



## THIRTEENTH ITEM ON THE AGENDA

**Report of the Committee on Legal Issues  
and International Labour Standards***Contents*

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- 1.** The Committee on Legal Issues and International Labour Standards (LILS Committee) met on 9 November 2007. The following members served as Officers:

<i>Chairperson:</i>	Mr G. Corres (Government, Argentina)
<i>Employer Vice-Chairperson:</i>	Mr J. de Regil
<i>Worker Vice-Chairperson:</i>	Mr U. Edström

## **First part: Legal issues**

### **I. Standing Orders of the International Labour Conference: Evaluation of interim provisions concerning the verification of credentials (First item on the agenda)**

- 2.** The LILS Committee had before it a document for decision<sup>1</sup> that presented some elements to enable the Governing Body to evaluate the system established by the *Interim provisions of the Standing Orders of the International Labour Conference concerning verification of credentials* ("Interim provisions") and make a corresponding proposal to the International Labour Conference regarding the inclusion of these provisions into the Standing Orders of the Conference.
- 3.** The Worker members, supporting the point for decision, considered that the *Interim provisions* had worked very well and were serving their purpose as they had been effective in improving the functioning of the Credentials Committee of the International Labour Conference. They considered the first new element introduced by the *Interim provisions* as a follow-up to the resolution concerning tripartism and social dialogue adopted at the 90th Session of the International Labour Conference (June 2002). That element permitted the Credentials Committee to examine objections relating to the failure by a government to deposit the credentials of an Employers' or a Workers' delegate. The second element of the new mandate that permitted the possibility to monitor complex situations in the light of objections or complaints, in particular when the Credentials Committee was confronted with recurring problems, was also very important. The increased amount of information provided to the Credentials Committee through the accreditation forms regarding tripartite consultations had similarly improved the functioning of the Credentials Committee. Likewise, although the Credentials Committee had not yet referred a question raised by an objection concerning the composition of a delegation to the Governing Body's Committee on Freedom of Association (CFA), the possibility to do so had strengthened the credibility of the Committee. The Worker members endorsed the practical measures accompanying the implementation of the *Interim provisions*, including the publication of a list of delegations on the Internet at least 15 days before the opening date of the Conference. In this regard, they noted with concern the occurrence of unnecessary delays in the issuance of visas.
- 4.** The Employer members welcomed the document, and considered that the use of the *Interim provisions* had yielded positive results and contributed to the strengthening of tripartism. The same could be said of the practical measures that accompanied the *Interim provisions* in the form of earlier electronic publication of the list of delegations and the database containing the reports of the Credentials Committee. While supporting the point for decision, the Employer members called upon the Office to consider additional

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<sup>1</sup> GB.300/LILS/1.

measures of both a legal nature and a practical nature that could facilitate and improve Employer and Worker representation at the International Labour Conference. In this regard, they wished to highlight certain questions related to the work of the Credentials Committee and tripartism regarding delegates accredited to the Conference compared with those that actually registered. Member States had in some cases accredited delegates who had not participated at the Conference. For example, Ms Albis Muñoz (Employer representative, the Bolivarian Republic of Venezuela) had been accredited by her Government as the Employer member of the delegation but had not been permitted to leave the country; similarly, the passport of the Workers' delegate of Chad had been taken from him by the airport authorities in Chad upon his departure for Geneva. In order to better understand the situation, the Employer members requested that the Office prepare a document for the November 2008 session of the Governing Body examining this question and ways to address it with a view to strengthening tripartism. They stressed that the Credentials Committee of the Conference opened a further way to tackle such problems involving freedom of association.

5. The representative of the Government of Nigeria, speaking on behalf of the Africa group, recalled that tripartism is of paramount importance to the deliberations of the International Labour Conference. As such, the representative noted the positive effect of the new elements of the *Interim provisions* on the Credentials Committee's competence. The Africa group supported the point for decision.
6. The representative of the Government of Mexico, while supporting the point for decision, suggested that the Office undertake an evaluation of the effectiveness of the Credentials Committee's new mandate to refer a question to the Governing Body's CFA. Such a referral had not been used since the inception of the *Interim provisions* and its use could be seen as the Credentials Committee overstepping its mandate by reviewing the principles of freedom of association. His Government supported the early publication of the list of accredited delegates and the expansion of the Credentials Committee's database. Lastly, the adoption of the *Interim provisions* should be accompanied by an explanation regarding the method for obtaining the additional resources required for the expansion of the Credentials Committee's database and other practical measures.
7. The representative of the Government of Italy supported the point for decision since the *Interim provisions* had contributed to the improvement of the functioning of the Credentials Committee.
8. The Employer members, at the request of the Chairperson, clarified that they sought an analysis by the Office of concrete legal steps that could be taken in addition to practical ones in order to facilitate the participation of Employers and Workers in the Conference, including a report comparing delegates accredited with those actually registered.
9. The Worker members, noting the genuine support for the item on the agenda, likewise endorsed a review by the Office of measures that could be taken to improve the participation of Employers and Workers at the Conference.
10. The representative of the Government of the Bolivarian Republic of Venezuela referred to the mention made by the Employer members of Ms Muñoz. He stated that his Government did not bear any responsibility regarding her non-participation at the 96th Session of the International Labour Conference (June 2007) because her ability to travel had been restricted by a judicial decision over which the executive branch had no influence given the principle of separation of powers in the country. The Government had formally accredited Ms Muñoz, who represented FEDECAMARAS, as a participant at the 96th Session of the International Labour Conference, and had moreover processed and paid for her ticket and various expenses, to allow her to travel to Geneva for this occasion.

However, as had already been said, the tribunal before which a case concerning Ms Muñoz was pending had not authorized the trip, and this was why she could not travel. On the basis of the principle cited above, the Executive (Government) could not interfere in matters falling within the Judiciary's competence. The speaker said that all this had been duly explained at the time, for consideration by the Credentials Committee at the 96th Session (2007) of the International Labour Conference.

11. The Legal Adviser explained that the Office maintained an ongoing dialogue with the Swiss authorities regarding the issuance of visas to permit attendance at the Conference. The memorandum that was sent early in the year to member States inviting them to participate in the Conference contained detailed information regarding the procedures that governments themselves needed to undertake to obtain visas for Switzerland. To avoid possible difficulties, it was essential that credentials were submitted in a timely manner. Concerning the issue raised by the Employer members, there was a difference between delegates who had been accredited, those who had registered and those actually present in a committee room or plenary sitting of the Conference. The Office could examine practical steps that would inform the delegations about registered delegates, for example by making such information available on the Internet. Steps with financial implications, however, such as publishing an additional list in a paper format, would have to be submitted to the Programme, Financial and Administrative Committee (PFAC). The paper requested from the Office could indicate practical and legal measures to address this issue.
  
12. ***The Committee recommends to the Governing Body that it:***
  - (a) *invite the Conference, at its 97th Session (2008), to approve amendments of the Standing Orders of the Conference by including the text contained in Appendix I to this document as an integral part of the Conference Standing Orders, taking into account a possible need to renumber the provisions;*
  - (b) *call upon the Office to continue to add entries to the database on the verification of credentials, as permitted by resources made available for this purpose;*
  - (c) *request the Office to prepare a document for the November 2008 session of the Governing Body addressing both legal and practical means by which the representation of Employers and Workers at the International Labour Conference could be facilitated, in particular focusing on the discrepancy between accredited and registered delegates.*

## **II. The campaign for the ratification of the 1997 Instrument of Amendment to the ILO Constitution** (Second item on the agenda)

13. The Committee had before it a document <sup>2</sup> providing an update on the campaign for the ratification of the 1997 Instrument of Amendment to the ILO Constitution ("1997 constitutional amendment") and containing certain proposals concerning the continuation of the campaign.
  
14. In introducing the document, the Legal Adviser recalled that the 1997 constitutional amendment, once in effect, would permit the Conference to abrogate ILO Conventions that

<sup>2</sup> GB.300/LILS/2.

were determined in a tripartite process to be obsolete. Two additional ratifications, by Poland and Samoa, had been received and registered after publication of the document. These ratifications brought the total number of ratifications to 102, which meant that 19 ratifications were still needed for the 1997 constitutional amendment to enter into force. She further announced that the Russian translation of the explanatory brochure on the 1997 constitutional amendment would be available shortly.<sup>3</sup>

- 15.** The Worker members were surprised by the apparent difficulty to obtain the number of ratifications necessary for entry into force of the 1997 constitutional amendment. They recalled that the 1997 constitutional amendment had been initiated by the Working Party on Policy regarding the Revision of Standards, in order to enable the ILO to maintain a modern and up to date set of international labour standards. The speaker emphasized that by ratifying the 1997 constitutional amendment, Governments did not accept any new obligations but allowed the Organization to do its work. He noted that 18 countries whose governments were members of the Governing Body, four of which were permanent members, appeared on the list of member States that had not yet ratified the instrument. Moreover, ten Employer members and nine Worker members were from countries that had not ratified the 1997 constitutional amendment. The Workers were doing their utmost to try to convince the concerned governments to ratify. For example, workers' organizations had made an appeal to this effect to the Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States. The Workers supported the point for decision, asking that the proposed special event during the International Labour Conference not be limited to acknowledging ratifications of the 1997 constitutional amendment but rather should also include ratifications of ILO Conventions.
- 16.** The Employer members recalled that the updating of standards was essential to the credibility of the body of international labour standards and of the Organization as a whole. They therefore wished to inform the Committee of their contribution to the campaign. The International Organisation of Employers (IOE) had sent a circular to member federations in the countries which had not yet ratified the 1997 constitutional amendment and to Governing Body members. Through the Bureau for Employers' Activities (ACT/EMP), the issue had been brought to the attention of the regional employer specialists of the Office who had helped employers' organizations to sensitize governments to the importance of ratifying the 1997 constitutional amendment. Moreover, the IOE had sent a circular letter to member federations in the countries concerned. The Employer members wished to have more detailed information on the action by the Office's standards specialists, who should play a fundamental role in the campaign. They asked the Office to redouble its efforts and put forward the ambitious objective of entry into force of the instrument within the next three months, so that the abrogation of the Conventions that had already been identified for possible abrogation could be put on the agenda of the 97th Session of the International Labour Conference.
- 17.** The representative of the Government of Tunisia noted that his country had acted upon the ratification campaign and had ratified the 1997 constitutional amendment in July 2007. There was an error in this respect in the appendix to the French version of the document that listed Tunisia among the countries that had not ratified.
- 18.** The representative of the Government of South Africa noted with satisfaction the increase in the pace of ratifications over the last year and welcomed the innovative methods used by the Office to promote the 1997 constitutional amendment. He called for a more concrete role of the ILO's field structure, which included 14 offices in Africa, in promoting ratification through information and consultation with the constituents.

<sup>3</sup> This is undergoing a final checking and may be consulted shortly on <http://www.ilo.org/public/english/bureau/leg/>

19. The representative of the Government of Nigeria, speaking on behalf of the Africa group, commended the ratification campaign and noted that there were three African States among the 12 Members that had ratified the 1997 constitutional amendment since last November. The importance of the 1997 constitutional amendment to the credibility of the ILO, which would be able to respond to changing global phenomena by abrogating obsolete standards, was considered to be a motivating factor for member States to urgently consider ratification.
20. The representative of the Government of the United States fully supported the goal of the ILO to maintain a body of international labour standards that was up to date, relevant and coherent and would therefore not object to a consensus on the point for decision. However, her Government was concerned that this unprecedented constitutional approach may have significant implications for treaty practice and the governance of international organizations generally. In particular, the 1997 constitutional amendment would allow a two-thirds majority in an international organization to modify the legal relationships and rights of a State under a given Convention where the State had not consented. There were also questions as to whether the 1997 constitutional amendment would affect treaty relationships between the States parties to the obsolete ILO Conventions as well. It was on this basis that her Government had abstained in the vote on the 1997 constitutional amendment at the 1997 International Labour Conference and had not since then taken steps to ratify it.
21. The representative of the Government of Pakistan considered that the entry into force of the 1997 constitutional amendment was necessary for the credibility of the ILO. The abrogation of outdated Conventions would be useful as it would end reporting obligations and the possibility of representations and complaints based on those Conventions. The increase in ILO membership was an opportunity, rather than a challenge, for achieving entry into force of the instrument because new members could perhaps be more easily convinced to ratify it. As the ratification campaign had borne good results, he suggested that specific resources should be dedicated to the campaign.
22. The representatives of the Governments of Canada, Mexico and Morocco expressed their support for the 1997 constitutional amendment and the point for decision, and recognized the progress achieved. In addition, Mexico suggested that the Office hold informal consultations with those Members that have not yet ratified the instrument as one of the “appropriate initiatives to achieve the goal of entry into force” under the point for decision.
23. The representative of the Government of Mozambique, in expressing support for the point for decision, informed the Committee on the steps being taken in his country towards ratification of the 1997 constitutional amendment in the current parliamentary session.
24. The Worker members acknowledged the clarifications given by two Governments, the United States and Mozambique, and regretted that not more Governments had indicated the reasons for not having ratified the 1997 constitutional amendment. They agreed with the representative of the Government of South Africa that greater use should be made of ILO field offices for the ratification campaign. This should apply also to efforts to encourage the ratification of Conventions.
25. The Employer members noted that the great majority of the Government members were in favour of the entry into force of the 1997 constitutional amendment. It was normal that outdated Conventions should be eliminated.
26. In reply to the questions raised, the Legal Adviser noted that one of the key elements of the campaign had in fact been the involvement of the ILO’s field structure. Briefings had been provided to office directors who were working with their respective standards specialists.

Standards specialists had been instrumental in obtaining the ratifications by Cambodia, Lao People's Democratic Republic, Tunisia and Algeria, while exchanges during the Conference had helped with respect to the ratifications of Brunei Darussalam and Montenegro. As regards the possibility of placing an item on the agenda of the Conference on the abrogation of certain Conventions, even if the 1997 constitutional amendment came into force in three months, this could not be realistically envisaged for earlier than 2009. She confirmed that the French version of the appendix to the Office document would be corrected to reflect the ratification by Tunisia.

**27.** The Director of the International Labour Standards Department (NORMES) stated that the entry into force of the 1997 constitutional amendment was a priority for her department and that standards specialists were briefed accordingly. The department welcomed the proposal for a special event at the Conference dedicated not only to ratifications of the 1997 constitutional amendment but also to the ratifications of Conventions, in particular of fundamental Conventions, in light of the goal of universal ratification.

**28. *In light of the discussion in the Committee, the Committee recommends the Governing Body to:***

- (a) *call on all governments that have not yet ratified or accepted the 1997 Instrument of Amendment to the ILO Constitution to do so without delay;***
- (b) *request the Office to redouble its efforts to encourage ratification or acceptance, in particular by:***
  - (i) *encouraging systematic inclusion of the question of ratification or acceptance of the 1997 constitutional amendment in consultations with the governments, employers and workers in the countries concerned;***
  - (ii) *organizing a brief special event at the 97th Session of the International Labour Conference (2008), financed out of approved resources, at which countries can deposit their instruments of ratification or acceptance of the 1997 constitutional amendment, and their instruments of ratification of any international labour Convention with the Director-General, and at which all countries having ratified or accepted the 1997 constitutional amendment can be publicly recognized;***
  - (iii) *taking other appropriate initiatives to achieve the goal of entry into force of the instrument in the nearest possible future.***

**III. The status of privileges and immunities of the International Labour Organization in member States**  
 (Third item on the agenda)

**29.** The Committee deferred its discussion of the document presented,<sup>4</sup> and set the issue for discussion at its next session on the basis of an updated document to be prepared by the Office.

<sup>4</sup> GB.300/LILS/3.

**IV. Composition of the Governing Body: Criteria for geographical and country representation within the Governing Body**  
 (Fourth item on the agenda)

30. The Committee had before it a document<sup>5</sup> examining the current composition of the Governing Body, with particular emphasis on the issue of Members of chief industrial importance and criteria for their designation as well as on the regional distribution of Government seats on the Governing Body.
31. The Chairperson explained that the document before the Committee made reference to document GB.300/6, which the Governing Body was due to discuss in its plenary session the following week in review of the report and conclusions arising from the 11th African Regional Meeting. The resolution adopted by that Meeting regarding the composition of the Governing Body was reproduced in paragraph 134 of document GB.300/6. In response to one aspect of that resolution, the Governing Body in June 2007 had asked the Office to prepare the document for information, which the Officers of the Governing Body had referred to the Committee.<sup>6</sup>
32. The Employer members took note of the document, and considered that, while it provided an interesting general vision of the Governing Body membership, it did not require any action on their part.
33. The Worker members welcomed the document, especially as it brought attention to the 1986 Instrument of Amendment to the ILO Constitution (“1986 constitutional amendment”), the adoption of which it had supported from the beginning. Although they considered that some aspects of the 1986 constitutional amendment had become obsolete in light of later historic developments, its spirit remained valid. Notably, the 1986 constitutional amendment would expand the number of seats in the Governing Body without impairing the recognized authority of the groups, and would help to achieve better regional representation. They considered that criteria for membership in the Governing Body should include respect for the ILO Constitution and promotion of the values of the Organization, such as social justice and workers’ rights. Countries that chose to sit in the Governing Body should never do so in order to “block the system”. The ILO needed credibility within the United Nations system, not only with relation to its composition, but also regarding its action and the values it promoted. The criteria for non-elective seats contained some outdated references and emphasis should be put more on social qualities of the modern States. This was particularly valid for the African States which, as a result of colonial policies, had not been able to directly benefit from their own natural resources. The Workers’ group encouraged governments to find adequate internal solutions to facilitate a smooth transition in elections for membership in the Governing Body that would be in line with the spirit of the 1986 constitutional amendment.
34. The representative of the Government of Nigeria, speaking on behalf of the Africa group, noted that the whole United Nations system was moving towards equitable geographical representation within its governance structures. This should also be the case with the ILO, which should remain one of the most representative, transparent and accountable United Nations bodies, especially as these values were expressed in the ILO Constitution. The African region was currently the only one without regular non-elective representation in the Governing Body. The Africa group considered that the criteria for such representation

<sup>5</sup> GB.300/LILS/4.

<sup>6</sup> See Minutes of the 299th Session, document GB.300/1.

should be tailored to accommodate the four regions' peculiarities and ensure equitable representation of all regions. There were at present 54 African member States among 181 ILO member States, and the numeric and strategic importance of Africa could not continue to be disregarded. The intention of African ministers at the Regional Meeting had been to discuss this issue within the Governing Body itself, and thus the Africa group requested that the item be put on the agenda of the Governing Body in March 2008 for a substantive discussion, and not just for information.

35. The representative of the Government of Mozambique, supporting the statement of the Africa group, requested that this issue be considered seriously. In the present era of globalization and regional integration, all continents should be included in the global decision-making process. Continuously excluding one of the regions would be a big historic mistake, and that was why the African continent needed to hold a permanent seat in the ILO Governing Body.
36. The representative of the Government of Spain considered that the concept of "country of chief industrial importance" could prove difficult to define unless the principles of the Organization were taken as a basis, acting in a spirit of cooperation. The term was anachronistic; its content or the criteria on which it was applied should be adapted to the twenty-first century and to the social reality, not only the economy, of each country, so that each member of chief importance of the Governing Body could act as a guide or model for the others in the areas of social action, human development and concordance with ILO principles. The modification of the term and of its criteria of application would be in line with the changes and improvements under way in the UN system.
37. The representative of the Government of South Africa, supporting the statement of the Africa group, recalled that the ILO Constitution was based on principles of social justice, equity, representativeness, transparency, accountability and non-discrimination, values that were clear for the founding Members of the ILO. Today, the ILO had 181 member States and operated in a changed and globalized world, and the challenge of attainment of equity in representation had become very important. Africa was now a significant geographic block but did not enjoy a concomitant representational status. Twenty-one years after an attempt to correct this situation through the 1986 constitutional amendment, the situation remained the same and the credibility of the ILO was challenged. Legally, there was a need to decide on a way forward in light of the fact that the 1986 constitutional amendment had not entered into force. Politically, the issue should be discussed at the level at which ministers participate, which should not be a technical committee of the Governing Body, but the Governing Body itself, as the African ministers had requested. He considered that the decision of Officers to refer the matter to the Committee was wrong since the intention of the African ministers had been to discuss the issue at the level of the Governing Body. Africa considered that it had the fundamental right to be equally represented in the Governing Body and retained with vigour its efforts to fight the existing marginalization and discrimination.
38. The representative of the Government of Mexico considered that the document did not deal adequately with the issue of geographic and national representation, but rather focused on the historic origin of the issue of Members of chief industrial importance.
39. The representative of the Government of Pakistan recalled that his country had ratified the 1986 Instrument of Amendment in 1987 and that it was difficult to understand why Africa did not have a non-elective seat in the Governing Body. He appreciated that Italy and India, as Members of chief industrial importance, had ratified the 1986 constitutional amendment, and wondered whether, had the Office initiated a promotional campaign for that 1986 constitutional amendment following its adoption when the number of ILO

member States was not so large as today, the 1986 constitutional amendment would have entered into force.

40. The Legal Adviser recalled that the resolution adopted by the 11th African Regional Meeting was already on the agenda of the Governing Body as document GB.300/6. In general, it was for the Officers of the Governing Body and not for the committees to establish the agenda of the Governing Body. In response to a question raised, she affirmed that the fact that the Committee was presented with a document submitted for information was not in itself a bar to establishing a point for decision by the Committee, if based on consensus. This was illustrated by the decision taken by the Committee on its initiative in relation to GB.297/LILS/3 (November 2006), which had been submitted for information.
41. The Committee took note of document GB.300/LILS/4. It also took note that the plenary of the Governing Body would have the opportunity at the current session to examine the report of the 11th African Regional Meeting, in document GB.300/6, which included the text of the resolution adopted by the Regional Meeting on the representation of Africa in the Governing Body of the International Labour Office. The Committee requested the Office to draw the attention of the Officers of the Governing Body to the discussion in the Committee.

## **Second part: International labour standards and human rights**

### **V. Improvements in the standards-related activities of the ILO: Possible approaches and an interim plan of action to enhance the impact of the standards system** (Sixth item on the agenda)

42. The Committee had before it a document<sup>7</sup> on improvements in the standards-related activities of the ILO, proposing an interim plan of action of the implementation of the standards strategy approved by the Governing Body in November 2005 to enhance the impact of the standards system.
43. The Employer members considered that improvements in the standards-related activities were a priority. It was essential in the globalized world to enhance the impact and coherence of the ILO standards system. With regard to the proposed interim plan of action and timetable, they considered that, with the exception of very specific cases, the document generally included relevant proposals. The Employer members were aware that, as reflected in paragraphs 4–6 of the document submitted for discussion, with regard to certain aspects of standards policy and the strengthening of the supervisory system, the conclusions on the question of strengthening the ILO's capacity, proposed for the 2008 Conference agenda, could have some implications which would have to be taken into account for an effective implementation of the strategy.
44. With regard to the first component on standards policy, the Employer members considered that the Committee should set the timetable for the proposed tripartite consultations, decide upon the issues to be addressed and provide guidelines on the modalities. Concerning the timetable for the tripartite consultations, the consultations should be held after June 2008. Furthermore, they emphasized the need for the groups to prepare for the consultations

<sup>7</sup> GB.300/LILS/6.

properly and in good time. If that was not feasible, the preparations for the consultations could be started before June 2008. With regard to the number of participants in the consultations, they expressed their preference for the consultations to be held with a limited number of participants, following the example of the informal consultations which were taking place on the improvements in the working methods of the Conference Committee on the Application of Standards. In any case, the outcome of the consultations should be reported and approved by the LILS Committee and the Governing Body. With regard to the issues for discussion, in order to analyse possible consolidations of Conventions, they considered it imperative that there be a detailed evaluation of the current grouping of international labour standards.

45. With regard to the promotion of certain key Conventions and the follow-up to the conclusions of the Cartier Working Party, the Employer members supported the promotion strategy put forward in this document, consisting of the promotion of the ratification and application of the priority Conventions (Nos 144, 81, 129 and 122) and the promotion of the ratification and application of the most recent Conventions, including the Maritime Labour Convention, 2006, Conventions Nos 187 and 188, given that those Conventions had been adopted based on a broad consensus, as well as the related Recommendations. Any measure taken to that end should be based on a thorough identification of the needs and interests of each country and should be closely coordinated with ACT/EMP and the Bureau for Workers' Activities (ACTRAV) and the employer and worker experts in the various regional offices. They emphasized that promotion efforts should, for the time being, be exclusively limited to those instruments. Other instruments or groups of instruments could be promoted in the future on a case-by-case basis.
46. With regard to the resumption of the discussion on the status of the Termination of Employment Convention, 1982 (No. 158), and its Recommendation (No. 166), the Employer members were surprised at the reference, in paragraph 30, that "the last decision by the Governing Body concerning the status of these instruments dates back to 1987", when the Ventejol Working Party classified them as instruments to be promoted on a priority basis. In the same paragraph, the Committee was called upon to indicate how it wished to proceed on that matter, including, if necessary, by envisaging preliminary consultations. The Employers' group emphasized their will to initiate a new and fresh discussion on the classification of Convention No. 158 and Recommendation No. 166 without delay, to which end they considered two possibilities for doing so: (a) through a new mechanism the mandate of which was the regular review of the relevance of the international labour standards with a view to keeping the ILO body of standards permanently up to date. For that purpose they referred to the proposals made to that end by the Employer members in the meeting that had been held in March; or (b) through an ad hoc mechanism intended exclusively to revise those two instruments. In any case, any discussion should be prepared in detail in order to negotiate the obstacles faced by the Cartier Working Party. Although the Working Party had not managed to adopt conclusions on the classification of those two instruments, agreement had also not been reached within the Working Party on confirming the status awarded by the Ventejol Working Party, which considered the instruments updated and felt that they should be promoted by the Office on the basis of priority. It was not possible to return to the status established by the Ventejol Group 20 years ago, which would mean ignoring the views of Employer and Government representatives in the Cartier Working Party. If that was the interpretation underlying the drafting of paragraph 30, and which the Office was attempting to get across, the Employer members were bound to express their strong disagreement in that respect. The fact that the status of those instruments had not even been determined did not mean that they did not exist given that Convention No. 158 had come into force, which meant that the member States which had ratified it had to comply with it and its application was subject to the ILO supervisory mechanisms.

47. With regard to the second component on increasing the coherence, integration and efficacy of the supervisory system, the Employer members supported the proposal made by the Office to focus on specific measures to streamline the sending and processing of information and reports due under article 22 of the Constitution and, in particular, on strengthening the participation of employers' and workers' organizations in the supervisory process and in individual follow-up in cases of serious failure to fulfil the obligation to send reports. However, they were dissatisfied that the incorporation of an integrated country-based approach had been overlooked and requested the Office to continue to consider the feasibility of such an approach so that it could be introduced in the future.
48. The Employer members agreed with the interim measures proposed in the document to reduce the workload of governments and the Office in terms of the submission of reports. With regard to the pilot project proposed for the report forms, it was preferable for the project to be carried out for Conventions relating to occupational safety and health and employment. The forms were adapted to the provisions of the Conventions. In that sense, the need to simplify the forms could demonstrate irrelevant provisions in the Conventions themselves. If reasonable ways to simplify the report forms were found, it would therefore demonstrate the need to draft more simple provisions in future new or revised Conventions.
49. With regard to the dynamics of the supervisory system, the Employer members considered that the analysis should focus not only on the links but also on the differences between the procedures, for example, concerning the legal bases, purpose, mandate, working methods, results achieved and so on. It was important to be able to see how similar issues were dealt with differently by the various procedures and to be able to consider whether different issues had been dealt with in a similar way.
50. The issue of the interpretation of Conventions was of utmost importance to the Employer members, who felt that the issue should be considered. The purpose and expected outcome of that exercise should be not only, as reflected in the document, "to contribute to a better and more coherent overall understanding of the supervisory system", but also to identify possible weaknesses and inconsistencies in order to make the necessary adjustments. The ultimate objective of the exercise had to be to improve the operation of the supervisory system as a whole.
51. With regard to the third component on enhancing the impact of the standards system through technical cooperation, the Employer members supported the proposals set out in that section. However, they considered that the information was rather vague and requested the Office to provide more concrete information on that subject, in particular regarding the proposal contained in paragraph 63 to "implement a large-scale pilot programme covering a number of priority themes and pilot countries". They wished to know what priority themes and what pilot countries were being referred to. With reference to paragraph 68, the Employer members also requested the Office to clarify what was understood by "the developments relating to the horizontal governance".
52. With regard to the fourth component on enhanced access to the standards system and broader visibility, the Employer members recalled that the three objectives under that component had been agreed upon in March 2007. They supported the proposed approach and requested the Office to give priority without delay to the implementation of the proposed measures and to ensure the necessary funds were available for their implementation.

- 53.** In conclusion, subject to the reservations expressed under each component of the standards strategy, the Employer members agreed with the proposed plan of action and its timetable and in that respect they supported the point for decision.
- 54.** The Worker members were pleased to note that most of their concerns raised in the Governing Body in March 2007 had been taken into account. They stressed that international labour standards were fundamental components of the Decent Work Agenda and highlighted the importance of strengthening standards activities. In this respect, the conclusions of the Committee on Strengthening the ILO's Capacity and the possibility of establishing cyclical reviews relating to strategic objectives could be very useful. Concerning Part I of the paper, as to moving forward with consultations, they agreed that it would be good to wait until after the discussion in June 2008 in order to ensure coherence in future action. They did not agree with the adoption of a permanent review mechanism for standards, which should be done on a case-by-case basis and suggested that the cyclical reviews would help indicate where revision of standards was needed. They also emphasized that any development in standards should also take into account the development of new standards.
- 55.** Concerning the promotion of certain key Conventions and the follow-up to the conclusions of the Cartier Working Party, the Worker members agreed with the Office's emphasis on promotional activities which had proved successful with the universal ratification of the fundamental Conventions only 10 per cent away from this goal. They were pleased that a similar promotional campaign would be launched for the ratification of the priority Conventions, and they welcomed the remarks of the Employer members on this subject. Labour inspection Conventions (Nos 81 and 129) were crucial for the implementation of other international labour standards as, without a strong labour inspection system, labour laws were not effective. In addition, the ratification of Convention No. 144 was the baseline to establishing social dialogue at the national level. However, they felt that it was essential that this Convention be linked to the ratification of Convention No. 87 as, if freedom of association was not recognized, Convention No. 144 could not function.
- 56.** The Worker members fully supported the views set out in paragraphs 25–29 of the document concerning the development of a strategy for the promotion of Convention No. 187 and the closely linked Convention No. 155 and reaffirmed their view that Convention No. 155 should be a priority Convention. They welcomed the EU strategy for improving quality and productivity at work, which Convention No. 187 reflected, and invited European member States to ratify that Convention. They emphasized the high social and economic costs of poor working conditions and called on donor countries to mobilize funds to implement the strategy to promote the Convention. Its successful promotion would ensure that other international organizations like the International Standards Organization (ISO) did not take the place of the ILO in this area. In addition, they felt that Convention No. 102 (social security) should also be promoted.
- 57.** Concerning Convention No. 158 and Recommendation No. 166, they believed that in the absence of a new decision, the Ventejol Working Party recommendation was still valid and this Convention should be promoted. Nevertheless, they were open to the discussion of this matter in order to explain the Worker members' point of view and considered that this discussion should be preceded by informal consultations.
- 58.** The Worker members stressed that, regarding the follow-up to the Cartier Working Party, priority should be given to all elements of its recommendations and not only the promotion of fundamental, priority and new Conventions. The Office had a duty to promote all up to date standards. Concerning tripartite involvement in the determination of priorities at the national level, the Office should keep in mind that this could be difficult as in certain countries where freedom of association was not respected.

- 59.** With respect to increasing the coherence, integration and efficacy of the supervisory system, the Worker members stated that it was well known that the ILO had one of the most sophisticated and efficient supervisory systems within the United Nations and similar agencies and this needed to be preserved. Reports, in particular article 22 reports, were of the utmost relevance. They suggested that, in order to avoid having a large number of cases for the Conference Committee on the Application of Standards concerning countries that have not supplied a report, the Office should intervene more in order to assist countries in fulfilling their reporting obligations. They agreed that, before changing all the procedures concerning the sending and processing of reports, an evaluation should take place at the November 2008 session of the Governing Body, taking into account the decisions taken by the Conference Committee on Strengthening the ILO's Capacity in June 2008. They asked if a decision on the reporting cycle for fundamental and priority Conventions had been taken in March 2007. Concerning report forms, they should be simple but not so simple as to become irrelevant. The experiment of reporting online was a good proposition; however, the Office also needed to send a copy of the report form to member States and take into account the difference in information technology in different countries. With respect to the dynamics of the supervisory system and its procedures, including the CFA procedures, they believed that it was necessary to explain the purpose and mechanisms of the system in order to remove misunderstandings that existed about the different procedures. However, they did not agree to a discussion on the functioning of the system in the Governing Body as the agreed policy was that such discussion should take place in the supervisory bodies themselves before coming to the Governing Body. They also requested the Office to clarify what was meant by the question of the interpretation of Conventions with respect to paragraph 48.
- 60.** With regard to enhancing the impact of the standards system through technical cooperation, the Worker members emphasized that international labour standards should be a mandatory component of the Decent Work Country Programmes (DWCPs), which was not the case at the moment. They asked the Office if it was possible to have a sense of the current references to the promotion of standards in these programmes by using IRIS.
- 61.** With respect to enhancing access to the standards system and providing it with broader visibility, the Worker members agreed that there should be an innovative use of information technology and the development of reliable databases. They were surprised to note that more funding was not provided for this in the programme and budget. They also felt that there should have been a reference to ACTRAV and ACT/EMP in paragraph 77. Concerning the Director's report on the activities of the Turin Centre in 2006–07 discussed in another Governing Body committee, they were concerned with the information given in it which suggested that training on international labour standards at the Centre was being marginalized.
- 62.** In conclusion, they agreed with the elements set out in the interim plan of action. They recalled that the Committee also had to review the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up. With respect to the "pilot project" suggested in paragraph 41 of the document, taking into consideration the Employer members' views, they believed that the subject of employment should be chosen. Concerning the proposed review of existing arrangements for collaboration with other international institutions, they referred to the agreement with the Inter-Parliamentary Union and suggested that links could be strengthened for the purpose of promoting international labour standards. The Worker members agreed with the point for decision.
- 63.** The representative of the Government of Nigeria, speaking on behalf of the Africa group, pointed out that the improvements in standards-related activities had been a subject of great interest to this Committee. The paper adequately synchronized the various aspects that had been discussed in March 2007, as well as those that required further guidance. The

Africa group supported the organization of tripartite consultations concerning the development and strengthening of the body of standards. Furthermore, with respect to the recommendations of the Cartier Working Party, thematic priorities should take into account each country's needs and priorities and should be determined in agreement with the constituents. The speaker expressed the need to reduce the workload in terms of reporting and agreed that a subsequent document be presented in November 2008. She stressed that paragraph 37 of the Office paper (governments' reporting workload) had a bearing on paragraph 47 (the question of the dynamics of the supervisory system). The speaker urged the Office to carry out research on the latter issue and submit a paper to the next session of the Governing Body. Furthermore, she emphasized the role of technical cooperation as a means to enhance the standards system. The Africa group took note of paragraph 81(i), endorsed paragraph 81(ii) pending decisions mentioned in paragraphs 33, 36, 47 and 49, and agreed with paragraph 81(iii) and (iv).

64. The representative of the Government of Germany, speaking on behalf of IMEC, agreed that the outcome of the discussion in June 2008 could have implications with respect to certain aspects of standards policy and the strengthening of the supervisory system. It would be for the LILS Committee to examine how to draw the greatest benefit from next June's discussion to improve the coherence, efficiency and impact of the standards strategy. IMEC would appreciate information on the status of the independent evaluation of the ILO's strategy to improve the impact of standards, a summary of which was to have been presented to the PFAC at this Governing Body session. International labour standards were core elements of the ILO's Decent Work Agenda, and crucial to achieving the goal of decent work for all. DWCPs were key vehicles for promoting and implementing labour standards at the national level.
65. IMEC supported the proposed interim plan's overall orientation, as well as the majority of the specific elements contained therein. IMEC expressed appreciation for the plan's proposal to hold tripartite consultations with representatives of the Employers' and Workers' groups and the regional coordinators on developing and updating the body of ILO standards and felt that all interested ILO constituents should have the right to participate. It would be appropriate to postpone these consultations until after the discussion in June 2008 to allow the overlapping aspects of both discussions to be dealt with in a more efficient and coherent manner.
66. Concerning the promotional strategy of certain key Conventions, IMEC underlined the importance of continuing the campaign on the fundamental Conventions with a view to universal ratification. Priority should be given to technical cooperation to assist countries in implementing these Conventions. Particular efforts should also focus on the priority Conventions, especially Conventions Nos 81, 129 and 144, as they were directly concerned with the implementation of ratified Conventions. The group noted that the most recent Conventions, especially the Maritime Labour Convention, 2006, required a strategy for their rapid and widespread ratification and support was expressed for work already under way in this respect. Concerning the status of Convention No. 158 and Recommendation No. 166, IMEC supported the resumption of the discussion in this regard.
67. IMEC agreed that the supervisory system's impact depended on the quality of the information submitted under article 22 of the Constitution, and welcomed the Office's efforts to identify means of reducing the workload for all parties while improving the quality of information. In this regard the group welcomed the short-term measures to reduce governments' workload as set out in paragraphs 42–46, while noting that these adjustments had to be made within existing resource constraints. IMEC also welcomed that the incorporation of a country-based approach to the supervisory system had been set aside, respecting its concerns for the additional workload of governments and the potential impact on the functioning of the Conference Committee on the Application of Standards.

- 68.** Noting that the Governing Body was due to discuss an evaluation of the thematic grouping of Conventions for reporting purposes, IMEC considered that, in the interest of coherence, the evaluation should be undertaken in the light of the June 2008 Conference discussion. IMEC also noted that the global analysis of the dynamics of the supervisory system could not yet be completed, and expressed the hope that the relevant discussion paper would be provided before the next Governing Body session so that the outcomes of the analysis could be reviewed within the framework of the discussion of strengthening the ILO's capacity.
- 69.** IMEC supported using technical cooperation as a means of enhancing the standards system's impact and expressed support for the implementation mechanisms outlined in paragraph 55. Technical cooperation should be provided to member States, through all phases up to the full implementation of Conventions with the participation of the social partners. As regards the proposed plan of action for 2008, IMEC agreed with the need to review the quality assessment process for DWCPs, and to finalize and disseminate the good practice guide. It was important, moreover, that all the proposed actions take into account the developments concerning horizontal governance, particularly those arising from the discussion on the strengthening of the ILO's capacity. IMEC welcomed the suggestion that a progress report on the implementation of the third component of the strategy be submitted to the Governing Body's November 2008 session.
- 70.** IMEC welcomed the Office's examination of an online reporting system and ways of providing information on international labour standards to the widest possible audience. The system, however, should not increase governments' workload and retain the languages in which reports could be submitted. The speaker requested clarification from the Office on the need for additional external funding for expanding the current international labour standards databases, as outlined in paragraph 73.
- 71.** IMEC supported the ILO's collaboration with other specialized agencies and international organizations on standards-related matters, within the ongoing efforts to mainstream decent work in the international system. This collaboration should contribute to the increased visibility and consideration of international labour standards. Finally, IMEC welcomed a review of the existing arrangements for collaboration at future Governing Body sessions and expressed approval for the elements of the interim plan of action and the proposed timetable.
- 72.** The representative of the Government of Peru, speaking on behalf of GRULAC, underscored the importance of the paper, which was to be the subject of a decision to approve the elements of an interim plan of action to enhance the ILO's standards system. GRULAC believed that the paper provided a good overview of developments to enhance the Organization's standards system, as reflected in the wording "improve the coherence, efficiency and impact of the standards system".
- 73.** Because the issue was complex, it had to be dealt with carefully and precisely. Therefore, GRULAC endorsed the suggestion in paragraph 8, aimed at putting in place an effective mechanism for tripartite consultations, which should be transparent, inclusive and open to all members. Furthermore, there should be a focused and well-structured agenda of issues for consideration, to make it clear what issue was being dealt with and in what context. Bearing in mind the rich and wide-ranging discussion that was under way on strengthening the ILO's capacity, in which supervisory mechanisms and the governance of the ILO were also being debated and considered, GRULAC believed that, in the interests of synergy and coherence between actions and discussions, issues should be examined in parallel, with mutual feedback provided between the various discussions. The tasks at hand were wide-ranging and involved updating the body of standards and its possible consolidations, as well as the possibility of analysing priority areas for such consolidations.

- 74.** With regard to paragraphs 37–46, on the issue of reporting, GRULAC believed that careful thought should be given to the possibilities described in paragraphs 43–46, which were aimed at facilitating the work of governments and improving information processes. It was also necessary to focus closely on the analysis of the dynamics of the supervisory system and on the links that existed between the various procedures.
- 75.** On the subject of enhancing the impact of the standards system through technical cooperation, which it considered to be relevant, GRULAC believed that, in the corresponding section of the paper, more specific details should be provided about the objectives in each case and the added value that would be obtained.
- 76.** With regard to improving access to information on standards, efforts to broaden and speed up information access systems should be continued; such efforts went hand in hand with the goal of encouraging as many social partners as possible to use and consult the information.
- 77.** GRULAC supported the proposed conclusions set out in the four parts of paragraph 80. Nevertheless, it believed that there should be a timetable that would make it possible to give due attention to each issue, with well-structured documents issued sufficiently in advance, in particular with regard to Parts I, II and III.
- 78.** The representative of the Government of Kenya, supporting the statement made on behalf of the Africa group, stated that the document had followed up on the rich discussions held in March 2007. It had addressed the need for innovative ways to ensure efficiency and effectiveness as well as consistency in the fulfilment of reporting obligations by member States to enable supervisory bodies to monitor the implementation of international labour standards. The quest for such improvements had never been greater in the light of the ILO's campaign for decent work and the eradication of poverty through enhanced economic and social development. He commended the ILO for the recent ILO Forum on Decent Work for a Fair Globalization held in Lisbon, which was in line with this quest. He acknowledged the invaluable enriching contributions made by the Cartier Working Party. While recalling the importance of the fundamental Conventions, he expressed support for the proposal for the promotion of certain key Conventions, in particular Conventions Nos 81, 129 and 144 and the follow-up to the conclusions of the Cartier Working Party. In addition, he believed the proposal for the development of a promotional strategy for Convention No. 187 was in line with the quest for establishing a decent work environment. In addition, as termination of employment forms the basis of most complaints of violations of workers' rights, the discussions on the status of Convention No. 158 and its Recommendation should be resumed. He stressed that increased coherence, integration and efficacy of the supervisory system were important factors for the streamlining of reporting requirements under article 22 of the Constitution. Once achieved, this would help in the maintenance and improvement of the quality of information on the application of ratified Conventions. The speaker underlined the importance of technical cooperation as a means of enhancing the impact of the standards system as evidenced in Kenya where the Parliament recently enacted five new labour laws as a result of ILO technical cooperation. He supported the point for decision.
- 79.** The representative of the Government of the Republic of Korea underscored the need to make continuous efforts for the implementation of the standards strategy and expressed support for the statement made on behalf of IMEC. She informed the Committee that her Government had initiated the process to ratify Conventions Nos 187 and 155 simultaneously, and underlined that this ratification was a meaningful step towards improving not only occupational safety and health at a national level but also raising awareness of the need for action to improve quality and productivity at work at the international level.

- 80.** The representative of the Government of the Bolivarian Republic of Venezuela expressed support for the statement made on behalf of GRULAC and said that any conclusions that might be reached on strengthening the ILO's capacity would have repercussions that would have to be taken into account if the improvements to the ILO's standards-related activities were to be addressed in a coherent and effective way. Referring to paragraph 8 of the paper, he said that an effective mechanism for consultations with the constituents should be put in place to give continuity to the discussions on the issue, and that the Workers' and Employers' groups and all governments, rather than just the regional coordinators, should be invited to participate. In view of the importance of the issue, the consultations should be wide-ranging, transparent, sufficiently inclusive and participatory. With regard to the interim plan of action proposed in paragraph 80, he considered it appropriate that the formal consultations on the matter might begin in November 2008, assuming that the International Labour Conference would already have addressed the issue of strengthening the ILO's capacity and adopted the conclusions. He stressed the need to bear in mind the information provided in paragraph 9 when entering into discussions, as it would be useful to hold parallel discussions, providing mutual feedback, on the question of the working methods of the Conference Committee on the Application of Standards, which was still being discussed and had given rise to firm and consistent positions. He added that, although he was in favour of holding such meetings in parallel, he would appreciate it if they did not overlap, as that would prevent or make it difficult for the constituents to participate effectively in all meetings. With regard to the proposed interim plan of action, he believed that there should be a timetable, which would make it possible to deal with all the issues, based on well-structured documents issued sufficiently in advance in the three official languages of the ILO.
- 81.** The representative of the Government of Japan expressed support for the statement made on behalf of IMEC. The second component of the standards strategy and more specifically streamlining the communication and examination of reports due under article 22 of the Constitution bore a close link with the discussion on strengthening the ILO's capacity. This link offered a rare opportunity to undertake an in-depth revision of existing reporting arrangements with a view to reorganizing them into a more effective and efficient whole. Such a comprehensive review should aim at two goals: first, aligning reports for both ratified and unratified Conventions; and second, ensuring an efficient handling of reporting requirements. He welcomed the proposed "pilot project" for streamlining report forms concerning particular groups of Conventions, as a good preparation for the discussion at the November 2008 session of the Governing Body.
- 82.** The representative of the Government of India stated that ratification was not an end in itself; it had to be accompanied by specific measures and means of implementing the Conventions through advocacy, training and technical assistance. His Government's approach was to first ensure that national laws and practices were in conformity with the provisions of the standards concerned, and then proceed towards ratification. While stressing the universality of ILO standards, the speaker noted that the ILO Constitution itself recognized the existence of diversity in the conditions of member States and flexibility was provided in certain Conventions to facilitate their application by member States at different stages of development. Labour inspection was critical to promoting decent work and ensuring the implementation of labour standards – India being one of the first States to ratify Convention No. 81. Tripartite cooperation in the formulation of standards and their related policies was also crucial to the welfare of workers everywhere and his Government was committed to this principle and had ratified Convention No. 144. Additionally, it had constituted a tripartite committee on Conventions in which issues concerning the ratification and implementation of ILO Conventions were regularly discussed. As health and safety – especially those of workers in hazardous occupations – were of great importance, India had enacted laws to protect these workers and as a result

occupational safety and health performance had improved considerably. Finally, he expressed full support for the interim plan of action.

83. The representative of the Government of Mexico said that he supported the statement made on behalf of GRULAC. The proposed strategy provided an opportunity to increase the relevance and effectiveness of international labour standards and should therefore be clear and the result of a consensus taking into account the concerns of the parties and aimed at promoting consistency among all its elements. Expressing support for the proposal to improve the ILOLEX and APPLIS databases, which were an extremely useful source of information for users, he said that he would welcome further information on how such improvements would be made and how they would be financed. He also welcomed the fact that, in accordance with the discussions that had taken place in March 2007, the proposal to incorporate a country approach into the supervisory system had been set aside. He urged the Office to continue the consultations between the member States and social partners for the purposes of implementing the plan of action and to ensure that those consultations were followed up by a debate or by tripartite meetings, which were crucial if the improvements to the standards-related activities were to be effective. He spoke in favour of grouping the report forms by subject with a view to promoting consistency in the amendments that would be proposed during the revision process and he recommended that the pilot project for reviewing the report forms should start with the group of Conventions with the highest rate of ratification, as that directly influenced the number of reports that were requested and that were submitted by member States. Lastly, he supported the point for decision and called on the Office to continue to submit progress reports on the implementation of planned activities.
84. The representative of the Government of France, associating herself with the statement made on behalf of IMEC, made some additional comments. Her Government wished to register its interest in the specific proposals set out in the interim plan of action. In view of the possible implications for the standards system of the cyclical reviews proposed in the framework of the discussion on strengthening the ILO's capacity, the Office had rightly proposed the postponement of any major decisions relating to certain aspects of standards policy and the strengthening of the supervisory system. That included the tripartite consultations aimed, among other things, at reviewing mechanisms for updating the body of standards and possible consolidations, to which France attached particular importance. The same applied to the second element, on strengthening the supervisory system, and more specifically the examination of an intensified thematic approach to non-fundamental and non-priority Conventions. That option seemed to be more rational, in the current circumstances, than the country-based approach to supervising the application of ratified Conventions which had been proposed in March 2007. Her Government was strongly in favour of promoting the three most recent Conventions and in particular Convention No. 187. With regard to streamlining the sending and processing of information and reports due under article 22 of the Constitution, pending a review of the content of the report forms for the purpose of simplifying them, she supported the measures proposed for the short term with a view to responding to the call for the simplification of report forms. Regarding the dynamics of the supervisory system, she looked forward to the global overview, scheduled for March 2008, on the links between all the supervisory procedures, including both regular and special procedures, which would help clarify the consistency of the supervisory system and serve as a useful tool for the preparation of the cyclical reviews proposed in the context of the discussion on strengthening the ILO's capacity. With regard to technical cooperation as a means to enhance the impact of the standards system, she supported the plan of action for the third element of strategy, recalling the importance of a cross-cutting approach that would make it possible to promote the relevant Conventions and Recommendations and incorporate them into all technical cooperation projects. As for the fourth element of the strategy, on the visibility of the standards system, she encouraged the Office to strengthen its cooperation with the Turin Centre, which was a valuable

training tool that made it possible to promote the application of standards at the national level. The Turin Centre was also an instrument that made it possible to disseminate international labour standards to a wider public. Lastly, the four databases that were currently managed by the International Labour Standards Department were extremely useful and should be improved, in particular the country profiles which provided very valuable comparative data.

85. The representative of the Government of China encouraged the continued implementation of the conclusions of the Cartier Working Party and welcomed the efforts to promote the ratification of the priority Conventions while giving due consideration to the ratification of other Conventions in light of the conditions and practical needs of each member State. He stated that streamlining the submission reports was of great significance in improving the Organization's standards-related activities. It was also important to provide technical assistance, particularly for the implementation of DWCPs, so as to enable the tripartite constituents to better share experiences and good practices. As regards online reporting and the standards databases, he stated that further consultation should be conducted to better reflect the needs of the constituents. He endorsed the proposed interim plan of action and timetable, as well as the decision points. Finally, he expressed support for the suggested discussion of a global approach to streamlining submission at the November 2008 session of the Governing Body.
86. The representative of the Government of Italy supported the IMEC statement and agreed on the plan of action. With respect to the first component of the strategy, he noted the importance of tripartite consultations, to be held in November 2008. On the promotion of standards, he supported the thematic priorities proposal and suggested that, in the beginning, special needs should be defined for a few select countries. He welcomed the promotion of the four priority Conventions and the three most recent ones as well as open discussions on Convention No. 158 and its Recommendation. On the second component of the strategy, regarding the supervisory machinery, he supported the streamlining of article 22 reports and their online submission. Regarding the third part of the strategy, he emphasized the importance of technical cooperation before and during ratification. He considered the three mechanisms outlined in paragraph 55 as appropriate in this respect. He highlighted the importance of training coordinators in the International Labour Standards Department and field offices and in this respect noted that the *Handbook of good practices on the promotion and application of standards* was a very useful publication. On greater visibility for the standards system, he supported paragraph 70. The speaker highlighted the work done in the Turin Centre with respect to training activities and the dissemination of information, and he supported the proposal to strengthen cooperation with the Turin Centre for training activities.
87. A representative of the Director-General (Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department) replied to the different questions posed by the members of the Committee.
88. Concerning the points raised by the Employer members on the priorities for technical cooperation, she explained that the choice of countries would be based on comments made by the ILO's supervisory bodies, conclusions of the Cartier Working Party and of the International Labour Conference. The mainstreaming of standards priorities was to be pursued to seek common priorities and possible partnerships to ensure donor collaboration on technical cooperation activities. At present, there was no broad-ranging strategy for each theme and the pilot project was designed to address this. A good example was the current project on Convention No. 169 (indigenous peoples). The purpose of the horizontal governance referred to in paragraph 68 was to seek a better integration of the four strategic objectives of the ILO into DWCPs. In March 2008, the Committee would be presented with a practical guide for technical cooperation.

89. With respect to the points raised by the Worker members, the proposal for consultations on a review mechanism set out in the first component of the plan of action had to be understood as a follow-up to the discussion in June 2008 on the strengthening of the ILO's capacity, with the objective of maintaining coherence between the different discussions. Concerning the development of standards, reference in the text included the development of new standards topics and not only the revision of existing standards. As to the Cartier Working Party, due to resources a choice had to be made as to priorities and which recommendations to promote first. Concerning the reporting cycle for fundamental and priority Conventions, she confirmed that no decision had been taken in March. As for the question on interpretation, she recalled that most often it was given on an informal basis. However, the Office needed to ensure that there was consistency between interpretations given and comments from the supervisory bodies, hence the need to discuss this issue.
90. Concerning the question related to the use of information in IRIS, a first review was undertaken this summer to verify the extent to which international labour standards were integrated into DWCPs. After this initial review, it appeared that little reference was made to international labour standards but work was continuing. There was now a link in the country profiles to DWCP information. With respect to resources for ILOLEX and APPLIS, the ILO had a limited budget and for the time being, the United States Government had provided funding to keep the databases up to date, ensuring their visibility and impact; NATLEX had become a world reference for national labour legislation. Continuing donor support was needed to ensure the continuation of this impact.
91. Concerning the omission of ACTRAV and ACT/EMP in paragraph 77, she confirmed that they should have been included, taking into account the importance of their support. Finally, she highlighted the strong links and support between the Office and the Turin Centre, which was a vehicle for developing training activities on labour standards.
92. A representative of the Director-General (Ms Anne Trebilcock, Legal Adviser) emphasized that the International Labour Standards Department and the standards specialists in the field could fully rely on the assistance of the Office of the Legal Adviser. Similar to the collaboration already discussed in the context of the campaign for the ratification of the 1997 constitutional amendment, the Office of the Legal Adviser would work closely with the International Labour Standards Department, particularly in developments concerning constitutional issues.
93. The Employer members considered that there was a consensus regarding the need for consultations after June 2008. They added that, subject to the reservations they had indicated, they endorsed the proposed points for decision.
94. The Worker members added that the ILO should have standards specialists in all the field offices, and stressed the importance of them developing more contacts with employers' and workers' representatives in the countries.
95. *The Committee on Legal Issues and International Labour Standards recommends that the Governing Body:*
- (a) *approve the elements of the interim plan of action to enhance the impact of the standards system contained in paragraph 80 of the Office paper, taking into account the comments made during the discussion in the Committee; and*
- (b) *invite the Office to submit a paper at its next session on the specific issues agreed upon with a view to following the progress made in the implementation of the strategy.*

**VI. Ratification and promotion of fundamental ILO Conventions**  
**(Seventh item on the agenda)**

- 96.** The Committee had before it a paper<sup>8</sup> on the ratification of ILO fundamental Conventions further to the campaign launched by the Director-General in May 1995.
- 97.** The Director of the International Labour Standards Department indicated that the Office had received additional information since the document had been issued. This information updated Part II of the document as follows: *Paragraph 11* – The Ministry of Labour of Samoa forwarded the proposal for the ratification of all eight fundamental Conventions to Cabinet in October 2007. *Paragraph 32* – The Government of Suriname stated in September 2007 that the main obstacle to ratification of Convention No. 138 was the discrepancy between the age when compulsory education ends and the minimum age for entry into employment. Regarding Conventions Nos 100 and 111, a study was being conducted to review the difficulties regarding ratification. *Paragraph 33* – The Government of Thailand indicated in October 2007 with regard to Conventions Nos 87 and 98 that, following the adoption of the new Constitution, further legislative changes would be made, including amendments to the Labour Relations Act and the Civil Service Act. With regard to Convention No. 111, the examination of national law and practice was still ongoing. *Paragraph 39* – The Government of New Zealand indicated in September 2007 that consultations were being held with the Office regarding Convention No. 138. *Paragraph 56* – The Government of Lebanon stated in September 2007 that it endeavoured to update the civil service regulations and to revise the draft amendments to the Labour Code, with a view to strengthening trade union rights.
- 98.** The following information was added under Part III of the document: the Government of France indicated in October 2007 that it had launched a process of consultations with a view to extending the application of the fundamental Conventions to non-metropolitan territories and that a statement concerning the acceptance by the non-metropolitan territories in question of the obligations under international labour Conventions would be sent to the Office, as soon as the information on the position adopted by the communities consulted had been received. The Government of New Zealand indicated that it had been decided not to extend the application of Conventions Nos 98 and 182 to Tokelau. However, a referendum in October 2007 could lead to a change in the legal status of Tokelau, enabling it to enter into treaties in its own right.
- 99.** The Worker members stressed the importance of the document in pursuing the goal of universal ratification of the fundamental Conventions, since it provided a basis to determine where the process was stalled, and to evaluate the specific obstacles that each country needed to overcome. They noted that, of the 17 new ratifications, eight were from Montenegro, which had previously been bound by the Conventions. The Worker members deplored the fact that Convention No. 87 was now the least ratified of the fundamental Conventions, including by large countries that account for a majority of workers. Member States represented in the Governing Body should lead by example and ratify all the fundamental Conventions. They also proposed that the Office provide technical assistance in this area, including with respect to the application of Convention No. 87 to the civil service. They asked whether workers' and employers' organizations could receive copies of the ratification letters sent to governments. The representative of the Director-General stated that there was no impediment to copies being provided.

<sup>8</sup> GB.300/LILS/7.

- 100.** The Employer members agreed that the document contributed to a better understanding of the progress in achieving universal ratification. While noting the new ratifications, they remained conscious of the fact that 155 ratifications were still needed, including by countries with a vast labour force. The reasons for not ratifying in many cases in their view reflected a responsible attitude, limiting ratification to those Conventions that could be fully implemented. However, they also observed with concern that many member States that had ratified Conventions, did not demonstrate responsible behaviour in their implementation. They noted the comparative low level of ratification of Conventions Nos 87 and 98. They proposed that an examination of the reasons for this stagnation be made, and considered that this could be due to a lack of understanding of the obligations under Conventions Nos 87 and 98, and the fact that member States can be brought before the CFA even in the absence of ratification.
- 101.** The representative of the Government of Nigeria, speaking on behalf of the Africa group, encouraged the Office to continue its effort to provide technical assistance with a view to achieving universal ratification of the fundamental Conventions. The Africa group paid great importance to these Conventions and urged all countries to follow. The representative of the Government of Morocco stated that the difficulties concerning Convention No. 87 related to its application to the judiciary, the security forces and the prison services. The Government of the Bolivarian Republic of Venezuela highlighted that a great number of countries, including the Bolivarian Republic of Venezuela, had ratified all fundamental ILO Conventions, and it would be appropriate, in future, for the Office to publish a list of the countries that had ratified the eight fundamental Conventions. The representative of the Government of Cameroon affirmed her Government's commitment to the fundamental Conventions, which supports the ILO's Decent Work Agenda.

**102.** The Committee noted the information in the document and the comments made.

**VII. Requests for reports on the application  
of the Seafarers' Identity Documents  
Convention (Revised), 2003 (No. 185),  
under article 22 of the Constitution  
(Eighth item on the agenda)**

- 103.** The Committee had before it a document<sup>9</sup> concerning requests for reports on the application of the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), under article 22 of the Constitution.
- 104.** The Employer members did not object to postponing until 2009 the requests for, and submissions of, reports on the application of Convention No. 185. Nevertheless, they considered that the reasons set out in the document could equally apply to other recently adopted Conventions with a low number of ratifications, and felt that it was extremely important to establish a consistent approach for all ILO Conventions. The document also proposed to call upon member States to ratify the Convention. While the Employer members did not object to that, they considered that, in the context, calling upon member States that had not yet ratified the Convention to do so was unusual and should remain the exception, rather than the rule.
- 105.** The Worker members indicated they had initially decided to support the point for decision in paragraph 6, subject to the caveat that the postponement of reports was only accepted due to the extremely specific reasons provided by the Office. Following the intervention of

<sup>9</sup> GB.300/LILS/8.

the Employer Vice-Chairperson, however, the concern of the Workers appeared to have been confirmed, as acceptance to delay article 22 reports under Convention No. 185 could be used as a precedent to also postpone reports under other Conventions. The Worker members would not support the relevant point for decision, if this would open a Pandora's box. As regards paragraph 8, the Workers recalled the extreme circumstances that had led to the adoption of Convention No. 185 and expressed surprise that the United States had not yet been able to ratify it. They supported wide ratification of this Convention, since it was crucial for the seafarers' well-being.

- 106.** The Director of the International Labour Standards Department stressed that there were few ILO Conventions where the exceptional decision to postpone article 22 reports could be justified. Convention No. 185 was the only Convention based on reciprocity and the only one delivering a physical product, i.e. the seafarers' identity document. The Governing Body had recognized its uniqueness when approving the list of products tested for interoperability that should be procured by member States implementing the Convention. Convention No. 185 further required certain elements to trigger effective monitoring, such as the list of compliant countries to be approved by the Governing Body based on the independent evaluations of the national systems, which were not yet available. Most seafarers came from developing countries that were making huge efforts to put their systems in place and they should be given a chance to do so. For these reasons, the exceptional request had been made to postpone reports for one year.
- 107.** The Worker members stated that, in the light of the clarifications provided, they could support the point for decision in paragraph 6.
- 108. *The Committee recommends to the Governing Body that:***
  - (a) *the Members from which reports on the application of Convention No. 185 have been requested, in accordance with article 22 of the Constitution, be informed that they may postpone the submission of their report; and***
  - (b) no further reports on the application of Convention No. 185 should be requested until the year 2009;***
- 109. *It also recommends to the Governing Body that it take this opportunity to call upon member States that have not so far ratified Convention No. 185 to renew their efforts to move towards the ratification of the Convention, and to ratify it as soon as they are in a position to do so.***

**VIII. Form for reports on the application of ratified Conventions (article 22 of the Constitution):  
The Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)  
(Ninth item on the agenda)**

- 110.** The Committee had before it a document <sup>10</sup> including a proposed form for reports on the application of a ratified Convention (article 22 of the Constitution): the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187). The Committee had initiated the examination of this form at the 298th Session of the Governing Body in March 2007, but decided, in the light of the discussion, to postpone its

<sup>10</sup> GB.300/LILS/9.

examination until the present session of the Governing Body. The presently proposed form of reports takes into account the discussions held in March 2007.

- 111.** The Worker members, while they agreed with other parts of the revised form for reports, proposed to amend the first paragraph of the text in italics after Article 4, by inserting the words “the organizations of employers and workers that have been consulted” after the words “safety and health”, and in the second paragraph of the English version of the text in italics after Article 5, by deleting the word “included” at the end of the paragraph.
- 112.** The Employer members expressed their agreement with the proposed text as further amended by the Worker members, subject to the insertion of the words “if any” in the first paragraph of the text in italics after Article 4 after the words “and the outcome.”
- 113.** The Worker members supported the suggestion of the Employer members.
- 114.** The Committee adopted the report form, as amended.
- 115.** *The Committee recommends that the Governing Body adopt the report form on the application of ratified Conventions (article 22 of the Constitution): the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as amended (see Appendix III).*

## **IX. Project on economic dynamics of international labour standards** (Tenth item on the agenda)

- 116.** The LILS Committee had before it a paper<sup>11</sup> concerning a multi-sectoral interdisciplinary research project on the economic dynamics of international labour standards, involving five interdisciplinary research teams in five areas (social security, occupational safety and health, skills and vocational training, working time and equality).
- 117.** The Employer members attached great importance to the project, since it could facilitate better understanding of the role played by standards in relation to a country’s economic progress or lack thereof. They considered that, in the current context, the issue took on particular significance for the smooth running of the Organization in the future. The issue could currently be found on the agendas of all the multilateral agencies. The Employers expressed interest in having the ILO continue to undertake research in such fields in the future. Nevertheless, they reiterated concerns they had expressed on previous occasions and proposed drawing conclusions using the studies that had been carried out with regard to the project in question.
- 118.** First, they deemed it important for the ILO’s research to be as objective and as impartial as possible. They considered that the primary purpose of research should not be to challenge “negative conclusions about the economic impact of labour standards”, as was stated in paragraph 5, nor, as indicated in paragraph 6, to “respond, in an informed and authoritative way, when concerns are voiced about the economic implications of implementing ILS”. Similarly, they disagreed with the paper’s negative reference, in footnote 6, to the World Bank’s report *Doing business 2006*. The primary purpose of such research should be to understand the economic impact of international labour standards, so that both the ILO and its constituents would be well informed when forging policies to establish or implement such standards. That involved considering, in a serious and impartial manner, the

<sup>11</sup> GB.300/LILS/10.

conclusions reached by third parties; it meant involving and cooperating with other institutions involved in such research in order to be in step with the global economic realities affecting the economic development of countries, the creation of sustainable employment and the efforts to achieve the ILO's objective – decent work and productive employment.

119. The Employer members reiterated that the purpose of future research should not be, as suggested in paragraph 13, “to more effectively promote and implement ILS in developing economies”. As to the proposals in paragraph 15, the Employers endorsed subparagraphs 1, 2 and 5. They considered that the proposal made in subparagraph 3 bore no relation to the current context, since it referred to “joint promotional activities”, which were not related to genuine research programmes, but to promoting international labour standards. They sought clarification from the Office as to the meaning of the proposal in subparagraph 4 regarding “specific research with respect to ILS and the experience of women”.
120. With regard to the study on selected social security policies covered by international labour standards, the Employer members considered that paragraph 13 of the appendix, according to which “[t]he findings of such research would allow the ILO to more effectively promote and protect the rights embodied in those ILS”, did not deliver on the aim of working from objective data. The issue of “economic impact” had not been defined correctly in terms of the costs and benefits for the economy as a whole, since the statement in paragraph 9 of the appendix establishing that “[r]ecent research shows that reaching universal coverage for at least a basic social protection package is affordable even for low-income countries, but efforts to reallocate more domestic resources to social protection would have to be matched by increased international transfers”, appeared to suggest that everything was possible, provided that the costs were transferred to others. The Employer members did not endorse that statement.
121. As regards the second study on the economic impact of occupational safety and health international labour standards, the Employer members considered that it did indeed reflect, in a consistent and objective manner, the cost–benefit relationship, taking into account that most of the research undertaken into occupational safety and health standards showed that there was a correct balance between costs and benefits. They also deemed it important to stress that the work had also encountered methodological difficulties and that the cost–benefit relationship was linked to the size of an enterprise. They considered that the proposals to pursue research into the costs and benefits of legislation and action in the occupational health and safety field were of great importance.
122. They noted that the third study focused on the economic impact of social dialogue in the field of training. While they acknowledged that it provided worthwhile information, they considered that it failed to link the subject to the costs and benefits of professional training. They felt, moreover, that the study should have considered costs and benefits in the event of an absence of social dialogue in training.
123. The Employer members felt that, from its very title, “How to defend labour standards”, the fourth study on the working hours limit was biased and prejudiced. They considered that instead of offering an objective overview of the existing literature on the economic impact of those standards, the study was restricted to criticizing authors and previous studies on international labour standards in that field. For example, they noted with concern statements, such as those made in paragraph 60, that “the understanding of legislative measures in that research is flawed [...] and the indicators are miscalculated”. They considered that the proposals for future research in the field followed the same biased and prejudiced line, as could be seen from paragraphs 65 and 66. The task set had been to undertake a review of literature on the economic impact of international labour standards

relating to working hours, not on the interests of workers in that area. Lastly, they expressed their concern that Conventions Nos 1, 30, 47 and 116 had been selected for the document, since none of them had been classified by the Governing Body as up to date.

- 124.** The Employer members considered that the fifth study, on the economic impacts of international labour standards concerning equality, was, at the very least, incomplete, because it focused almost entirely on the benefits, with almost no reference to the costs. They considered that the author should have concentrated on providing information on the outcomes of the studies, rather than making suppositions. In addition, they stressed that the study provided no information as to whether the costs and benefits were the same for large enterprises as for small ones, which appeared not to be the case, and that it failed to refer to methodological difficulties. Along the same lines, they felt that the proposals for future research were tendentious and unbalanced in the sense that they referred to benefits in the broad sense of the term, and not necessarily to the economic benefits, and did not evoke the costs at all.
- 125.** Lastly, they expressed the hope that the Office would consider their criticisms and take them into account when undertaking new research into the economic impact of international labour standards.
- 126.** The Worker members stressed that, when discussing the economic dynamics of international labour standards, it had to be kept in mind that the objective of international labour standards was to protect workers and improve working conditions and if, that implied costs, it was up to society to decide whether resources needed to be allocated for this purpose. Research showed many positive correlations between economic development and international labour standards, or at the least, as stated in paragraph 11 of the document: “there is little or no evidence to support the view that there is a negative relationship between economic development and ILS”. There was a fundamental difference between knowing the economic dynamics of labour standards and the requirement of having an economic justification for labour standards and the Worker members supported the former approach but stated that the latter would be unacceptable. In addition, it was important that the ILO maintained a rights-based argument for international labour standards and, if there were a number of ways to achieve this, the most efficient option was obviously preferable. However, questioning rights and protection of workers in the name of profit maximization would be a totally different story.
- 127.** They congratulated the Office on undertaking a cross-departmental project and emphasized the importance of linking the work of the International Labour Standards Department with activities in other sectors to ensure that international labour standards were the guiding principles of all work in the Office. It appeared that the studies lent support to the application of labour standards. The research on social security stated that universal social security required “a strong public regulatory framework ... to safeguard social objectives”, the market alone cannot do this. They also noted with interest that open economies seemed to require more extensive welfare state arrangements, suggesting that policies calling for the opening up to economies and reducing welfare state provisions were not sustainable. Improved occupational safety and health regulations were found to be beneficial to both developed and developing countries. The strong case for social dialogue as a key institutional framework for successful skills development showed the economic value of collective bargaining and social dialogue. Concerning working hours, the study referred to strong empirical evidence that working time regulations had a positive impact on occupational safety and health, work–family balances and productivity. The last study stated “there is no doubt that enterprises experience positive effects when they are genuinely guided by the objective of equality”.

- 128.** Concerning the proposal for more research projects, the Worker members believed that the question posed in paragraph 15 of the document was too narrow. Three of the four suggested Conventions dealt with seafarers only and the fourth with occupational safety and health. Given its promotional character, they were not sure whether this Convention was the most suitable for an economic impact analysis. The Worker members proposed that areas to be explored in the future should include freedom of association and collective bargaining, as there was still a commonly held belief that workers in developing countries should not be free to organize or bargain collectively as this would have an impact on foreign investment.
- 129.** Finally, they wished to add that the World Bank publication *Doing business 2006*, footnoted in the document, went against ILO values. In addition, as only summaries of the projects were provided in the annex to the document, the Worker members would preserve their opinions on the contents of the studies until after they were published in 2008. They agreed with the point for decision.
- 130.** The representative of the Government of the United States noted that paragraph 5 stated that some of the studies referred to had reached negative conclusions concerning the economic impact of international labour standards. It appeared to follow a common line of criticism that many economic studies considered only static or snapshot views, while failing to consider variables that evolve over time. She considered that this demonstrated a lack of understanding of dynamic variables, or was attempting to justify the dismissal of work deserving of due consideration. Growth, for instance, which was identified in the study as a static factor, was a variable determined over time – it is, by definition, dynamic. She underlined that the Office, in its future work on this topic, needed to demonstrate a stronger grasp of the criticisms it was using to motivate its work. Observing that paragraph 6 referred to the importance of developing and promoting an ILO perspective on the economic dynamics of international labour standards, she stated that the only important perspective was a fact-based, rigorous and intellectually honest one. The stated goal of developing an ILO perspective suggested an ideological exercise, not a research-oriented one. She further noted that the studies described in the appendix could not fully be evaluated, as only their results were summarized.
- 131.** The speaker recommended, first, that the Office choose one of the studies for further development with original work and appoint two independent experts to provide detailed peer reviews of the new study with a view to its publication in a peer-reviewed journal. Second, she recommended that the study and peer reviews be provided to the Committee's members, and that a decision be taken as to whether the study and its peer reviews added sufficient value to merit further consideration of the overall "economic dynamics" exercise. Third, as the exercise was interdisciplinary in nature, the Office should ensure that other Governing Body Committees were presented with the same study, peer reviews and decision points. She concluded by stating that if the consensus were to favour the continuation of this exercise, the items in paragraph 15 could then be prioritized.
- 132.** The representative of the Government of the United Kingdom stressed that conducting research on the economic dynamics of international labour standards should help the ILO to articulate its perspective from an informed and credible position, and to assist its members to more effectively implement international labour standards on the basis of a deeper understanding of the relationship between standards and economic and social development. The costs of the proposed research should be contained in the regular budget. The importance of the recommendations on occupational safety and health was highlighted. While it was important that the ILO maintain a rights-based argument to international labour standards, research into the relationships between economic development and labour standards and the value of economic arguments in promoting standards still had to be conducted. Understanding the regulatory and institutional

conditions in which international labour standards were implemented and their impact were valid areas for research. Developing data was important and priority should be given to developing data sets that permit cost–benefit analysis of labour standards for developing countries. The difficulties in producing economic cost–benefit analysis should not be ignored. One of the effects of producing such analysis would be to promote ILO values to other international institutions, facilitating further dialogue with them and identification of knowledge gaps, leading to agreement on further data collection and analysis.

- 133.** The representative of the Government of Pakistan noted that five very important areas had been selected for the project. Little research specifically addressed the economic dynamics of international labour standards, but the *Core Labour Standards* book jointly developed by the ILO and the Asian Development Bank (ADB) was an example. The book provided that decent working conditions, achieved through the effective implementation of core labour standards, helped reduce poverty, raise living standards and enhance the quality of economic growth by increasing productivity. The ADB used this approach to design and implement its projects. Dynamic effects of international labour standards, such as increased worker productivity, social cohesion and other socio-economic benefits, should be taken into account when measuring the impact of international labour standards. In developing countries, government intervention in the form of public social transfer schemes was necessary for economic growth to benefit all. The ILO should carry out empirical research on the implementation of international labour standards and identify “best practices” which could be further used as models. More research should be undertaken on subjects such as the impact of child labour and forced labour on the economic development of countries or the relationship between the labour inspection, labour protection and increased productivity of the labour force. More research could also help to better understand how tripartitism leads to greater economic growth and development, as well as how Convention No. 122 was helpful in designing and implementing policy frameworks that would ensure maximum access to jobs.
  
- 134.** The representative of the Government of Mexico thanked the Government of the Netherlands for funding the studies. He observed that it was stated in the Spanish document that it was being submitted for information, but paragraph 17 contained a point for decision. With respect to clause (b) that was submitted for consideration, he indicated that such types of preliminary analysis would provide useful guidance to ensure the effectiveness of future actions that the ILO implemented in both the promotion and the development of standards. He suggested that the Committee consider the relevance of continuing to carry out such research, in view of the recommendations of the Workers’ and Employers’ groups. It should do so particularly on those matters identified as having been overlooked in the sphere of social security, as was the case for research to analyse the economic repercussions of the application of international standards in national schemes and in the sphere of occupational safety and health; research on inspection systems; and legislation on occupational safety and health, in respect of the costs and benefits of its implementation in law and in practice. Lastly, he considered that the project would help to understand the interaction of international standards with economic development, which would promote the benefits of the implementation of those standards in the member States.
  
- 135.** The representative of the Government of Spain indicated that his opinion was reflected perfectly in paragraph 70 of the appendix where it said that at first sight it could appear inappropriate to consider the economic profitability of fundamental rights, which must be respected by virtue of their very nature. However, he considered that analysing the economic dynamics of international labour standards had its practical and pragmatic justification. In effect, international labour standards must be applied throughout the world, in countries with different cultures, but with the same practical direction. He cited paragraph 37 of the appendix where it was established that governments, employers and workers joined in identifying current skills needs, assisted with data for the forecasting of

future skills requirements and provided information on what skills were valued by the market. He thought that it would be interesting to have access to that data and experience to see what the process involved, to see if there was social dialogue, and to provide information to society, workers and young people about market requirements for skills. Globalization had brought rapid economic change, new technologies and, at the same time, uncertainty as to the future of certain jobs. For that reason, it was important to gather information on skills and other data relevant to the workings of the labour market. He declared his support for the point for decision.

136. The representative of the Government of France stressed the usefulness of seeing the value added of international labour standards, as well as their effectiveness. His Government generally upheld those standards, either by example within the Committee on Technical Cooperation or by financing initiatives contained in its bilateral agreement with the ILO. The speaker noted the special interest attached to the sphere of occupational safety and health. He supported the point for decision.
137. A representative of the Director-General (Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department) thanked the Committee for their constructive comments. She also thanked the Government of the Netherlands for their support in making these studies possible. She emphasized that this was the first time that studies of this nature had been undertaken in an interdisciplinary manner by the Office and the project was very ambitious. Choices had to be made, in consultation with the technical departments, and a common methodology found. The first step, as presented in the document, was a literature survey looking at what had been written in the respective fields. Each study was extensive and due to the documents' length constraints, full studies were not able to be included in the present paper. In response to a question posed by a representative of the Government of the United States, she explained that the studies had undergone external peer review by specialists in the respective fields of expertise. She added that she would take the initial comments of the Committee back to the task force.
138. The Employer members concluded by indicating that they intended their criticisms to be constructive and they agreed that it was an aspect that should be pursued and improved. In reply to the Worker members, they stated that the end of paragraph 15, which referred to a "modernization" of the more recent ILO Conventions, was seeking to bring the instruments up to date. With regard to what had been said about the working hours limit having the potential to increase productivity and health, they thought that that may well be right. However, they considered that general principles should be established and that some situations could be regulated by way of collective bargaining. A balance should be found between the instrument and its reflection in economic reality, without that leading to abuse in any sector.
139. The Worker members agreed that, if the studies were coloured by ideology, they would be of no value. So far, the studies consisted of an examination of research done by external authors and they hoped that soon, the ILO would be able to undertake its own research with its own methodology and have this evaluated by external peers.
140. *The Committee on Legal Issues and International Labour Standards recommends that the Governing Body invite the Office to take the necessary action for the continuation of research taking into account suggestions in paragraph 15 of the Office's paper and the comments made during the discussion.*

## X. Other questions

### ***Provisional agenda of the next session of the Committee on Legal Issues and International Labour Standards***

- 141.** The items that would be put before the Committee at its next session were summarized respectively by the Legal Adviser and the Director of the International Labour Standards Department as follows: Update on the status of the privileges and immunities of the International Labour Organization in its member States (the discussion on this item scheduled for the present session was postponed due to time constraints); Revision of the Rules for Regional Meetings; Legal issues arising out of the 300th Session of the ILO Governing Body; Agreement between the International Labour Organization and the United Nations World Tourism Organization; Other legal issues; Improvements in the standards-related activities of the ILO; General status report on ILO action concerning discrimination in employment and occupation; Form for reports on the application of unratified Conventions and Recommendations (article 19 of the Constitution): The Labour Relations (Public Service) Convention, 1978 (No. 151), the Labour Relations (Public Service) Recommendation, 1978 (No. 159), the Collective Bargaining Convention, 1981 (No. 154) and the Collective Bargaining Recommendation, 1981 (No. 163); Form for reports on the application of ratified Conventions (article 22 of the Constitution): The Work in Fishing Convention, 2007 (No. 188); Interim report of the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART).

Geneva, 13 November 2007.

*Points for decision:* Paragraph 12;  
Paragraph 28;  
Paragraph 95;  
Paragraph 108;  
Paragraph 109;  
Paragraph 115;  
Paragraph 140.

## Appendix I

### **Proposed amendments to the Standing Orders of the International Labour Conference<sup>1</sup>**

#### ARTICLE 5 *Credentials Committee*

1. The Conference shall, on the nomination of the Selection Committee, appoint a Credentials Committee consisting of one Government delegate, one Employers' delegate and one Workers' delegate.
  2. The Credentials Committee shall examine, in accordance with the provisions of section B of Part II:
    - (a) the credentials as well as any objection relating to the credentials of delegates and their advisers or to the failure to deposit credentials of an Employers' or Workers' delegate;
    - (b) any complaint of non-observance of paragraph 2(a) of article 13 of the Constitution;
    - (c) the monitoring of any situation with regard to the observance of the provisions of article 3 or article 13, paragraph 2(a), of the Constitution about which the Conference has requested a report.
- ...

#### PART II

### *Standing Orders concerning special subjects*

#### SECTION B *Verification of credentials*

#### ARTICLE 26 *Examination of credentials*

1. The credentials of delegates and their advisers and of all other accredited members of the delegation of a member State shall be deposited with the International Labour Office at least 15 days before the date fixed for the opening of the session of the Conference.
2. A brief report upon these credentials shall be drawn up by the Chairman of the Governing Body. It shall, with the credentials, be made available for inspection on the day before the opening of the session of the Conference and shall be published on the day of the opening of the session.
3. The Credentials Committee appointed by the Conference in pursuance of article 5 of the Standing Orders of the Conference shall consider the credentials, as well as any objection, complaint or report concerning them.

<sup>1</sup> See appendix to GB.300/LIIS/1.

**ARTICLE 26BIS**  
*Objections*

1. An objection in pursuance of article 5, paragraph 2(a), shall not be receivable in the following cases:

- (a) if the objection is not lodged with the Secretary-General within 72 hours from 10 a.m. of the first day of the Conference, the date of publication in the *Provisional Record* of the official list of delegations on the basis of the presence of a person's name or functions on this list, or its absence. If the objection is based on a revised list, the time limit shall be reduced to 48 hours;
- (b) if the authors of the objection remain anonymous;
- (c) if the author of the objection is serving as adviser to the delegate to whose nomination objection is taken;
- (d) if the objection is based upon facts or allegations which the Conference, by a debate and a decision referring to identical facts or allegations, has already discussed and recognized to be irrelevant or devoid of substance.

2. The procedure for the determination of whether an objection is receivable shall be as follows:

- (a) the Credentials Committee shall consider in respect of each objection whether on any of the grounds set forth in paragraph 1 the objection is irreceivable;
- (b) if the Committee reaches a unanimous conclusion concerning the receivability of the objection, its decision shall be final;
- (c) if the Credentials Committee does not reach a unanimous conclusion concerning the receivability of the objection, it shall refer the matter to the Conference which shall, on being furnished with a record of the Committee's discussions and with a report setting forth the opinion of the majority and minority of its members, decide without further discussion whether the objection is receivable.

3. The Credentials Committee shall consider whether every objection deemed to be receivable is well founded and shall as a matter of urgency submit a report thereon to the Conference.

4. If the Credentials Committee or any member thereof submits a report advising that the Conference should refuse to admit any delegate or adviser, the President shall submit this proposal to the Conference for decision, and the Conference, if it deems that the delegate or adviser has not been nominated in conformity with the requirements of the Constitution, may, in accordance with paragraph 9 of article 3 thereof, refuse by two-thirds of the votes cast by the delegates present to admit the delegate or adviser. Delegates who are in favour of refusing to admit the delegate or adviser shall vote "Yes"; delegates who are opposed to refusing to admit the delegate or adviser shall vote "No".

5. Pending final decision of the question of his admission, any delegate or adviser to whose nomination objection has been taken shall have the same rights as other delegates and advisers.

6. If the Credentials Committee considers unanimously that the issues raised by an objection relate to a violation of the principles of freedom of association which has not already been examined by the Governing Body's CFA, it may propose referral of the

question to that Committee. The Conference shall decide, without discussion, on such proposals for referral.

7. When, in the light of the examination of an objection, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

#### ARTICLE 26TER *Complaints*

1. The Credentials Committee may consider complaints that a Member has failed to comply with paragraph 2(a) of article 13 of the Constitution where:

- (a) the Member is alleged to have failed to pay the travelling and subsistence expenses of one or more of the delegates that it has nominated in accordance with article 3, paragraph 1, of the Constitution; or
- (b) the complaint alleges a serious and manifest imbalance as between the number of Employer or Worker advisers whose expenses have been covered in the delegation concerned and the number of advisers appointed for the Government delegates.

2. A complaint referred to in paragraph 1 shall not be receivable in the following cases:

- (a) if the complaint is not lodged with the Secretary-General of the Conference before 10 a.m. on the seventh day following the opening of the Conference and the Committee considers that there is insufficient time to deal with it properly; or
- (b) if the complaint is not lodged by an accredited delegate or adviser alleging non-payment of travel and subsistence expenses in the circumstances set out under (a) or (b) of paragraph 1 or by an organization or person acting on his or her behalf.

3. The Credentials Committee shall, in its report, present to the Conference any conclusions that it has unanimously reached on each complaint considered by it.

4. When, in the light of the examination of a complaint, the Credentials Committee unanimously considers that it is necessary to monitor the situation, it may propose this to the Conference, which shall decide, without discussion, on the proposal. If it is so decided, the Government concerned shall report on such questions that the Credentials Committee judges necessary, to the subsequent session of the Conference when it submits the delegation's credentials.

#### ARTICLE 26QUATER *Monitoring*

The Credentials Committee also monitors any situation relating to respect by a member State for the provisions of articles 3 or 13, paragraph 2(a), of the Constitution with regard to which the Conference has requested the government concerned to report. With this objective, the Committee shall report to the Conference on the evolution of the situation. It may unanimously propose any one of the measures contained in paragraphs 4 to 7 of article 26bis or paragraphs 3 and 4 of article 26ter. The Conference shall decide, without discussion, on such proposals.

## Appendix II

### Table of ratifications and information concerning the ILO's fundamental Conventions (as at 10 November 2006)

- No. 29 – Forced Labour Convention, 1930
- No. 87 – Freedom of Association and Protection of the Right to Organise Convention, 1948
- No. 98 – Right to Organise and Collective Bargaining Convention, 1949
- No. 100 – Equal Remuneration Convention, 1951
- No. 105 – Abolition of Forced Labour Convention, 1957
- No. 111 – Discrimination (Employment and Occupation) Convention, 1958
- No. 138 – Minimum Age Convention, 1973
- No. 182 – Worst Forms of Child Labour Convention, 1999

### Explanation of symbols in the table

- X Convention ratified.
- O Formal ratification process already initiated (with or without mention of time frame); approval of ratification by the competent body, although the Director-General has not yet received the formal instrument of ratification or it is incomplete (concerns chiefly Convention No. 138) or is a non-original copy; bill currently before the legislative body for approval.
- ▲ Ratification will be examined after amendment/adoption of a Constitution, Labour Code, legislation, etc.
- Convention currently being studied or examined; preliminary consultations with the social partners.
- Divergences between the Convention and national legislation.
- ◆ Ratification not considered/deferred.
- No information.

All ILO member States not listed in this table have ratified all eight of the fundamental Conventions.

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Afghanistan	●	X	●	●	X	X	O	O
Australia	X	X	X	X	X	X	X	O
Bahrain	X	X	●	●	●	X	●	X
Bangladesh	X	X	X	X	X	X	♦	X
Brazil	X	X	▲	X	X	X	X	X
Brunei Darussalam	-	-	-	-	-	-	-	-
Canada	♦	X	X	■	X	X	■	X
Cape Verde	X	X	X	X	X	X	O	X
China	●	●	♦	♦	X	X	X	X
Cuba	X	X	X	X	X	X	X	▲
Timor-Leste	●	●	●	●	●	●	●	●
Eritrea	X	X	X	X	X	X	X	O
Gabon	X	X	X	X	X	X	O	X
Ghana	X	X	X	X	X	X	O	X
Guinea-Bissau	X	X	O	X	X	X	O	O
Haiti	X	X	X	X	X	X	●	X
India	X	X	■	■	X	X	■	▲
Iran, Islamic Republic of	X	X	▲	▲	X	X	●	X
Iraq	X	X	▲	X	X	X	X	X
Japan	X	●	X	X	X	●	X	X
Jordan	X	X	●	X	X	X	X	X
Kenya	X	X	▲	X	X	X	X	X
Kiribati	X	X	X	X	O	O	O	O
Korea, Republic of	▲	■	▲	▲	X	X	X	X
Kuwait	X	X	X	X	O	X	X	X
Lao People's Democratic Republic	X	●	●	●	●	●	X	X
Lebanon	X	X	▲	X	X	X	X	X
Liberia	X	X	X	X	O	X	●	X
Malaysia	X	▲	♦	X	X	♦	X	X
Marshall Islands	-	-	-	-	-	-	-	-
Mexico	X	X	X	♦	X	X	■	X
Morocco	X	X	▲	X	X	X	X	X
Myanmar	X	♦	X	●	♦	♦	♦	●
Namibia	X	X	X	X	♦	X	X	X
Nepal	X	X	●	X	X	X	X	X
New Zealand	X	X	▲	X	X	X	●	X

Member State	Forced labour		Freedom of association		Equal treatment		Child labour	
	C. 29	C. 105	C. 87	C. 98	C. 100	C. 111	C. 138	C. 182
Oman	X	X	●	●	●	●	X	X
Qatar	X	X	●	●	●	X	X	X
Samoa	O	O	O	O	O	O	O	O
Saint Lucia	X	X	X	X	X	X	●	X
Saudi Arabia	X	X	●	●	X	X	●	X
Sierra Leone	X	X	X	X	X	X	O	O
Singapore	X	◆	◆	X	X	◆	X	X
Solomon Islands	X	O	O	O	O	O	O	O
Somalia	X	X	—	—	—	X	—	—
Sudan	X	X	●	X	X	X	X	X
Suriname	X	X	X	X	▲	▲	▲	X
Thailand	X	X	■	■	X	●	X	X
Turkmenistan	X	X	X	X	X	X	O	●
United Arab Emirates	X	X	◆	◆	X	X	X	X
United States	◆	X	◆	◆	◆	O	◆	X
Uzbekistan	X	X	O	X	X	X	O	O
Vanuatu	X	X	X	X	X	X	O	X
Viet Nam	X	▲	●	●	X	X	X	X

## Appendix III

Appl. 22.187  
**187. Promotional Framework for Occupational Safety and Health, 2006**

INTERNATIONAL LABOUR OFFICE, GENEVA

REPORT FORM

FOR THE

**PROMOTIONAL FRAMEWORK FOR OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 2006 (No. 187)**

The present report form is for the use of countries which have ratified the Convention. It has been approved by the Governing Body of the International Labour Office, in accordance with article 22 of the ILO Constitution, which reads as follows: "Each of the Members agrees to make an annual report to the International Labour Office on the measures which it has taken to give effect to the provisions of the Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request."

The subject matter of the Convention may go beyond the immediate competence of the ministry responsible for labour matters, so that the preparation of a full report on the Convention may require consultation with the other ministries or government agencies concerned, as appropriate.

The Government may deem it useful to consult the appended text of the Promotional Framework for Occupational Safety and Health Recommendation, 2006 (No. 197), which supplements Convention No. 187 and whose provisions may facilitate the application of this Convention.

### **Practical guidance for drawing up reports**

#### ***First report***

If this is your Government's first report following the entry into force of the Convention in your country, full information should be given on each of the provisions of the Convention and on each of the questions set out in the report form.

#### ***Subsequent reports***

In subsequent reports, information need normally be given only on the following points:

- (a) on any new legislative or other measures affecting the application of the Convention;
- (b) replies to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions, or consultations held with the most representative organizations of employers and workers) and on the communication of copies of the report to the representative organizations of employers and workers and on any observations received from these organizations;

- (c) **replies to comments by the supervisory bodies:** the report must contain replies to any comments regarding the application of the Convention in your country which have been made by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

## **Article 22 of the Constitution of the ILO**

Report for the period ..... to .....  
made by the Government of .....  
on the

### **Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)**

(ratification registered on .....

- I.** Please provide a list of the principal policy statements, legislative texts, administrative regulations, etc., which contain specific provisions on national policy and programmes on occupational safety and health as defined in the Convention. Please also indicate whether other measures relevant for the implementation of the Convention have been taken. Where this has not already been done, please forward copies of relevant documents to the International Labour Office with this report or include references to publicly available web sites from where they may be downloaded electronically.

Please provide available information concerning the extent to which the laws and regulations have been enacted or modified or any other measures taken to permit, or as a result of, ratification.

- II.** Please indicate in detail *for each of the following Articles of the Convention* the provisions of the abovementioned laws or regulations, etc., or other measures under which the Article is applied. Please also give the information specifically requested under each Article. If in your country ratification of the Convention gives the force of national law to its terms, please indicate by virtue of what constitutional provisions the ratification has this effect. Please also specify what action has been taken to make effective those provisions of the Convention which require a national authority to take certain specific steps for its implementation.

If the Committee of Experts or the Conference Committee on the Application of Standards has requested additional information or has made an observation on the measures adopted to apply the Convention, please supply the information asked for or indicate the action taken by your Government to settle the points in question.

#### I. DEFINITIONS

##### *Article I*

For the purpose of this Convention:

- (a) the term “national policy” refers to the national policy on occupational safety and health and the working environment developed in accordance with the principles of Article 4 of the Occupational Safety and Health Convention, 1981 (No. 155);

- (b) the term “national system for occupational safety and health” or “national system” refers to the infrastructure which provides the main framework for implementing the national policy and national programmes on occupational safety and health;
- (c) the term “national programme on occupational safety and health” or “national programme” refers to any national programme that includes objectives to be achieved in a predetermined time frame, priorities and means of action formulated to improve occupational safety and health, and means to assess progress;
- (d) the term “a national preventative safety and health culture” refers to a culture in which the right to a safe and healthy working environment is respected at all levels, where government, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the principle of prevention is accorded the highest priority.

## II. OBJECTIVE

### *Article 2*

1. Each Member which ratifies this Convention shall promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths, by the development, in consultation with the most representative organizations of employers and workers, of a national policy, national system and national programme.
2. Each Member shall take active steps towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health by taking into account the principles set out in instruments of the International Labour Organization (ILO) relevant to the promotional framework for occupational safety and health.
3. Each Member, in consultation with the most representative organizations of employers and workers, shall periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

*Paragraph 1. Please indicate the measures taken to promote the continuous improvement of occupational safety and health as set out in this paragraph and the outcome of the consultations held in this regard.*

*Paragraph 2. Please indicate which principles set out in the instruments of the ILO relevant to the promotional framework for occupational safety and health have been taken into account with a view to achieving the objectives set out in paragraphs 1 and 2 of this Article.*

*Paragraph 3. Please indicate whether periodic consideration has been given to measures that could be taken to ratify relevant occupational safety and health Conventions of the ILO, and the outcome of the consultations held in this regard.*

## III. NATIONAL POLICY

### *Article 3*

1. Each Member shall promote a safe and healthy working environment by formulating a national policy.
2. Each Member shall promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.

3. In formulating its national policy, each Member, in light of national conditions and practice and in consultation with the most representative organizations of employers and workers, shall promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.

*Paragraph 1. Please indicate measures taken to formulate a national policy as provided in this paragraph. If such a policy has been formulated in the form of an official document or report, and if this has not already been done in the context of reporting under the Occupational Safety and Health Convention, 1981 (No. 155), please supply a copy.*

*Paragraph 2. Please provide information on the action taken at national, regional, enterprise or other levels to promote and advance the rights of workers to a safe and healthy working environment.*

*Paragraph 3. Please indicate:*

- (a) *measures taken to promote the basic principles and to develop a national preventative safety and health culture that includes information, consultation and training;*
- (b) *the organizations of employers and workers that have been consulted and the outcome of the consultations held in this regard;*
- (c) *the national conditions and practice that have been taken into consideration.*

#### **IV. NATIONAL SYSTEM**

##### *Article 4*

1. Each Member shall establish, maintain, progressively develop and periodically review a national system for occupational safety and health, in consultation with the most representative organizations of employers and workers.

2. The national system for occupational safety and health shall include among others:

- (a) laws and regulations, collective agreements where appropriate, and any other relevant instruments on occupational safety and health;
- (b) an authority or body, or authorities or bodies, responsible for occupational safety and health, designated in accordance with national law and practice;
- (c) mechanisms for ensuring compliance with national laws and regulations, including systems of inspection; and
- (d) arrangements to promote, at the level of the undertaking, cooperation between management, workers and their representatives as an essential element of workplace-related prevention measures.

3. The national system for occupational safety and health shall include, where appropriate:

- (a) a national tripartite advisory body, or bodies, addressing occupational safety and health issues;
- (b) information and advisory services on occupational safety and health;
- (c) the provision of occupational safety and health training;
- (d) occupational health services in accordance with national law and practice;
- (e) research on occupational safety and health;

- (f) a mechanism for the collection and analysis of data on occupational injuries and diseases, taking into account relevant ILO instruments;
- (g) provisions for collaboration with relevant insurance or social security schemes covering occupational injuries and diseases; and
- (h) support mechanisms for a progressive improvement of occupational safety and health conditions in micro-enterprises, in small and medium-sized enterprises and in the informal economy.

*Paragraph 1. Please indicate the measures taken to establish, maintain, progressively develop and periodically review a national system for occupational safety and health, the organizations of employers and workers that have been consulted, and the outcome, if any, of the consultations held in this regard.*

*Paragraph 2. Please provide information on the components of the national system listed in this paragraph.*

*Paragraph 3. Please indicate whether your national system comprises any or all of the components listed in this paragraph. Please provide information on the existing components of your national system and plans regarding the other components listed in this paragraph.*

## V. NATIONAL PROGRAMME

### *Article 5*

1. Each Member shall formulate, implement, monitor, evaluate and periodically review a national programme on occupational safety and health in consultation with the most representative organizations of employers and workers.

2. The national programme shall:

- (a) promote the development of a national preventative safety and health culture;
- (b) contribute to the protection of workers by eliminating or minimizing, so far as is reasonably practicable, work-related hazards and risks, in accordance with national law and practice, in order to prevent occupational injuries, diseases and deaths and promote safety and health in the workplace;
- (c) be formulated and reviewed on the basis of analysis of the national situation regarding occupational safety and health, including analysis of the national system for occupational safety and health;
- (d) include objectives, targets and indicators of progress; and
- (e) be supported, where possible, by other complementary national programmes and plans which will assist in achieving progressively a safe and healthy working environment.

3. The national programme shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.

*Paragraph 1. Please indicate the steps that have been taken for putting in place a national programme on occupational safety and health as required in paragraph 1 of this Article, the organizations of employers and workers that have been consulted and the outcome of the consultations held in this regard.*

*Paragraph 2. With respect to national programmes formulated or implemented during the reporting period, please provide information on measures taken to ensure that these programmes comply with the requirements listed in paragraph 2 of this Article,*

*including, in particular, specific information regarding objectives, targets and indicators of progress.*

*Paragraph 3. Please provide information on action taken to have national programmes publicized, endorsed and launched by the highest national authorities and indicate the national authorities actually involved in such action.*

- III. Please state whether courts of law or other tribunals have given decisions involving questions of principle relating to the application of the Convention. If so, please supply the text of these decisions.**
- IV. If your country has received any assistance or advice through technical cooperation for which the ILO was the executing agency please indicate the action taken as a result. Please also indicate any factors, which may have prevented or delayed such action.**
- V. Please also give a general appreciation of the manner in which the Convention is applied in your country. In so far as such information has not been supplied in reply to the above questions, please forward extracts of reports, studies and inquiries, statistical data, etc. (for example, with respect to policies and programmes relating to particular areas or branches of economic activity or to particular groups of the population).**
- VI. Please indicate the representative organizations of employers and workers to which copies of the present report have been communicated in accordance with article 23, paragraph 2, of the Constitution of the International Labour Organization.<sup>1</sup> If copies of the report have not been communicated to representative organizations of employers and/or workers, or if they have been communicated to bodies other than such organizations, please supply information on any particular circumstances existing in your country which explain the procedure followed.**

Please indicate whether you have received from the organizations of employers or workers concerned any observations, either of a general kind or in connection with the present or the previous report, regarding the practical application of the provisions of the Convention or the application of the legislation or other measures implementing the Convention. If so, please communicate a summary of the observations received, together with any comments that you consider useful.

<sup>1</sup> Article 23, paragraph 2, of the Constitution reads as follows: "Each Member shall communicate to the representative organisations recognised for the purpose of article 3 copies of the information and reports communicated to the Director-General in pursuance of articles 19 and 22."