



Governing Body

344th Session, Geneva, March 2022

Legal Issues and International Labour Standards Section

LILS

International Labour Standards and Human Rights Segment

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Second item on the agenda

Proposed form for reports to be requested under articles 19(5)(e) and 19(6)(d) of the ILO Constitution in 2023 on the Labour Administration Convention (No. 150) and Recommendation (No. 158), 1978

Purpose of the document

In the present document, the Governing Body is invited to request governments to submit reports for 2023, under article 19 of the ILO Constitution, on two instruments, the Labour Administration Convention, 1978 (No. 150) and the Labour Administration Recommendation, 1978 (No. 158), with a view to the preparation of a General Survey by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2023, to be discussed by the Conference Committee on the Application of Standards in 2024, and to approve the corresponding report form (see the draft decision in paragraph 6).

Relevant strategic objective: All.

Main relevant outcome: Outcome 2: Ratification and application of international labour standards.

Policy implications: None.

Legal implications: None.

Financial implications: The usual implications related to the preparation of a General Survey.

Follow-up action required: Implementation of Governing Body decisions.

Author unit: International Labour Standards Department (NORMES).

Related documents: [GB.343/LILS/2](#); [GB.343/LILS/PV](#).

1. At its 343rd Session (November 2021), the Governing Body had before it a document concerning the choice of Conventions and Recommendations on which reports could be requested under article 19 of the ILO Constitution in 2023, with a view to the preparation of the annual General Survey in 2023 by the Committee of Experts on the Application of Conventions and Recommendations, for discussion by the Conference Committee on the Application of Standards in 2024.¹
2. The Governing Body decided that the General Survey to be prepared by the Committee of Experts in 2023 and submitted to the International Labour Conference in 2024 should focus on the second option set out in the document, covering the instruments on labour administration. In the discussions, it was suggested that the General Survey would provide a comprehensive overview of the impact that the COVID-19 crisis has had on national systems of labour administration worldwide, and illustrate the central role that such systems have played in managing the immediate response to the crisis and in the planning and implementing the longer term recovery, in consultation with the social partners.
3. The Governing Body therefore requested the International Labour Office to prepare, for consideration at the 344th Session, a draft report form for the General Survey concerning the Labour Administration Convention, 1978 (No. 150) and Labour Administration Recommendation, 1978 (No. 158).
4. In accordance with the 2016 resolution on Advancing Social Justice through Decent Work,² in the past years the topic of the General Survey has been aligned with the corresponding recurrent item of discussion on the strategic objectives of the ILO Declaration on Social Justice for a Fair Globalization, adopted in 2008. The item concerning fundamental principles and rights at work that has been placed on the agenda of the 112th Session of the International Labour Conference (2024) will conclude the current cycle of recurrent discussions. At the present session, the Governing Body will consider whether to initiate a new cycle, by first putting a recurrent discussion on social dialogue on the agenda of the 113th Session of the Conference (2025), or to undertake an evaluation of the ILO Declaration on Social Justice for a Fair Globalization in 2025.³
5. The proposed questionnaire prepared by the Office aims to take into account the different views and concerns expressed at the 343rd Session of the Governing Body. Accordingly, the Office proposes the requested report form (see appendix) to the Governing Body for its consideration and approval.

¹ GB.343/LILS/2.

² ILO, [Resolution on Advancing Social Justice through Decent Work](#), (2016), paras 15.1 and 15.2(b), adopted by the International Labour Conference at its 105th Session (May–June 2016).

³ GB.344/INS/3/1.

► Draft decision

6. The Governing Body:

- (a) requested governments to submit reports for 2023, under article 19 of the ILO Constitution, on the Labour Administration Convention, 1978 (No. 150) and Labour Administration Recommendation, 1978 (No. 158); and**
- (b) approved the report form concerning these instruments set out in the appendix to document GB.344/LILS/2.**

► Appendix

Appl. 19
C.150, R.158

INTERNATIONAL LABOUR OFFICE

REPORTS ON
UNRATIFIED CONVENTIONS AND RECOMMENDATIONS

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

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REPORT FORM FOR THE FOLLOWING INSTRUMENTS:

Labour Administration Convention, 1978 (No. 150)

Labour Administration Recommendation, 1978 (No. 158)

Geneva

2022

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 2023, 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.

Workers' and employers' organizations may send comments no later than 30 June 2023.

* * *

Context and scope of the questions

At its 343rd Session in November 2021, the Governing Body requested the Office to prepare for its consideration at its 344th Session (March 2022) the article 19 report form on two instruments: Labour Administration Convention, 1978 (No. 150) and the Labour Administration Recommendation, 1978 (No. 158), for a General Survey to be prepared by the Committee of Experts on the Application of Conventions and Recommendations (CEACR) in 2023, to be discussed by the Conference Committee on the Application of Standards in 2024.¹

The General Survey will provide a comprehensive overview of the organization and structure of labour administration systems in ILO Member States. Moreover, it will shed light on the consultation with and participation by social partners at the national level in relation to the organization and functioning of the labour administration system. The General Survey will also outline the main functions performed by the systems of labour administration in ILO Member States. Further, the General Survey will be an opportunity to contribute to a better understanding of the provisions both in law and in practice of the instruments; the challenges and opportunities in their application, and will encourage the sharing of experiences and good practices among ILO Member States.

During the discussion, the Governing Body indicated that the General Survey would provide a comprehensive overview of the impact that the COVID-19 crisis has had on national systems of labour administration across the world and illustrate the central role they have played in managing the immediate response to the crisis and in planning and implementing the longer term recovery, in consultation with the social partners.²

The General Survey would constitute a concrete follow-up to the [ILO Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient](#) and take stock of the extent to which ILO Member States have strengthened "the capacity of public administrations and employers' and workers' organizations to participate in such [social] dialogue as the means to develop and implement regional, national, sectoral and local recovery strategies, policies and programmes",³ as well as ILO efforts to "strengthen the capacity of labour administrations, labour inspectorates and

¹ [GB.343/LILS/2/Decision](#).

² [GB.343/LILS/2](#), para. 17.

³ Global call to action, para. 11, D(c).

other relevant authorities to ensure implementation of rules and regulations [in the context of COVID-19], especially regarding social protection and occupational safety and health".⁴

The General Survey would also draw upon the [ILO Centenary Declaration for the Future of Work](#), which underlines that safe and healthy working conditions are fundamental to decent work and calls on the ILO to direct its efforts towards "strengthening labour administration and inspection".⁵

The present questionnaire has also been prepared in the light of the [ILO Declaration on Social Justice for a Fair Globalization and its follow-up](#). Account has been taken of the fact that "[t]his follow-up seeks to make the fullest possible use of all the means of action provided under the Constitution of the ILO to fulfil its mandate. Some of the measures to assist the Members may entail some adaptation of existing modalities of application of article 19, paragraphs 5(e) and 6(d), of the ILO Constitution, without increasing the reporting obligations of member States".⁶ For instance, by grouping and focusing on instruments related to a specific strategic objective, General Surveys may provide an overview on the law and practice in ILO Member States concerning certain instruments and feed into the recurrent discussions with relevant information on the trends and practices in relation to a given strategic objective.

Lastly, the General Survey will enable the ILO Member States to assess the contribution of these standards to the achievement of the 2030 Agenda for Sustainable Development, through the realization of Sustainable Development Goals (SDGs), notably SDG 8 (Decent work and economic growth) and SDG 16 (Peace, justice and strong institutions). The General Survey can also support ILO Member States in identifying potential areas for the application of the 2018 [UN Principles of effective governance for sustainable development](#) to labour administration systems with a view to enhancing effective governance for sustainable development on labour-related matters.

* * *

The following questions relate to issues covered by Convention No. 150 and Recommendation No. 158.

Where possible, please give a specific reference (including a web hyperlink) for information relating to the provisions of legislation, regulations, collective agreements, work rules, arbitration awards, court decisions and policies (or attach an electronic copy).

⁴ Global call to action, para. 13(d).

⁵ ILO, ILO Centenary Declaration for the Future of Work, 2019, Part II, A (xi).

⁶ ILO, ILO Declaration on Social Justice for a Fair Globalization, 2008, Annex, Part I (B).

Article 19 report form concerning labour administration

A. Definitions

1. The term **labour administration** means public administration activities in the field of national labour policy (Article 1(a) of Convention No. 150 and Paragraph 1(a) of Recommendation No. 158).
2. The term **system of labour administration** covers all public administration bodies responsible for and/or engaged in labour administration – whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration –and any institutional framework for the co-ordination of the activities of such bodies and for consultation with and participation by employers and workers and their organizations (Article 1(b) of Convention No. 150 and Paragraph 1(b) of Recommendation No. 158).

B. Notes

1. Governments of countries which have ratified Convention No. 150 will use the present form only with regard to Recommendation No. 158. It will not be necessary to repeat information already provided in reports under article 22 in connection with ratified Conventions. The questions contained under the titles “*Standard-related action*” and “*Possible need for technical assistance*” are addressed to all Member States.
2. Where the national legislation or other provisions do not cover issues raised in this questionnaire, please provide information on current and emerging practices.
3. For federal states, please provide answers to the questions below with regard to both the federal level and the level of the federated units.

ORGANIZATION AND STRUCTURE OF THE LABOUR ADMINISTRATION SYSTEM	
<p>Structure of the labour administration system</p> <p>1. Please indicate any public administration bodies that are responsible for and/or engaged in labour administration, whether they are ministerial departments or public agencies, including parastatal and regional or local agencies or any other form of decentralised administration or field services.</p>	<p>C150: Arts 1(a) and (b) and 4 R158: Paras 1(a) and (b) and 26(1) and (2)</p>
<p>2. Please indicate if the system of labour administration comprises specialised units dealing with the following: the formulation of standards relating to working conditions and terms of employment; labour inspection; labour relations; employment, workforce planning and human resources development; international labour affairs; social security; minimum wage legislation; and questions relating to specific categories of workers.</p>	<p>R158: Paras 6 and 25(1) and (2)</p>

<p>3. Please provide information on any periodic reports on the activities of the main labour administration services submitted to the Ministry of Labour or other comparable body, as well as to employers' and workers' organizations. Please provide a weblink/copies of these reports, if available.</p>	<p>R158: Para. 20(1)</p>
<p>4. With regard to the organization and effective operation of the system of labour administration in your territory, please provide information on:</p> <ul style="list-style-type: none"> (i) the internal structure of any body within the system of labour administration and provide copies of the respective organigrams and work plans or strategies, if available; (ii) any national laws and regulations which provide for the creation, structure, functions and responsibilities of these bodies. Please provide a weblink or electronic copies of the legislation and regulations. 	<p>C150: Art. 4 R158: Para. 4</p>
<p>5. Please indicate any review undertaken or any organizational change that has occurred in the system of labour administration in recent years (for example as a consequence of the COVID-19 pandemic). Please indicate the consultations held in this respect with the most representative organizations of employers and workers, if any.</p>	<p>R158: Para. 21</p>
<p>Coordination within the system of labour administration</p>	
<p>6. Please indicate any institutional framework for the co-ordination of the functions and responsibilities of the different bodies within the system of labour administration, including field services. Please indicate if such co-ordination occurs through a central body ¹ (for example the Ministry of Labour or another comparable body). Please indicate the manner in which it is ensured that field services have sufficient and clear instructions to preclude the possibility of laws and regulations being differently interpreted in different areas. Please indicate if any policy, strategy or plan for coordination has been adopted and, if so, please provide a copy.</p>	<p>C150: Arts 1(b) and 4 R158: Paras 1(b), 4 and 26(2)(c)</p>
<p>7. Please provide information on the manner, if any, in which the Ministry of Labour or another comparable body ascertains that any parastatal, regional or local agencies engaged in labour administration activities are operating in accordance with national laws and regulations and are adhering to the objectives assigned to them.</p>	<p>C150: Art. 9</p>
<p>8. Please provide information on any measure taken to ensure appropriate representation of the system of labour administration in the administrative and consultative bodies dealing with social and economic policies.</p>	<p>R158: Para. 19</p>

¹ For federal states, central body could mean either one at the federal level or one at the level of the federated unit, according to the respective distribution of competences in the field of labour policy.

<p>Resources and staff</p> <p>9. Please provide details on the status, independence, qualifications and recruitment criteria for the staff of the labour administration system and any relevant provisions of national laws or regulations in this respect. Please also provide information on initial and subsequent training provided to the staff of the labour administration system.</p>	<p>C150: Art. 10(1) R158: Para. 23(1) and (2)</p>
<p>10.</p> <p>(i) Please provide details on the human, logistic and material resources allocated to the functions of labour administrations, including any changes occurred in response to the COVID-19 crisis. Please also provide information on the human and material resources of the field services.</p> <p>(ii) With regard to the financial resources available to staff of the system of labour administration for the performance of their duties, please indicate the budget allocated to the labour administration system, including any changes due to the COVID-19 crisis, and provide a copy of it. If available, please indicate the share of the State budget allocated to labour administration in the last five financial years.</p>	<p>C150: Art. 10(2) R158: Paras 22(1) and 26(2)(b)</p>
<p>CONSULTATION WITH AND PARTICIPATION BY EMPLOYERS, WORKERS AND THEIR ORGANIZATIONS IN THE SYSTEM OF LABOUR ADMINISTRATION</p>	
<p>11. Please indicate if any activity related to labour administration are delegated or entrusted to non-governmental organizations, particularly employers' and workers' organizations, or to employers' and workers' representatives. If so, please indicate which one.</p>	<p>C150: Art. 2 R158: Para. 2</p>
<p>12. Please indicate if particular activities in the field of national labour policy are matters which, in accordance with national laws or regulations, or national practice, are regulated by having recourse to direct negotiations between employers' and workers' organizations. Please provide relevant examples, if any.</p>	<p>C150: Art. 3 R158: Para. 3</p>
<p>13. Please indicate any arrangement that is in place within the system of labour administration in order to secure consultation, co-operation and negotiation between the public authorities and the most representative organizations of employers and workers, or employers' and workers' representatives. Please also indicate:</p> <p>(i) whether these arrangements are made at the national, regional and local levels;</p> <p>(ii) whether these arrangements are made at the sectoral level.</p> <p>Please provide copies of reports or extracts of reports produced as a result of consultation, co-operation and negotiations, if any.</p>	<p>C150: Art. 5</p>

MAIN FUNCTIONS OF THE SYSTEM OF LABOUR ADMINISTRATION	
<p>Functions in respect of national labour policy</p> <p>14. Please indicate the manner in which the bodies within the system of labour administration are responsible or contribute to the preparation, administration, co-ordination, checking and review of national labour policy. Please indicate the relevant provisions of national legislation, if any. Also, please indicate if any review has been undertaken in the context of the COVID-19 pandemic.</p>	<p>C150: Art. 6(1)</p>
<p>Functions in relation to labour standards</p> <p>15. Please indicate the manner in which the bodies within the system of labour administration take an active part in the preparation, development, adoption, implementation and review of labour laws and regulations, including the submission of proposals to overcome identified defects and abuses concerning working conditions and terms of employment. Please indicate the consultations with employers and workers' organizations held in this respect.</p>	<p>C150: Art. 6(1) and (2)(b) R158: Para. 5(1)</p>
<p>Functions concerning labour relations</p> <p>16. Please indicate:</p> <ul style="list-style-type: none"> (a) any services offered by the bodies within the system of labour administration to employers and workers and their organizations to promote at national, regional, sectoral and local levels, effective consultation and cooperation between public authorities and employers' and workers' organizations, as well as between such organizations; (b) the manner in which such services promote the regulation of terms and conditions of employment by means of collective bargaining and the free exercise of employers' and workers' right of association; (c) to what extent the system of labour administration promotes the full development and utilisation of the machinery for voluntary negotiation. 	<p>C150: Art. 6(2)(c) R158: Paras 5(2), 7 and 8 R158: Para. 9</p>
<p>17. Please provide information on any activities carried out by bodies within the system of labour administration in order to make technical advice available to employers and workers and their respective organizations on their request. Please also indicate if the bodies within the system of labour administration provide, in agreement with employers' and workers' organizations concerned, conciliation and mediation facilities in case of collective disputes.</p>	<p>C150: Art. 6(2)(d) R158: Para. 10</p>
<p>Functions in relation to employment</p> <p>18. Please indicate any bodies within the system of labour administration that participate in the preparation, administration, co-ordination, checking and review of a national employment policy. Please describe the consultation and cooperation with employers' and workers' organizations in this respect.</p>	<p>C150: Art. 6(2)(a) R158: Paras 11(1) and 13</p>

<p>19. Please indicate any legal and institutional framework for coordination of the activities carried out by the various authorities and bodies which are concerned with particular aspects of employment policy, including whether this coordination occurs through a central body.</p>	<p>R158: Para. 11(2)</p>
<p>20. Please indicate if the labour administration system includes a free public employment service. Please provide information on the structure and organization of the bodies within the labour administration system providing for these services, including any institutional arrangement for promoting and assisting the employment of particular categories of workers.</p>	<p>R158: Paras 15 and 16</p>
<p>21. Please provide information on the structure and functions of any competent bodies within the system of labour administration with regard to manpower² planning and human resources development. Please also provide information on the bodies, if any, within the system of labour administration that are responsible for the coordination of:</p> <ul style="list-style-type: none"> • programmes of employment creation and promotion; • vocational guidance and vocational training programmes; and • unemployment benefit schemes. <p>Please also indicate the role, if any, of the bodies within the labour administration system in the coordination of these programmes and schemes with general employment policy measures.</p>	<p>C150: Art. 6(2)(a) R158: Paras 12, 14 and 17</p>
<p>Functions in relation to studies and research</p> <p>22. Please provide information on any studies and research conducted by the bodies within the system of labour administration in order to keep under review the situation of employed, unemployed and underemployed persons. Please provide information on the bodies within the system of labour administration, if any, involved in this task and provide copies of these studies and research, if available.</p>	<p>C150: Art. 6(2)(b) R158: Para. 18</p>
<p>Functions in relation to international labour affairs</p> <p>23. Please provide information on bodies within the system of labour administration, if any, that are responsible for international labour affairs. Please indicate their role with regard to the preparation of the national policy concerning international labour affairs and the State's representation in such affairs, taking into account international labour standards.</p>	<p>C150: Arts 6(2) and 8</p>

² In the context of this questionnaire, the term “manpower” is considered as having the same meaning as “workforce”. In accordance with the ILC [Resolution concerning gender equality and the use of language in legal texts of the ILO adopted in 2011](#), in legal texts of the Organization, in accordance with applicable rules of interpretation, the use of a term referring to one gender includes in its meaning a reference to the other gender.

<p>Gradual extension of labour administration functions</p> <p>24. Please indicate whether any measures have been adopted in order to promote the extension, by gradual stages if necessary, of the functions of the system of labour administration to include activities relating to the conditions of work and working life of certain categories of workers who are not, in law, employed persons.</p>	<p>C150: Art. 7</p>
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THE WAY FORWARD
<p>Optional question</p> <p>25. Please provide information on your country's strategy (e.g. national plan) for the attainment of the Sustainable Development Goals (SDGs), in particular SDG 16, target 16.6 - develop effective, accountable and transparent institutions at all levels - with regard to labour administration and indicate the manner in which the 2018 UN Principles of effective governance for sustainable development have been taken into account in the formulation, implementation and review of such strategy.</p>
<p>Prospects for and obstacles to ratification</p> <p>26. Please provide information on any prospects of ratification of Convention No. 150 and identify the challenges or obstacles regarding its possible ratification, and indicate any measures taken or envisaged to overcome these obstacles.</p>
<p>Standard-related action</p> <p>27. Is there any standard-related action that should be taken with respect to labour administration.</p>
<p>Possible need for technical assistance</p> <p>28. Please indicate whether your country has formulated any requests for technical assistance by the ILO to give effect to the provisions of the instruments covered by this questionnaire. If so, please provide information on existing plans for the provision of such assistance or the effect of such support if already provided. Please also indicate the manner in which the ILO could best provide appropriate assistance within its mandate to support countries' labour administration systems.</p>
<p>Article 23(2) of the ILO Constitution</p> <p>29. Please indicate the representative employers' and workers' organizations to which copies of the present questionnaire have been communicated in accordance with article 23(2) of the ILO Constitution and indicate whether you have received observations from such organizations concerning the effect given, or to be given, to any of the instruments to which this questionnaire relates. If so, please communicate a copy of the observations received together with any comments that you may consider useful.</p>

