



TENTH ITEM ON THE AGENDA

**Reports of the Committee on Legal
Issues and International Labour
Standards****Second report: International labour
standards and human rights***Contents*

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III. Improvements in the standards-related activities of the ILO: A progress report (Third item on the agenda)

1. The Committee had before it a document ¹ concerning improvements in the standards-related activities of the ILO, which reported on progress made towards a final plan of action for the implementation of the standards strategy.
2. The representative of the Director-General (Ms Cleopatra Doumbia-Henry, Director of the International Labour Standards Department (NORMES)) introduced the document and drew attention to the appendices, which contained a proposed plan of action for the promotion of occupational safety and health (OSH) standards and a new proposal for a revised article 22 report form on Convention No. 29.
3. The Worker Vice-Chairperson stressed that any action plans developed for the promotion of standards needed to be integrated into the ILO's overall standards strategy, rather than prepared on a piecemeal basis. The Office should clarify and report to the November session of the LILS Committee on how it intended to ensure that the implementation of the Global Jobs Pact included efforts to promote the ratification and implementation of the standards identified as relevant to the crisis. Such a promotion would require close collaboration with technical cooperation activities. The country-based approach to promoting up to date Conventions, the ratification of revised Conventions and the denunciation of old ones was useful, but would again require closer collaboration with technical departments, the systematic inclusion of standards in Decent Work Country Programmes and better use of Convention No. 144.
4. The speaker welcomed the holding of a meeting of a tripartite group of experts on Convention No. 158 and Recommendation No. 166 later in the biennium. As the Cartier Working Party had not reached agreement on revising Convention No. 158, the status quo prevailed and the Convention should therefore have been promoted as an up to date Convention. She emphasized the importance of protection against unfair dismissal, without which workers were placed in a virtually slave-like situation at the workplace. Unfair dismissal could be used against union members and leaders, thereby undermining workers' democratic rights. In preparing the documents for the meeting, the Office should refer to the paper it submitted in 2001 ² and the more recent note on Convention No. 158 submitted in November 2009. The role of the tripartite group of experts was not to decide on the status of the Convention and the Recommendation, since that could only be decided by the Governing Body and the Conference.
5. The speaker expressed support for the proposed modifications to the report form on Convention No. 29 and the extension of the article 22 reporting cycle, and welcomed the conclusions of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) concerning the treatment of comments received from employers' and workers' organizations in a non-reporting year, particularly those raising serious allegations of important acts of non-compliance.
6. She noted that good progress had been made with regard to the database unification process, in particular as regards facilitating access to information and reporting. However,

¹ GB.307/LILS/3(Rev.).

² GB.280/LILS/WP/PRS/2/2.

she expressed concern regarding the mobilization of sufficient resources to maintain the system and indicated that it should not affect the budget of NORMES. The Office should look into how it could ensure better inter-sectoral access to data and information in the light of the Social Justice Declaration. She welcomed the publication of the *Digest of principles and comments of the ILO's supervisory bodies related to the informal economy* and considered that the Office should do more such work, for example in relation to Recommendation No. 198. She also welcomed the resource mobilization drive, through all available avenues, including technical cooperation, Regular Budget Supplementary Account (RBSA) and global products. All standards-related work (including the 1998 Declaration) should be adequately resourced, and clarification was needed as to whether the programme submitted by NORMES to the Partnerships and Development Cooperation Department had been approved. She supported the work undertaken on decent work indicators and the inclusion of numerical indicators of progress for freedom of association and collective bargaining.

7. The speaker welcomed the proposed plan of action on OSH, although the Workers' group suspected serious under-reporting with regard to the figures on fatal accidents and injuries cited by the Office. Moreover, a key gap in the proposed plan of action was the lack of reference to freedom of association and the right to collective bargaining, codified as enabling rights in the Social Justice Declaration. Without these rights, it would be impossible for workers to be involved in enterprise-level action, which was essential for prevention and the reporting of occupational accidents. The plan of action should address the need to strengthen the Programme on Safety and Health at Work and the Environment (SafeWork) and provide a stronger push for OSH in the field. A focused strategy was needed, with clear benchmarks and achievable targets. However, the speaker expressed concern as to whether the Office had sufficient resources to support the plan of action, which appeared ambitious, while the resources available were modest. The development and implementation of national action plans was important in OSH, and involved selecting countries and providing stronger support for the labour ministries and the social partners on the basic framework of rights and obligations set out in Convention No. 155 and Recommendation No. 164. There was also a need to focus on hazardous sectors and to work with relevant industry unions, employers and ministries on the sectoral Conventions, especially in construction, agriculture, chemicals and mining. She sought clarification as to why there was no mention of the linkage between informal and precarious work and violations of OSH standards and strategies. The plan of action should also focus on the following workplace prevention measures: the right of employees to select safety representatives, who should be protected against victimization and discrimination; proper training and paid time off for safety representatives; the right of consultation on safety arrangements and the right to receive adequate information from the employer; the right to participation and equal representation in joint health and safety committees; and better support for small and medium-sized enterprises (SMEs), where there were usually no such committees. Another gap in the proposed plan of action was the absence of a gender dimension in its analysis. With reference to the indicators in the action plan, one very important measurement that had not been included was whether a decline in the number of deaths and accidents could be attributed to the action taken.
8. The Employer Vice-Chairperson emphasized that final plans of action needed to encompass all the essential elements of the four components of the standard strategy, including a regular review mechanism for keeping the body of standards relevant and up to date and clarity on the methods of interpretation used by the ILO supervisory bodies. Recalling the decision by the Governing Body, on the basis of a recommendation made by the LILS Committee, that a meeting of a tripartite group of experts on Convention No. 158 and Recommendation No. 166 should be held in 2010, he considered that the Office should provide more concrete information on the steps already undertaken to prepare the meeting, particularly in view of the unclear status and very critical perception by some parties,

including the Employers, of those two instruments, given their potential to create rigidities and legal uncertainty in the employment relationship.

9. With regard to the development of plans of action, the speaker indicated that the ratification of Conventions was a prerogative of ILO member States and the Office should refrain from imposing ratification. When “promoting” ratification, the Office should advise countries to consider ratification only when the necessary capacity for implementation was in place. If the likely consequence of ratification was non-compliance, the Office should point out that such non-compliance was a violation of an obligation under international law. It was preferable to develop action plans to promote improvements in important labour issues, such as OSH, labour inspection and labour conditions in a particular sector, such as fishing, rather than focusing generally on promoting the ratification of Conventions. Standards in those areas could be relevant elements for plans of action, but were only one element among others. The lead units for plans of action should be both the technical departments (SafeWork, DECLARATION, SECTOR) and NORMES, while ACT/EMP and ACTRAV should be consulted and involved in all phases of implementation. He noted that the Committee on Technical Cooperation might be a more competent Governing Body committee for the adoption of future plans of action.
10. As regards the plan of action on OSH, the Employers’ group was of the view that while it contained many useful elements, in overall terms, it was conceived from a narrow standards perspective which did not fully take into account the practical dimension of OSH. That imbalance should be corrected, for example by considering all nine points concerning various types of OSH-related action contained in the conclusions on the 2009 General Survey on OSH. The strategy to promote the ratification and effective implementation of the OSH instruments should be embedded in an integral plan of action for the promotion of OSH as a whole, not just a plan of action on standards in isolation. There was also room for further improvement in the following respects: a clearer focus on the most recent OSH instrument, namely Convention No. 187, and a more careful approach to Convention No. 155 and its 2002 Protocol, given the various implementation difficulties indicated in the 2009 General Survey. He proposed modifications to the text of the plan of action in: paragraph 27, calling for additional technical needs analyses over and above the issues identified by the CEACR; paragraph 33, to give greater prominence to SMEs and the informal economy, which constituted major challenges for OSH; and paragraph 37, to promote research on particularly suitable OSH applications/practices that also improved productivity and were affordable for SMEs and employers in the informal economy. The first two indicators set out in paragraph 38 concerning the ratification of OSH instruments gave the misleading impression that ratification was the first measure to be taken by member States and the most important indication of progress. Those two indicators should therefore be shifted to the end of the list. The fourth indicator should include reference to the Conference Committee, as well as other sources that could provide information on implementation, such as project evaluation reports or reports by independent and competent OSH institutions.
11. With reference to the conclusions of the CEACR concerning the treatment of comments received from employers’ and workers’ organizations in a non-reporting year, the speaker stressed that, rather than simply taking note of those conclusions, as indicated in paragraph 12, it was the role of the Governing Body to ensure the proper functioning of all the different bodies of the supervisory system. Nevertheless, the proposals made by the CEACR looked reasonable and could be approved. The CEACR should review their functioning in practice after a certain period of time, for example every two years.
12. With regard to the proposed modifications to the report form on Convention No. 29, the speaker noted that a legal solution needed to be found to deal with the obsolete transitional provisions of the Convention. The speaker recalled that the CEACR itself, in

paragraph 196 of its General Survey of 2007 on forced labour, proposed the adoption by the Conference of a protocol to revoke the transitional provisions. He indicated that Article 1, paragraph 3, according to the 2007 General Survey, did not belong to the transitional provisions, contrary to what was stated in the document under debate.

13. On the issue of enhanced access to the standards system and broader visibility, the speaker welcomed the attention given, through the new *Digest*, to the problems of the application of standards in the informal economy, but regretted that ACT/EMP, and probably ACTRAV, had not been consulted on this important issue. With regard to the very critical exercise of the measurement of decent work, the development of country profiles had been approved by the Governing Body, but there was no clear decision by the Governing Body to develop numerical indicators of progress on fundamental principles and rights at work. He noted with concern that reference had only been made to consultations with the CEACR, and requested the Office also to consult the Conference Committee on the Application of Standards and involve ACT/EMP and ACTRAV all along the process.
14. The representative of the Government of Canada, speaking on behalf of the industrialized market economy countries (IMEC), welcomed the continued consultations on standards policy and the interpretation of international labour standards, as well as the planned meeting of a tripartite group of experts on Convention No. 158 and Recommendation No. 166. IMEC endorsed the proposed plan of action on OSH. The speaker noted, however, that the indicators in paragraph 38 of the plan referred to actions to be taken by member States, rather than more closely measuring and monitoring the impact of ILO action, in accordance with the follow-up to the Social Justice Declaration, which called for assessment of the results of the ILO's activities with a view to informing programme, budget and other governance decisions. The Office should provide more specific information on when progress reports would be provided to the Governing Body. The Office was encouraged to finalize the plan of action on the fundamental Conventions in time for the November 2010 session of the Governing Body, which would be significant in supporting the achievement of universal ratification of the fundamental Conventions by 2015, for which 150 ratifications were still needed from 53 countries.
15. With regard to the new three-year reporting cycle for fundamental and governance Conventions, IMEC reiterated its request for a presentation on how Conventions would be categorized by strategic objective so that the practical implications of such a grouping could be better understood. It was important not to weaken the objectives behind the three-year cycle, namely to alleviate the workload of governments, the Office and the CEACR. The speaker noted that the conclusions of the CEACR on dealing with comments received from workers' and employers' organizations in non-reporting years incorporated appropriate mechanisms to ensure that only serious matters would be addressed outside the regular reporting cycle, and provided for due process.
16. IMEC considered that the instructions in the first paragraph of section II of the report form of Convention No. 29 were unclear, and suggested the following alternative language:

Please indicate in detail the provisions of legislation and administrative regulations, and the measures taken by the competent authorities, which ensure the application of Articles 1(1), 2, 25 and 26 of the Convention. In addition, please provide any indication specifically requested below on these Articles. Please note that information is no longer requested under Articles 1(2) and (3) and 3–24, as these transitional provisions are no longer applicable and are reproduced only for reference.
17. IMEC welcomed the database unification project and the development of an online reporting system, and looked forward to a demonstration. The web site should be user-friendly and improve the accessibility of information. With regard to the new *Digest*, the speaker requested clarification on its availability and distribution. The proposed technical

cooperation programme was a major part of the standards policy and more information was requested on the results of the resource mobilization and progress in implementation of the programme in 25 countries.

- 18.** The representative of the Government of India endorsed the plan of action for the OSH instruments. Regional and country offices should be actively associated in its implementation, as they were in a better position to appreciate the capacities, resources, infrastructure and implementation gaps, including existing hazards and risks in relation to OSH in member States, with particular reference to the informal sector. He welcomed changes in the reporting cycle; the approach outlined by the CEACR with regard to comments received from the social partners outside the normal reporting cycle, especially where they raised serious allegations; and the more streamlined report form for Convention No. 29.
- 19.** The representative of the Government of Cuba welcomed a tripartite meeting of experts to examine Convention No. 158 and Recommendation No. 166 and hoped that a future revision of those standards would strengthen the protection available to workers who were victims of unjustified dismissal. The proposed plan of action on the OSH instruments would be extremely useful in encouraging those responsible at the national level to provide the correct guidance for the application of measures in enterprises. The ratification of the relevant instruments by the Government of Cuba was a positive step in achieving safe and healthy work, which in turn improved the productivity and competitiveness of enterprises through the prevention of accidents and diseases caused by work. She supported the proposed simplification of article 22 report forms and the lengthening of the reporting cycle for fundamental Conventions, which would lighten the reporting burden. The comments made by the social partners were important for improving implementation of the national legislation giving effect to ratified Conventions, although it was for the CEACR to make an objective and impartial assessment of the issues raised in such comments.
- 20.** The representative of the Government of Japan agreed with the importance attached to improving OSH and emphasized the need for tripartite cooperation for that purpose. In supporting the proposed plan of action, he maintained that the collaboration of specialists in the various areas and of the Turin Centre would be effective and that the enhanced visibility of the benefits of improving OSH would be of assistance to national policy-makers. It was important to set specific quantitative objectives for the prevention of occupational accidents. His Government had set numerical objectives to evaluate the progress achieved through the implementation of the five-year plan launched in 2008 for the prevention of occupational accidents. His country was also providing assistance to developing countries, mainly ASEAN countries, in the field of OSH, and was collaborating with the network of OSH administrations in the ASEAN region (ASEAN-OSHNET), with a view to contributing to the improvement of OSH in the region.
- 21.** The representative of the Government of Nigeria, speaking on behalf of the Africa group, supported the proposed three-year reporting cycle for the fundamental and governance Conventions and welcomed the plan of action on the OSH instruments. He noted, however, that the plan of action was very elaborate and would require enormous resources for its effective implementation, and he therefore welcomed the drive by the Office to mobilize the necessary financial resources. The implementation of the plan of action would also require a high level of capacity building for labour ministries, labour inspectors and the social partners, especially in the African region. In view of the challenge for SMEs, greater attention should be paid to them in the plan of action on OSH. Finally, he recalled that his Government, which was about to ratify the Maritime Labour Convention, 2006 (MLC, 2006), had requested technical assistance for that purpose and he took the opportunity to reiterate the request.

22. The representative of the Government of Italy welcomed the organization of a tripartite meeting of experts on Convention No. 158 and Recommendation No. 166 and expressed support for the plan of action on the OSH instruments, the objective of which was to improve the OSH situation throughout the world. In 2008 his country had adopted a single global OSH legislative text that was in accordance with international and European Union standards. His Government was examining the possibility of ratifying Convention No. 155, its 2002 Protocol, and Convention No. 187. He welcomed the grouping of Conventions by strategic objective for reporting purposes, as well as the extension of the reporting cycle to three years for the fundamental and governance Conventions, which he hoped would lighten the workload of both governments and the Office. Moreover, the clarifications provided by the CEACR concerning comments provided by the social partners outside the normal reporting cycle were very useful. He also expressed support for the revised article 22 report forms and welcomed the Office's efforts to unify the databases on standards and to develop the system of online reporting. He further welcomed the efforts made to strengthen the impact of the standards system through technical cooperation.
23. The representative of the Government of Egypt welcomed the plan of action for the OSH instruments and emphasized the importance of OSH objectives being discussed and implemented in a consensual tripartite context. The extension of the reporting cycle for the fundamental and governance Conventions would be effective in lightening the workload of governments and the CEACR, and the CEACR would thus be able to examine the essential questions and avoid a repetitive examination of the same comments. The revision of article 22 report forms was an important aspect of the standards strategy which would ensure that the reports examined by the CEACR were more relevant and would facilitate examination of the positive and negative aspects of the situation in each country. The changes made to the report form on Convention No. 29 would lighten the reporting burden on governments.
24. The representative of the Government of Zambia noted that the plan of action on OSH came at a very good time, following the recent gradual paradigm shift towards a dynamic and systems approach to OSH focusing on prevention, as reflected in Conventions Nos 155 and 187, the ILO Global Strategy on OSH and the General Survey of 2009. OSH conditions in the context of the global financial and economic crisis were deteriorating generally and action should in his view be focused at the enterprise level. He welcomed the emphasis on tripartism in the plan of action. Finally, his Government had embraced the Decent Work Agenda and was currently implementing its Decent Work Country Programme. A tripartite consultation process with a view to the ratification of Conventions Nos 129, 155 and 187 had started.
25. The representative of the Government of Mexico, noting that the implementation of the proposed plan of action on OSH depended mainly on extra-budgetary funding, asked whether the plan of action contained any provision for its implementation if funding was not available from donors. It was important to integrate prevention and self-management into the plan of action with a view to ensuring that precautionary measures prevailed over corrective steps. Finally, she expressed support for the revised report form for Convention No. 29.
26. The representative of the Director-General, in reply to the question raised by the Employer Vice-Chairperson concerning the preparations for the tripartite meeting of experts on Convention No. 158, observed that the report would have to fully reflect the concerns raised by the Employers' and Workers' groups, as well as the various Government representatives. Further consultations would be needed on the outline of the report and any proposals to be made concerning the way forward, and a number of case studies would need to be prepared. In view of the heavy schedule towards the end of 2010, she suggested that the meeting take place early in 2011.

27. With reference to the comments made by the Employer Vice-Chairperson concerning the conclusions of the CEACR on the treatment of comments received from the social partners outside the reporting cycle, she added that the fact that the report merely invited the Committee to take note of the conclusions was not intended in any way to question the role of the Governing Body in ensuring the proper functioning of all the various bodies of the supervisory system.
28. As regards the article 22 report form on Convention No. 29 and the plan of action on OSH, the Office would seek as far as possible to take into account the comments made during the present discussion. She stressed that all the plans of action proposed were developed in collaboration with the respective technical departments in the Office; they were the Office's plans of action, not exclusively of NORMES.
29. With regard to the new *Digest*, the publication was still in draft form and had not yet been put onto the web site. In view of the importance of the informal economy, the purpose of the publication was to gather all the comments made by the supervisory bodies on the subject, without any additional commentary. Work on the unification of the NORMES databases was proceeding very well and it was hoped that the necessary approval, and consequently funding, would be obtained in the near future and that it would be possible to make a presentation of the project during the November session of the Governing Body.
30. In relation to the proposal for a major technical cooperation programme, she recalled that the Office was operating in a context of budgetary cuts and that many of the proposed actions could not be carried out without supplementary funding from donors. She therefore hoped that the Partnerships and Development Cooperation Department would be able to fulfil its role of finding such funding. The low ratification rates of many of the ILO's Conventions were largely due to the fact that the Office had not been able to provide the necessary assistance to help governments understand and realize the importance of the respective standards.
31. The Worker Vice-Chairperson indicated that the discussion had been very useful and welcomed the support shown by governments for continued ratification, which demonstrated that they still found Conventions to be important and useful. It was possible for governments in developing countries to ratify Conventions before being able to achieve their full implementation. It was one of the strengths of Conventions that they set a level to which States could aspire, starting from a low level and improving the situation over time.
32. The Employer Vice-Chairperson welcomed the rich debate and the response by the representative of the Director-General. It was necessary to be reasonable when considering the ratification of Conventions, which should only be undertaken when a good level of application could be attained.
33. ***The Committee on Legal Issues and International Labour Standards recommends that the Governing Body:***
 - (a) ***approve the proposed plan of action on OSH standards, as revised in light of the discussion, and contained in Appendix I;***
 - (b) ***approve the article 22 report form concerning Convention No. 29, subject to an editorial change, contained in Appendix II; and***
 - (c) ***invite the Office to:***

- (i) take appropriate action as regards the follow-up to consultations on standards policy and the interpretation of international labour Conventions;*
- (ii) report back to the Committee regarding the preparation of the meeting of the tripartite group of experts to examine Convention No. 158 and Recommendation No. 166 in November 2010;*
- (iii) develop further plans of action for the ratification and effective implementation of fundamental Conventions and the work in fishing standards, in light of the comments made during the discussion;*
- (iv) report to the Committee on the ongoing review of the article 22 report forms concerning OSH Conventions;*
- (v) report to the Committee on the implementation of the modifications to the article 22 reporting cycle adopted at the 306th Session (November 2009) of the Governing Body; and*
- (vi) report to the Committee on progress made regarding the mobilization of resources for the implementation of the proposed technical cooperation programme, and on the unification of the current databases and the development of an online reporting system.*

IV. Choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution – Proposal for an article 19 questionnaire concerning fundamental principles and rights at work instruments (Fourth item on the agenda)

34. The Committee had before it a paper ³ on the choice of Conventions and Recommendations on which reports should be requested under article 19 of the Constitution. The paper included in Appendices I and II draft report forms: the first concerning fundamental Conventions and the second concerning freedom of association and collective bargaining instruments.
35. The representative of the Director-General recalled that this was the third time that the Office had provided the Committee with a report form under article 19 of the ILO Constitution since the adoption of the Social Justice Declaration without the benefit of an earlier Governing Body decision on the recurrent item to be placed on the agenda of the International Labour Conference (ILC). Unfortunately, the Governing Body had not yet decided on the subject matter of the recurrent item for the ILC in 2012. However, on the basis of the consultations carried out in February 2010, the Office had produced a draft questionnaire on the eight fundamental Conventions. Hence, in the absence of guidance from the Governing Body, the Office had provided a range of options as to whether the

³ GB.307/LILS/4.

General Survey would deal with all four categories of fundamental principles and rights at work (FPRW) or whether it would address a limited combination thereof.

- 36.** The speaker further explained that the article 19 General Survey sought to give a global picture of the law and practice in member States in terms of the application of ratified Conventions, as well as the obstacles to ratification encountered by member States that had not ratified the Conventions concerned. She further pointed out that of 183 member States, 130 had ratified all eight fundamental Conventions. Thus, only 53 member States had yet to complete ratification of all eight Conventions. Moreover, the article 19 questionnaire had only to be completed by member States that had not ratified the relevant Conventions. Member States which had ratified all eight Conventions would only be expected to answer the questions in the section that dealt with the “impact of ILO instruments”. Finally, she noted that the Office had provided the Committee with two versions of a report form and three options contained in paragraph 7, one of which the Committee was asked to approve.
- 37.** The Employer Vice-Chairperson preferred the option of addressing all the categories of fundamental Conventions to ensure closer integration with the other three strategic objectives, which were interrelated. With regard to Appendix I, he stated that it was not clear how countries that had ratified some but not all the fundamental Conventions would need to report. The questions in the report form should adhere more closely to the text of the relevant Conventions and should not seek to reflect interpretations made by the CEACR. He raised a number of specific points in this regard where he was of the view that there was no such adherence. In particular, in connection with Convention No. 29, he stated that reference should always be to “trafficking in human beings for the purpose of forced labour” or “trafficking in human beings involving forced labour” and not just to “trafficking in human beings” which was not identical to forced labour. In Appendix I, box 3, he questioned the reference to “preventing and prohibiting sexual harassment at work” and requested that it be either deleted or put into context, since it was not mentioned anywhere in Convention No. 111, Article 1, 2 or 3. In Appendix I, box 6, he highlighted that a number of changes were needed relating to Conventions Nos 29 and 105; for instance, in the first and second bullet points, the term “essential services” should be deleted as the Conventions neither referred to nor defined “essential services”. Appendix I, box 9, should be redrafted to better reflect the wording of Article 9(1) of Convention No. 138 and Article 7(1) of Convention No. 182. In Appendix I, box 17, the link to Article 5 of Convention No. 111 was not fully clear. In Appendix I, box 18, he reiterated that Convention No. 29 was not about “labour and sexual exploitation” but about “forced or compulsory labour”. In Appendix I, box 21, the last sentence, which highlighted possible forced labour in “EPZs”, should be deleted as there was no textual link to Convention No. 29 or No. 105.
- 38.** The Worker Vice-Chairperson indicated that, of the three options proposed under paragraph 7, the Workers’ group supported paragraph 7(c), focusing on freedom of association and collective bargaining, for several reasons. Firstly, a General Survey covering the eight fundamental Conventions would be much too broad and would not allow a thorough and in-depth review of the subject matter. Secondly, the focus on freedom of association and collective bargaining was critical because the two Conventions had the lowest rate of ratification among the eight fundamental Conventions. Indeed, highly populated countries such as Brazil, China, India and the United States had not ratified either one or both of the Conventions. Moreover, in Asia, only 40 per cent of member States had ratified either one or both of the Conventions. Another advantage of opting for paragraph 7(c) was that it also included Conventions Nos 135, 151 and 154 together with their accompanying Recommendations. At its March 2009 session, the Governing Body had agreed that all these instruments (except Convention No. 135) could be the subject of an article 19 General Survey, but the decision had been postponed as it had been decided to cover employment under the follow-up to the Social Justice

Declaration. Finally, she emphasized that the General Survey was a useful source of information for member States not only to remove obstacles to ratification, but also to assist countries that had ratified the Conventions to move forward towards better implementation.

- 39.** The representative of the Government of Austria, speaking on behalf of IMEC, emphasized that both the 1998 and 2008 Declarations gave equal weight to each of the four categories of FPRW. IMEC saw the FPRW, as set out in the 1998 Declaration and the related fundamental ILO Conventions, as being a mutually supportive “package” of rights which, logically, would best be considered in a holistic manner. Therefore, the General Survey should deal with all four categories. The speaker was also concerned that a separation of the four FPRW would inevitably mean an unacceptably lengthy gap when discussing the global application of any of the fundamental Conventions. While IMEC did not wish to pre-empt the Governing Body decision the following week concerning the recurrent discussion in 2012, the group supported the decision points in paragraph 7(a) and (b). Finally, IMEC looked forward to the November 2010 meeting of the Steering Committee set up under the 2008 Declaration where the experience of the first recurrent discussion would be reviewed. As for the reporting cycle, it would be useful to consider for the future (after 2012) aligning the theme for the General Survey in such a way that the Conference Committee on the Application of Standards could discuss the report of the CEACR and provide its views one year ahead of the recurrent discussion. In this way, the normative dimension of the theme could be properly addressed in the report for the recurrent discussion the following year.
- 40.** The representative of the Government of India emphasized the importance of linking the various reports under the General Survey to the discussion of the Social Justice Declaration to allow for an analysis of all four strategic objectives and stressed the need for a balance in terms of a discussion on each category of FPRW. Therefore, it was relevant and logical to take all the fundamental Conventions for discussion on the recurrent item at the ILC. Accordingly, the reports under article 19 should be requested on all four categories. He therefore considered that paragraph 7(b) would be the most appropriate option for a General Survey.
- 41.** The representative of the Government of China declared that a General Survey on all the fundamental Conventions would promote consistency with the follow-up to the Social Justice Declaration. The four strategic objectives of the Social Justice Declaration were inseparable and mutually supportive, and a reflection of these goals would best be achieved through selecting subparagraphs (a) and (b) of paragraph 7.
- 42.** The representative of the Government of Nigeria, speaking on behalf of the Africa group, supported paragraph 7(c) as it offered an opportunity for an in-depth analysis of the topics of freedom of association and collective bargaining. Article 19 reporting obligations should have minimal overlap with article 22 obligations to lessen the reporting burden on member States. The speaker also supported the Employer Vice-Chairperson’s comment that the text of the General Survey should adhere to the text of the instruments as much as possible.
- 43.** The representative of the Government of Egypt pointed out that selecting paragraph 7(b) would make Government responses to the questionnaire more difficult. It would be complicated to collect the information on the practices in several different subject areas. Paragraphs 7(c) or (d) would therefore be preferable to ensure in-depth analysis.
- 44.** The representative of the Government of Portugal, while overall endorsing IMEC’s statement, indicated that paragraph 7(c) would allow for in-depth analysis and discussion of each category of the fundamental Conventions. Government reports would allow for the

comprehensive study of one subject, and 7(c) would permit the examination of Conventions Nos 135, 151 and 153 together with their respective Recommendations, in addition to Conventions Nos 87 and 98.

45. The representative of the Director-General indicated that member States that had ratified some or all of the relevant Conventions would not be required to respond to the questions concerning those Conventions. However, by virtue of the Social Justice Declaration, all countries would be required to respond to the part of the report form concerning the impact of ILO instruments.
46. The Employer Vice-Chairperson emphasized that paragraph 7(b) would ensure closer integration of FPRW with the other three strategic objectives. Opting for paragraph 7(c) meant focusing on the two standards, but skipping the general conceptual richness of the eight Conventions. It would not do justice to the work of the CEACR if the three other categories of FPRW were ignored. All four categories of FPRW were interrelated. Moreover, freedom of association and collective bargaining were constantly discussed in the Committee on Freedom of Association.
47. The Worker Vice-Chairperson, while not disputing the fact that the four categories of FPRW were interlinked and interrelated, indicated that the option proposed in paragraph 7(c) would provide a more relevant and useful focus for a General Survey. Furthermore, the Social Justice Declaration emphasized that “freedom of association and the effective recognition of the right to collective bargaining are particularly important to enable the attainment of the four strategic objectives”. Finally, she pointed out that the Committee on Freedom of Association was a complaints-based mechanism, whereas the purpose of the General Survey was to ascertain the laws and practice of member States with regard to a particular topic.
48. The representatives of the Governments of Peru, Brazil and Mexico stated that the General Survey should fully take into account all the fundamental Conventions, and they therefore supported the decision point in paragraph 7(b).
49. The Worker Vice-Chairperson considered that an article 19 questionnaire focusing on freedom of association and collective bargaining would not dilute the other strategic objectives. However, since there seemed to be more support for addressing all categories of fundamental Conventions, she would agree to that option.
50. The Employer Vice-Chairperson stated that certain points he had raised regarding the report form should be addressed and he would put faith in the secretariat to make the necessary changes.
51. The representative of the Director-General indicated that some of the issues raised by the Employer Vice-Chairperson had in fact already been addressed in previous General Surveys, as well as in the report forms for such surveys, so it was not clear what was expected of the secretariat in terms of making changes to the proposed report form.
52. The Worker Vice-Chairperson indicated that to rely only on the strict wording of the Conventions would be to ignore modern realities and, in any event, her group had agreed to the proposal to address all the categories of fundamental Conventions, on the condition that the proposed report form was not changed, otherwise a protracted discussion would be necessary.
53. ***Subject to the decision of the Governing Body to place on the agenda of the 101st Session (2012) of the Conference a recurrent discussion on the strategic objective of fundamental principles and rights at work, the Committee on Legal***

Issues and International Labour Standards recommends that the Governing Body:

- (a) request governments to submit for 2011 reports under article 19 of the Constitution; and*
- (b) approve the report form on fundamental Conventions, subject to only editorial changes, contained in Appendix III.*

V. Form for reports on the application of ratified Conventions (article 22 of the Constitution): The Maritime Labour Convention, 2006
(Fifth item on the agenda)

54. The Committee had before it a paper⁴ on the form for reports on the application of ratified Conventions (article 22 of the Constitution) for the MLC, 2006.
55. The Employer Vice-Chairperson welcomed the efforts to make the report form as simple as possible. The report form referred to both binding provisions (Articles, Regulations, Standards), as well as to non-binding provisions (Guidelines). He suggested changing the word “should” to “could” in the third sentence in paragraph 8. He once again emphasized the importance of reflecting faithfully the language of the Convention in the report form.
56. In addition, the speaker submitted a number of comments from the International Shipping Federation (ISF). In Part I(V), Scope of application, reference should be made to the fact that national laws may allow for exemptions under Article 2, paragraph 6. Under Regulation 2.5 (Repatriation), the language used should accurately reflect the current text of the Convention, rather than the changes proposed by the IMO–ILO working group. Moreover, under the same Regulation, the word “Shipowners” should be changed to “Ships”. Under Regulation 2.7, the text in the box commencing “How do the safe manning levels ...” should be replaced by “How are safe manning levels determined?”, and the following box should be deleted, as it referred to guidance rather than mandatory provisions. Under Regulation 3.1 (Accommodation and recreational facilities), emphasis should be placed from the beginning on the importance of the date on which the keel was laid. The sixth bullet point should come first and the box beginning “Do the laws and regulations ...” should be redrafted. Under Title 4.1 (Health protection, medical care, welfare and social security protection), the box commencing “Are inspections of ships’ medicine chests ...” should be redrafted. Under Title 4.2 (Shipowners’ liability), the box starting “Are shipowners required ...” should read “Are shipowners or their representatives required ...”. Under Regulation 4.4 (Access to shore-based welfare facilities), he proposed that the word “must” be replaced by the term “should” to reflect the text of the Convention. Under Regulation 5.1.3 (Maritime labour certification and declaration of maritime labour compliance), the first bullet point should reflect the exception allowed, such as dhows and junks, and reference should be made to newly built ships for the purposes of clearer understanding. Under Regulation 5.2.1 (Inspections in port), the language used should match that employed concerning flag State inspectors. Under Regulation 5.2 (Onshore complaint-handling procedures), the box starting “Has your country established procedures ...” should be redrafted to reflect the provision in the Convention, which specified the

⁴ GB.307/LILS/5.

ability to complain, not the establishment of a procedure for complaints. Subject to these changes, the speaker supported the point for decision.

57. The Worker Vice-Chairperson thanked the Office for the report form, which had gone through an unprecedented level of consultation since November 2009 and welcomed its concept, aimed at decreasing the reporting burden on governments. She wished to put on record that Part B of the Convention was an integral part of the Convention, not a mere recommendation, and that member States therefore had to give it due consideration. The International Transport Workers' Federation (ITF) did not have any further observations on the present text of the report form and she approved the point for decision.
58. The representatives of the Governments of India and Nigeria supported the proposed report form and the point for decision.
59. The representative of the Government of China found the report form to be consistent with the Convention and welcomed its simplified structure. He was of the opinion that Part A of the report form might need further interpretation and suggested that the Office establish a special assessment mechanism for the report form. He also added that the requirement to provide statistics might increase the reporting burden on governments and suggested that it should be optional.
60. The representative of the Director-General explained that the present report form had taken into consideration all the comments received, including those made by the ISF, by the deadline of 10 February 2010, and that the proposals made by the Employer Vice-Chairperson were contained in a second email with comments, received from the ISF after the deadline. While this second set of comments partly referred to editorial issues, some comments were substantive. Of those substantive comments some, such as the comment on Article II, paragraph 6, were based on incorrect interpretations of the MLC, 2006. Others would require further discussion. While the Office was in a position to provide an explanation concerning the substantive points, it would be for the Governing Body to decide whether the Office should elaborate on all the points raised by the ISF and whether there was agreement in the Committee to take them into account.
61. The Worker Vice-Chairperson remarked that only those comments received before the deadline should be included and opposed further discussion of substantive points submitted after the deadline, as this was against the agreed rules for the consultation process. It was her impression that a majority of the members of the Committee favoured the adoption of the current text of the report form.
62. The representative of the Government of Canada agreed that the consultations with national experts had already been terminated and added that most Government representatives present would not be able to review their position on the subject, either this evening or the following day.
63. The Employer Vice-Chairperson stressed that he was not an expert on the subject and asked for the Committee's understanding that his mandate was limited to the ISF statement read out earlier. He suggested further consultations with the Office and the postponement of the decision until the next day.
64. The representative of the Government of France did not support a postponement. She recalled that the report had already been sent to the national maritime experts and that consultations had terminated. She would not be able to approve any change at the present session and called for the approval of the report form as it stood.

65. The Committee approved the report form subject to editorial changes to be made by the Office.
66. *The Committee on Legal Issues and International Labour Standards recommends that the Governing Body approve the article 22 report form concerning the MLC, 2006, contained in Appendix IV.*

VI. Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART): Report on allegations submitted by teachers’ organizations (Sixth item on the agenda)

67. The Committee had before it a paper⁵ providing background information on the question before the Committee, which contained a point for decision concerning the review of the CEART report by the Committee on Sectoral and Technical Meetings and Related Issues (STM) and the transmission of the report to the 99th Session of the ILC (June 2010) for examination in the first instance by the CEACR.
68. The Worker Vice-Chairperson announced support for the point for decision.
69. The Employer Vice-Chairperson noted that the STM Committee had also considered the report, which underlined the advantages of Governing Body reform and doing away with Governing Body committees in favour of the Governing Body only. He supported the point for decision.
70. *The Committee on Legal Issues and International Labour Standards recommends that the Governing Body:*
- (i) *take note of the review by the Committee on Sectoral and Technical Meetings and Related Issues at the present session of the report of the Tenth Session of the Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART);*
 - (ii) *forward the report to the International Labour Conference at its 99th Session (June 2010) for examination in the first instance by the Committee on the Application of Standards.*

Geneva, 22 March 2010.

Points for decision: Paragraph 33;
Paragraph 53;
Paragraph 66;
Paragraph 70.

⁵ GB.307/LILS/6/1.

Appendix I

Proposed plan of action to achieve widespread ratification and effective implementation of the occupational safety and health instruments (Convention No. 155, its 2002 Protocol and Convention No. 187)

I. Background and justification

1. The right to decent, safe and healthy working conditions and environment has been a central issue for the ILO since its creation, as reaffirmed in the 1944 Declaration of Philadelphia and the ILO Declaration on Social Justice for a Fair Globalization.¹ About half of all ILO Conventions and Recommendations are either wholly or partly concerned with issues related to occupational safety and health (OSH). The past 90 years have also witnessed the development of a significant body of laws and regulations at the national level, covering many areas relevant to OSH. Progress has been achieved in numerous countries and working conditions have improved significantly in many parts of the world.
2. Many problems persist, however, and there is general agreement that further sustained and coordinated action is needed at the international and national levels to reinforce mechanisms for continued improvement of national OSH systems. ILO estimates in 2008 (for 2003) indicate that about 358,000 fatal and 337 million non-fatal occupational accidents occurred in the world and that 1.95 million persons died from work-related diseases. The annual economic cost of major occupational accidents alone is estimated at US\$5 billion.² In the context of the current crisis, increased and more efficient focus on prevention to ensure sustainably safe workplaces appears to be of particular importance.
3. Since the articulation of the Decent Work Agenda in 2001 and the conclusion in 2002 of the review of international labour standards, based on the work of the Cartier Working Party, the ILO and its constituents have devoted a great deal of attention to improving the global OSH situation as well as to enhancing the relevance and impact of existing OSH-related tools and actions. The general discussion on standards-related activities in the area of OSH at the 91st Session (2003) of the International Labour Conference (ILC) resulted in a strong consensus that increased awareness of and attention to OSH concerns was needed globally. The adoption of the Global Strategy on OSH resulting from this discussion³ and the development and adoption of the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), responded to these needs.
4. In 2008, based on contributions from over 100 countries, the Committee of Experts on the Application of Conventions and Recommendations concluded an article 19 General Survey on the application of the Occupational Safety and Health Convention, 1981 (No. 155), its

¹ Adopted by the International Labour Conference at its 97th Session (2008).

² ILO: *General Survey concerning the Occupational Safety and Health Convention, 1981 (No. 155), the Occupational Safety and Health Recommendation, 1981 (No. 164), and the Protocol of 2002 to the Occupational Safety and Health Convention, 1981*, Report of the Committee on the Application of Conventions and Recommendations (articles 19, 22 and 35 of the Constitution), Report III (Part 1B), Geneva, 2009, paras 3 and 272–275.

³ ILO: *ILO standards-related activities in the area of occupational safety and health*, Report IV, and *Provisional Record No. 22*, International Labour Conference, 91st Session, Geneva, 2003.

2002 Protocol and the Occupational Safety and Health Recommendation, 1981 (No. 164).⁴ This General Survey, which was discussed at the 98th Session (June 2009) of the ILC, constitutes a comprehensive up to date analysis of the global situation regarding OSH and provides useful guidance on the application in practice of these instruments. The Conference Committee on the Application of Conventions and Recommendations (Conference Committee), when it discussed the General Survey, adopted a set of Conclusions which, inter alia, called on the Office to develop a plan of action and give guidance to this effect.⁵ Based on these Conclusions, which also took account of recent developments, including the adoption of Convention No. 187, the Office took steps to develop a plan of action for the effective implementation and promotion of ratification of what are now considered the key instruments in this area – Convention No. 155, its 2002 Protocol and Convention No. 187. Following a discussion of this proposal as part of the ILO's plan of action for the implementation of the standards strategy,⁶ the Governing Body decided at its 306th Session (November 2009) to invite the Office to submit such a plan of action. The present plan of action responds to this invitation and takes as its point of departure the nine points contained in the Conclusions adopted by the Conference Committee. It will initially be implemented within the limits of existing budgetary frameworks, but implementation of substantial parts of this plan of action will depend on additional extra-budgetary funding.

5. The strategy and activities proposed are particularly timely as there are several indications that efforts over recent years have created an important window of opportunity for high impact. As further detailed in the General Survey on OSH, in many countries, in all regions of the world, efforts are made to improve the OSH situation at the policy, legislative and operational levels. Since the adoption of the Global Strategy in 2003 on OSH, Convention No. 155, its 2002 Protocol and Convention No. 187 have together attracted 37 new ratifications.⁷ According to information submitted in the context of reporting pursuant to article 19, ten new ratifications are in the process of being finalized.⁸ Furthermore, 33 countries have reported their intention to ratify, or are considering ratification of, Convention No. 155, its 2002 Protocol and Convention No. 187.⁹ It is thus timely to assist constituents in pursuing their efforts to bring their OSH systems in line with international standards.

⁴ GB.300/LILS/6 and GB.300/13.

⁵ ILO: Report of the Committee of Experts on the Application of Standards, Provisional Record No. 16 (Part One (Rev.)), International Labour Conference, 98th Session, Geneva, 2009, para. 209.

⁶ GB.306/LILS/4(Rev.) and GB.306/10/2(Rev.), paras 1–44.

⁷ **Convention No. 155:** 16 ratifications by *Albania, Algeria, Australia, Bahrain, Central African Republic, China, Fiji, Republic of Korea, Montenegro, New Zealand, Niger, Sao Tome and Principe, Seychelles, Syrian Arab Republic, Tajikistan and Turkey*; and **2002 Protocol to Convention No. 155:** seven ratifications by *Albania, El Salvador, Finland, Luxembourg, Slovenia, Sweden and the Syrian Arab Republic*; and **Convention No. 187:** 14 ratifications by *Czech Republic, Cuba, Cyprus, Denmark, Finland, Japan, Republic of Korea, Republic of Moldova, Niger, Serbia, Slovakia, Spain, Sweden and the United Kingdom*.

⁸ **Convention No. 155:** *Belgium and Trinidad and Tobago*; **2002 Protocol:** *Portugal*; and **Convention No. 187:** *Austria, Belgium, Burkina Faso, Mongolia, Philippines, Portugal and Singapore*.

⁹ **Convention No. 155:** *Azerbaijan, Congo, Lebanon, Madagascar, Mali, Mauritius, Mozambique, Philippines, Syrian Arab Republic, Yemen and Zambia*; **2002 Protocol:** *Australia, Congo, Latvia, Lebanon, Malaysia, Mali, Mauritius, Mozambique, Namibia, Poland, Qatar, Romania and Thailand*; and **Convention No. 187:** *Brazil, Cameroon, Lithuania, Malawi, Peru, Seychelles, Syrian Arab Republic, Yemen and Zambia*.

II. *Strategic goals*

6. The Strategic Policy Framework 2010–15 provides the context for the present plan of action, which aims at improving the OSH situation globally by motivating decision-makers and policy planners among the constituents, in government agencies and social partner organizations, to commit to improving the national OSH system through the development and implementation of national policies and action programmes in line with ILO standards. There is a general need for awareness raising to increase the understanding of the purpose and usefulness of the systems approach and the need for continuous attention to OSH, as well as of the three targeted OSH instruments. This plan of action aims at contributing thereto. Special attention will also be given to sectors of economic activity where OSH measures are particularly important. The challenges faced by small and medium-sized enterprises (SMEs) and the informal economy will also be addressed. This plan of action also includes a series of actions targeted at the specific needs of countries prior to as well as after ratification of Convention No. 155, its 2002 Protocol and Convention No. 187. The three instruments are complementary, but have certain distinctive features and focus which will be taken into account in the development of national strategies to improve OSH conditions.

1. Implementing partners

7. With the Programme on Safety and Health at Work and the Environment (SafeWork) and the International Labour Standards Department (NORMES) as lead units, and in close cooperation with the Bureaux for Employers' and Workers' Activities, this plan of action aims at enhancing coherent Office-wide collaboration for its implementation. It is expected that this collaboration will involve headquarters, field offices, including OSH and standards specialists as well as other relevant specialists in the field, the Sectoral Activities Department, Industrial and Employment Relations Department, Labour Administration and Inspection Programme, and the Turin Centre.
8. The plan of action will seek synergies with other ILO activities that have an impact on the promotion of the target instruments, including the plan of action of the four governance instruments. Efforts will be made to ensure that action is taken to improve OSH in accordance with the three instruments – Convention No. 155, its 2002 Protocol and Convention No. 187 – in the follow-up to the Global Jobs Pact, the recurrent discussion on employment and the conclusions on promoting rural employment for poverty reduction. The plan of action also aims at ensuring, in consultation with the field offices concerned, that due account is taken in Decent Work Country Programmes of action to improve OSH in accordance with Convention No. 155, its 2002 Protocol and Convention No. 187.
9. SafeWork and NORMES will work with all other relevant departments, in particular those dealing with social dialogue and labour inspection as well as with the Bureaux for Workers' and Employers' Activities, to provide advice when requested. Particular attention will be given to countries with significant gaps in organizational rights and collective bargaining as well as social dialogue practices so as to ensure that the technical advice provided can be effectively utilized by strong and independent workers' and employers' organizations and their representatives, particularly at the national and identified sectoral levels. Collaboration will include, for instance, the provision of technical advice on the design and implementation of technical cooperation programmes concerning OSH and regular and mutual exchange of information on technical assistance needs and projects.
10. With regard to capacity building, the existing partnership with the Turin Centre will be reinforced with a view to rationalizing and making the best possible use of human and financial resources, as most training activities will be planned and carried out at the Turin Centre or with its assistance and in the field. The plan of action will include, as an integral part, a major effort to train national officials, and workers' and employers' organizations

on the provisions of Convention No. 155, its 2002 Protocol and Convention No. 187 so as to build national capacities for implementation and appropriate monitoring of the effectiveness of OSH measures.

11. The efforts to raise the visibility of the need for continuous improvements in the area of OSH in accordance with Convention No. 155, its 2002 Protocol and Convention No. 187 will be made in cooperation with other relevant international and regional bodies as appropriate, including the European Agency for Safety and Health at Work (EU-OSHA), Food and Agriculture Organization of the United Nations (FAO), International Atomic Energy Agency (IAEA), International Commission on Occupational Health (ICOH), International Maritime Organization (IMO), International Social Security Association (ISSA), the World Health Organization (WHO), United Nations Institution for Training and Research (UNITAR) and United Nations Environment Programme (UNEP). The plan of action will also seek to reinforce or promote synergies with public-private partnerships, where appropriate.

2. Strategy

12. Building on the momentum that has been created in recent years, and in line with the strategic objectives of the ILO as they relate to OSH and international labour standards, the plan of action has the following main objectives: creating a global environment increasingly aware of the importance of OSH standards; the need to place concern for OSH high on national agendas; and to improve the OSH situation at the workplace level.

2.1. *Promote and support the development of a preventative safety and health culture*

Increase awareness of all the elements necessary for establishing and sustaining a preventative safety and health culture

13. The fostering and promotion of a preventative safety and health culture is a fundamental basis for improving OSH performance in the long term. A preventative safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties. Since the promotion of such a preventative culture is very much a leadership issue, the ILO has to play an advocacy role. Building and maintaining a preventative safety and health culture requires making use of all available means to increase general awareness, knowledge and understanding of the concepts of hazards and risks and how they may be prevented or controlled, and introducing a systems approach to OSH management at national and enterprise levels and creating a high level of political commitment on the importance of OSH at the international and national levels.
14. The related advocacy and awareness-raising activities will include the organization of the annual global knowledge and awareness campaign: “World Day on Safety and Health at Work” (28 April) which is an effective means for the promotion of a preventative safety and health culture at the international, national and enterprise levels. The activities will also include strategic use of international meetings to promote a preventative safety and health culture in order to give higher priority to OSH at international and national levels and to engage all social partners to initiate and sustain mechanisms for a continuous improvement of national OSH systems. Attention will be given to incorporating follow-up to the promotion of the Seoul Declaration on Safety and Health at Work¹⁰ adopted on the

¹⁰ The Seoul Declaration on Safety and Health at Work was adopted on 29 June 2008 by the Safety and Health Summit on the occasion of the XVIII World Congress on Safety and Health at Work in Seoul. See www.seouldeclaration.org/.

occasion of the XVIII triennial World Congress on Safety and Health at Work organized jointly by the ILO, ISSA and the Korea Occupational Safety and Health Agency. Efforts will be made to raise the visibility of the ILO's OSH instruments through participation in other international congresses and events, elaboration of promotional materials and regular updating of relevant web sites.

15. In several aspects the present plan of action will depend on development of the knowledge base and capacity building in relation to OSH. The objective is to develop practical and easy-to-use training materials and materials for the dissemination of information to support OSH specialists in the field and improve capacities in those offices without an OSH specialist, in collaboration with the Turin Centre. The information material will include brochures on the content and approach of Convention No. 155, its 2002 Protocol and Convention No. 187, their complementarity and distinctive features.
16. Training tools will be developed which will focus on key principles of good practices regarding OSH and will complement the provisions of ILO standards in this field in order to contribute to their ratification through capacity building in ILO member States. In the field of OSH, adequate capacities to develop, process, disseminate and access knowledge that meets the needs of governments, employers and workers are a prerequisite for identifying key priorities, developing coherent and relevant strategies, and implementing national OSH programmes. Such knowledge includes: technical guidelines; methodologies for recording and notification of occupational accident and disease statistics; sharing of good practices and educational and training tools on OSH; and hazard and risk-assessment methods taking into account that OSH is an area which is in constant technical evolution. As part of these efforts support for the translation of the key instruments into local languages will also be promoted.
17. Targeted training programmes will be organized in cooperation with the Turin Centre. In supporting national implementation of OSH Conventions, the tools and methodologies developed will be used in relevant national training courses. Based on the experience of these courses, training methodologies and materials will be regularly reviewed. Training for ILO staff, with a view to improving the integration of OSH aspects in Decent Work Country Programmes, will also be organized on a stand-alone basis or as a part of courses with wider objectives. Integration of OSH elements, particularly OSH Conventions and Recommendations in the courses organized by the Turin Centre will be pursued, particularly those involving employers and workers. Efforts will be made to develop partnerships for the design of training tools with other relevant United Nations (UN) agencies within the framework of the UN reform process.

2.2. *Promote and support the ratification and implementation of key OSH instruments*

Promote and support the ratification and effective implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 taking into account the context of each country and the particular needs of its constituents

18. Widespread ratification and implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 is of particular strategic importance. It will trigger an important process which has the potential not only for an overall improvement in the area of OSH but also to boost the ratification of other instruments.¹¹ Countries selected for priority action should primarily include those that have demonstrated a political will to take action in this area and awareness raising should be addressed to the highest possible levels of government through high-level tripartite workshops or meetings to elicit national

¹¹ Convention No. 187 specifically provides that ratifying parties shall carry out a periodical review of what measures could be taken to ratify relevant OSH Conventions. The instruments relevant for Convention No. 187 are listed in the annex to Recommendation No. 197.

commitment to implement OSH policies or strategies. Efforts will also be made to use or establish national mechanisms to sustain high-level tripartite dialogue. Account must be taken of the fact that, in practice, overall country situations, the nature of problems and the national capacities to cope with OSH-related problems differ widely from country to country and a flexible approach is therefore required.

19. The basic rationale is to promote a systems approach to OSH at the national level which will help governments and social partners work together to develop a national programme and strategy to continuously improve OSH infrastructure and conditions. Support will be provided in the form of guidance material to develop, on a step-by-step basis, a national OSH profile, policy and programmes, and action plans to address targeted improvements in national OSH infrastructures and systems. The development of national OSH profiles – including a legislative gaps analysis – is important as the information collected will enhance the possibilities to provide targeted assistance to countries so that they can effectively implement the corresponding legislations once the Conventions have been ratified.
20. Policy guidance will be developed, through technical cooperation projects' workshops and OSH training networks, in such areas as OSH inspection, recording and notification of occupational accidents and diseases, and establishing or strengthening tripartite mechanisms for dialogue on OSH. The development of guidance material and model documents for the formulation of national policies will also be considered. Such material will include guidance aimed at ensuring consultation and cooperation of workers and their representatives on OSH-related issues as well as at enhancing capacities of employers' and workers' organizations to provide support services to their members in OSH.
21. Available information on demonstrated political will to take action in this area will be used to select countries and to prioritize targeted action through technical assistance. This includes information concerning countries which have: (a) prepared or are in the process of preparing national OSH profiles; (b) developed or are in the process of developing a national OSH policy; (c) launched or are in the process of launching national OSH programmes; (d) requested ILO support in developing legislation relevant to OSH; and (e) declared ratification intents in the context of reporting under article 19 or in another form. Particular attention will be given to declared obstacles to ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 in order to seek to remove these obstacles. Assistance will also be given to countries that have only ratified outdated OSH Conventions or where no OSH Conventions have been ratified. As part of general awareness-raising efforts, good examples of national OSH policies and programmes will be made available on the SafeWork web site to support countries considering ratification of Conventions Nos 155 and 187.
22. Office assistance will include support for the preparation of legislative gap analyses, research and development of tools to support action on OSH and to enhance the visibility of the benefits of improving OSH. Such tools could be used to convince policy-makers to consider OSH as an essential ingredient in development. They will include a methodology to determine more accurately the number of occupational accidents and diseases in a country, tools to enable countries to make their own estimate of the costs of occupational accidents and diseases to the national economy, templates for country profiles to support policy decisions regarding OSH and training courses for policy-makers on prioritizing OSH.
23. The ultimate aim of national OSH programmes and other action taken at the national level is to improve OSH at the workplace. Promotion of the provisions directed at the enterprise level in Convention No. 155 is thus essential. Depending on expressed needs and prior consultation, workshops, seminars, training courses, awareness-raising activities and meetings will be organized to reinforce national mechanisms and programmes to support enterprise level action. These activities will be organized with government institutions and organizations of employers and workers taking into account, in particular, relevant

provisions in Convention No. 155 and its 2002 Protocol, specifying duties and responsibilities in relation to OSH at the enterprise level. Actions will be taken to:

- implement the management systems approach in the enterprise, based on the *ILO Guidelines on occupational safety and health management systems (ILO–OSH 2001)*;
- promote training activities for workers and their OSH representatives, managers and employers;
- establish and support effective safety and health committees;
- promote OSH-related information products designed for the enterprise such as codes of practice, databases of the Occupational Safety and Health Information Centre (CIS), the International Programme on Chemical Safety's (IPCS) chemical safety cards, and the Globally Harmonized System of Classification and Labelling of Chemical (GHS);
- establish and implement systems for the recording and notification of occupational accidents and diseases; and
- develop manuals and methodologies to assist enterprises in the technical and practical aspects of applying OSH requirements.

24. Fatal and non-fatal occupational accidents and diseases have economic costs due to compensation, lost working time, interruption of production, training, medical expenses and the like. These increased costs are in the final analysis a burden to social security systems of countries. There is thus a close link between OSH and social security, in the sense that a preventative OSH culture may have a positive impact on social security systems.

25. In order to underpin the basic strategy of this plan of action, research will be undertaken into different areas. As a follow-up to research initiated at the ILO on the economic impact of international labour standards, research will be pursued on the impact of legislation on OSH improvements, the role of legislation in the reinforcement of national OSH systems, as well as the relationship between a safe and healthy working environment and productivity and competitiveness, and the relevance of international labour standards in this context. Research should also target OSH applications or practices which are particularly cost-effective, affordable or suitable to the needs of SMEs and the informal economy. Furthermore, research will also be carried out to address the gender dimension of OSH.

2.3. *Reducing the implementation gap in respect of ratified Conventions*

Promote and support efforts to reduce the implementation gap in respect of Convention No. 155, its 2002 Protocol and Convention No. 187

26. The effort to improve the impact of standards-related activities is a process with different characteristics depending on the stage at which action is taken. The comments of the Committee of Experts are evidence that in a number of cases there are significant implementation gaps in respect of ratified Conventions. Part of the objective of this plan of action is to assist parties to the three key instruments in improving their capacity to implement their undertakings effectively. In these cases, the Office will provide advice and support, for instance in the development of implementation plans, drafting legislation and facilitating tripartite dialogue for developing plans of action. Support that can be offered at this stage will be critical for effective implementation. This strategy will also include efforts, involving the field offices, to assist countries to prepare their first report under article 22 of the Constitution.

27. Particular attention should be given to a follow-up of issues identified by the Committee of Experts on the Application of Conventions and Recommendations on the basis of these first reports including through targeted technical needs analyses. This will increase the possibilities for an early resolution of obstacles to implementation. Such issues will be systematically monitored in order to target and prioritize assistance in this respect. Relevant issues and target countries will be identified in close consultation with the countries concerned and a plan for assistance developed accordingly. It will be proposed and implemented, on a tripartite basis, in interested countries.

28. Countries where implementation problems appear to persist are another target. Based on information submitted in the context of article 22 reports, targeted assistance may be instrumental to overcome obstacles to implementation and may speed up the process towards effective implementation. Awareness-raising action including information on the content and application of the instrument(s) at issue and on the practices in other countries may also contribute to resolving certain obstacles to an effective implementation. A systematic inventory of existing problems of implementation will be carried out in order to identify countries for priority action. Technical assistance will be implemented on a tripartite basis.

2.4. *Improving OSH conditions in SMEs and in the informal economy*

Promote and support efforts to improve OSH conditions in SMEs and in the informal economy

29. Building on experiences gained and research carried out in this area, an effort will also be made to address the challenges faced by SMEs, and in the informal economy, with regard to implementation of OSH measures and improving OSH conditions. Available information on national practice in this area will be systematically collected and analysed in order to determine an appropriate strategy. Further application of practical action-oriented approaches will be promoted through the Work Improvement in Small Enterprises (WISE)¹² and Work Improvement in Neighbourhood Development (WIND)¹³ programmes.

2.5. *Other action to support the impact of OSH measures*

Promote and support efforts to increase the impact of Convention No. 155, its 2002 Protocol and Convention No. 187 as a means to reinforce national OSH systems and improving OSH conditions

30. Given the constantly evolving nature of the world of work, OSH is by necessity an area where adequate preventive and protective measures have to be developed on a continuous basis to address new and emerging occupational hazards and situations inherent in technological and scientific advances as well as socio-economic changes. As noted in the context of the development of Convention No. 155, achieving in absolute terms a safe and healthy environment may, in many ways, be an unattainable objective. Consequently, effective implementation of OSH standards must rely on continuous efforts to improve the working conditions and the application of the systems approach to the management of OSH based on the Plan–Do–Check–Act model reflected, inter alia, in the three instruments targeted in the plan of action. Promotion of a preventative safety and health culture will include efforts to sensitize all levels of the workforce and management. Information will

¹² Designed to promote practical voluntary action to improve working conditions by owners and managers of SMEs.

¹³ Designed to promote practical improvements in agricultural households by the initiatives of village families.

be collected and shared on best practices in the implementation of OSH measures and in the application of OSH Conventions.

31. As emphasized in the General Survey on OSH and in the conclusions resulting from the discussion of this Survey, the application of the systems approach relies, inter alia, on a periodic assessment of outcomes to emulate improvements or to take new or better focused actions and to resolve identified obstacles and further improve the situation. There is, however, a lack of reliable statistical data regarding the general level of effectiveness of national OSH systems and particularly the number and nature of occupational accidents and diseases. Such data is particularly important in order to prioritize measures and economic sectors in special need of attention and as a means to assist enterprises to prevent work-related accidents and diseases. In addition, the structures and methodology of national systems for recording and notification of occupational accidents and diseases vary greatly. International comparisons and analyses are therefore difficult to carry out, which hampers the possibility to learn from experience. It is thus essential to improve the collection, evaluation and dissemination of statistical data relevant to OSH. In cooperation with the Department of Statistics, and as appropriate with other units within the ILO, targeted promotional efforts will be made, and technical assistance provided. The objective is also to compile systematically, and render publicly available, existing global data in cooperation with units such as the CIS and the Department of Statistics. Efforts will be made to use this information, to the extent possible and relevant, as an indicator of the impact of action taken in this area. In this connection, increased awareness and use of the recently adopted¹⁴ list of occupational diseases will be promoted for the updating of national lists of occupational diseases.
32. A closely related objective is to develop a methodology for evaluating OSH in practice, particularly in the form of specific OSH indicators. Convention No. 187 provides that national OSH programmes shall include objectives, targets and indicators of progress. Building on national developments and mindful of the methodological issues raised in the context of the ongoing efforts related to measuring decent work,¹⁵ member States will be assisted in the development and use of indicators in this area and research will be carried out into the relevant methodological issues. Information used will be systematically made available, as appropriate, including through the Internet.
33. Effective implementation also depends on adequate and appropriate *inspection systems*, which should not only ensure enforcement of national laws and regulations through monitoring and sanctioning but also assist enterprises in understanding OSH regulations and in preventive efforts. The crucial role of national inspection systems was underscored in the General Survey on labour inspection in 2006.¹⁶ Efforts will thus be made to link action with the promotion of ratification and implementation of the Labour Inspection Convention, 1947 (No. 81), and the Labour Inspection (Agriculture) Convention, 1969 (No. 129).

¹⁴ Adopted at the Meeting of Experts on the Revision of the List of Occupational Diseases (Recommendation No. 194) (Geneva, 27–30 October 2009); see GB.307/STM/2/4.

¹⁵ See, inter alia, GB.306/17/5.

¹⁶ ILO: *General Survey of the reports concerning the Labour Inspection Convention, 1947 (No. 81), and the Protocol of 1995 to the Labour Inspection Convention, 1947, and the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), the Labour Inspection (Agriculture) Convention, 1969 (No. 129), and the Labour Inspection (Agriculture) Recommendation, 1969 (No. 133)*, Report III(1B), International Labour Conference, 95th Session, Geneva, 2006.

III. Implementation framework

1. Strategic and budgetary frameworks

34. The plan of action will contribute to the realization of outcomes 6 and 18 of the Strategic Policy Framework 2010–15.¹⁷ It will also contribute to the realization of the Programme and Budget for 2010–11, which, in relation to international labour standards and social protection, provides for a “firm commitment to ensure that transparent and tangible progress is made in the area of OSH and in the ratification and application of up to date standards”. The targets set in indicator 18.1 (progress in the application of international labour standards) and indicator 18.3 (ILO action should lead to the ratification of up to date Conventions) are to be reached through the use of regular budget and extra-budgetary resources and through concerted work throughout the ILO at both headquarters and in the field.
35. As part of the plan of action to enhance the effectiveness of ILO standards, NORMES has sought extra-budgetary resources by submitting a technical cooperation proposal aimed at strengthening the ratification and implementation of international labour standards guided by the ILO supervisory bodies. In addition to the targeted actions proposed for the governance instruments, the proposal includes as a priority the implementation of Convention No. 155, its 2002 Protocol and Convention No. 187. Together with regular budget allocations allocated to SafeWork and NORMES, it will serve as the vehicle to implement the present plan of action. It will be linked, to the extent possible, to the plan of action for the governance instruments. Technical cooperation project proposals for the implementation of the plan of action will be prepared and donor support will be sought in order to implement substantial parts of the plan of action.
36. Given the central role of the Decent Work Country Programmes in the delivery of technical cooperation projects, it is important to ensure that those in the countries targeted for action include an OSH component and that due account is taken of relevant ratification prospects, as well as of comments made by the supervisory bodies on the application of the target Conventions.

2. Activities and time frame

2.1. Initial phase (0–18 months)

37. The initial phase of the action plan will be devoted to building a body of information on the OSH situation in each of the selected countries to serve as a baseline for selecting target countries and future monitoring of progress of actions taken. It will also focus on establishing the necessary communication, consultation and collaboration channels with the tripartite constituents, and technical assistance agreements defining priorities for action with the selected countries as well as formulation and submission of technical cooperation proposals to support the implementation. A number of informative and promotional documents will be developed to be used in workshops and seminars to introduce the plan of action, its purpose and the OSH standards. A database assembling all the relevant key information for each country, particularly the data relevant to the OSH indicators mentioned above, will be developed and integrated, where appropriate, in the NORMES database. More specifically the activities will include:
- systematic compilation of relevant country-specific OSH information to support the process of selecting countries targeted for action;

¹⁷ Respectively “As a result of ILO policy guidance, at least 30 member States have adopted national OSH profiles, programmes or policies and/or started to implement measures based on the programmes to improve safety and health at work” and “specific standards-related improvements are made in at least 100 member States”.

- developing promotional packages and other general awareness-raising tools concerning Convention No. 155, its 2002 Protocol and Convention No. 187, including presentation materials for use by ILO field specialists and field offices and support for translation of materials into local languages;
- developing a training programme on the management systems approach to OSH;
- assisting countries to undertake legislative gaps analyses to enable them to give effect to and implement relevant OSH Conventions;
- developing programmes for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187; for the provision of assistance at the different stages of the implementation process of these instruments including support for the preparation and updating of the different components of national OSH systems;
- promotion of the integration of OSH in Decent Work Country Programmes as they are developed or reviewed and in other UN programming processes;
- participation in conferences, symposia and other meetings including the World Day for Safety and Health at Work;
- ensuring Office-wide collaboration, involving headquarters, the field and the Turin Centre, on the basis of the targets and indicators set;
- carrying out research on the effects of safe and healthy working conditions on productivity and competitiveness in developing as well as in industrialized countries and the relevance of international labour standards in this context;
- carrying out research into OSH applications or practices which are particularly cost-effective, affordable or suitable to the needs of SMEs and the informal economy;
- support national efforts to include declines in the number of fatalities and accidents as an indicator of progress for national OSH programmes;
- formulating technical cooperation projects and negotiating with donors.

2.2. *Main phase (19–72 months)*

- Implementing programmes in selected countries for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 and for the provision of assistance to the implementation process of these instruments including support for the preparation and updating of the different components of national OSH systems envisaged.
- Technical assistance for the reinforcement of selected national OSH system components such as legislation, inspection and training, particularly through field specialists on OSH and standards.
- Implementation of the technical cooperation programme for the promotion of the ratification of Convention No. 155, its 2002 Protocol and Convention No. 187 and other OSH Conventions in selected countries.
- Promotion of the integration of OSH in Decent Work Country Programmes and other UN programming processes.
- National and subregional seminars and workshops to promote national OSH systems and programmes and the roles of OSH Conventions.
- Supporting the preparation and updating of national OSH profiles.
- Awareness-raising activities at the regional and international levels.
- Compilation and dissemination of information on good practices with a view to encouraging a systems approach to OSH at the national level.

- Continuous updating of the information database.
- Developing new indicators to measure and evaluate the impact of activities carried out under the plan of action.
- Carrying out research to address the gender dimension of OSH.

3. Indicators

38. While the primary objectives of the plan of action are awareness raising and support for ratification and effective implementation of Convention No. 155, its 2002 Protocol and Convention No. 187, ratification and effective implementation of other up to date OSH Conventions¹⁸ may also be seen as a sign of progress in countries that are parties to Convention No. 155 and, in particular, to Convention No. 187. Progress will be monitored on the basis of all or some of the following indicators:

- number of ratifications of Convention No. 155, its 2002 Protocol and Convention No. 187;
- number of ratifications of other up to date OSH Conventions;
- number of countries which have developed and adopted a national OSH profile;
- number of countries which have developed and adopted a national OSH policy and programme;
- number of countries tabling or adopting national legislation necessary for ratification or implementation;
- number of communications by member States of decisions to take steps for the effective application of Convention No. 155, its 2002 Protocol and Convention No. 187 and of other OSH instruments;
- number of requests for assistance for the purpose of ratification or implementation of Convention No. 155, its 2002 Protocol and Convention No. 187 and of other OSH instruments;
- number of countries which have set up, or substantially improved, national systems for recording and notification of occupational accidents and diseases;
- number of countries that have developed a methodology for and use specific OSH indicators;
- number of requests for assistance for purposes of ratification or implementation of the OSH instruments, notably requests from national authorities for legal opinions or advice necessary for ratification;
- number of countries which applied the *ILO Guidelines on occupational safety and health management systems (ILO–OSH 2001)*;
- number of cases of improved implementation as reflected by positive comments (expression of interest or satisfaction) by the supervisory bodies on the application of Convention No. 155, its 2002 Protocol and Convention No. 187 and other OSH Conventions;
- number of persons effectively trained by the ILO in OSH-related capacity-building activities at national, regional and interregional levels;
- number of requests for training materials, thematic and research papers to be produced;

¹⁸ See annex to Convention No. 187.

- number of Decent Work Country Programmes which include commitments to improve the OSH system;
- information submitted by countries on the decline in the number of fatalities, accidents and diseases due to an improved implementation of OSH measures in the workplaces;
- number of cases in which the constituents, with ILO support, adopt legislation, a national or sectoral profile, a policy or programme, improve implementation or ratify OSH Conventions.

IV. *Monitoring and evaluation*

39. Progress regarding the implementation of this plan of action will be monitored on a yearly basis and evaluated using the above indicators. Progress reports will be prepared by the Office and submitted to the Governing Body. Monitoring and evaluation will take place in accordance with standard ILO procedures. Account will be taken of the possible need to adjust the plan of action, including its indicators, in the light of experiences gained in its implementation.

V. *ILO institutional input*

40. The plan of action will be the joint responsibility of SafeWork and NORMES. It will be implemented in close collaboration with the Bureaux for Employers' and for Workers' Activities and in collaboration with the relevant units at headquarters. Collaboration will also be sought with ILO field offices, in particular OSH and standards specialists, as well as relevant units of the Turin Centre. Short-term consultants and external collaborators will be engaged to provide advice and assistance as required.

Appendix II

Appl. 22.29
29. Forced Labour, 1930

INTERNATIONAL LABOUR OFFICE GENEVA

**REPORT FORM
FOR THE
FORCED LABOUR CONVENTION, 1930 (NO. 29)**

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."

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) any new legislative or other measures affecting the application of the Convention;
- (b) in reply to the questions in the report form on the practical application of the Convention (for example, statistics, results of inspections, judicial or administrative decisions) 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) **in reply 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 addressed to your Government 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 from _____ to _____
made by the Government of _____

on the

FORCED LABOUR CONVENTION, 1930 (No. 29)

(ratification registered on _____)

- I. Please give a list of the legislation and administrative regulations, etc., which apply the provisions of the Convention. Where this has not already been done, please forward copies of the said legislation, etc., to the International Labour Office with this report.**

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

- II. Please indicate in detail the provisions of the legislation and administrative regulations, and the measures taken by the competent authorities, which ensure the application of Articles 1(1), 2 and 25 of the Convention. In addition, please provide any indication specifically requested on these Articles. Please note that information is no longer requested under Articles 1(2) and (3) and 3–24 as these transitional provisions are no longer applicable, and are reproduced only for reference.**

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 had 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, such as measures to define the exact scope of the Convention and the extent to which advantage may be taken of permissive exceptions provided for in it, measures to draw the attention of the parties concerned to its provisions, and arrangements for adequate inspection and penalties.

If the Committee of Experts on the Application of Conventions and Recommendations 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.

Article 1

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

2. With a view to this complete suppression, recourse to forced or compulsory labour may be had, during the transitional period, for public purposes only and as an exceptional measure, subject to the conditions and guarantees hereinafter provided.

3. At the expiration of a period of five years after the coming into force of this Convention, and when the Governing Body of the International Labour Office prepares the report provided for in Article 31 below, the said Governing Body shall consider the possibility of the suppression of forced or compulsory labour in all its forms without a

further transitional period and the desirability of placing this question on the agenda of the Conference.

Article 2

1. For the purposes of this Convention the term “forced or compulsory labour” shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.

2. Nevertheless, for the purposes of this Convention, the term “forced or compulsory labour” shall not include:

- (a) any work or service exacted in virtue of compulsory military service laws for work of a purely military character;
- (b) any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service is carried out under the supervision and control of a public authority and that the said person is not hired to or placed at the disposal of private individuals, companies or associations;
- (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, earthquake, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that would endanger the existence or the well-being of the whole or part of the population;
- (e) minor communal services of a kind which, being performed by the members of the community in the direct interest of the said community, can therefore be considered as normal civic obligations incumbent upon the members of the community, provided that the members of the community or their direct representatives shall have the right to be consulted in regard to the need for such services.

Please give information on measures taken by the competent authority to establish and enforce a distinction between the forms of compulsory service which are, in accordance with this Article, excepted from the definition given to the term “forced or compulsory labour” and other forms of compulsory service. Please state in particular what guarantees are provided to ensure that services exacted for military purposes are used for purely military ends; to ensure that work exacted in case of emergency shall cease as soon as the circumstances that endanger the population or its normal living conditions no longer exist; and to prevent any confusion between “minor communal services” and public works which are normally the responsibility of the Government.

Please state whether certain forms of compulsory work or service mentioned in this Article to which the citizens of the metropolitan territory are not liable have in fact been exacted during the period under review from the inhabitants of the non-metropolitan territories. If so, please furnish any information on the nature and importance of the work or services performed.

Article 3

For the purposes of this Convention the term “competent authority” shall mean either an authority of the metropolitan country or the highest central authority in the territory concerned.

Article 4

1. The competent authority shall not impose or permit the imposition of forced or compulsory labour for the benefit of private individuals, companies or associations.

2. Where such forced or compulsory labour for the benefit of private individuals, companies or associations exists at the date on which a Member's ratification of this Convention is registered by the Director-General of the International Labour Office, the Member shall completely suppress such forced or compulsory labour from the date on which this Convention comes into force for that Member.

Article 5

1. No concession granted to private individuals, companies or associations shall involve any form of forced or compulsory labour for the production or the collection of products which such private individuals, companies or associations utilise or in which they trade.

2. Where concessions exist containing provisions involving such forced or compulsory labour, such provisions shall be rescinded as soon as possible, in order to comply with Article 1 of this Convention.

Article 6

Officials of the administration, even when they have the duty of encouraging the populations under their charge to engage in some form of labour, shall not put constraint upon the said populations or upon any individual members thereof to work for private individuals, companies or associations.

Article 7

1. Chiefs who do not exercise administrative functions shall not have recourse to forced or compulsory labour.

2. Chiefs who exercise administrative functions may, with the express permission of the competent authority, have recourse to forced or compulsory labour, subject to the provisions of Article 10 of this Convention.

3. Chiefs who are duly recognised and who do not receive adequate remuneration in other forms may have the enjoyment of personal services, subject to due regulation and provided that all necessary measures are taken to prevent abuses.

Article 8

1. The responsibility for every decision to have recourse to forced or compulsory labour shall rest with the highest civil authority in the territory concerned.

2. Nevertheless, that authority may delegate powers to the highest local authorities to exact forced or compulsory labour which does not involve the removal of the workers from their place of habitual residence. That authority may also delegate, for such periods and subject to such conditions as may be laid down in the regulations provided for in Article 23 of this Convention, powers to the highest local authorities to exact forced or compulsory labour which involves the removal of the workers from their place of habitual residence for the purpose of facilitating the movement of officials of the administration, when on duty, and for the transport of government stores.

Article 9

Except as otherwise provided for in Article 10 of this Convention, any authority competent to exact forced or compulsory labour shall, before deciding to have recourse to such labour, satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or service is of present or imminent necessity;
- (c) that it has been impossible to obtain voluntary labour for carrying out the work or rendering the service by the offer of rates of wages and conditions of labour not less favourable than those prevailing in the area concerned for similar work or service; and
- (d) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work.

Article 10

1. Forced or compulsory labour exacted as a tax and forced or compulsory labour to which recourse is had for the execution of public works by chiefs who exercise administrative functions shall be progressively abolished.

2. Meanwhile, where forced or compulsory labour is exacted as a tax, and where recourse is had to forced or compulsory labour for the execution of public works by chiefs who exercise administrative functions, the authority concerned shall first satisfy itself:

- (a) that the work to be done or the service to be rendered is of important direct interest for the community called upon to do the work or render the service;
- (b) that the work or the service is of present or imminent necessity;
- (c) that the work or service will not lay too heavy a burden upon the present population, having regard to the labour available and its capacity to undertake the work;
- (d) that the work or service will not entail the removal of the workers from their place of habitual residence;
- (e) that the execution of the work or the rendering of the service will be directed in accordance with the exigencies of religion, social life and agriculture.

Article 11

1. Only adult able-bodied males who are of an apparent age of not less than 18 and not more than 45 years may be called upon for forced or compulsory labour. Except in respect of the kinds of labour provided for in Article 10 of this Convention, the following limitations and conditions shall apply:

- (a) whenever possible prior determination by a medical officer appointed by the administration that the persons concerned are not suffering from any infectious or contagious disease and that they are physically fit for the work required and for the conditions under which it is to be carried out;
- (b) exemption of school teachers and pupils and of officials of the administration in general;
- (c) the maintenance in each community of the number of adult able-bodied men indispensable for family and social life;
- (d) respect for conjugal and family ties.

2. For the purposes of subparagraph (c) of the preceding paragraph, the regulations provided for in Article 23 of this Convention shall fix the proportion of the resident adult able-bodied males who may be taken at any one time for forced or compulsory labour, provided always that this proportion shall in no case exceed 25 per cent. In fixing this proportion the competent authority shall take account of the density of the population, of its social and physical development, of the seasons, and of the work which must be done by the persons concerned on their own behalf in their locality, and, generally, shall have regard to the economic and social necessities of the normal life of the community concerned.

Article 12

1. The maximum period for which any person may be taken for forced or compulsory labour of all kinds in any one period of twelve months shall not exceed sixty days, including the time spent in going to and from the place of work.

2. Every person from whom forced or compulsory labour is exacted shall be furnished with a certificate indicating the periods of such labour which he has completed.

Article 13

1. The normal working hours of any person from whom forced or compulsory labour is exacted shall be the same as those prevailing in the case of voluntary labour, and the hours worked in excess of the normal working hours shall be remunerated at the rates prevailing in the case of overtime for voluntary labour.

2. A weekly day of rest shall be granted to all persons from whom forced or compulsory labour of any kind is exacted and this day shall coincide as far as possible with the day fixed by tradition or custom in the territories or regions concerned.

Article 14

1. With the exception of the forced or compulsory labour provided for in Article 10 of this Convention, forced or compulsory labour of all kinds shall be remunerated in cash at rates not less than those prevailing for similar kinds of work either in the district in which the labour is employed or in the district from which the labour is recruited, whichever may be the higher.

2. In the case of labour to which recourse is had by chiefs in the exercise of their administrative functions, payment of wages in accordance with the provisions of the preceding paragraph shall be introduced as soon as possible.

3. The wages shall be paid to each worker individually and not to his tribal chief or to any other authority.

4. For the purpose of payment of wages the days spent in travelling to and from the place of work shall be counted as working days.

5. Nothing in this Article shall prevent ordinary rations being given as a part of wages, such rations to be at least equivalent in value to the money payment they are taken to represent, but deductions from wages shall not be made either for the payment of taxes or for special food, clothing or accommodation supplied to a worker for the purpose of maintaining him in a fit condition to carry on his work under the special conditions of any employment, or for the supply of tools.

Article 15

1. Any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers which are or shall be in force in the territory concerned shall be equally applicable to persons from whom forced or compulsory labour is exacted and to voluntary workers.

2. In any case it shall be an obligation on any authority employing any worker on forced or compulsory labour to ensure the subsistence of any such worker who, by accident or sickness arising out of his employment, is rendered wholly or partially incapable of providing for himself, and to take measures to ensure the maintenance of any persons actually dependent upon such a worker in the event of his incapacity or decease arising out of his employment.

Article 16

1. Except in cases of special necessity, persons from whom forced or compulsory labour is exacted shall not be transferred to districts where the food and climate differ so considerably from those to which they have been accustomed as to endanger their health.

2. In no case shall the transfer of such workers be permitted unless all measures relating to hygiene and accommodation which are necessary to adapt such workers to the conditions and to safeguard their health can be strictly applied.

3. When such transfer cannot be avoided, measures of gradual habituation to the new conditions of diet and of climate shall be adopted on competent medical advice.

4. In cases where such workers are required to perform regular work to which they are not accustomed, measures shall be taken to ensure their habituation to it, especially as regards progressive training, the hours of work and the provision of rest intervals, and any increase or amelioration of diet which may be necessary.

Article 17

Before permitting recourse to forced or compulsory labour for works of construction or maintenance which entail the workers remaining at the workplaces for considerable periods, the competent authority shall satisfy itself:

- (1) that all necessary measures are taken to safeguard the health of the workers and to guarantee the necessary medical care, and, in particular, (a) that the workers are medically examined before commencing the work and at fixed intervals during the period of service, (b) that there is an adequate medical staff, provided with the dispensaries, infirmaries, hospitals and equipment necessary to meet all requirements, and (c) that the sanitary conditions of the workplaces, the supply of drinking water, food, fuel, and cooking utensils, and, where necessary, of housing and clothing, are satisfactory;
- (2) that definite arrangements are made to ensure the subsistence of the families of the workers, in particular by facilitating the remittance, by a safe method, of part of the wages to the family, at the request or with the consent of the workers;
- (3) that the journeys of the workers to and from the workplaces are made at the expense and under the responsibility of the administration, which shall facilitate such journeys by making the fullest use of all available means of transport;
- (4) that, in case of illness or accident causing incapacity to work of a certain duration, the worker is repatriated at the expense of the administration;

- (5) that any worker who may wish to remain as a voluntary worker at the end of his period of forced or compulsory labour is permitted to do so without, for a period of two years, losing his right to repatriation free of expense to himself.

Article 18

1. Forced or compulsory labour for the transport of persons or goods, such as the labour of porters or boatmen, shall be abolished within the shortest possible period. Meanwhile the competent authority shall promulgate regulations determining, inter alia, (a) that such labour shall only be employed for the purpose of facilitating the movement of officials of the administration, when on duty, or for the transport of government stores, or, in cases of very urgent necessity, the transport of persons other than officials, (b) that the workers so employed shall be medically certified to be physically fit, where medical examination is possible, and that where such medical examination is not practicable the person employing such workers shall be held responsible for ensuring that they are physically fit and not suffering from any infectious or contagious disease, (c) the maximum load which these workers may carry, (d) the maximum distance from their homes to which they may be taken, (e) the maximum number of days per month or other period for which they may be taken, including the days spent in returning to their homes, and (f) the persons entitled to demand this form of forced or compulsory labour and the extent to which they are entitled to demand it.

2. In fixing the maxima referred to under (c), (d) and (e) in the foregoing paragraph, the competent authority shall have regard to all relevant factors, including the physical development of the population from which the workers are recruited, the nature of the country through which they must travel and the climatic conditions.

3. The competent authority shall further provide that the normal daily journey of such workers shall not exceed a distance corresponding to an average working day of eight hours, it being understood that account shall be taken not only of the weight to be carried and the distance to be covered, but also of the nature of the road, the season and all other relevant factors, and that, where hours of journey in excess of the normal daily journey are exacted, they shall be remunerated at rates higher than the normal rates.

Article 19

1. The competent authority shall only authorise recourse to compulsory cultivation as a method of precaution against famine or a deficiency of food supplies and always under the condition that the food or produce shall remain the property of the individuals or the community producing it.

2. Nothing in this Article shall be construed as abrogating the obligation on members of a community, where production is organised on a communal basis by virtue of law or custom and where the produce or any profit accruing from the sale thereof remain the property of the community, to perform the work demanded by the community by virtue of law or custom.

Article 20

Collective punishment laws under which a community may be punished for crimes committed by any of its members shall not contain provisions for forced or compulsory labour by the community as one of the methods of punishment.

Article 21

Forced or compulsory labour shall not be used for work underground in mines.

Article 22

The annual reports that Members which ratify this Convention agree to make to the International Labour Office, pursuant to the provisions of article 22 of the Constitution of the International Labour Organisation, on the measures they have taken to give effect to the provisions of this Convention, shall contain as full information as possible, in respect of each territory concerned, regarding the extent to which recourse has been had to forced or compulsory labour in that territory, the purposes for which it has been employed, the sickness and death rates, hours of work, methods of payment of wages and rates of wages, and any other relevant information.

Article 23

1. To give effect to the provisions of this Convention the competent authority shall issue complete and precise regulations governing the use of forced or compulsory labour.

2. These regulations shall contain, inter alia, rules permitting any person from whom forced or compulsory labour is exacted to forward all complaints relative to the conditions of labour to the authorities and ensuring that such complaints will be examined and taken into consideration.

Article 24

Adequate measures shall in all cases be taken to ensure that the regulations governing the employment of forced or compulsory labour are strictly applied, either by extending the duties of any existing labour inspectorate which has been established for the inspection of voluntary labour to cover the inspection of forced or compulsory labour or in some other appropriate manner. Measures shall also be taken to ensure that the regulations are brought to the knowledge of persons from whom such labour is exacted.

Article 25

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence, and it shall be an obligation on any Member ratifying this Convention to ensure that the penalties imposed by law are really adequate and are strictly enforced.

Please furnish information on any legal proceedings which have been instituted as a consequence of the application of this Article and on any penalties imposed.

Article 26

1. Each Member of the International Labour Organisation which ratifies this Convention undertakes to apply it to the territories placed under its sovereignty, jurisdiction, protection, suzerainty, tutelage or authority, so far as it has the right to accept obligations affecting matters of internal jurisdiction; provided that, if such Member may desire to take advantage of the provisions of article 35 of the Constitution of the International Labour Organisation, it shall append to its ratification a declaration stating:

(1) the territories to which it intends to apply the provisions of this Convention without modification;

-
- (2) the territories to which it intends to apply the provisions of this Convention with modifications, together with details of the said modifications;
 - (3) the territories in respect of which it reserves its decision.

2. The aforesaid declaration shall be deemed to be an integral part of the ratification and shall have the force of ratification. It shall be open to any Member, by a subsequent declaration, to cancel in whole or in part the reservations made, in pursuance of the provisions of subparagraphs (2) and (3) of this Article, in the original declaration.

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, unless this has already been done in connection with Article 25.

IV. Please add a general appreciation of the manner in which the Convention is applied, for example by giving extracts from official reports, and information on any practical difficulties encountered in the application of the Convention or in the suppression of forced or compulsory labour.

V. 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 Organisation.¹ 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 the observations received, together with any comments that you consider useful.

¹ 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."

Appendix III

INTERNATIONAL LABOUR OFFICE

REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

*(article 19 of the Constitution of the
International Labour Organization)*

REPORT FORM CONCERNING FUNDAMENTAL CONVENTIONS
(ARTICLE 19 QUESTIONNAIRE)

Geneva

2010

INTERNATIONAL LABOUR OFFICE

Article 19 of the Constitution of the International Labour Organization relates to the adoption of Conventions and Recommendations by the Conference, as well as to the obligations resulting therefrom for the Members of the Organization. The relevant provisions of paragraphs 5, 6 and 7 of this article read as follows:

5. In the case of a Convention:

...

- (e) if the Member does not obtain the consent of the authority or authorities within whose competence the matter lies, no further obligation shall rest upon the Member except that it shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of its law and practice in regard to the matters dealt with in the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement or otherwise and stating the difficulties which prevent or delay the ratification of such Convention.

...

6. In the case of a Recommendation:

...

- (d) apart from bringing the Recommendation before the said competent authority or authorities, no further obligation shall rest upon the Members, except that they shall report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice in their country in regard to the matters dealt with in the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as it has been found or may be found necessary to make in adopting or applying them.

7. In the case of a federal State, the following provisions shall apply:

- (a) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system for federal action, the obligations of the federal State shall be the same as those of Members which are not federal States;
- (b) in respect of Conventions and Recommendations which the federal Government regards as appropriate under its constitutional system, in whole or in part, for action by the constituent states, provinces or cantons rather than for federal action, the federal Government shall:

...

- (iv) in respect of each such Convention which it has not ratified, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Convention, showing the extent to which effect has been given, or is proposed to be given, to any of the provisions of the Convention by legislation, administrative action, collective agreement, or otherwise;

- (v) in respect of each such Recommendation, report to the Director-General of the International Labour Office, at appropriate intervals as requested by the Governing Body, the position of the law and practice of the federation and its constituent states, provinces or cantons in regard to the Recommendation, showing the extent to which effect has been given, or is proposed to be given, to the provisions of the Recommendation and such modifications of these provisions as have been found or may be found necessary in adopting or applying them.

...

In accordance with the above provisions, the Governing Body of the International Labour Office examined and approved the present report form. This has been drawn up in such a manner as to facilitate the supply of the required information on uniform lines.

REPORT

to be made no later than 28 February 2011, in accordance with article 19 of the Constitution of the International Labour Organization by the Government of, on the position of national law and practice in regard to matters dealt with in the instruments referred to in the following questionnaire.

Article 19 questionnaire on fundamental Conventions

Conventions

Forced Labour Convention, 1930 (No. 29)

Abolition of Forced Labour Convention, 1957 (No. 105)

Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

Equal Remuneration Convention, 1951 (No. 100)

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

Minimum Age Convention, 1973 (No. 138)

Worst Forms of Child Labour Convention, 1999 (No. 182)

NB: Under each of the following questions you will find a self-expanding box where you can enter your reply. Please make sure that, wherever possible, your statements are accompanied in brackets by an appropriate reference to the corresponding provision of the national legislation.

The following questions relate to the issues covered by Conventions Nos 29, 105, 87, 98, 100, 111, 138 and 182.	Please indicate whether and, if so, to what extent the Conventions are given effect in your country. As appropriate, please provide a <i>detailed reply</i> to specific questions raised under individual Articles.	As appropriate, please give a precise reference (web links) to provisions of the <i>relevant legislation</i> .
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Part I. Strengthening the legal framework in the field of fundamental principles and rights at work

Constitutional and legal guarantees		
1. Does the Constitution of your country contain provisions:		
<ul style="list-style-type: none"> ■ prohibiting the exaction of forced or compulsory labour; 	(Including the definition of forced or compulsory labour and exceptions from this definition.)	C29, Arts 1(1), 2(1) and (2)
<ul style="list-style-type: none"> ■ prohibiting child labour or its worst forms; 		C138, Art. 1 and C182 Art. 1
<ul style="list-style-type: none"> ■ prohibiting direct and indirect discrimination in employment and occupation; 	(Including the definition of direct and indirect discrimination.)	C111, Art. 1

<ul style="list-style-type: none"> ■ providing for equal remuneration for men and women for work of equal value; ■ ensuring respect for the rights of workers and employers to form and join the organizations of their own choosing; ■ ensuring recognition of collective bargaining rights of employers or their organizations and workers' organizations. 	<p>(Including the definition of "remuneration" and "work of equal value".)</p>	<p>C100, Art. 1 C87, Art. 2 C98, Art. 4</p>
<p>2. Please indicate the provisions of any national legislation:</p>		
<ul style="list-style-type: none"> ■ prohibiting the exaction of forced or compulsory labour; ■ prohibiting trafficking in human beings and defining this crime; ■ prohibiting the worst forms of child labour, namely: (a) all forms of slavery or practices similar to slavery (such as: the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, forced or compulsory recruitment of children for use in armed conflict); (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; and (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs; ■ prohibiting hazardous work (i.e. work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize/harm the health, safety or morals) of children under 18; ■ providing for a minimum age for admission to employment or work; ■ providing for a minimum age for admission to light work which is not harmful to the health of children and which does not prejudice their school attendance or their participation in vocational training programmes; ■ prohibiting direct and indirect discrimination in employment and occupation; ■ providing for equal remuneration for men and women for work of equal value; 	<p>(Including the definition of forced or compulsory labour and exceptions from this definition.)</p> <p>(Indicating, in particular, whether the hazardous types of work have been determined by national legislation or regulations.)</p> <p>(Indicating, in particular, whether this age coincides with the age of completion of compulsory education.)</p> <p>(Indicating, in particular, the minimum age for such employment and the types of light work that have been determined by the Government.)</p> <p>(Including the definition of direct and indirect discrimination and indicating whether the following grounds of discrimination are specifically prohibited: race, sex, colour, religion, political opinion, national extraction, and social origin, as well as any other grounds.)</p> <p>(Including the definition of "remuneration" and "work of equal value".)</p>	<p>C29, Arts 1(1), 2(1) and (2) C29, Arts 1(1), 2(1) and 25 C182, Art. 3, clauses (a) to (c) C182, Art. 3, clause (d) C138, Arts 2(1), 2(3) and 2(4) C138, Art. 7(1) and (3) C111, Art. 1 C100, Art. 1</p>

<ul style="list-style-type: none"> ■ preventing and prohibiting sexual harassment at work, which is a form of sex discrimination; ■ ensuring the rights of workers' and employers' organizations to: <ul style="list-style-type: none"> – draw up their constitutions and rules; – elect their representatives; – organize their administration and activities; – formulate their programmes without interference; – establish and join federations and confederations; – affiliate with international organizations; ■ ensuring that workers' and employers' organizations may not be dissolved by administrative authority; ■ prohibiting anti-union discrimination, including relevant sanctions; ■ protecting workers' and employers' organizations from acts of interference by each other or each others' agents, including provisions prohibiting such acts and providing relevant sanctions; ■ promoting the full development and utilization of machinery for voluntary negotiation between employers or employers' organizations and workers' organizations, with a view to the regulation of terms and conditions of employment by means of collective agreements; ■ providing for disputes settlement mechanisms. 	<p>(Including the definition of sexual harassment and indicating how protection is ensured against both quid pro quo harassment and hostile work environment.)</p>	<p>C111, Arts 1, 2 and 3</p> <p>C87, Arts 3 and 5</p> <p>C87, Art. 4</p> <p>C98, Arts 1 and 3</p> <p>C98, Arts 2 and 3</p> <p>C98, Art. 4</p> <p>C87, Art. 3; C98, Art. 4</p>
<p>3. Please indicate any measures of a general character which may apply to the exercise of freedom of association and collective bargaining by workers' and employers' organizations, as, for example, general legislation concerning associations and meetings, laws concerning the safety of the State or a state of siege, penal codes, etc.</p>		<p>C87, Arts 1–11; C98, Arts 1–6</p>

<p>4. Please indicate:</p> <ul style="list-style-type: none"> ■ what categories of workers are excluded from the coverage of the non-discrimination or equal remuneration provisions, the reasons for such exclusion and whether and, if so, how non-discrimination and equal remuneration for such groups of workers is ensured in practice; ■ any laws or regulations that limit the type of work women can do or exclude them from certain occupations, or otherwise limit their access to or continuation in employment and occupation; ■ whether there are exclusions from the coverage of the minimum age legislation; ■ what categories of workers are excluded from the coverage of any of the provisions relating to the freedom of association and collective bargaining rights or are covered by specific statutory schemes; ■ whether compulsory military service, normal civic obligations, labour of convicted persons, compulsory work in cases of emergency, and minor communal services are excluded from the definition of forced or compulsory labour. 	<p>(Such as, e.g. <i>agricultural workers, casual workers, migrant workers, workers in the informal economy, domestic workers and workers in export processing zones.</i>)</p> <p style="text-align: right;">C100 and C111</p> <p style="text-align: right;">C111, Arts 1, 2 and 3</p> <p>(Such as, e.g. <i>family enterprises, family farms, domestic work, agricultural work, the migrant workforce and self-employed workers.</i>)</p> <p style="text-align: right;">C138, Arts 4(1) and 5(1)</p> <p>(Such as, e.g. <i>the public service, agricultural workers, domestic workers, migrant workers, workers in export processing zones and workers in the informal economy.</i>)</p> <p style="text-align: right;">C87, Arts 1–11; C98, Arts 1–6</p> <p style="text-align: right;">C29, Art. 2(2)(a), (b), (c), (d) and (e)</p>
<p>5. Please indicate:</p> <ul style="list-style-type: none"> ■ any restrictions placed on the freedom of workers to leave their employment, subject to a reasonable period of notice, in particular in the <i>public service and essential services</i>; ■ the provisions of the national legislation governing labour discipline, including specific provisions concerning <i>public servants, essential services and seafarers</i>; ■ the provisions of the national legislation governing the right to participate in a strike action without the threat of forced labour as a penalty for so doing; please indicate whether participation in a strike, or in certain strikes (such as, e.g. strikes declared unlawful), may be punished by penal sanctions involving compulsory labour; 	<p style="text-align: right;">C29, Arts 1(1) and 2(1)</p> <p style="text-align: right;">C105, Art. 1(c)</p> <p style="text-align: right;">C105, Art. 1(d)</p>

<ul style="list-style-type: none"> ■ the provisions of the national legislation governing the rights and freedoms of expression, assembly and association, including any provisions of law limiting these rights and freedoms that are enforceable with penal sanctions involving penal labour, deprivation of liberty, and re-education through labour. 	C105, Art. 1(a)
6. Please indicate whether and to what extent national or sectoral collective agreements give effect to fundamental Conventions.	C29, C105, C87, C98, C100, C111, C138 and C182
Enforcement	
7. Please indicate the provisions of the national legislation punishing the illegal exaction of forced or compulsory labour as a penal offence. Please also state whether there are penal provisions punishing trafficking in human beings.	C29, Art. 25 (Including information on any legal proceedings which have been instituted as a consequence of the application of such provisions and on any penalties imposed.)
8. Please indicate the provisions of any national legislation which ensure appropriate penalties or other sanctions for the breach of the laws and regulations prohibiting the worst forms of child labour, hazardous work and providing for a minimum age for admission to employment or work.	C138, Art. 9(1); C182 Art. 7(1)
9. Please indicate whether and, if so, how it is ensured that the laws and policies addressing discrimination and promoting equality and equal remuneration for men and women for work of equal value, are effectively monitored and enforced.	C111, Arts 2 and 3; C100, Art. 2 (Including through labour inspection, national equality or other specialized bodies, courts, and any other dispute prevention and resolution machinery or processes.)
10. Please indicate the manner in which national legislation and regulations concerning freedom of association and collective bargaining are effectively monitored and enforced.	C87; C98

11. Please indicate whether the courts have had recourse to the principles and rights of the fundamental Conventions in interpreting national law.	(Including whether specific reference has been made to ILO Conventions.)	C29, C105, C87, C98, C100, C111, C138 and C182
12. Please indicate whether there are any specialized bodies or mechanisms for the enforcement of fundamental principles and rights at work, and provide information on their mandate and functioning.	(Including special constitutional procedures, specialized labour inspectorate bodies, etc.)	C29, C105, C87, C98, C100, C111, C138 and C182

Part II. Practical application of fundamental principles and rights at work

National programmes/policies/plans of action on fundamental principles and rights at work		
13. Has a national programme/policy/plan of action been designed to eliminate child labour or its worst forms?		C138, Art. 1; C182, Arts 1, 6(1), 7(2)
14. Please indicate whether there is a national policy to promote equality of opportunity and treatment in employment and occupation ("national equality policy").	(Including whether the policy: – applies to the <i>public and private sectors</i> ; – addresses the following grounds: race, sex, colour, religion, political opinion, national extraction and social origin, or any additional grounds.)	C111, Art. 2
15. Please indicate: ■ the elements of the national equality policy, what measures are taken to ensure the effective implementation of the policy, and what results have been achieved; ■ the steps taken to promote the use of job evaluation methods based on objective and non-discriminatory criteria.	(Including legislative or administrative measures, public policies, collective agreements, affirmative action policies or programmes, studies, practical guides, awareness raising and training, establishment of specialized bodies, workplace policies, specialized enforcement mechanisms, etc. Including also how results are monitored.) (Including in the public and the private sectors.)	C111, Arts 2 and 3 C100, Art. 3

16. Please indicate the special measures, including any laws or policies that have been adopted to address past discrimination or disadvantaged position of certain groups (affirmative action).	(Including for groups such as <i>ethnic minorities, indigenous and tribal peoples, workers with family responsibilities, etc.</i>)	C111, Art. 5
17. Please indicate whether there is a national policy/programme/plan of action on the elimination of forced labour, including human trafficking for labour and sexual exploitation.	(Including prevention and protection measures, in particular, in relation to the most vulnerable groups, such as, e.g. <i>women, young persons, migrants, domestic workers, etc.</i>)	C29, Arts 1(1), 2(1) and 25
Statistics and other information on practical application		
18. Has statistical information or other factual material been collected, such as: <ul style="list-style-type: none"> ■ child labour surveys and studies, and their findings; ■ number of contraventions of child labour rules reported, prosecuted/handled, sanctioned (including penal sanctions); ■ information/data, if any, on children's illness or injury arising from work; ■ school enrolment rate and attendance rate; ■ labour inspection records and its findings on child labour; ■ any documented results of the execution of the plan/programme of action, including the number of children rescued from child labour or its worst forms, and benefiting from the service provided? 	(Including sex disaggregated data.)	C138 and C182
19. Please indicate whether and, if so, how information is collected and analysed as a means of determining the remuneration gap between men and women, the nature and extent of discrimination and inequalities with respect to the grounds of race, colour, sex, religion, political opinion, national extraction and social origin, and to address the gaps identified.	(Including sex disaggregated statistics with respect to the distribution of men and women in the public and private sectors by earnings level, branch of economic activity and at each level within various occupational categories. Also surveys, studies, etc.)	C111, Arts 2 and 3; C100, Art. 2

20. Please indicate whether in your country practices have been identified that constitute or could constitute cases of forced labour within the meaning of the Conventions. Please indicate the measures taken or contemplated to eradicate such practices, particularly in relation to the most vulnerable groups, such as, e.g. <i>migrant workers, domestic workers, agricultural workers, members of indigenous communities</i> . Please also indicate whether such practices have been identified in <i>export processing zones (EPZ)</i> , and if so, any measures taken to eradicate such practices.	C29, Arts 1(1) and 2(1); C105, Art. 1(b), (e)
21. Please provide any available statistical information, disaggregated by sex, regarding the number of convictions of persons found guilty in the illegal exaction of forced labour and/or trafficking in human beings, the number of persons rescued from forced labour/trafficking situations, as well as any other statistical information relating to the execution of the national plans/programmes of action aiming at the elimination of forced labour and trafficking.	C29 and C105
22. Please provide any available statistics concerning the percentage of organized workers and employers, the number of workers' and employers' organizations in the country, the number of valid collective agreements, the coverage of collective agreements, confirmed violations of freedom of association or collective bargaining and the imposition of relevant sanctions.	C87, Arts 1–11; C98, Arts 1–6

Part III. Fundamental Conventions and social dialogue

23. Please describe the role of workers' and employers' organizations, social dialogue and tripartism in the elaboration and implementation of various measures aiming at the eradication of all forms of forced or compulsory labour and trafficking in human beings.	C29 and C105
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24. Please indicate, in particular, whether tripartite consultations at the national level concerning eradication of forced or compulsory labour and trafficking in human beings have been held or should be held in your country.	C29 and C105
25. Please indicate the manner in which proposals relating to the freedom of association and collective bargaining are subjected to tripartite consultation and whether any tripartite mechanisms are involved in the monitoring of respect of these principles.	C87 and C98
26. Please indicate how employers' and workers' organizations are involved in promoting understanding, acceptance and the realization of the principle of equality of opportunity and treatment in employment and occupation.	C111, Art. 3
27. Are any additional grounds of discrimination prohibited under the legislation, and, if so, how were employers' and workers' organizations, or other appropriate bodies, involved in determining such additional grounds?	(Any grounds other than race, colour, sex, religion, political opinion, national extraction and social origin.) C111, Art. 1(1)(b)
28. Please indicate whether and, if so, how employers' and workers' organizations are involved in giving effect to the principle of equal remuneration for men and women for work of equal value.	(Including collective bargaining, participation in tripartite bodies, joint studies, development of practical tools and guides, equal pay reviews, etc.) C100, Art. 4
29. Please indicate whether consultations have been held with the social partners in designing and implementing programmes of action to eliminate the worst forms of child labour and in determining hazardous types of work.	C138, Art. 3(2); C182, Arts 4(1) and 6(1)

Part IV. Impact of ILO instruments

30. What are the obstacles that impede or delay ratification and what are ratification prospects for Conventions Nos 29, 87, 98, 100, 105, 111, 138 and 182? Please indicate any measures taken or envisaged to overcome these obstacles.	(Indicating any difficulties presented by the Conventions, in legislation or national practice, or any other reasons which prevent or delay the ratification.)
31. To what extent has effect been given, or is proposed to be given, to the above Conventions, even in the absence of ratification?	
Questions for all member States	
32. Are ILO fundamental Conventions automatically incorporated into domestic law upon ratification?	
33. What suggestions would your country wish to make concerning possible standard-related action to be taken by the ILO?	(For example, new standards, revision, etc.)
34. Has there been any request for policy support or technical cooperation support provided by the ILO to give effect to the above Conventions? If this is the case, what has been the effect of this support?	
35. What are the future policy advisory support and technical cooperation needs of your country to give effect to the objectives of the above Conventions?	
36. 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 ILO.	

37. Please state whether you have received from the organizations of employers and workers concerned any observations concerning the effect given, or to be given, to the instruments to which the present report relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.	

Appendix IV

Maritime Labour Convention, 2006

INTERNATIONAL LABOUR OFFICE GENEVA

REPORT FORM FOR THE MARITIME LABOUR CONVENTION, 2006

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 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 matters with which this Convention deals may be beyond the immediate competence of the ministry responsible for labour questions, so that the preparation of a full report on the Convention may necessitate consultation of other interested ministries or government agencies.

Practical guidance for drawing up reports

First report

1. 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 the way in which your country has given effect to its obligations under the Convention, including actions taken on each of the questions set out in this report form.

Subsequent reports

2. In subsequent reports, information need normally be given only on the following points:
 - (a) 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) 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 addressed to your government by the Committee of Experts on the Application of Conventions and Recommendations or by the Conference Committee on the Application of Standards.

Use of this report form

3. This report form is divided into two parts. **Part I “General questions” asks for information and supporting materials. Part II “Specific information” indicates some questions that should be covered in the report. The report form has been designed to**

facilitate completion from both a physical and a substantive point of view. Members are, in the first place, invited to use the electronic version of the report form and to insert the requested information in the expandable field beside each question. For those national administrations that are not in a position to use the electronic report form, a paper copy is also attached and responses may be provided by referring to the relevant questions.

4. From a substantive point of view, one of the innovations in the Convention is its emphasis on ensuring that there is not only compliance with its provisions but also documentary evidence of compliance. Consequently, in implementing the Convention, Members will already have produced documents such as the Declaration of Maritime Labour Compliance (DMLC), required by Regulation 5.1.3 and providing information that is also needed for reporting under article 22 of the Constitution. To take advantage of information already provided, a number of questions in Part II of this form suggest the following statement as a possible answer:

“Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II ”.

5. If the information in the DMLC, Part I and/or Part II covers all the subject of the section concerned and fully complies with the requirements in Standard A5.1.3 paragraph 10(a) and/or (b), with due consideration being given to Guideline B5.1.3, one or both boxes at the end of this statement can be checked () , in which case the individual questions in the section concerned need not be answered. However, additional information on how the Regulation concerned is implemented in your country may be provided in a section located underneath the questions concerned. If the information in the DMLC concerning national implementing measures is not also applicable to ships that are not subject to certification (see Regulation 5.1.3, paragraph 1), additional information should be provided concerning the measures applicable to those categories of ships. In addition, some of the Regulations or Standards envisage that the competent authority in each member State produce various kinds of documents related to implementation of obligations (for example, the standard medical report form for use on board ships flying the Member’s flag as required by Standard A4.1, paragraph 2, and Guideline B4.1.2). Where relevant, copies of these particular documents are requested under the heading “Documentation”.
6. Furthermore, in order to avoid the need to refer in detail to the content of specific measures, reference can be made in this form to the relevant provisions of the legislation, collective agreement or other document concerned which has been provided to the Office in English, French or Spanish (in connection with Part I, “General questions”).
7. Beneath the section for “Additional information”, there is a section headed “Explanations”. Explanations are required where a national implementing measure differs from the requirements set out in Standards found in Part A of the Code of the Maritime Labour Convention, 2006. This would include, for example, cases of substantial equivalence referred to in Article VI, paragraph 3, and of determinations that have been made regarding the application of differing national measures that are provided for on the basis of Article II, paragraph 6. Even though the substantial equivalence may have been referred to in the DMLC, Part I, an explanation should be provided, in particular, as to the ways in which the Member concerned was not in a position to implement the rights and principles concerned in the manner set out in Part A of the Code (Article VI, paragraph 3) and as to how the national measure complies in all material respects with the corresponding Part A requirement. In the case of a determination under Article II, paragraph 6, which is also to be reported to the Director-General of the International Labour Office (Article II, paragraph 7), an explanation should be provided as to the reason for a determination that it would not be reasonable or practicable at the present time to apply certain details of the Code to a ship or particular categories of ships (Article II, paragraph 6).
8. It should be noted that this report form takes account of the Articles and Regulations and the provisions of Part A of the Code of the Maritime Labour Convention, 2006, and also

refers, where appropriate, to the Guidelines, which comprise Part B of the Code. These Guidelines are not mandatory. Their purpose is to provide guidance as to the way in which Members should implement the (mandatory) provisions in Part A of the Code. In accordance with Article VI, paragraph 2, Members are required to “give due consideration to implementing their responsibilities in the manner provided for in Part B of the Code”. The special status of the Guidelines in Part B of the Code is reflected in the example and the explanation set out in paragraphs 9 and 10 of the Explanatory Note to the Regulations and Code. Paragraph 10 states, in its last sentence, “... by following the guidance provided in Part B, the Member concerned, as well as the ILO bodies responsible for reviewing implementation of international labour Conventions, can be sure without further consideration that the arrangements the Member has provided for are adequate to implement the responsibilities under Part A to which the Guideline relates”. This statement is based on the 2003 Legal Adviser’s opinion on the relationship between Parts A and B of the Code (see appendix to this report form for the full text of this Opinion).

Article 22 of the Constitution of the ILO

Report for the period from _____ to _____
 made by the Government of _____
 on the
 Maritime Labour Convention, 2006
 (ratification registered on _____)

Part I. General questions

I. Implementing measures

Please give a list of the laws and regulations and collective agreements implementing the provisions of the Convention, with particular reference to the seafarers’ employment and social rights referred to in Article IV. **Please provide a copy of those laws or regulations and collective agreements. If any of this material is available from the Internet, the link to the relevant document may be provided instead of the document itself.**

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 had this effect.

II. Principal documents

Please provide, in English, French or Spanish (or the English translation required by Standard A5.1.3, paragraph 12), a copy of the standard Maritime Labour Certificate, including Part I of the Declaration of Maritime Labour Compliance (DMLC) as well as an example or examples of a Part II of the DMLC which have been prepared by a shipowner and have been accepted by your country, when certifying a ship or ships. (Specific identifying information regarding the ship or shipowner should be removed from the example or examples.) Additional documentation on other matters will be requested in Part II of this report form.

III. Fundamental rights and principles

Please indicate how account has been taken, in the context of the Convention, of the following fundamental rights and principles referred to in Article III:

(a) unless your country has ratified Conventions Nos 87 and 98: freedom of association and the effective recognition of the right to collective bargaining;	
(b) unless your country has ratified Conventions Nos 29 and 105: the elimination of all forms of forced or compulsory labour;	
(c) unless your country has ratified Conventions Nos 138 and 182: the effective abolition of child labour;	
(d) unless your country has ratified Conventions Nos 100 and 111: the elimination of discrimination in respect of employment and occupation.	

IV. Competent authority and consultation

Please identify the competent authority or authorities having power to issue and enforce regulations, orders or other instructions in respect of subject matter covered by the Convention (Article II, paragraph 1(a)).	
Please list the shipowners' and the seafarers' organizations that the competent authority or authorities consult in matters relating to the implementation of the Convention.	

V. Scope of application

Do the measures implementing the Convention cover, as a seafarer, any person who is employed or engaged or works in any capacity on board a ship to which the Convention applies (Article II, paragraphs 1(f) and 2)?	If no, please explain:
Have cases of doubt as to whether any categories of persons are to be regarded as seafarers arisen?	If yes, please provide full information on the consultation process and its result (Article II, paragraph 3):
Have cases of doubt arisen as to whether a ship or a particular category of ship, or a similar navigating means, is covered by the Convention?	If yes, please provide full information on the consultation process and its result (Article II, paragraph 5):

VI. Enforcement

Please summarize the provisions of laws or regulations or other measures which prohibit violations of the requirements of the Convention and, in accordance with international law, establish sanctions or require the adoption of corrective measures to discourage such violations (Article V, paragraph 6).	
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VII. Statistical information

Please *either* provide the data requested below *or* refer below to relevant reports submitted to UNCTAD (*Annual Review of Maritime Transport*), IMO, WHO, etc., and supply a copy of those reports or a reference to a public web site containing this data:

Data requested	Ships on international voyages or voyages between ports in other countries	Ships not on international voyages or voyages between ports in other countries	The information is only an estimate as data is not formally collected on this matter
Number of seafarers working on flag ships that are covered by the Convention			
Number of seafarers who are nationals or residents or otherwise domiciled in the territory			

Number (if any) of private recruitment and placement services operating in the territory			
Gender distribution among seafarers			
Number of ships flying your flag which are 3,000 GT or over			
Number of ships <3,000 GT and =>500 GT			
Number of ships <500 and => 200 GT (please indicate if estimated)			
Number of ships <200 GT (please indicate if estimated)			

Part II. Specific information

1. This section of the report follows the same organization as the Maritime Labour Convention, 2006 (MLC, 2006). It is divided into five Titles (Titles 1–5). Each Title sets out the related Regulations and Code provisions and asks for specific information on how they have been given effect in your country. For convenience, this form contains a description of the basic requirements in each area.¹ The relevant provisions of the Convention are identified in each question, so that their text can be consulted.
2. It will be noted that the provisions under each Regulation also include a reference to the Guidelines in Part B of the Code to the Convention. As mentioned above at point 8 in the guidance for drawing up reports, it is not mandatory for Members to follow the Guidelines when implementing the Regulations and Standards. However, if a Member has chosen to do so, the ILO supervisory bodies would not have to consider further the adequacy or sufficiency of the Member's implementation of the relevant provisions of the Convention.

Title 1. Minimum requirements for seafarers to work on a ship

Regulation 1.1 – Minimum age Standard A1.1; see also Guideline B1.1	
<ul style="list-style-type: none"> ■ Persons below the age of 16 shall not be employed or engaged or work on a ship. ■ Seafarers under the age of 18 shall not be employed or engaged or work where the work is likely to jeopardize their health or safety. ■ Night work for seafarers under the age of 18 is prohibited. ("Night" covers a period of at least nine hours starting no later than midnight and ending no earlier than 5 a.m.) ■ Special attention should be paid to the needs of seafarers under the age of 18, in accordance with national laws and regulations. 	
Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.	
What is the minimum age of seafarers? (Regulation 1.1, paragraph 1; Standard A1.1, paragraph 1)	
What period is defined as "night"? (Standard A1.1, paragraph 2)	

¹ The description of basic requirements is based on the text adopted by tripartite expert meetings in September 2008 when they adopted *Guidelines for flag State inspections under the Maritime Labour Convention, 2006* (MEFS/2008/8(Rev.)) and from the text of the Maritime Labour Convention, 2006.

Is night work prohibited for seafarers under 18? (Standard A1.1, paragraph 2)	
Are any exceptions made to the night work prohibition? (Standard A1.1, paragraph 3)	If yes, please summarize the exceptions:
Is employment of seafarers under 18 prohibited where the work is likely to jeopardize their health or safety? (Standard A1.1, paragraph 4)	
What types of work have been determined to be likely to jeopardize the health or safety of seafarers under 18? (Standard A1.2, paragraph 4)	
Additional information concerning implementation of Regulation 1.1 (see above: Practical guidance for drawing up reports, point 5).	
Explanations (see above: Practical guidance for drawing up reports, point 7).	

Regulation 1.2 – Medical certificate Standard A1.2; see also Guideline B1.2	
<ul style="list-style-type: none"> ■ Seafarers are not allowed to work on a ship unless they are certified as medically fit to perform their duties. ■ A certificate must be in English for seafarers working on ships ordinarily engaged on international voyages. ■ The medical certificate must have been issued by a duly qualified medical practitioner and must be still valid. ■ The period of validity for a certificate: <ul style="list-style-type: none"> – two-year maximum for medical certificates except for seafarers under 18; then it is one year; – six-year maximum for a colour vision certificate. <p>NB. <i>Certificates issued in accordance with, or meeting the substance of, the applicable requirements, under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, are to be accepted as meeting these requirements.</i></p>	
Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.	
Are seafarers required to be certified as medically fit to perform their duties? (Regulation 1.2, paragraph 1; Standard A1.2, paragraph 1)	
What requirements (or guidance) have been established concerning the nature of the medical examination and the right of appeal? (Standard A1.2, paragraphs 2 and 5)	
What are the requirements concerning persons who can issue medical certificates and any certificate solely concerning eyesight? (Standard A1.2, paragraph 4)	
What are the periods of validity for medical and colour vision certificates? (Standard A1.2, paragraph 7)	
Additional information concerning implementation of Regulation 1.2 (see above: Practical guidance for drawing up reports, point 5).	
Explanations (see above: Practical guidance for drawing up reports, point 7).	
Documentation: please provide, in English (see Standard A1.2, paragraph 10) an example of the standard wording in medical certificates.	

Regulation 1.3 – Training and qualifications	
<ul style="list-style-type: none"> ■ Seafarers must be trained or certified as competent or otherwise qualified to perform their duties on board ship. ■ Seafarers must have successfully completed training for personal safety on board ship. ■ Obligations under Convention No. 74, if ratified, continue to apply. <p>NB. <i>Training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, is to be accepted as meeting these requirements.</i></p>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p> <p>Please check one or both boxes or provide the information in the right-hand column below.</p>	
Do all seafarers have to be trained, certified or otherwise qualified for the duties they are to carry out on board ship? <i>(Regulation 1.3, paragraph 1 – see also paragraph 4)</i>	
Are all seafarers required to successfully complete training for personal safety on board ship? <i>(Regulation 1.3, paragraph 2)</i>	
Is training and certification in accordance with the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW), as amended, accepted? <i>(Regulation 1.3, paragraph 3)</i>	
<p>Additional information concerning implementation of Regulation 1.3 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

Regulation 1.4 – Recruitment and placement	
Standard A1.4; see also Guideline B1.4.1	
<ul style="list-style-type: none"> ■ Seafarer recruitment and placement services must not charge seafarers for their services. ■ If private seafarer recruitment and placement services are operating in their territory, Members are responsible for establishing an effective inspection and monitoring system with respect to those services <i>(Regulation 5.3; Standard A5.3, paragraph 1)</i>. ■ If seafarer recruitment and placement services for nationals to work on flag ships are operated by seafarers' organizations in the Member's territory it must be operated in accordance with the Standard in the Convention. ■ Any public seafarer or recruitment service in a Member's territory must be operated in an orderly manner that promotes seafarers' employment rights under the Convention. ■ Flag States are responsible for requiring, in cases where shipowners use recruitment and placement services based in States not party to the MLC, 2006, that these shipowners have an appropriate system in place for ensuring, as far as practicable, that these recruitment and placement services meet the requirements under <i>Standard A1.4</i>. 	
	Please check the boxes below or provide the information requested
If private seafarer recruitment and placement services, or services operated by seafarers' organizations to place seafarers on national flag ships, are operating in your country, please provide information about the standardized system for licensing or certification or other form of regulation <i>(Regulation 1.4; Standard A1.4, paragraphs 2, 3, 4 and 5)</i> and the inspection and monitoring system for those services <i>(Standard A1.4, paragraph 6)</i> .	No private services operate in our country <input type="checkbox"/>
If public recruitment and placement services are operating in your country, please state the basic principles ensuring that they are operated in an orderly manner <i>(Standard A1.4, paragraph 1)</i> . See guidance in Guideline B1.4.1, paragraph 2.	No public services operate in our country <input type="checkbox"/>

If public or private recruitment placement services are operating in your country, please outline the machinery and procedures for investigating complaints about their activities. (Standard A1.4, paragraph 7)	No public or private services operate in our country <input type="checkbox"/>
Where shipowners use recruitment and placement services that operate in countries that have not ratified the Convention, what kind of action is expected of them in order to ensure, as far as practicable, that the services concerned meet the requirements of the Convention? (Regulation 1.4, paragraph 3; Standard A1.4, paragraphs 9 and 10)	Adequate information on this matter is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/>
Additional information concerning implementation of Regulation 1.4 (see above: Practical guidance for drawing up reports, point 5).	
Explanations (see above: Practical guidance for drawing up reports, point 7).	

Title 2. Conditions of employment

Regulation 2.1 – Seafarers’ employment agreements Standard A2.1; see also Guideline B2.1	
<ul style="list-style-type: none"> ■ All seafarers must have a seafarers’ employment agreement (SEA) signed by both the seafarer and the shipowner or shipowner’s representative (or, where they are not employees, other evidence of contractual or similar arrangements). ■ A SEA must, at a minimum, contain the matters set out in Standard A2.1, paragraph 4 (a)–(j) and, as applicable, (k), of the MLC, 2006 (Standard A2.1, paragraph 4). ■ Where a collective bargaining agreement forms all or part of the SEA, the agreement must be on board the ship with relevant provisions in English (except for ships engaged only in domestic voyages) (Standard A2.1, paragraph 2). ■ Seafarers are to be given an opportunity to examine and seek advice on a SEA before signing (Standard A2.1, paragraph 1(b)). ■ Seafarers must be given a document containing a record of their employment (that does not contain any statement as to the quality of their work or wages) on the ship (Standard A2.1, paragraphs 1(e) and 3; (Guideline B 2.1.1, paragraph 1)). ■ Information about the conditions for their employment must be easy for seafarers to obtain when on board ship and must be accessible for inspection-related reviews. ■ Minimum notice periods for early termination of a SEA must be established in laws or regulations. 	
Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/> /Part II <input type="checkbox"/> seafarers’ employment agreement <input type="checkbox"/> /collective agreement provisions <input type="checkbox"/> (A link to a publicly accessible web site containing the applicable collective agreement may also be provided)	
Please check one or more boxes or provide the information in the right-hand column below.	
What are the minimum notice periods to be given by seafarers and by shipowners for the early termination of a seafarer’s employment agreement? (Standard A2.1, paragraph 5)	
Do national laws or regulations or collective agreements provide for circumstances justifying termination of the employment agreement at shorter notice or without notice? (Standard A2.1, paragraph 6)	If yes, please summarize the provisions concerned:
Please summarize your country’s requirements to ensure that seafarers are given an opportunity to review and seek advice on their SEA before signing. (Standard A2.1, paragraph 1(b))	
Please summarize your country’s requirements to ensure that seafarers have easy access on board ship to information about their conditions of employment. (Standard A2.1, paragraph 1(d))	

<p>Additional information concerning implementation of Regulation 2.1 (see above: Practical guidance for drawing up reports, point 5).</p>
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>
<p>Documentation: please provide in English (see <i>Standard A2.1, paragraph 2</i> (see guidance in <i>Guideline B2.1.1, paragraph 1</i>)):</p> <ul style="list-style-type: none"> – an example of the approved document for seafarers' record of employment (<i>Standard A2.1, paragraphs 1 and 3</i>); – a standard form example of a seafarers' employment agreement (<i>Standard A2.1, paragraph 2(a)</i>); – the relevant portion of any applicable collective bargaining agreement (<i>Standard A2.1, paragraph 2(b)</i>).

<p>Regulation 2.2 – Wages Standard A2.2; see also Guideline B2.2</p>	
<ul style="list-style-type: none"> ■ Seafarers must be paid at no greater than monthly intervals and in full for their work in accordance with their employment agreements and any applicable collective agreement. ■ Seafarers are entitled to an account each month indicating their monthly wage and any authorized* deductions (such as allotments**). ■ Flag States may wish to consider requiring shipowners to carry on board their ships' documents such as a copy of payroll or electronic record sheets. ■ Charges for remittances/allotment transmission services must be reasonable and exchange rates in accordance with national requirements. <p>* No unauthorized deductions, such as payments for travel to or from the ship. ** An allotment is an arrangement whereby a proportion of seafarers' earnings are regularly remitted, on their request, to their families or dependants or legal beneficiaries whilst the seafarers are at sea.</p>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>What are the main items that must be included in the monthly account that seafarers are entitled to receive on board ship? <i>(Regulation 2.2 and Standard A2.2, paragraph 2)</i></p>	
<p>Please outline the measures taken by shipowners to provide seafarers with a means to transmit all or part of their earnings to their families or dependants or legal beneficiaries. <i>(Standard A2.2, paragraphs 3 and 4)</i></p>	
<p>What is the basis for determining the reasonable charge, if any is made, by shipowners for transmission services and for determining any relevant exchange rate? <i>(Standard A2.2, paragraph 5)</i></p>	
<p>For countries that adopt national laws or regulations to govern the calculation or amount of seafarers' wages, has the guidance in Guideline B2.2 been given due consideration (Standard A2.2, paragraph 6)?</p>	<p>If yes, please summarize or provide a reference to the relevant national legislation provided under Part I, item I.</p>
<p>Additional information concerning implementation of Regulation 2.2 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

Regulation 2.3 – Hours of work and hours of rest Standard A2.3; see also Guideline B2.3	
<ul style="list-style-type: none"> ■ The maximum hours of work or the minimum hours of rest must be established in national laws or regulations (the minimum hours of rest must not be less than ten hours in any 24-hour period and 77 hours in any seven-day period, or the maximum hours of work must not exceed 14 hours in any 24-hour period and 72 hours in any seven-day period). ■ Account must be taken of the danger posed by the fatigue of seafarers. ■ Hours of rest may be divided into no more than two periods, one of which must be at least six hours; the interval between consecutive periods of rest must not exceed 14 hours. ■ Any mandatory musters or drills must be conducted in a way that minimizes disturbance of rest hours and does not induce fatigue. ■ Seafarers on call must be given compensatory rest if the normal rest period is interrupted. ■ A schedule/table of service at sea and service at port for all positions, in a standardized format in the working language(s) of the ship and English, and the applicable limits under a law or regulation or a collective agreement, must be posted in an accessible location on board ships. ■ Seafarers' daily hours of work or rest must be recorded in an approved standard format and in the working language(s) of the ship and English and must be endorsed by the seafarer (who is given a copy) and the master (or authorized person). 	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p> <p>Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>Are the requirements in your country that implement Regulation 2.3 based on maximum hours of work or on minimum hours of rest? (Regulation 2.3, paragraphs 1 and 2)</p>	<p>Maximum hours of work <input type="checkbox"/> Minimum hours of rest <input type="checkbox"/></p>
<p>Please indicate how account is taken of the danger posed by the fatigue of seafarers. (Standard A2.3, paragraph 4)</p>	
<p>Please state the maximum hours of work or minimum hours of rest, including any measures that may have been adopted for seafarers under the age of 18. (Standard A2.3, paragraphs 2 and 5; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1)</p>	<p>How many hours of work per 24 hours? ___ How many hours of work per seven days? ___ or How many hours of rest per 24 hours? ___ How many hours of rest per seven days? ___ Measures for seafarers under the age of 18:</p>
<p>Are more than two periods of rest per 24 hours prohibited in all cases? Must one period of rest per 24 hours always be at least six hours in length? Must the interval between periods of rest in all cases be 14 hours at most? (Standard A2.3, paragraph 6)</p>	<p>If the answer to any question is "no", please provide the necessary information.</p>
<p>Please indicate the requirements relating to the minimizing of disturbances by drills etc. and the granting of compensatory rest covered by Standard A2.3, paragraphs 7, 8, 9 and 14.</p>	
<p>What is the normal working hours standard for seafarers, including any measures that may have been adopted for seafarers under the age of 18? (Standard A2.3, paragraph 3; Standard A1.1, paragraph 2; see guidance in Guideline B2.3.1)</p>	
<p>Have any collective agreements been authorized or registered that permit exceptions to the established limits? (Standard A2.3, paragraph 13)</p>	<p>If yes, please provide a copy of the relevant provisions under "Documentation" below.</p>
<p>What measures are taken to ensure the recording of accurate daily hours of work or rest? (Standard A2.3, paragraph 12)</p>	
<p>Additional information concerning implementation of Regulation 2.3 (see above: Practical guidance for drawing up reports, point 5).</p>	

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide, in English (see *Standard A2.3, paragraphs 10 and 11*):

- a copy of the approved standardized table for shipboard working arrangements (*Standard A2.3, paragraphs 10 and 11*);
- a copy of the standard form established by the competent authority for the recording of seafarers' daily hours of work or their daily hours of rest (*Standard A2.3, paragraph 12*);
- a copy of any authorized or registered collective agreement provisions that establish seafarers' normal working hours or permit exceptions to the established limits (*Standard A2.3, paragraphs 3 and 13*).

Regulation 2.4 – Entitlement to leave
Standard A2.4; see also Guideline B2.4

- Seafarers must be given paid annual leave.
- Seafarers are to be granted shore leave to benefit their health and well-being and consistent with the operational requirements of their positions.
- The minimum annual paid leave must be determined in laws and regulations.
- Subject to any collective agreement or national laws or regulations providing a differing method of calculation, the entitlement to paid annual leave is to be calculated on the basis of 2.5 calendar days per month of employment.
- Except in cases authorized by the competent authority, any agreement to forgo the minimum leave must be prohibited.

Adequate information on all matters is to be found in the enclosed seafarers' employment agreement /collective agreement provisions

Please check one or both boxes or provide the information in the right-hand column below.

What is the minimum paid annual leave for seafarers on ships flying the flag of your country?
(Standard A2.4, paragraphs 1 and 2)

How are seafarers' entitlements to paid annual leave calculated in your country?
(Standard A2.4, paragraph 2; See also guidance in Guideline B2.4)

Have any agreements to forgo annual leave with pay been authorized by the competent authority in your country?
(Standard A2.4, paragraph 3)

If yes, please indicate the criteria for granting such authorizations:

Are shipowners required to give seafarers appropriate shore leave?
(Regulation 2.4, paragraph 2)

Additional information concerning implementation of Regulation 2.4 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: Please provide a copy of the provisions in any applicable collective agreement which provides for the calculation of the minimum paid annual leave on a basis that differs from a minimum of 2.5 days per month of employment (*Standard A2.4, paragraph 2*).

Where the provisions are not available in English, French or Spanish, please provide a summary in one of these languages.

Regulation 2.5 – Repatriation Standard A2.5; see also Guideline B2.5	
<ul style="list-style-type: none"> ■ Seafarers are to be repatriated, and at no cost to themselves except to the extent that the Code permits otherwise. ■ Seafarers are entitled to repatriation in the following circumstances: <ul style="list-style-type: none"> – if the seafarers' employment agreement expires while they are abroad; – when their seafarers' employment agreement is terminated: <ul style="list-style-type: none"> – by the shipowner; or – by the seafarer for justified reasons; and – when the seafarers are no longer able to carry out their duties under their employment agreement or cannot be expected to carry them out in the specific circumstances. ■ Seafarers' repatriation entitlements are to be provided for in national laws and regulations or other measures or collective bargaining agreements. ■ Ships must provide financial security to ensure that repatriation will occur. ■ A copy of the applicable national provisions regarding repatriation must be carried on ships and made available to seafarers in an appropriate language. ■ Repatriation of seafarers on ships coming into port or navigating a country's waters is to be facilitated. ■ Repatriation of a seafarer is not to be refused because of the financial situation of the shipowner or the shipowner's refusal to replace a seafarer. 	
Adequate information on all matters is to be found in the enclosed seafarers' employment agreement <input type="checkbox"/> /collective agreement provisions <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.	
What kind of financial security is provided by ships flying the flag of your country? <i>(Regulation 2.5, paragraph 2)</i>	
What are the circumstances (including the maximum period of service on board a ship) in which a seafarer has a right to repatriation? <i>(Regulation 2.5, paragraph 1; Standard A2.5, paragraphs 1 and 2; see guidance in Guideline B2.5.1, paragraphs 1 and 2)</i>	
Are there any circumstances in which a seafarer can be expected to pay for the cost of his or her repatriation? <i>(Standard A2.5, paragraph 3)</i>	If yes, please indicate the circumstances:
What entitlements are to be accorded by shipowners for the repatriation of seafarers? <i>(Standard A2.5, paragraph 2(c); see guidance in Guideline B2.5.1, paragraphs 3–5)</i>	
Has your country refused a request to facilitate repatriation of a seafarer? <i>(Standard A2.5, paragraphs 7 and 8)</i>	If yes, please provide information.
Additional information concerning implementation of Regulation 2.5 (see above: Practical guidance for drawing up reports, point 5).	
Explanations (see above: Practical guidance for drawing up reports, point 7).	
Documentation: please provide: <ul style="list-style-type: none"> – a copy of the provisions on seafarers' entitlement to repatriation in any applicable collective bargaining agreements <i>(Standard A2.5, paragraph 2)</i>; – an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners <i>(Regulation 2.5, paragraph 2)</i>. Where this material is not available in English, French or Spanish, please provide a summary in one of those languages.	

<p>Regulation 2.6 – Seafarers’ compensation for the ship’s loss or foundering Standard A2.6; see also Guideline B2.6</p>	
<p>■ Rules must be made to ensure that shipowners pay seafarers on board an indemnity against unemployment resulting from their ship’s loss or foundering.</p>	
<p>Adequate information on all matters is to be found in the enclosed seafarers’ employment agreement <input type="checkbox"/>/collective agreement provisions <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>How is the indemnity to be provided by shipowners to seafarers against injury, loss or unemployment in the case of a ship’s loss or foundering calculated (including any limitations)? <i>(Standard A2.6, paragraph 1; see guidance in Guideline B2.6, paragraph 1)</i></p>	
<p>Additional information concerning implementation of Regulation 2.6 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

<p>Regulation 2.7 – Manning levels Standard A2.7; see also Guideline B2.7</p>	
<p>■ Ships must have a sufficient number of seafarers employed on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about fatigue and the particular nature and conditions of voyage. ■ Ships must comply with the manning levels listed on the safe manning document (SMD) or equivalent issued by the competent authority. ■ Manning levels must take account of food and catering requirements.</p>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>Do the safe manning levels which are determined or approved by the competent authority avoid or minimize excessive hours of work and ensure sufficient rest for seafarers to assure the safety and security of the ship and its personnel in all operating conditions and considering the particular nature and conditions of a voyage? <i>(Regulation 2.7; Standard A2.7, paragraphs 1 and 2; see guidance in Guideline B2.7)</i></p>	
<p>How do the safe manning levels take into account the requirements under Regulation 3.2 and Standard A3.2 concerning food and catering? <i>(Standard A2.7, paragraph 3)</i></p>	<p>The answer is apparent from the documentation requested below <input type="checkbox"/></p>
<p>If there are complaints or disputes about determinations on the safe manning levels on a ship, how are these addressed? <i>(see guidance in Guideline B2.7)</i></p>	
<p>Additional information concerning implementation of Regulation 2.7 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

Documentation: For each type of ship (passenger, cargo, etc.) please provide, in English, a typical example of a safe manning document or equivalent issued by the competent authority (*Standard A2.7, paragraph 1*), together with information showing the type of ship concerned, its gross tonnage and the number of seafarers normally working on it.

Regulation 2.8 – Career and skill development and opportunities for seafarers’ employment
Standard A2.8; see also Guideline B2.8

- Each Member must have national policies aimed at strengthening the competencies, qualifications and employment opportunities of seafarers domiciled in its territory.
- Clear objectives must be established for vocational guidance, education and training, including ongoing training of seafarers whose duties on board ship primarily relate to safe operation and navigation.

According to our records, there are no seafarers domiciled in our territory

Please check the box or provide the information in the right-hand column below.

Does your country have national policies to encourage the career and skill development and employment opportunities for seafarers that are domiciled in your country?
(Regulation 2.8, paragraph 1; Standard A2.8, paragraphs 1 and 3; see guidance in Guideline B2.8.1)

If no, please provide relevant information:

Does your country have a register or list of seafarers that govern their access to employment (see guidance in Guideline B2.8.2)?

There are no registers or lists governing seafarers’ employment

Additional information concerning implementation of Regulation 2.8 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Title 3. Accommodation, recreational facilities, food and catering

Regulation 3.1 – Accommodation and recreational facilities Standard A3.1; see also Guideline B3.1

- All ships must be in compliance with the minimum standards established by the MLC, 2006, providing and maintaining decent accommodation and recreational facilities for seafarers working or living on ships, or both, consistent with promoting seafarers' health and well-being.
- Seafarer accommodation must be safe and decent and must meet national requirements implementing the MLC, 2006 (*Standard A3.1, paragraph 1*).
- Frequent inspections of seafarer accommodation areas must be carried out by the master or a designate (*Standard A3.1, paragraph 18*) and recorded; the records must be available for review.
- Particular attention must be paid to the requirements relating to:
 - the size of rooms and other accommodation spaces (*Standard A3.1, paragraphs 9 and 10*);
 - heating and ventilation (*Standard A3.1, paragraph 7*);
 - noise and vibration and other ambient factors (*Standard A3.1, paragraph 6(h)*);
 - sanitary and related facilities (*Standard A3.1, paragraphs 11 and 13*);
 - lighting (*Standard A3.1, paragraph 8*);
 - hospital accommodation (*Standard A3.1, paragraph 12*).
- The requirements under Regulation 3.1 also cover:
 - recreational facilities (*Standard A3.1, paragraphs 14 and 17*);
 - occupational safety and health and accident prevention requirements on ships, in light of the specific needs of seafarers who both live and work on ships (*Standard A3.1, paragraphs 2(a) and 6(h)*).
- Ships that were constructed* before the entry into force of the MLC, 2006, for your country must:
 - provide and maintain decent accommodation and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being in accordance with national legislation (*Regulation 3.1, paragraph 1*); and
 - meet the standards set out in Conventions Nos 92 and/or 133, if applicable in your country (because of ratification, through substantial equivalence due to ratification of Convention No.147 or the Protocol of 1996 to Convention No. 147 or otherwise) (*Regulation 3.1, paragraph 2*).

The requirements of the Code relating to ship construction and equipment do not apply to these ships, unless applied by national law. The other Code requirements do apply.

*A ship is deemed to be constructed on the date its keel is laid or when it is at a similar stage of construction.

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information in the right-hand column below.

<p>Has your country adopted laws and regulations to ensure that all ships covered by the Convention which fly its flag (including those constructed prior to the Convention's entry into force for your country) maintain decent accommodation and recreational facilities for seafarers on board? (<i>Regulation 3.1, paragraph 1; Standard A3.1, paragraph 1</i>)</p>	<p>If yes, please summarize the content of the legislative provisions concerned:</p>
<p>For ships constructed prior to the Convention's entry into force for your country, are the relevant requirements in Convention No. 92 or No. 133 (or of Convention No. 147 or its Protocol) applicable with respect to matters relating to construction and equipment? (<i>Regulation 3.1, paragraph 2</i>)</p>	<p>If no, please indicate the kinds of requirements that are considered to relate to construction and equipment and are thus not applicable to those ships:</p>
<p>Do the laws and regulations establishing the minimum standards for seafarers' on-board accommodation and recreational facilities take account of the requirements in Regulation 4.3 and the Code regarding occupational safety and health and accident prevention? (<i>Standard A3.1, paragraph 2(a)</i>)</p>	<p>If no, please explain how these concerns are taken into account:</p>
<p>Are the inspections required under Regulation 5.1.4 carried out when a ship is registered or re-registered and/or when seafarer accommodation is substantially altered? (<i>Standard A3.1, paragraph 3</i>)</p>	<p>If no, please explain:</p>
<p>Please summarize the content of your country's general requirements for accommodation implementing <i>paragraph 6(a)–(f) of Standard A3.1</i>.</p>	

Have any exceptions (other than for passenger ships and special purpose ships) been made with respect to the location of sleeping rooms? (Standard A3.1, paragraph 6(c) and (d))	If yes, please indicate the kinds of exceptions made:
Please summarize the content of your country's measures to prevent exposure to hazardous levels of noise and vibration and other ambient factors. (Standard A3.1, paragraph 6(h))	
Please summarize the content of your country's requirements for heating and ventilation implementing paragraph 7 of Standard A3.1.	
Please summarize the content of your country's requirements for lighting implementing paragraph 8 of Standard A3.1.	
Please summarize the content of your country's requirements for sleeping rooms implementing paragraph 9 of Standard A3.1.	
Please summarize the content of your country's requirements for mess rooms implementing paragraph 10 of Standard A3.1.	
Please summarize the content of your country's requirements for sanitary and laundry facilities implementing paragraphs 11 and 13 of Standard A3.1.	
Please summarize the content of your country's requirements for hospital accommodation implementing paragraph 12 of Standard A3.1.	
Please summarize the content of your country's requirements for recreational facilities, amenities and services implementing paragraphs 14, 15 and 17 of Standard A3.1.	
Have any exemptions for ships less than 200 gross tonnage been given? (Standard A3.1, paragraphs 20 and 21)	If yes, please indicate the kinds of exemptions given:
Have any variations to take account of the interest of seafarers having differing and distinctive religious and social practices been permitted? (Standard A3.1, paragraph 19)	If yes, please indicate the kinds of variations permitted:
What is the required frequency for on-board inspections of seafarers' accommodation that are to be carried out by or under the authority of the master and what are the requirements for recording and review of those inspections? (Standard A3.1, paragraph 18)	
Additional information concerning implementation of Regulation 3.1 (see above: Practical guidance for drawing up reports, point 5).	
Explanations (see above: Practical guidance for drawing up reports, point 7).	

<p>Regulation 3.2 – Food and catering Standard A3.2; see also Guideline B3.2</p>	
<ul style="list-style-type: none"> ■ Food and drinking water must be of appropriate quality, nutritional value and quantity, taking into account the requirements of the ship and the differing cultural and religious backgrounds of seafarers on the ship. ■ Food is to be provided free of charge to seafarers during the period of engagement. ■ Seafarers employed as ships' cooks* with responsibility for preparing food must be trained and qualified for their positions. ■ Seafarers working as ships' cooks must not be less than 18 years old. ■ Frequent and documented inspections of food, water and catering facilities must be carried out by the master or a designate. <p>* "Ship's cook" means a seafarer with responsibility for food preparation (<i>Regulation 3.2, paragraph 3; Standard A3.2, paragraphs 3 and 4</i>).</p>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>Are shipowners required to provide seafarers, free of charge, during their period of engagement, food and drinking water on board ship that is of appropriate quality, nutritional value and quantity that takes into account the differing cultural and religious backgrounds of seafarers? <i>(Regulation 3.2, paragraphs 1 and 2; Standard A3.2, paragraph 2(a))</i></p>	
<p>Are ships provided with instructions or guidance concerning the organization and equipment of catering departments so as to meet the requirements of <i>Standard A3.2, paragraph 2(b)</i>?</p>	<p>If yes, please indicate the nature and frequency of the instructions or guidance:</p>
<p>Are ships' cooks required to have completed a training course approved or recognized by the competent authority? <i>(Standard A3.2, paragraphs 2(c), 3 and 4)</i></p>	<p>If yes, please outline the main elements of the training course:</p>
<p>Have dispensations been issued to permit a non-fully qualified cook to serve as ship's cook pursuant to <i>Standard A3.2, paragraph 6</i>?</p>	<p>If yes, please indicate the frequency and the kind of cases in which dispensations were issued:</p>
<p>What is the required frequency and format for the documented on-board inspections by or under the authority of the master of:</p> <ul style="list-style-type: none"> – supplies of food and drinking water; – spaces and equipment used for storage and handling of food and drinking water; – the galley and other equipment used for the preparation and service of food? <p><i>(Standard A3.2, paragraph 7)</i></p>	
<p>Are ships' cooks required to be over the age of 18? <i>(Standard A3.2, paragraph 8)</i></p>	
<p>Additional information concerning implementation of Regulation 3.2 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

Title 4. Health protection, medical care, welfare and social security protection

Regulation 4.1 – Medical care on board ship and ashore Standard A4.1; see also Guideline B4.1	
<ul style="list-style-type: none"> ■ Seafarers must be covered by adequate measures for the protection of their health and have access to prompt and adequate medical care, including essential dental care, whilst working on board. ■ The medical care on board must include a qualified medical doctor (or, in permitted cases, at least one seafarer in charge), a medicine chest, medical equipment and a medical guide as well as a prearranged system for obtaining onshore specialist medical advice. ■ Health protection and care are to be provided at no cost to the seafarer, in accordance with national law and practice. ■ Seafarers must be allowed to visit a qualified medical doctor or dentist without delay in ports of call, where practicable. 	
<i>MEDICAL CARE ON BOARD</i>	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/></p> <p>seafarers' employment agreement <input type="checkbox"/>/collective agreement provisions <input type="checkbox"/></p> <p>Please check one or more boxes or provide the information in the right-hand column below.</p>	
<p>Are measures in place to ensure that seafarers on ships flying your country's flag have health protection including access to prompt on-board medical diagnosis and treatment by qualified medical and/or dental personnel, and access to the necessary facilities, medicines, equipment and expertise, that is comparable to care available for workers ashore?</p> <p><i>(Regulation 4.1, paragraph 1; Standard A4.1, paragraphs 1(a) and (b), 3 and 4(a)–(c))</i></p>	<p>If yes, please summarize the content of the relevant requirements:</p>
<p>In what circumstances must a seafarer be permitted by the shipowner/master to visit a qualified medical doctor or dentist without delay in ports of call?</p> <p><i>(Standard A4.1, paragraph 1(c))</i></p>	
<p>Is medical and dental treatment, required medicine and related care on-board provided to seafarers free of charge?</p> <p><i>(Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d))</i></p>	<p>If no, please indicate the extent to which seafarers may have to cover the cost:</p>
<p>Must shipowners bear the cost of medical care provided to seafarers when landed in a foreign port?</p> <p><i>(Regulation 4.1, paragraph 2; Standard A4.1, paragraph 1(d))</i></p>	<p>If no, please indicate the extent to which seafarers may have to cover the cost:</p>
<p>Are ships' medicine chests, medical equipment and medical guides inspected at regular intervals, to ensure that they are properly maintained?</p> <p><i>(Standard A4.1, paragraph 4(a); see guidance in Guideline B4.1.1, paragraph 4)</i></p>	<p>If yes, please indicate the frequency:</p>
<p>Are ships required to carry appropriate equipment and maintain up to date contact information for radio or satellite communication to obtain onshore medical advice while on a voyage?</p> <p><i>(Standard A4.1, paragraphs 1(b) and 4(d); see guidance in Guideline B4.1.1, paragraph 6)</i></p>	
<i>MEDICAL CARE ASHORE</i>	
<p>Are seafarers on board ships voyaging in your country's waters or visiting its ports given access to medical facilities on shore when in need of immediate medical or dental care?</p> <p><i>(Regulation 4.1, paragraph 3; see guidance in Guideline B4.1.3)</i></p>	<p>Our country is landlocked <input type="checkbox"/></p>
<p>Is there a law or regulation to provide for a system using satellite or radio or similar forms of communication, to provide medical advice, free of charge, 24 hours a day to all ships?</p> <p><i>(Standard A4.1, paragraph 4(d))</i></p>	<p>Our country is landlocked <input type="checkbox"/></p> <p>If no, please explain whether any level of service is provided and, where applicable, identify any barriers to providing such services:</p>

Additional information concerning implementation of Regulation 4.1 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide:

- an example of the standard medical report form for seafarers (*Standard A4.1, paragraph 2*; see guidance in *Guideline B4.1.2, paragraph 1*);
- a copy of the requirements for the medicine chest and medical equipment and for the medical guide (*Standard A4.1, paragraph 4(a)*; see guidance in *Guideline B4.1.1, paragraphs 4 and 5*).

Regulation 4.2 – Shipowners’ liability
Standard A4.2; see also Guideline B4.2

- Seafarers have a right to material assistance and support from the shipowner with respect to the financial consequences of sickness, injury or death occurring while they are serving under a SEA or arising from their employment under such agreement.
- Shipowners are liable to defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character.
- Shipowners are to provide financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness or hazard, as set out in national law, the SEA or collective agreement.
- Measures are to be taken to safeguard the property of seafarers left on board by sick, injured or deceased seafarers.

Adequate information on all matters is to be found in the enclosed seafarers’ employment agreement /collective agreement provisions

Please check one or both boxes or provide the information in the right-hand column below.

<p>Has your country adopted legal provisions requiring shipowners to provide seafarers with material assistance and support with respect to the financial consequences, including burial expenses, of sickness, injury or death occurring while serving under seafarers’ employment agreements or arising from their employment under such agreements? <i>(Regulation 4.2, paragraph 1; Standard A4.2, paragraphs 1 and 3)</i></p>	<p>If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:</p>
<p>Do your national laws or regulations limit the period during which a shipowner will continue to be liable to cover medical and other expenses incurred due to the seafarers’ injury or sickness and to pay wages to the seafarers when no longer on board? <i>(Standard A4.2, paragraphs 2 and 4)</i></p>	<p>If yes, please specify the number of weeks, from the day of the injury or the commencement of the sickness, during which the shipowner remains liable:</p>
<p>Do your national laws or regulations exclude the shipowners’ liability in certain cases? <i>(Standard A4.2, paragraph 5)</i></p>	<p>If yes, please indicate those cases:</p>
<p>What kinds of financial security are shipowners required to provide in order to assure compensation in the event of death or long-term disability of seafarers due to an occupational injury, illness or hazard? <i>(Standard A4.2, paragraph 1(b))</i></p>	
<p>Are there circumstances in which the shipowners’ liability for the expense of medical care and board and lodging and burial expenses are assumed by the public authorities? <i>(Standard A4.2, paragraph 6; see guidance in Guideline B4.2, paragraphs 2 and 3)</i></p>	<p>If yes, please indicate the circumstances:</p>
<p>Are shipowners or their representatives required to safeguard the personal property of sick or injured or deceased seafarers and/or to return it to them or their next of kin? <i>(Standard A4.2, paragraph 7)</i></p>	

Additional information concerning implementation of Regulation 4.2 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide an example of the kind of documentation that is accepted or issued with respect to the financial security that must be provided by shipowners (*Standard A4.2, paragraph 1(b)*).
Where this material is not available in English, French or Spanish, please provide a summary in one of those languages.

Regulation 4.3 – Health and safety protection and accident prevention
Standard A4.3; see also Guideline B4.3

- The working, living and training environment on ships must be safe and hygienic and conform to national laws and regulations and other measures for occupational safety and health protection and accident prevention on board ship. Reasonable precautions are to be taken on the ships to prevent occupational accidents, injuries and diseases including risk of exposure to harmful levels of ambient factors and chemicals as well as the risk of injury or disease that may result from the use of equipment and machinery on the ship.
- Ships must have an occupational safety and health policy and programme to prevent occupational accident injuries and diseases, with a particular concern for the safety and health of seafarers under the age of 18.
- A ship safety committee, which includes participation by the seafarer safety representative, is required (for ships with five or more seafarers).
- Risk evaluation is required for on-board occupational safety and health management (taking into account relevant statistical data).

Adequate information on all matters is to be found in the enclosed DMLC, Part I /Part II

Please check one or both boxes or provide the information in the right-hand column below.

Has your country adopted national laws and regulations and taken other measures, including the development and promulgation of national guidelines for the management of occupational safety and health, to protect seafarers that live, work and train on board ships flying its flag? (<i>Regulation 4.3, paragraphs 1–3</i>)	If yes, please provide a reference to those provisions if they are in English, French or Spanish; otherwise, please summarize their content:
Do those laws and regulations and other measures address all matters in Standard A4.3, paragraphs 1 and 2, including any measures taken to protect seafarers under the age of 18? (<i>Standard A4.3, paragraphs 1 and 2; see guidance in Guideline B4.3</i>)	If no, please indicate the matters that are not addressed:
Are those laws and regulations and other measures reviewed regularly, in consultation with shipowners' and seafarers' organizations, with a view to their revision to account for changes in technology and research and the need for continuous improvement? (<i>Standard A4.3, paragraph 3</i>)	
Are ships with five or more seafarers on board required to have a safety committee which includes seafarer representatives? (<i>Standard A4.3, paragraph 2(d)</i>)	
Are occupational accidents, injuries and diseases reported taking into account guidance from the ILO? (<i>Standard A4.3, paragraphs 5(a) and 6</i>)	If no, please explain what reports are required:
Are shipowners required to conduct risk evaluations for occupational safety and health on board ship? (<i>Standard A4.3, paragraph 8</i>)	If no, please explain what shipowners are required to do with respect to ascertaining and preventing risks:

Additional information concerning implementation of Regulation 4.3 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide, in English, French or Spanish:

- an example of a document (e.g. Part II of the DMLC outlining a shipowner's practices or on-board programmes (including risk evaluation) for preventing occupational accidents, injuries and diseases (*Standard A4.3, paragraphs 1(c), 2(b) and 8*);
- a copy of the relevant national guidelines (*Regulation 4.3, paragraph 2*);
- a copy of the document(s) used for reporting unsafe conditions or occupational accidents on board ship (*Standard A 4.3, paragraph 1(d)*).

Regulation 4.4 – Access to shore-based welfare facilities
Standard A4.4; see also Guideline B4.4

- Shore-based welfare facilities, if they exist in your country, must be accessible to all seafarers, irrespective of nationality, race, colour, sex, religion, political opinion or social origin, or the flag State of their ship.
- The development of welfare facilities should be promoted in appropriate ports determined after consultation with shipowners' and seafarers' organizations.
- The establishment of welfare boards must be encouraged to regularly review welfare facilities and service for appropriateness in the light of changes in the needs of seafarers resulting from developments in the shipping industry.

Our country is landlocked

Please check the above box or provide the information in the right-hand column below.

How many shore-based seafarer welfare facilities are operating in your country?

Please provide information on plans for the development or further development of seafarer welfare facilities in your country?
(Standard A4.4, paragraph 2)

Is access to shore-based welfare facilities or services restricted in the case of certain categories of visiting seafarers coming into port?
(Regulation 4.4, paragraph 1; Standard A4.4., paragraph 1)

If yes, please indicate the kind of restrictions applied:

Have one or more welfare boards been established?
(Standard A4.4, paragraph 3)

If yes, please outline their composition and activities:

Additional information concerning implementation of Regulation 4.4 (see above: Practical guidance for drawing up reports, point 5).

Explanations (see above: Practical guidance for drawing up reports, point 7).

Documentation: please provide, in English, French or Spanish:

- a list of all seafarers' shore-based welfare facilities and services, if any, operating in your country;
- a copy of a report or review prepared by a welfare board, if any, on the welfare services.

Regulation 4.5 – Social security Standard A4.5; see also Guideline B4.5	
<ul style="list-style-type: none"> ■ All seafarers ordinarily resident in your country's territory are entitled to social security protection, complementing the protection provided by medical care and shipowners' liability, in the branches of social security notified by your country to the ILO Director-General (which must include at least three of the nine branches specified). ■ Social security protection must be no less favourable than that enjoyed by shoreworkers resident in your country's territory. This responsibility can be satisfied, for example, through appropriate bilateral or multilateral agreements or contribution-based schemes. ■ Your country must take steps, according to its national circumstances, individually and through international cooperation, to achieve progressively comprehensive social security protection for seafarers. The present report must include information regarding steps taken by your country to extend protection to branches other than those at present notified to the ILO. ■ Consideration must also be given to ways in which, in accordance with your national law and practice, comparable benefits will be provided to seafarers in the absence of adequate coverage in the nine branches specified. ■ To the extent consistent with its national law and practice, your country must cooperate with others to ensure the maintenance of social security rights acquired or in the course of acquisition. ■ Fair and effective procedures for the settlement of disputes must be established. 	
<p><i>In the right-hand column below, please provide the answer and information relating to the following question: With respect to each of the nine branches listed in the left-hand column, is the complementary social security protection provided to seafarers ordinarily resident in your country? If yes, please indicate – by reference to the documentation requested below – the main benefits provided in the branch concerned. (Standard A4.5, paragraphs 1 and 3)</i></p>	
Medical care	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Sickness benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Unemployment benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Old-age benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Employment injury benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Family benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Maternity benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Invalidity benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Survivors' benefit	No <input type="checkbox"/> Yes <input type="checkbox"/> Main benefits provided:
Are there any branches in which benefits are provided that are less favourable than those provided to shoreworkers resident in your country? <i>(Regulation 4.5, paragraph 3; Standard A4.5, paragraph 3)</i>	If yes, please indicate the branches concerned:
Are dependants of seafarers ordinarily resident in your country provided with social security protection? <i>(Regulation 4.5, paragraph 1)</i>	
Please indicate any steps taken or plans being made or discussed in your country to improve the benefits currently provided to seafarers or to extend social security protection for seafarers to branches not covered at present. <i>(Regulation 4.5, paragraph 2; Standard A4.5, paragraph 11)</i>	

<p>Please indicate any bilateral or multilateral arrangements in which your country participates regarding the provision of social security protection, including the maintenance of rights acquired or in the course of acquisition. (Regulation 4.5, paragraph 2; Standard A4.5, paragraphs 3, 4 and 8)</p>	
<p>Are shipowners' and, if applicable, seafarers' contributions to relevant social protection and social security systems or schemes monitored to verify that the contributions are made? (Standard A4.5, paragraph 5; see guidance in Guideline B4.5, paragraphs 6 and 7)</p>	
<p>Has your country adopted any measures for providing benefits to non-resident seafarers working on ships flying its flag who do not have adequate social security coverage? (Standard A4.5, paragraphs 5 and 6; see guidance in Guideline B4.5, paragraph 5)</p>	
<p>Additional information concerning implementation of Regulation 4.5 (see above: Practical guidance for drawing up reports, point 5).</p>	
<p>Explanations (see above: Practical guidance for drawing up reports, point 7).</p>	

Title 5. Compliance and enforcement

N.B.

Title 5 has three primary Regulations (*Regulation 5.1, Flag State responsibilities; Regulation 5.2, Port State responsibilities; and Regulation 5.3, Labour-supplying responsibilities*). These three Regulations prescribe the details of the basic obligations set out in Article V, Implementation and enforcement responsibilities (see paragraphs 2–7).

Regulations 5.1 and 5.2 comprise a number of Regulations, each with its own Part A – *Standards* and Part B – *Guidelines*. They are dealt with in this report as separate Regulations, for example Regulation 5.1.1 – General principles.

<p style="text-align: center;">Regulation 5.1 – Flag State responsibilities</p> <p>Regulation 5.1.1 – General principles Standard A5.1.1; see also Guideline B5.1.1 With reference also to Regulation 5.1.4 and Standard A5.1.4, paragraphs 1 and 2</p>	
<ul style="list-style-type: none"> ■ Each country must have an effective system for the inspection and certification of labour conditions on ships flying its flag, with clear objectives and standards covering the administration of this system, as well as adequate overall procedures for the assessment of the extent to which those objectives and standards are being attained. ■ The competent authority must appoint a sufficient number of qualified inspectors to fulfil its inspection and certification functions. 	
<p>Please describe the basic structure and objectives of your country's system (including measures to assess its effectiveness) for the inspection and certification of maritime labour conditions in accordance with Regulations 5.1.3 and 5.1.4 to ensure that the working and living conditions for seafarers on ships that fly its flag meet, and continue to meet, the standards in the Convention. (Regulation 5.1.1, paragraphs 2 and 5; Standard A5.1.1, paragraph 1; Regulation 5.1.2, paragraph 2)</p>	

Are ships flying your country's flag required to have a copy of the Convention available on board? (Standard A5.1.1, paragraph 2)	If yes, please provide the reference for this requirement:
Additional information concerning implementation of Regulation 5.1.1.	
<p>Documentation: please provide, in English, French or Spanish:</p> <ul style="list-style-type: none"> ■ a report or other document containing information on the objectives and standards established for your country's inspection and certification system, including the procedures for its assessment; ■ information on the budgetary allocation during the period covered by this report for the administration of your country's inspection and certification system and the total income received during the same period on account of inspection and certification services; ■ the following statistical information: <ul style="list-style-type: none"> – number of ships flying your country's flag that were inspected during the period covered by this report for compliance with the requirements of the Convention; – number of inspectors, appointed by the competent authority or by a duly authorized recognized organization, carrying out those inspections during the period covered by this report; – number of full-term (up to five years) maritime labour certificates currently in force; – number of interim certificates issued during the period covered by this report in accordance with <i>Standard A5.1.3, paragraph 5</i>. 	

Regulation 5.1 – Flag State responsibilities Regulation 5.1.2 – Authorization of recognized organizations Standard A5.1.2; see also Guideline B5.1.2 (and Regulation 5.1.1, paragraph 3)	
<ul style="list-style-type: none"> ■ Recognized organizations may be authorized to carry out certain inspection and certification functions, provided that: <ul style="list-style-type: none"> – those functions are expressly mentioned in the Code of the Convention as being carried out by the competent authority or a recognized organization; – the functions come within the authorization conferred by the competent authority; – the recognized organization has demonstrated that it has the necessary competence and independence. ■ Countries must establish a system to ensure the adequacy of work performed by recognized organizations, and have procedures for communication with and oversight of such organizations. ■ They must provide the ILO with the current list of recognized organizations, specifying the functions authorized. 	
Our country does not make use of recognized organizations <input type="checkbox"/> Please check the above box or provide the information in the right-hand column below.	
Has your country adopted laws or regulations or other measures governing the authorization of recognized organizations for inspection and certification functions?	If yes, please provide a reference to those provisions if they are in English, French or Spanish, or summarize their content:
Are all recognized organizations granted the power to require rectification of deficiencies on ships and to carry out inspections at the request of port States? (Standard A5.1.2, paragraph 2)	
Has your country provided the ILO with a current list of recognized organizations authorized to act on your country's behalf, specifying the functions authorized? (Standard A5.1.2, paragraph 4)	Yes <input type="checkbox"/> No, the information is attached to this report <input type="checkbox"/>
Please describe how your country reviews the competence and independence of recognized organizations; including information on any system established for oversight and communication of relevant information to authorized organizations. (Regulation 5.1.2, paragraph 2; Standard A5.1.2, paragraph 1)	This information is already included above in connection with Regulation 5.1.1 <input type="checkbox"/>
Additional information concerning implementation of Regulation 5.1.2.	

Documentation: please provide, in English, French or Spanish, an example or examples of authorizations, given to recognized organizations (Regulation 5.1.1, paragraph 5; Regulation 5.1.2, paragraph 2).

Regulation 5.1 – Flag State responsibilities

Regulation 5.1.3 – Maritime labour certificate and declaration of maritime labour compliance
Standard A5.1.3; see also Guideline B5.1.3

- Ships must carry a maritime labour certificate if:
 - they are 500 GT or more and engaged in international voyages, or
 - they are 500 GT or more and fly the flag of a country and are operating from a port, or between ports, in another country, or
 - a certificate is requested by the shipowner.
- The certificate certifies that the working and living conditions of the seafarers on the ship have been inspected and meet the requirements of your country's laws or regulations or other measures implementing the Convention.
- The certificate is issued after the 14 matters listed in Appendix A5-I have been inspected and found to be in compliance, for a period not exceeding five years, subject to at least one intermediate inspection during that period.
- In prescribed cases, an interim certificate may be issued, only once, for a period not exceeding six months.
- A declaration of maritime labour compliance (DMLC) must be attached to the certificate (if full term); Part I of the DMLC, which is drawn up by the competent authority, identifies the national requirements relating to the 14 matters listed in Appendix A5-I, Part II, which is drawn up by the shipowner and certified by the competent authority or a duly authorized recognized organization, identifies the measures adopted to ensure ongoing compliance with those national requirements.
- The form and content of the certificates and the DMLC are prescribed in *Standard A5.1.3* and Appendix A5-II.
- In prescribed circumstances, a maritime labour certificate ceases to be valid or must be withdrawn.

In the right-hand column below please provide a reference to the national provisions or other measures implementing the corresponding requirements of the Convention in the left-hand column, if those provisions or measures are in English, French or Spanish; otherwise please provide the reference and summarize the content of those provisions or measures.

The cases in which a maritime labour certificate is required; the maximum period of issue; the scope of the prior inspection; the requirement for an intermediate inspection; the provisions for renewal of the certificate. (Regulation 5.1.3; Standard A5.1.3, paragraphs 1–4)	
The cases in which a maritime labour certificate may be issued on an interim basis (Standard A5.1.3, paragraphs 5(a)–(c)); the maximum period of issue of interim certificates, if issued; the scope of the prior inspection required if interim certificates are issued. (Standard A5.1.3, paragraphs 5–8)	
The requirements for posting on the ship, and for making available for review, the maritime labour certificate and the declaration of maritime labour compliance. (Regulation 5.1.3, paragraph 6; Standard A5.1.3, paragraphs 12 and 13)	
The circumstances in which a maritime labour certificate ceases to be valid. (Standard A5.1.3, paragraphs 14 and 15; see guidance in Guideline B5.1.3, paragraph 6)	
The circumstances in which a maritime labour certificate must be withdrawn. (Standard A5.1.3, paragraphs 16 and 17)	

Additional information concerning implementation of Regulation 5.1.3.

Documentation: if available in your country, please provide, in English, a copy of the national interim maritime labour certificate.

Regulation 5.1 – Flag State responsibilities	
Regulation 5.1.4 – Inspection and enforcement	
Standard A5.1.4; see also Guideline B5.1.4	
<ul style="list-style-type: none"> ■ Adequate rules must be made to ensure that inspectors have the training, competence, terms of reference, guidelines, powers, status and independence necessary or desirable to perform inspections effectively. ■ Ships must be inspected at the intervals required for the purposes of certification, where applicable, and in no case at an interval exceeding three years. ■ Where a complaint is received that is not manifestly unfounded, or there is evidence of non-conformity with the requirements of the Convention or there are serious deficiencies in the implementation of the measures in the declaration of maritime labour compliance, the matter must be investigated and any deficiencies remedied. ■ If there are grounds to believe that deficiencies constitute a serious breach of the requirements of this Convention (including seafarers' rights), or represent a significant danger to seafarers' safety, health or security, inspectors must have the power to prohibit a ship from leaving port until necessary actions are taken (subject to any right of appeal). ■ All reasonable efforts must be made to avoid a ship being unreasonably detained or delayed. Compensation must be paid in the case of the wrongful exercise of the inspectors' powers. ■ Adequate penalties and other corrective measures must be effectively enforced for breaches of the requirements of the Convention (including seafarers' rights) and for obstructing inspectors in the performance of their duties. ■ Inspectors must treat as confidential the source of any grievance or complaint alleging a danger or deficiency in relation to seafarers' working and living conditions or a violation of laws and regulations. ■ Inspectors must submit a report of each inspection to the competent authority, to be posted on the ship and sent, upon request, to the seafarers' representatives. The competent authority must maintain records of the inspections and publish an annual report. 	
Are all ships covered by the Convention that fly your country's flag inspected for compliance with the Convention's requirements at least once every three years? (Regulation 5.1.4, paragraph 1; Standard A5.1.4, paragraph 4)	If no, please indicate any categories of ships that are not inspected at all or inspected at greater than three-year intervals:
Please indicate the qualifications and training required for flag State inspectors carrying out inspections under the Convention. (Standard A5.1.4, paragraph 3)	
Please summarize the measures adopted to guarantee that inspectors have a status and conditions of service ensuring that they are independent of changes of government and of improper external influences; and please indicate the manner in which those measures are enforced. (Standard A5.1.4, paragraphs 3, 6, 11(a) and 17)	
Are inspectors issued with a copy of the ILO's 2008 international Guidelines for flag State inspections under the Maritime Labour Convention, 2006, or similar national guidelines and/or policy? (Standard A5.1.4, paragraph 7; see guidance in Guideline B5.1.4, paragraph 2)	
Please summarize the procedures for receiving and investigating complaints, and ensuring that their source is kept confidential. (Standard A5.1.4, paragraphs 5, 10 and 11(b); see guidance in Guideline B5.1.4, paragraph 3)	
Please describe the arrangements made to ensure that inspectors submit a report of each inspection to the competent authority, that a copy is furnished to the master and another posted on the ship's notice board. (Standard A5.1.4, paragraph 12)	
In what kinds of cases will a ship be prohibited from leaving port until necessary actions are taken to remedy deficiencies under the Convention? (Standard A5.1.4, paragraph 7(c))	

<p>Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage from the wrongful exercise of the inspectors' powers, and where applicable, please provide examples in which shipowners have been awarded compensation. (Standard A5.1.4, paragraph 16)</p>	
<p>Additional information concerning implementation of Regulation 5.1.4.</p>	
<p>Documentation: please provide:</p> <ul style="list-style-type: none"> – a copy of the annual reports on inspection activities, in English, French or Spanish, that have been issued in accordance with <i>Standard A5.1.4, paragraph 13</i>, during the period covered by this report; – a standard document issued to or signed by inspectors setting out their functions and powers (<i>Standard A5.1.4, paragraph 7</i>; see guidance in <i>Guideline B5.1.4, paragraphs 7 and 8</i>), together with a summary in English, French or Spanish if the document is not in one of those languages; – a copy of any national guidelines issued to inspectors in implementation of <i>Standard A5.1.4, paragraph 7</i>, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages; – a copy of the form used for an inspector's report (<i>Standard A5.1.4, paragraph 12</i>); – a copy of any documentation that is available informing seafarers and interested others about the procedures for making a complaint (in confidence) regarding a breach of the requirements of the Convention (including seafarers' rights) (<i>Standard A5.1.4, paragraph 5</i>; see guidance in <i>Guideline B5.1.4, paragraph 3</i>), with an indication of the content in English, French or Spanish if the documentation is not in one of those languages. 	

<p>Regulation 5.1 – Flag State responsibilities</p>	
<p>Regulation 5.1.5 – On-board complaint procedures Standard A5.1.5; see also Guideline B5.1.5</p>	
<ul style="list-style-type: none"> ■ Ships must have on-board procedures for the fair, effective and expeditious handling of seafarers' complaints alleging breaches of the requirements of the MLC, 2006 (including seafarers' rights). ■ Those procedures must seek to resolve complaints at the lowest level possible although seafarers must have a right to complain directly to the master and to appropriate external authorities. ■ The procedures must include the right of the seafarer to be accompanied or represented during the complaints procedure, as well as safeguards against the possibility of victimization for filing complaints. Such victimization must be prohibited. ■ All seafarers must be provided with a copy of the on-board complaint procedures applicable on the ship. 	
<p>Adequate information on all matters is to be found in the enclosed DMLC, Part I <input type="checkbox"/>/Part II <input type="checkbox"/> Please check one or both boxes or provide the information in the right-hand column below.</p>	
<p>Has the competent authority in your country developed a model for a fair and expeditious and well-documented on-board complaint procedure for ships that fly your country's flag? (Regulation 5.1.5, paragraph 1; Standard A5.1.5, paragraphs 1–3; see guidance in Guideline B5.1.5, paragraphs 1 and 2)</p>	<p>If yes, please indicate the extent to which this model must be followed by shipowners:</p>
<p>Please identify, and outline the content of, the legal provisions or principles under which victimization of seafarers for filing a complaint is prohibited and penalized in your country. (Regulation 5.1.5, paragraph 2)</p>	
<p>Please outline the arrangements made to ensure that all seafarers are provided with a copy of the on-board complaint procedures applicable on the ship, including contact information relevant to that ship and to the seafarers concerned. (Standard A5.1.5, paragraph 4)</p>	
<p>Additional information concerning implementation of Regulation 5.1.5.</p>	

Documentation: please provide a copy of your country's model for on-board complaint procedures, if developed, or of typical procedures that are followed on ships that fly its flag, with a translation into English, French or Spanish if the procedures are not in one of those languages.

Regulation 5.1 – Flag State responsibilities	
Regulation 5.1.6 – Marine casualties	
<ul style="list-style-type: none"> ■ An official inquiry must be held into any serious marine casualty, leading to injury or loss of life, that involves ships flying your country's flag. ■ ILO Members must cooperate in the investigation of serious marine casualties. 	
Please indicate the relevant legal provisions and any other measures implementing Regulation 5.1.6, providing a summary in English, French or Spanish if the provisions or measures are not in one of those languages.	
Please describe what arrangements and requirements exist for holding an official inquiry into cases of serious marine casualties that involve a ship flying your country's flag and lead to injury or loss of life, indicating whether the final reports of such inquiries are normally made public (<i>Regulation 5.1.6, paragraph 2</i>).	
Please supply information on the number of inquiries held during the period covered by this report.	
Additional information concerning implementation of Regulation 5.1.6.	

Regulation 5.2 – Port State responsibilities	
Regulation 5.2.1 – Inspections in port Standard A5.2.1; see also Guideline B5.2.1	
<ul style="list-style-type: none"> ■ Every foreign ship calling, in the normal course of its business or for operational reasons, in a port may be the subject of inspection by an authorized officer of your country for the purpose of reviewing compliance with the requirements of the Convention (including seafarers' rights) relating to the working and living conditions of seafarers on the ship. ■ The inspection must be based on an effective port State inspection and monitoring system. ■ If a ship carries a maritime labour certificate issued in accordance with the Convention, that certificate and the declaration of maritime labour compliance attached to it must be accepted as prima facie evidence of compliance. The inspection must then be limited to a review of the certificate and declaration, except in the cases specified under (a)–(d) of Standard A5.2.1, paragraph 1. ■ In those cases, a more detailed inspection may be carried out, or must be carried out where the working and living conditions believed or alleged to be defective could constitute a clear hazard to the safety, health or security of seafarers or where the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of the Convention (including seafarers' rights). ■ The more detailed inspection must, in principle, cover the 14 matters listed in Appendix A5-III, except in the case of a complaint. ■ The procedures to be followed where deficiencies or non-conformities are found (including the detention of the ship in port until rectification or acceptance by the authorized officer of a plan of action for rectification) are set out in Standard A5.2.1, paragraphs 4–6. ■ All possible efforts must be made to avoid a ship being unduly detained or delayed. Compensation must be paid for any loss or damage where a ship is found to be unduly detained or delayed. 	
Our country is not a port State <input type="checkbox"/>	
Please check the above box or provide the information in the right-hand column below.	
Please specify any regional port State control Memorandum of Understanding (MOU) in which your country participates. (<i>Regulation 5.2.1, paragraph 3</i>)	

<p>Has your country established an effective port State inspection and monitoring system, for the purpose of reviewing compliance with the requirements of the MLC, 2006 (including seafarers rights)? (Regulation 5.2.1, paragraphs 1, 4 and 5)</p>	<p>If yes, please describe the system, including the method used for assessing its effectiveness:</p>
<p>Please indicate the number of authorized officers appointed by the competent authority and please provide information on the qualifications and training required for carrying out port State control.</p>	
<p>Are authorized officers given guidance as to the kinds of circumstances justifying detention of ship (such as the relevant guidance contained in the ILO's 2008 international <i>Guidelines for port State control officers carrying out inspections under the Maritime Labour Convention, 2006</i>, or similar national guidance or guidance provided by a regional Port State Control MOU)? (Standard A5.2.1, paragraph 7)</p>	<p>If yes, please identify the guidance:</p>
<p>Please identify, and outline the content of, the legal provisions or principles under which compensation must be paid for any loss or damage from a ship being unduly detained or delayed and, where applicable, please provide examples in which shipowners have been awarded compensation. (Standard A5.2.1, paragraph 8)</p>	
<p>Additional information concerning implementation of Regulation 5.2.1.</p>	
<p>Documentation: please provide:</p> <ul style="list-style-type: none"> ■ a copy of any national guidelines issued to inspectors in implementation of <i>Standard A5.2.1, paragraph 7</i>, with an indication of the content in English, French or Spanish if the guidelines are not in one of those languages; ■ the following statistical information for the period covered by this report: <ul style="list-style-type: none"> – number of foreign ships inspected in port; – number of more detailed inspections carried out according to <i>Standard A5.2.1, paragraph 1</i>; – number of cases where significant deficiencies were detected; – number of detentions of foreign ships due, wholly or partly, to conditions on board ship that are clearly hazardous to the safety, health or security of seafarers, or constitute a serious or repeated breach of the requirements of MLC, 2006, (including seafarers' rights). <p>Note: If this information is also provided in connection with a regional PSC arrangement, a copy of that report or link to the relevant web site where this data can be accessed is sufficient.</p>	

<p>Regulation 5.2 – Port State responsibilities Regulation 5.2.2 – Onshore complaint-handling procedures Standard A5.2.2; see also Guideline B5.2.2</p>
<ul style="list-style-type: none"> ■ A complaint by a seafarer alleging a breach of the requirements of this Convention (including seafarers' rights) may be reported to an authorized officer in the port at which the seafarer's ship has called. ■ The authorized officer must undertake an initial investigation. If the complaint falls within the scope of Standard A5.2.1, a more detailed inspection may be carried out. Otherwise, where appropriate, the authorized officer must seek to promote a resolution of the complaint at the ship-board level. ■ If the investigation or the inspection reveals a non-conformity justifying detention of the ship, the procedure provided for in <i>Standard A5.2.1, paragraph 6</i>, must be followed. ■ Otherwise, if the complaint has not been resolved, the authorized officer notifies the flag State, seeking advice and a corrective plan of action. ■ If the complaint is still not resolved, the port State must transmit a copy of the authorized officer's report, accompanied by any reply from the flag State, to the ILO Director-General; the appropriate shipowners' and seafarers' organizations in the port State are similarly informed. ■ Appropriate steps must be taken to safeguard the confidentiality of complaints made by seafarers.
<p>Our country is not a port State <input type="checkbox"/></p> <p>Please check the above box or provide the information in the right-hand column below.</p>

<p>Has your country established procedures, including steps taken to safeguard confidentiality, for seafarers calling at its ports to report a complaint alleging breach of the requirements of the MLC, 2006 (including seafarers rights)? (Regulation 5.2.2, paragraph 1; Standard A5.2.2, paragraphs 1–7; see guidance in Guideline B5.2.2)</p>	<p>If yes, please describe the procedures, referring to the corresponding legal provisions or measures:</p>
<p>Please provide information on the number of such complaints that were reported during the period covered by this report and on the complaints that were resolved and reported to the Director-General. (Standard A5.2.2, paragraph 6)</p>	
<p>Additional information concerning implementation of Regulation 5.2.2.</p>	
<p>Documentation: please provide, in English, French or Spanish a copy of a document (if any) that describes the onshore complaint handling procedures.</p>	

<p>Regulation 5.3 – Labour-supplying responsibilities Standard A5.3; see also Guideline B5.3</p>	
<ul style="list-style-type: none"> ■ ILO Members must establish an effective inspection and monitoring system for enforcing their labour-supplying responsibilities, particularly those regarding the recruitment and placement of seafarers. ■ Members must also implement social security responsibilities for seafarers that are its nationals or residents or are otherwise domiciled in their territory. 	
<p>There are no seafarers in our country <input type="checkbox"/> Please check the above box or provide the information in the right-hand column below.</p>	
<p>Please describe the system in your country for the inspection and monitoring and enforcement (including legal proceedings for breaches of the requirements under Regulation 1.4) of its labour-supplying responsibilities under the MLC, 2006, including the method used for assessing its effectiveness. (Regulation 5.3, paragraphs 3 and 4; Standard A5.3, referring to Standard A1.4)</p>	<p>This information has been provided in the context of Regulation 1.4 <input type="checkbox"/></p>
<p>If you have seafarers who are nationals or ordinarily resident or domiciled in your country, have arrangements been made to ensure that they receive social security protection irrespective of the flag of the ship on which they are working? (Regulation 5.3, paragraph 1)</p>	<p>This question has been answered in the context of Regulation 4.5 <input type="checkbox"/></p>
<p>Additional information concerning implementation of Regulation 5.3.</p>	

Annex

Legal Adviser's opinion on the relationship between Parts A and B of the Code (extract of Appendix D to Report I(1A) of the 94th (Maritime) Session of the International Labour Conference in 2006) ²⁵

Coexistence of mandatory and non-mandatory provisions in a Convention

Questions were addressed to the Legal Adviser (in 2003) by the Government representatives of the Netherlands and Denmark, as well as those of Cyprus and Norway, as to the various consequences flowing from the coexistence in the draft consolidated Convention of binding and non-binding provisions for ratifying Members.

The High-level Tripartite Working Group on Maritime Labour Standards is, in accordance with its mandate, working on a consolidated Convention as a new type of instrument compared with those adopted up to now. The consolidation of maritime instruments in force is aimed at placing all substantive elements in a single instrument in an approach radically different to that employed up to now, where Conventions contain detailed technical provisions, often accompanied by Recommendations. From this perspective, conclusions cannot be drawn from the traditional formal arrangement based on the distinction between a Convention – where the provisions are binding – and a Recommendation – where they are not. The future instrument is a Convention open to ratification by States Members providing explicitly for the coexistence of binding and non-binding provisions (proposed Article VI, paragraph 1). The provisions of Part A of the Code would be binding; those of Part B would not.

Some international labour Conventions set out, alongside binding provisions, others that are of a different nature. ²⁶ The novelty introduced in the future instrument essentially resides in the great number of non-binding provisions in the instrument. It should equally be noted that other organizations, such as the IMO, have adopted conventions containing the two types of provisions without any apparent legal problems in their application.

Members ratifying the Convention would have to conform to the obligations set out in the Articles, the Regulations and Part A of the Code. Their only obligation under Part B of the Code would be to examine in good faith to what extent they would give effect to such provisions in order to implement the Articles, the Regulations and Part A of the Code. Members would be free to adopt measures different from those in Part B of the Code so long as the obligations set out elsewhere in the instrument were respected. Any State Member which decided to implement the measures and procedures set out in Part B of the Code would be presumed to have properly implemented the corresponding provisions of the binding parts of the instrument. A Member which chose to employ other measures and procedures would, if necessary, and particularly where the Member's application of the Convention was questioned in the supervisory machinery, have to provide justification that the measures taken by it did indeed enable it to properly implement the binding provisions concerned.

²⁵ ILO: Adoption of an instrument to consolidate maritime labour standards, Report I(1A), International Labour Conference, 94th (Maritime) Session, Geneva, 2006.

²⁶ See, for example, the Occupational Health Services Convention, 1985 (No. 161), Article 9, paragraph 1: "... occupational health services should be multidisciplinary".