Environment Act, which sets out, among other matters, the minimum age for admission to employment.

The Ordinance of the National Board of Occupational Safety and Health respecting minors at work was amended. Unlike the previous general exclusion of artistic performances and similar work as long as it was not hazardous and did not entail excessive strain, the employment of a child under the age of 13 years is now permitted only by an individual authorization from the labour inspectorate and on condition that the work is not hazardous and does not entail excessive physical and psychological strain on the child.

1998

Convention No. 138

Israel

Sections 2(c) and 2A(a) of the Youth Labour Act were amended in 1995 and henceforth only authorize the employment of a child between 14 and 15 years of age as an exceptional measure and only on light work that is not likely to be harmful to her or his health or development and only during official school holidays.

Malta

The Work Place (Protection of Young Persons) Regulations, 1996, were adopted. Section 3(2) prohibits not only employment under a contract of service or otherwise, but also the provision of work, including service as a homeworker or a self-employed person, to a young person of compulsory school age (that is 5 years or older and who has not attained 16 years of age).

1999

Convention No. 138

France

The Act of 18 November 1997 amended section 115 of the Maritime Labour Code. The minimum age for working on board ship has been raised from 15 to 16.

Conclusion

Conclusion

The history of the ILO, from 1919 to the present time, provides undeniable proof that international labour standards have been and remain a major instrument for the Organization in its objective of promoting social justice and that standards-related activities are an indispensable tool for giving effect to the concept of decent work. Based on its Constitution, the ILO has deployed a series of means, all of which are intended in one manner or another to increase the effectiveness of its action in the field of standards. The Committee of Experts on the Application of Conventions and Recommendations is, in this respect, the oldest of the ILO's supervisory mechanisms for the achievement of compliance and the effective implementation of international labour standards. Each year since 1926, the Committee of Experts has analysed the reports submitted by governments and made comments on them. In so doing, it has developed a considerable body of juridical principles related to the application of Conventions.

The supervisory machinery, of which the Committee of Experts is one of the central components, has shown considerable effectiveness over the years, as illustrated by the constantly increasing number of cases of progress listed in such varied fields as freedom of association and collective bargaining, equality and non-discrimination, the elimination of forced labour and child labour. In this respect, by means of supervisory mechanisms which are among the most advanced in the international system, the ILO refutes as baseless the criticisms of inertia constantly made of international organizations and which are intended to

reduce the significance of their action to mere declarations of principles without any real practical effect.

The success of the Committee of Experts is due in large part to the synergy that exists with the other components of the ILO's supervisory sytem, such as the Committee on Freedom of Association and the Conference Committee on the Application of Standards. In this light, the credibility and considerable impact of the Committee of Experts can be explained by several factors. Its success must be placed within the context of the ILO's supervisory system as a whole, in which there is a balance between technical instances, whose members are selected for their independence and expertise, and representative bodies, which are composed of government, worker and employer delegates.

By their very nature, the ILO's supervisory mechanisms cannot be static in their conception or functioning. Indeed, their effectiveness is drawn from their capacity to confront the difficulties which arise, develop new approaches and draw the greatest advantage from the tripartite nature of an Organization that is universal in its vocation.

It is within this context that efforts have been made recently by the Committee of Experts to review and improve its working methods in order to increase the impact of its work, with the permanent concern of achieving greater compliance with international labour standards. More globally, the question of strengthening the ILO's supervisory machinery can only contribute in the long term to improving the application of fundamental labour rights.

The first Director-General of the ILO, Albert Thomas, wanted social concerns to prevail over economic interests. The current Director-General, Juan Somavia, has persisted in this sense by affirming with force that in the world of today, with the economic and social transformations caused by the globalization of the economy and the intensification of international competition, the ILO has more than ever the mission of improving in general the situation of each individual in the world of work. In this respect, if the success or failure of the ILO's supervisory system were to be measured in terms of the results obtained and their permanence, the number of cases of progress achieved by the Committee of Experts on the Application of Conventions and

Recommendations over recent decades, as enumerated in this study, serve to demonstrate that this supervisory body has entirely fulfilled its role since its establishment. And the revision of its functioning and its working methods, a process that lies within the broader context of the modernization and strengthening of the ILO's supervisory mechanisms, can only increase its impact in the future, thereby contributing more fully to the achievement of the ILO's objectives.

Annexes

ANNEX I

Cases of progress listed by the Committee of Experts on the Application of Conventions and Recommendations in relation to the implementation of the "priority and technical" conventions from 1988 to 2002

1. Employment and human resources [1]

CONVENTION	YEAR	STATES
Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949	1988	Guatemala
Convention No. 158: Termination of Employment, 1982	1999	Gabon

2. Social policy, labour administration and labour inspection

CONVENTION	YEAR	STATES
Convention No. 81: Labour Inspection, 1947	1990	Guinea, Mauritius
	1991	Mauritania
	1992	Bahrain, Rwanda
	1992 and 2001	Mozambique
	1993	Cap-Verde
	1996 and 2001	Dominican Republic
	1996	Côte d'Ivoire, Burkina Faso, Guinea-Bissau
	1997	Romania
	1998	Chad
	1999	Algeria, Lebanon, Niger
	1999 and 2000	Jordan, United Arab Emirates

[1] These categories are in accordance with those established by the ILO. See in this respect the *Classified guide to international labour standards* and the texts of ILO Conventions and Recommendations available in the ILOLEX database. This list of cases was put forward by Mr. K. Moon. The authors wish to thank him for his work.

CONVENTION	YEAR	STATES
Convention No. 81: Labour Inspection, 1947	2000	Greece
	2001	Italy, Qatar, Turkey, United Kingdom
	2002	Colombia
Convention No. 129: Labour Inspection (Agriculture), 1969	1996	Burkina Faso
	2001	Madagascar
Convention No. 150: Labour Administration, 1978	1995	Venezuela

3. Wages

CONVENTION	YEAR	STATES
Convention No. 26: Minimum Wage-Fixing Machinery, 1928	2000	Argentina
Convention No. 94: Labour Clauses (Public Contracts), 1949	1989	Turkey
	1993	Mauritania
Convention No. 95: Protection of Wages, 1949	1990	Turkey
	1995	Guyana, Philippines, Portugal
	1995 and 1998	Venezuela
	1996	Gabon
	1998	Chad
	2002	Belarus, Bulgaria
Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951	1990	Philippines
Convention No. 131: Minimum Wage Fixing, 1970	1991	Uruguay
	1993 and 2001	Portugal
	1998 and 2000	Spain
	1999 and 2000	Costa Rica

4. Weekly rest and paid leave

CONVENTION	YEAR	STATES
Convention No. 52: Holidays with Pay, 1936	1989	USSR
	1990	Ukrainian SSR
	1996	Panama
Convention No. 106: Weekly Rest (Commerce and Offices), 1957	1991	Cyprus
	1992	Islamic Republic of Iran
Convention No. 132: Holidays with Pay (Revised), 1970	1988	Yugoslavia
	1991	Uruguay
	1992	Guinea

5. Hours of work

CONVENTION	YEAR	STATES
Convention No. 1: Hours of Work (Industry), 1919	1989	Iraq, Guinea-Bissau
	1994	Canada, Paraguay
	1994, 1999 and 2002	Equatorial Guinea
	1997 and 2000	Costa Rica
Convention No. 30: Hours of Work (Commerce and Offices), 1930	1989	Iraq
	1994	Paraguay
Convention No. 63: Statistics of Wages and Hours of Work, 1938	1988	Mauritius
	1993	Uruguay
Convention No. 171: Night Work, 1990	2002	Portugal
Convention No. 175: Part-Time Work, 1994	2002	Mauritius

6. Occupational safety and health

CONVENTION	YEAR	STATES
Convention No. 13: White Lead (Painting), 1921	1988	Mexico
	1990	Chad
	1991 and 1992	Belgium
Convention No. 115: Radiation Protection, 1960	1990 and 1996	Poland
	1995 and 2001	Finland
	1998	Switzerland
	2002	Denmark, Germany, Sri Lanka
Convention No. 119: Guarding of Machinery, 1963	1989	Algeria, Guinea
	1990	Congo, Ecuador
	1994	Cyprus
Convention No. 120: Hygiene (Commerce and Offices), 1964	1989	Algeria, Ecuador, Guinea
	1994	Switzerland
	2001	Paraguay
Convention No. 127: Maximum Weight, 1967	1994	Portugal, Turkey
	1995, 2000 and 2002	Algeria
	2002	Italy
Convention No. 136: Benzene, 1971	1988	Greece
	1989	France
	1995	Zambia
	1996	Côte d'Ivoire
Convention No. 139: Occupational Cancer, 1974	1988	Germany
	1989	Ecuador
	1998	Guinea, Peru
Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977	1991 and 1994	United Kingdom
	1995	France

CONVENTION	YEAR	STATES
Convention No. 155: Occupational Safety and Health, 1981	1990	Finland
	1994	Portugal

7. Social security

CONVENTION	YEAR	STATES
Convention No. 12: Workmen's Compensation (Agriculture), 1921	1995	Brazil
Convention No. 17: Workmen's Compensation (Accidents), 1925	1990	Saint Lucia, United Kingdom
	1993	Sao Tomé and Principe
	1994	Malaysia
	1995	Philippines
	2000	Mozambique
Convention No. 18: Workmen's Compensation (Occupational Diseases), 1925	1990 and 1991	Benin
	2000	Egypt
Convention No. 24: Sickness Insurance (Industry), 1927	1998	Spain
Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934	1990	France, Mauritius
	1990 and 1992	Australia
	1993	Papua New Guinea
	1995	Brazil, South Africa
	1998	Argentina
	1999	New Zealand
	2001	Bahamas
Convention No. 44: Unemployment Provision, 1934	2000	Algeria
Convention No. 102: Social Security (Minimum Standards), 1952	1989	Costa Rica

CONVENTION	YEAR	STATES
Convention No. 102: Social Security (Minimum Standards), 1952	1993	Denmark
	1997	Switzerland
	1998	Spain
	2001	Cyprus
	2002	Croatia
Convention No. 121: Employment Injury Benefits, 1964	1990	Netherlands
	1993	Ecuador, Senegal, Uruguay
Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967	1989	Finland
	1997	Switzerland
Convention No. 130: Medical Care and Sickness Benefits, 1969	1988	Luxembourg
	1992	Germany
	1992 and 2001	Costa Rica
	1996	Ecuador

8. Employment of women

CONVENTION	YEAR	STATES
Convention No. 3: Maternity Protection, 1919	1991, 1992 and 1999	Colombia
	1993	Venezuela
	1999	Côte d'Ivoire
Convention No. 45: Underground Work (Women), 1935	1990	China
	1996	Lesotho
Convention No. 89: Night Work (Women) (Revised), 1948	1991	Bahrain
	2001	Angola
Convention No. 103: Maternity Protection (Revised), 1952	1990	Netherlands

CONVENTION	YEAR	STATES
Convention No. 103: Maternity Protection (Revised), 1952	1992 and 1993	Ecuador
	1992 and 1994	Equatorial Guinea
	1993	Spain
	1994	Greece
	2000	Brazil

9. Migrant workers

CONVENTION	YEAR	STATES
Convention No. 97: Migration for Employment (Revised), 1949	1993	Portugal
	1993	Portugal
Convention No. 143: Migrant Workers (Supplementary Provisions), 1975	1991	Cyprus
	1995	Portugal

10. Seafarers, fishermen and dockworkers

CONVENTION	YEAR	STATES
Convention No. 8: Unemployment Indemnity (Shipwreck), 1920	1988	Singapore
	1992	Mauritius
	1995	Tunisia
	2000	Panama
Convention No. 16: Medical Examination of Young Persons (Sea), 1921	1988	Norway
	2001	Grenada
Convention No. 22: Seamen's Articles of Agreement, 1926	1995	Tunisia
	1998 and 2001	Colombia
	2001	Mauritania
Convention No. 23: Repatriation of Seamen, 1926	1995	Liberia, Tunisia

CONVENTION	YEAR	STATES
Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932	1988	Peru, Singapore
	1990	Panama
	1997	Mauritius
Convention No. 53: Officers' Competency Certificates, 1936	1988	Liberia
	1990	Finland
Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936	1999	Panama
	2000	Tunisia
Convention No. 68: Food and Catering (Ships' Crews), 1946	1993	United Kingdom
Convention No. 69: Certification of Ships' Cooks, 1946	1989	Panama
	1992	Peru
Convention No. 73: Medical Examination (Seafarers), 1946	1992	Tunisia
	2002	Egypt
Convention No. 91: Paid Vacations (Seafarers) (Revised), 1949	1994	Norway
	1996	Tunisia
Convention No. 113: Medical Examination (Fishermen), 1959	1994	Tunisia
	1998	Spain
Convention No. 133: Accommodation of Crews (Supplementary Provisions), 1970	1998	Netherlands
Convention No. 134: Prevention of Accidents (Seafarers), 1970	1989	Uruguay
	1993	Italy
Convention No. 146: Seafarers' Annual Leave with Pay, 1976	1998	Italy
Convention No. 147: Merchant Shipping (Minimum Standards), 1976	1996	United Kingdom

CONVENTION	YEAR	STATES
Convention No. 152: Occupational Safety and Health (Dock Work), 1979	1988	Finland
	2000	Cyprus

11. Indigenous and tribal peoples, plantations

CONVENTION	YEAR	STATES
Convention No. 107: Indigenous and Tribal Populations, 1957	1988	Argentina
	1991	Bolivia
	1992 and 1995	Panama
Convention No. 169: Indigenous and Tribal Peoples, 1989	1995	Mexico

12. Industrial relations

CONVENTION	YEAR	STATES
Convention No. 154: Collective Bargaining, 1981	2000	Greece
	2002	Republic of Moldova

13. Special categories of workers

CONVENTION	YEAR	STATES
Convention No. 149: Nursing Personnel, 1977	2000	Ecuador

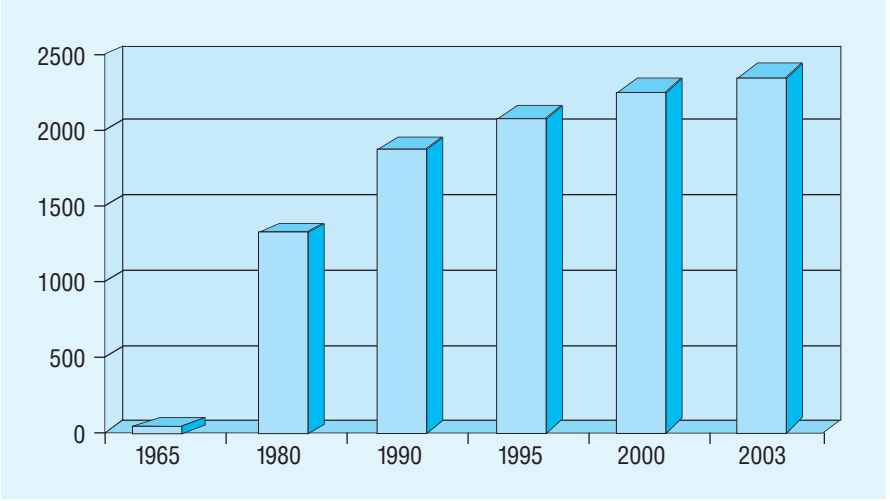
14. Cases relating to subjects covered by the fundamental Conventions

SUBJECT	CONVENTION	YEAR	STATES
Freedom of association	**Convention No. 11: Right of Association (Agriculture), 1921**	1990	Poland
		1993	Lesotho, Romania
		2001	New Zealand, Swaziland
		2002	Syrian Arab Republic
Equality of treatment	**Convention No. 19: Equality of Treatment (Accident Compensation), 1925**	1997	Portugal
	Convention No. 156: Workers with Family Responsibilities, 1981	1990	Finland
		2000	Portugal
		2001	Argentina
Minimum age (child labour)	**Convention No. 5: Minimum Age (Industry), 1919**	1998	Colombia, Singapore
	Convention No. 10: Minimum Age (Agriculture), 1921	1993	Dominica
		1998	Colombia
	Convention No. 33: Minimum Age (Non-Industrial Employment), 1932	1988	Benin
		1989	Central African Republic
		1991	Netherlands
Minimum age (child labour)	**Convention No. 58: Minimum Age (Sea) (Revised), 1936**	1991	Seychelles
		2001	Grenada
	Convention No. 77: Medical Examination of Young Persons (Industry), 1946	1992	Greece
		1996	Algeria
		2002	Malta, Portugal

SUBJECT	CONVENTION	YEAR	STATES
Minimum age (child labour)	**Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946**	1995	Portugal
		1996	Algeria
	Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946	2002	Paraguay
	Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948	1990	Greece
		2002	Paraguay
	Convention No. 123: Minimum Age (Underground Work), 1965	1988	Australiae, Malaysia
		1990	India, Zambia
		1992	Czechoslovakia
	Convention No. 124: Medical Examination of Young Persons (Underground Work), 1965	1991	Portugal

ANNEX II

Cumulative table of cases of progress from 1964 to 2003



In 2003, the total number of cases of progress listed by the Committee of Experts on the Application of Conventions and Recommendations was 2342.

ANNEX III

Case of progress listed by the Committee of Experts on the Application of Conventions and Recommendations in relation to the implementation of the fundamental conventions from 1978 to 2003

1. Freedom of association

CONVENTION	YEAR	STATES
Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948	1978	Egypt
	1979	Japan
	1980	Honduras
	1981	Cyprus, Peru, Philippines, Poland
	1982	Panama, Uruguay
	1983	Bolivia, Greece, Ireland, Peru, Swaziland
	1984	Argentina, Egypt, Nicaragua
	1985	Bangladesh, Dominican Republic, Greece, Nicaragua, Peru
	1986	Burkina Faso
	1987	Guatemala
	1988	Guatemala, Guinea
	1989	Argentina, Burkina Faso, Guinea, Philippines, Poland, USSR
	1990	Greece, Philippines, Poland
	1991	Algeria, Byelorussian SSR, Bulgaria, Colombia, Finland, Hungary, Iceland, Madagascar, Mali, Peru, Romania, Ukrainian SSR, USSR, Venezuela
	1992	Colombia, Cyprus, Nicaragua, Nigeria, Peru, Poland

CONVENTION	YEAR	STATES
Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948	1993	Belarus, Cameroon, Canada, Congo, Dominican Republic, Ethiopia, Lesotho, Mongolia, Rwanda, French Polynesia
	1994	Costa Rica, Mauritania, Paraguay, Netherlands
	1995	Australia, Dominican Republic, Finland, Germany, Luxembourg, Tunisia
	1996	Azerbaijan, Gabon, Latvia, Panama
	1997	Albania, Australia, Chad, Namibia, Niger, Slovakia, United Kingdom (Isle of Man), United Kingdom (Hong Kong)
	1998	Chad, Panama, Romania, Sao Tomé and Principe, Seychelles
	1999	Belarus, Bosnia and Herzegovina, Costa Rica, Croatia, Kyrgyzstan, Latvia, Former Yugoslav Republic of Macedonia, Mozambique, Nicaragua, Nigeria, Poland, South Africa, Tajikistan, United Kingdom, Yemen, Zambia
	2000	Belize, Burkina Faso, Latvia, Republic of Moldova
	2001	Argentina, Colombia, Croatia, Estonia, Finland, Niger, Pakistan, Panama, Romania, Switzerland, United Kingdom
	2002	Argentina, Chile, Guatemala, Republic of Moldova, Saint Lucia, Slovakia, Syrian Arab Republic
	2003	Namibia, Russian Federation, Rwanda
	1978	Tunisia

CONVENTION	YEAR	STATES
Convention No. 98: Right to Organise and Collective Bargaining, 1949	1981	Spain, Peru
	1982	Uruguay
	1983	Greece, Swaziland
	1985	Bangladesh
	1988	Guinea-Bissau
	1989	Belgium, Finland, Guatemala, Malta
	1990	Poland
	1991	Colombia, Poland
	1992	Cap Verde, Poland
	1994	Costa Rica, Dominican Republic, Ethiopia, Panama, Portugal, Uganda
	1995	Colombia
	1996	Austria, Ethiopia, Gabon, Greece
	1999	South Africa
	2000	Argentina, Ghana, Greece
	2001	Peru, Saint Lucia, Swaziland
	2002	Argentina, Chile, Guatemala, Indonesia, Morocco, Republic of Moldova, Sri Lanka, Syrian Arab Republic
	2003	Belize, Fiji

2. Forced labour

CONVENTION	YEAR	STATES
Convention No. 29: Forced Labour, 1930	1978	Brazil, Bulgaria, Honduras, Hungary, Liberia, Netherlands
	1979	Benin, Burundi, Lesotho, Paraguay, Sudan
	1980	Bulgaria, Hungary, India, Iraq, Pakistan
	1982	Czechoslovakia, Ecuador, India, Nigeria, Panama, Peru, Sweden
	1983	Burundi
	1984	Burundi, Finland, Ukrainian SSR, USSR, United Kingdom (St. Helena)
	1985	Brazil, Byelorussian SSR, Central African Republic, Haiti, Suriname
	1986	Iceland
	1987	Peru, Zambia
	1988	Byelorussian SSR, Peru, Ukrainian SSR, USSR, Zaire
	1989	Cuba
	1990	Byelorussian SSR, Bulgaria, Hungary, Mauritius, Poland, Romania, Suriname, Ukrainian SSR, USSR
	1991	Romania
	1992	Czechoslovakia
	1993	Belarus, Pakistan
	1994	Bahrain, Cuba, Nicaragua, Russian Federation, Ukraine, Zambia
	1995	Colombia
	1997	Bulgaria, Honduras, Tunisia
	1998	Venezuela
	1999	Netherlands, Zambia
	2001	Cambodia, Netherlands

CONVENTION	YEAR	STATES
Convention No. 29: Forced Labour, 1930	2002	Denmark
	2003	Romania, United Republic of Tanzania
Convention No. 105: Abolition of Forced Labour, 1957	1978	Canada, Cyprus, Honduras, Nigeria, Pakistan, Poland, Sierra Leone, Spain, Turkey
	1979	Sudan
	1980	Dominican Republic, Finland, Gabon, Greece, Mexico, Netherlands, Nigeria, Pakistan, United Kingdom (Bermuda)
	1982	Australia, Nigeria, United Kingdom (Montserrat)
	1984	Argentina, Colombia, Djibouti, Dominica, El Salvador
	1985	France, Portugal
	1986	Argentina, Guatemala
	1987	Egypt, Malta, Uruguay
	1988	Canada, United Kingdom (Bermuda), United Kingdom (St. Helena)
	1989	Philippines, Saint Lucia
	1990	Paraguay, Uruguay, United Kingdom (British Virgin Islands), United Kingdom (Falkland Islands (Malvinas))
	1991	Brazil, Italy, Zambia
	1992	Angola, Iceland, Peru, Poland, Zambia
	1993	Burundi, Nicaragua
	1996	Canada, Mozambique, Philippines, United Kingdom
	1997	Uganda, Zambia
	1999	Fiji, New Zealand
	2001	El Salvador
	2003	Angola, Thailand

3. Equality of opportunity and treatment

CONVENTION	YEAR	STATES
Convention No. 100: Equal Remuneration, 1951	1978	Ghana
	1980	Belgium, Canada, India, Ireland, Israel, Italy, Norway, Portugal
	1981	France, Netherlands
	1982	Belgium, Sweden, Switzerland
	1984	Belgium, France, Greece, Norway
	1985	Luxembourg
	1986	Guyana, Netherlands, Norway
	1987	Canada, Denmark
	1988	Canada, Finland, Guinea-Bissau, Mozambique, France (New Caledonia)
	1990	Angola, Australia, Canada, Philippines, Portugal, France (New Caledonia), United Kingdom (Gibraltar)
	1994	Australia, Austria, Dominican Republic, Paraguay
	1997	Cyprus, Côte d'Ivoire, Israel, Niger
	1999	Barbados, Benin, Ecuador
	2001	Lithuania
Convention No. 111: Discrimination (Employment and Occupation), 1958	1978	Egypt
	1979	Bulgaria, Egypt, Italy, Madagascar, Malta, Norway, Portugal
	1980	Madagascar
	1981	Austria, Federal Republic of Germany, Malta, Portugal, Spain

CONVENTION	YEAR	STATES
Convention No. 111: Discrimination (Employment and Occupation), 1958	1982	Malta
	1983	Netherlands
	1984	Spain
	1985	Algeria, Australia, Belgium, Denmark, Tunisia
	1986	Netherlands
	1987	Australia, Central African Republic, Chile, Finland, Portugal
	1988	Belgium, Canada, Guinea-Bissau, Italy, Mozambique, Peru, Sweden
	1989	Argentina, Barbados, Burkina Faso, Spain
	1991	Brazil, Bulgaria, Chile, Germany, Hungary, Rwanda, Senegal, Turkey, USSR
	1992	Bulgaria, Burkina Faso, Guinea, Malta, Philippines, Poland, Zambia
	1993	Belarus, Bulgaria, Dominican Republic, Turkey, Ukraine, Zambia
	1994	Honduras
	1996	Brazil, Cap Verde, Egypt, Germany, Switzerland
	1998	Brazil, Egypt, India, Mozambique, Slovakia
	2000	Azerbaijan, Guatemala, Niger
	2003	Bulgaria

4. Child labour

CONVENTION	YEAR	STATES
Convention No. 138: Minimum Age, 1973	1989	Finland, Norway
	1997	Sweden
	1998	Israel, Malta
	1999	France
	2003	Germany, Slovenia