



Governing Body

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Institutional Section

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Matters arising out of the work of the 110th Session (2022) of the International Labour Conference

Follow-up to the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work

Purpose of the document

This document details the practical steps the Office needs to take in order to follow up on the amendment to the ILO Declaration on Fundamental Principles and Rights at Work (1998) that was adopted by the Conference at its 110th Session (2022) (see the draft decision in paragraph 38).

Relevant strategic objective: Fundamental principles and rights at work.

Main relevant outcome: None.

Policy implications: None.

Legal implications: Possible placement of an item on the agenda of a future session of the Conference on consequential amendments to 15 international labour standards.

Financial implications: None.

Follow-up action required: Depending on the Governing Body's decision.

Author unit: Office of the Legal Adviser (JUR).

Related documents: [GB.344/INS/6](#); [GB.343/INS/6](#).

▶ Introduction

1. At its 110th Session (2022), the International Labour Conference adopted a [resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work](#).
2. Through that resolution, the Conference amended paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) ("the 1998 Declaration") so as to include a new fundamental principle and right at work relating to a safe and healthy working environment, and recognized two occupational safety and health Conventions – the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187) – as being fundamental within the meaning of the 1998 Declaration. In addition, it adopted consequential amendments to the Annex to the 1998 Declaration, the ILO Declaration on Social Justice for a Fair Globalization (2008) ("the 2008 Declaration") and the Global Jobs Pact (2009).
3. In paragraph 4 of the resolution, the Conference invited the Governing Body "to take all appropriate action with a view to introducing certain amendments consequential upon the adoption of the present resolution to all relevant international labour standards, the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022, as appropriate".
4. Moreover, the recognition of two new fundamental Conventions calls for a review of the arrangements for the submission of reports by Members on ratified Conventions under article 22 of the Constitution and on unratified fundamental Conventions under the annual follow-up to the 1998 Declaration. These matters fall within the purview of the Governing Body.
5. This document sets out the consequential amendments that must be considered for each of the instruments to which paragraph 4 of the resolution refers and indicates the implications on reporting arrangements for Members, which could be the subject of detailed proposals for the Governing Body's consideration at its 347th Session (March 2023).
6. The document also seeks the guidance of the Governing Body on the formulation of an Office strategy for the promotion of a safe and healthy working environment as a new fundamental principle and right at work.

▶ Consequential amendments

International labour standards

7. The need for a limited number of amendments to existing standards to reflect the new category of fundamental principle and right at work and to align the terminology accordingly

was brought to the attention of the Governing Body at its 343rd Session (November 2021) and 344th Session (March 2022) ¹ and of the Conference at its 2022 session. ²

8. Seven Conventions, one Protocol and seven Recommendations require limited amendments, since they include provisions referring either to the original title of the 1998 Declaration, to the four initial categories of fundamental principles and rights at work, or to the first eight fundamental Conventions. ³ Although the modifications are narrow and technical in nature, they can only be introduced through a formal amendment adopted by the Conference.
9. Building on the precedent of the Final Articles Revision Convention, 1946 (No. 80), and the Final Articles Revision Convention, 1961 (No. 116), ⁴ the Office presented to the Governing Body in March 2022 a draft Convention that would partially revise the seven Conventions and the Protocol in question, and a draft Recommendation to partially revise the seven Recommendations. ⁵ Based on the views expressed by constituents so far, there seems to be support for the draft instruments of revision. ⁶ An updated version of the draft instruments is contained in Appendix I.
10. Article 1 of the proposed Convention specifies the consequential amendments to update the references to the 1998 Declaration and the 2008 Declaration, the categories of fundamental principles and rights at work and the list of fundamental Conventions wherever they appear in the eight instruments concerned. Article 2 addresses the legal effects of the ratification of the proposed Convention, namely that a Member that ratifies any of the eight instruments after the entry into force of the revising Convention will be considered to have ratified that instrument in its amended version, ⁷ while a Member that had previously ratified any of the eight instruments will, upon ratification of the revising Convention, continue to be bound by that instrument as modified by the revising Convention. ⁸ Articles 3 and 4 relate to the depositary functions of the Director-General and the entry into force of the Convention. ⁹

¹ GB.343/INS/6, paras 22 and 23, and GB.344/INS/6, paras 29–36.

² ILO, *Inclusion of Safe and Healthy Working Conditions in the ILO's Framework of Fundamental Principles and Rights at Work*, ILC.110/VII, 2022, para. 38.

³ The 15 instruments are: the Worst Forms of Child Labour Convention, 1999 (No. 182); the Maternity Protection Convention, 2000 (No. 183); the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187); the Maritime Labour Convention, 2006, as amended; the Work in Fishing Convention, 2007 (No. 188); the Domestic Workers Convention, 2011 (No. 189); the Violence and Harassment Convention, 2019 (No. 190); the Protocol of 2014 to the Forced Labour Convention, 1930; the Promotion of Cooperatives Recommendation, 2002 (No. 193); the Human Resources Development Recommendation, 2004 (No. 195); the Employment Relationship Recommendation, 2006 (No. 198); the HIV and AIDS Recommendation, 2010 (No. 200); the Social Protection Floors Recommendation, 2012 (No. 202); the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204); and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

⁴ Convention No. 80 was adopted in 1946 to revise some of the final provisions of existing Conventions further to amendments to the ILO Constitution that transferred to the Director-General of the International Labour Office certain chancery functions that had previously been entrusted to the Secretary-General of the League of Nations and that required the Director-General to communicate information on ratified Conventions to the Secretary-General of the United Nations for registration. Convention No. 116 was adopted in 1961 to revise the final provision included in existing Conventions, further to an amendment of the standard final provision on revision that had been adopted in 1951 by the Conference to allow the Governing Body to decide on the appropriate time for the re-examination of a Convention rather than re-examining Conventions at fixed intervals.

⁵ GB.344/INS/6, Appendix II.

⁶ GB.343/PV, paras 183 and 188; GB.344/PV, paras 219–220.

⁷ A similar provision is contained in Article 3 of Convention No. 80 and Article 2 of Convention No. 116.

⁸ A similar provision is contained in Article 4(4) of Convention No. 116.

⁹ Similar provisions are contained in Article 5(2) of Convention No. 80 and Article 4(1) of Convention No. 116.

11. Upon the entry into force of the Convention, the Office would ensure that only the amended text of the instruments concerned appears in all ILO collections of standards, whether in printed or electronic form.
12. As regards the proposed Recommendation, the consequential amendments in draft Paragraph 1 seek to update the references to the 1998 Declaration and the 2008 Declaration, the categories of fundamental principles and rights at work and the list of fundamental Conventions wherever they appear in the instruments concerned. Draft Paragraph 2 concerns action to be taken by the Director-General with respect to the official text of the revised Recommendations. The Recommendation would take effect on the day of its adoption and the Office would follow up by including the text of the amended Recommendations in all ILO collections of standards.
13. In the interest of clarity and normative coherence, the revising Convention should ideally enter into force as promptly as possible and be widely ratified. When the Conference adopted Convention No. 80 in 1946, it also adopted a resolution encouraging its prompt ratification by Members.¹⁰ A similar resolution could be adopted for the proposed revising Convention (see Appendix II).
14. As indicated to the Governing Body in March 2022,¹¹ an item on the adoption of a revising Convention and Recommendation would have to be placed on the agenda of the Conference by the Governing Body. Based on the experience with Conventions Nos 80 and 116, simplified arrangements could be adopted. For instance, when it placed an item on the adoption of Convention No. 116 on the agenda of the 45th Session (1961) of the Conference, the Governing Body decided, “[i]n view of the purely formal character of [the] instrument”, that the usual procedure governing the preparation of standards would be replaced by “the circulation to governments of a succinct report setting out the reasons which underlie the Governing Body’s decision to place this item on the agenda”.¹² Subsequently, a succinct report was circulated, including the proposed text of the Convention, to serve as a basis for the Conference discussion together with any comments which the governments might wish to make. In view of the very limited scope of the revision currently proposed, similar arrangements could be followed for the new revising Convention and Recommendation.
15. By way of example, if the Governing Body decided to place such an item on the agenda of the 111th Session (2023) of the International Labour Conference, a succinct report could be circulated by 31 December 2022 inviting comments from constituents by 30 March 2023. This short time frame would be in line with the objective of the prompt adoption of the proposed revising Convention and Recommendation, and would also be consistent with the call of the ILO Centenary Declaration for the Future of Work, 2019, and its accompanying resolution to include occupational safety and health in the ILO’s framework on fundamental principles and rights at work “as soon as possible”.

¹⁰ Resolution concerning the prompt ratification of the Instrument for the Amendment of the Constitution of the International Labour Organisation, 1946, and the Final Articles Revision Convention, 1946, adopted by the International Labour Conference its 29th Session, *Record of Proceedings*, International Labour Conference, 29th Session, 1946, Appendix VI, p. 395.

¹¹ GB.344/INS/6; GB.344/INS/3/1, para. 35.

¹² ILO, *Minutes of the 144th Session of the Governing Body (March 1960)*, Appendix XIV, para. 13.

Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

16. The consequential amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (“the MNE Declaration”) fall under the responsibility of the Governing Body. The MNE Declaration was adopted in 1977 by the Governing Body and has been amended by it three times: in 2000, 2006 and 2017. In 2000, the MNE Declaration was amended further to the adoption of the 1998 Declaration, to ensure that its interpretation and application would fully consider the objectives of the latter Declaration. In March 2006, the MNE Declaration was updated to include references to new instruments adopted by the Conference and the relevant fundamental Conventions. In March 2017, the Governing Body decided to amend the MNE Declaration again, in the light of the adoption of the 2008 Declaration, new labour standards and other decisions of the Conference.
17. Following the same process, it would be for the Governing Body to align the MNE Declaration with the amended 1998 Declaration. Appendix III proposes four consequential amendments. As with the previous amendments to the MNE Declaration, the consequential amendments would not involve any change to the title.

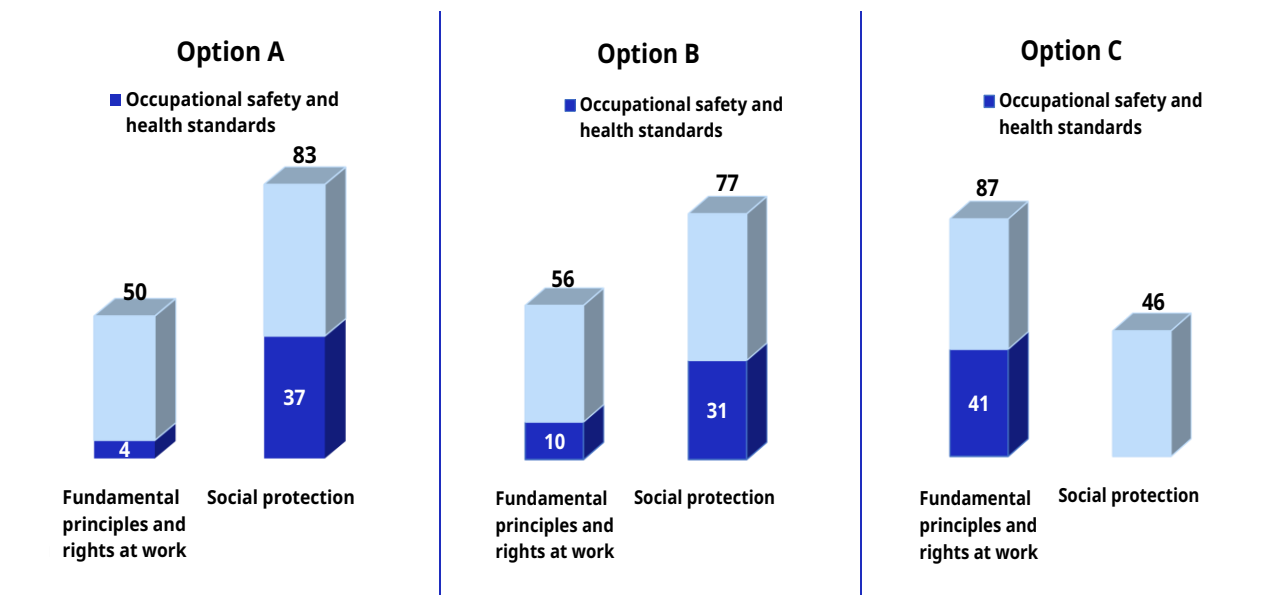
ILO Declaration on Social Justice for a Fair Globalization (2008)

18. During the discussion of the General Affairs Committee at the 110th Session (2022) of the Conference,¹³ the Office proposed that the reference to “healthy and safe working conditions” should be deleted from the description of the strategic objective of social protection under Part I(A) of the 2008 Declaration and placed instead under the strategic objective of respecting, promoting and realizing fundamental principles and rights at work.
19. The rationale was that, given the inclusion of the new fundamental principle and right at work, the reference to occupational safety and health should logically be placed under the strategic objective of fundamental principles and rights at work. The Office also proposed that occupational safety and health should be referred to in only one place, in line with the objectives of rationalization and increasing the visibility of the ILO mandate represented by the four strategic objectives in the 2008 Declaration. As a result, occupational safety and health would no longer be listed under the strategic objective of social protection. This change would have an impact on the practical arrangements of the recurrent discussions and should therefore be discussed by the Governing Body, which is responsible for determining the modalities of recurrent discussions, including the standards to be examined.
20. During the Committee’s discussion, the Worker members expressed the view that the proposed consequential amendment had broader implications for the recurrent discussion on each strategic objective, in particular for the international labour standards to be examined in that context. The Workers’ group expressed concern that if the reference to occupational safety and health was removed from Part I(A)(ii) of the 2008 Declaration, the discussion on the topic, including the discussion of the related standards, would be subsumed under a general recurrent discussion on the fundamental principles and rights at work and would not be granted the prominence it deserved. The Committee therefore decided to refer the matter to the Governing Body for further consideration.

¹³ ILO, *Summary of proceedings concerning the draft resolution to amend the ILO Declaration on Fundamental Principles and Rights at Work, 1998*, ILC.110/Record No.1D, 2022, paras 249–271.

21. Under Part II(B) of the follow-up to the 2008 Declaration, a recurrent discussion is intended to consider the realities and needs of ILO Members and how the Organization can better respond to these needs using all its means of action, including standards-related action. Currently, recurrent discussions follow a five-year cycle based on the following sequence: social dialogue and tripartism in 2018; social protection (social security) in 2021; employment policy in 2022; social protection (labour protection) in 2023; and fundamental principles and rights at work in 2024.¹⁴
22. The standards relating to each strategic objective for the purposes of the recurrent discussions are determined based on the grouping of standards per strategic objective that is used to guide the work of the Standards Review Mechanism Tripartite Working Group.¹⁵ At present, the instruments concerning occupational safety and health are subdivided into three sets: general provisions, specific risks and specific branches of activity.
23. Whether the standards on occupational safety and health should be examined in their entirety under the strategic objective of fundamental principles and rights at work, or partly under the strategic objective of social protection (labour protection) and partly under the strategic objective of fundamental principles and rights at work, is a matter of policy, which will ultimately depend on the degree of institutional clarity and consistency the Governing Body wishes to attach to this group of standards. In this regard, the Office has identified the following three options.

► **Figure. Options for the distribution of occupational safety and health standards between strategic objectives**



24. Under the first option (“option A”), only Conventions Nos 155 and 187 and the related Recommendations would be moved to the strategic objective of fundamental principles and rights at work, which would include 50 standards in total; 37 standards on occupational safety and health would remain under the strategic objective of social protection (labour protection).

¹⁴ GB.344/INS/3/1, para. 4. This takes into account the suspension of the cycle during the Centenary Session of the Conference in 2019 and the deferral of the 109th Session from 2020 to 2021.

¹⁵ See *Second meeting of the SRM Tripartite Working Group (10–14 October 2016): Unfinished follow-up to the instruments identified as outdated by the Cartier Working Party – Background tool 1*, Instruments by strategic objective.

25. Under the second option (“option B”), in addition to Conventions Nos 155 and 187 and the related Recommendations, all the occupational safety and health standards in the “general provisions” subset would also be placed under the strategic objective of fundamental principles and rights at work, namely: the Protocol of 2002 to the Occupational Safety and Health Convention, 1981; the Occupational Health Services Convention (No. 161) and Recommendation (No. 171), 1985; the Protection of Workers’ Health Recommendation, 1953 (No. 97); the Welfare Facilities Recommendation, 1956 (No. 102); and the List of Occupational Diseases Recommendation, 2002 (No. 194).¹⁶ The other 31 occupational safety and health standards would remain under the strategic objective of social protection (labour protection).
26. Under the third option (“option C”), all 41 occupational safety and health standards would be placed under the strategic objective of fundamental principles and rights at work, which would then comprise 87 standards. Only this option would require an additional consequential amendment to the 2008 Declaration, to delete the words “healthy and safe working conditions” from Part I(A)(ii).
27. If the Governing Body chose this last option, given the high number of standards that it would include, the strategic objective of fundamental principles and rights at work could be subject to two separate recurrent discussions, as is currently the case for the strategic objective of social protection. The standards on occupational safety and health could thus be reviewed under one recurrent discussion and the other four categories of fundamental principles and rights at work in another; the former could also address the linkages among the five categories.
28. Regardless of the choice of strategic objective, the recognition of the new fundamental principle and right at work relating to a safe and healthy working environment may also prompt the Governing Body to decide to strengthen the coordination between the two recurrent discussions and accordingly decide on a sequence under which the recurrent discussion on labour protection would be followed immediately by the recurrent discussion on occupational safety and health.
29. The Conference discussions revealed a broader concern as to the feasibility of a comprehensive review of all the standards grouped under one strategic objective to enable the Conference to determine the future priorities for standards-related actions to support Members’ efforts to achieve that strategic objective. However, this concern is not specific to the standards concerning occupational safety and health: it was one of the key questions examined at length during the preparatory work for the 2008 Declaration. It led to the establishment of a link between the recurrent discussions and the General Surveys that are prepared by the Committee of Experts on the Application of Conventions and Recommendations and are discussed by the Committee on the Application of Standards, under Part I(A) of the follow-up to the 2008 Declaration.¹⁷ In practice, as noted in the 2016 evaluation of the impact of the 2008 Declaration, the difficulties in meaningfully reviewing the standards

¹⁶ Standards grouped under this strategic objective are not limited to fundamental Conventions. As the Office indicated during the Committee’s discussion, the current instruments related to the four existing fundamental principles and rights at work include instruments other than the eight fundamental Conventions. For example, the instruments listed under child labour include not only the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), but also the Medical Examination of Young Persons Recommendation, 1946 (No. 79), and standards related to night work of children; see ILC.110/Record No.1D, para. 254.

¹⁷ ILO, *Advancing Social Justice: Reviewing the Impact of the ILO Declaration on Social Justice for a Fair Globalization*, ILC.105/VI, 2016, para. 103.

pertaining to one strategic objective within the framework of recurrent discussions have remained.¹⁸

30. In the context of its examination of the agenda of the Conference, the Governing Body is examining the modalities of recurrent discussions in connection with the completion of the current cycle in 2024. The Governing Body will also consider at its current session (October–November 2022) whether the modalities of recurrent discussions should be examined in the context of a possible evaluation of the impact of the 2008 Declaration.
31. Therefore, the Governing Body may wish to consider its decision on any further amendments to the 2008 Declaration at the same time as it considers the new cycle of recurrent discussions and the possible evaluation of the 2008 Declaration.

► Reporting arrangements

32. One of the main implications of the recognition of two Conventions as fundamental is the reporting arrangements, both for Members that have ratified these Conventions and for those that have not ratified them.
33. In terms of reporting on the application of ratified Conventions under article 22 of the ILO Constitution, in November 2009 the Governing Body adopted a three-year reporting cycle for the fundamental and governance Conventions.¹⁹ In March and October–November 2018, the Governing Body decided to consolidate the thematic grouping of Conventions for reporting purposes that had been in force since the early 2000s and to ensure greater thematic coherence by country in the reports requested annually for all ratified Conventions.²⁰ The Governing Body decided on a thematic grouping for reporting purposes under a six-year cycle for the technical Conventions (which at the time included all the Conventions concerning occupational safety and health) and established groups of countries for reporting purposes. These arrangements were devised to ensure that requests for reports under technical Conventions that are related to fundamental or governance Conventions would be made in the same year as the related fundamental or governance Conventions. As Conventions Nos 155 and 187 have now been recognized as fundamental, the Governing Body may consider that the same reporting cycle should apply to them as to the other fundamental Conventions, that is, three years instead of six years.²¹
34. Moreover, under the annual follow-up to the 1998 Declaration, Members that have not ratified one or both fundamental Conventions relating to occupational safety and health will be required to submit reports to be reviewed by the Governing Body, alongside other reports submitted by Members that have not yet ratified one or more of the remaining fundamental Conventions.
35. Subject to the guidance provided by the Governing Body at its current session, the Office could prepare proposals to adapt the current reporting arrangements under article 22 of the Constitution for Members that have ratified the new fundamental Conventions, and a

¹⁸ ILO, [Resolution on Advancing Social Justice through Decent Work](#), International Labour Conference, 105th Session, 2016, paras 8 and 15.2.

¹⁹ [GB.306/LILS/4\(Rev.\)](#) and [GB.306/PV](#), para. 206(e).

²⁰ [GB.332/INS/5\(Rev.\)](#) and [GB.334/PV](#), para. 288(2)(a).

²¹ For technical reasons, this new cycle of reports under article 22 would come into effect in 2024.

consolidated report form for Members that have not ratified one or both Conventions, under the follow-up to the 1998 Declaration, for the decision of the Governing Body at its 347th Session (March 2023).

▶ Revised strategy on occupational safety and health

36. The decision to include a safe and healthy working environment as a fundamental principle and right at work creates an important window of opportunity to increase ratification of the Occupational Safety and Health Convention, 1981 (No. 155) and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No.187) and to improve occupational safety and health at a global and national level. For this to happen, a renewed commitment of Member States to invest in occupational safety and health infrastructure is required, as well as upscaled and targeted efforts from the Office to provide the necessary assistance to ILO members for the progressive realization of the newly added fundamental principle and right at work.
37. In 2003 the 91st Session of the International Labour Conference adopted a Global Strategy on Occupational Safety and Health (Global Strategy) that still guides the work of Office. The strategy was followed by a Plan of Action (2010–2016) to achieve widespread ratification and effective implementation of Convention No. 155, its Protocol (2002) and Convention No. 187 (Plan of Action). This initiative resulted in several new ratifications of the target Conventions and other up-to-date standards. The proposed approach to follow-up on the recent ILC decision is to update the 2003 Global Strategy and to formulate a plan with targets and indicators to assess progress in its implementation. This approach ensures that the activities of the Office promoting and supporting the realization of the right to a safe and healthy working environment and the two fundamental OSH conventions is part and parcel of the wider work related to occupational safety and health through a coherent and systemic approach and making the most efficient use of resources. To facilitate further consultation and deliberation the Office proposes to prepare for the 347th Governing Body session (March 2023) a paper containing proposals and a roadmap for a revised and updated Global Strategy on Occupational Safety and Health in the context of a safe and healthy working environment as a fundamental principle and right at work.

▶ Draft decision

38. **The Governing Body decided to:**
- (a) **place an item on the agenda of the [...] Session of the Conference concerning the adoption of a Convention and a Recommendation with a view to introducing amendments to specific provisions of 15 instruments, consequential to the inclusion of a safe and healthy working environment in paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998), and invite the Office to circulate a succinct report to that effect, by [...], including the proposed texts for the instruments;**
 - (b) **adopt the consequential amendments to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy (MNE Declaration) set forth in Appendix III to document GB.346/INS/3/3;**

- (c) pursue its consideration of any further amendments to the ILO Declaration on Social Justice for a Fair Globalization (2008) at its 347th Session (March 2023), consistent with the decisions taken in the context of the agenda of the Conference, including on the cycle of recurrent discussions as of 2025;**
- (d) apply a three-year cycle to reports requested under article 22 of the Constitution for the Occupational Safety and Health Convention, 1981 (No. 155), and the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), as from 2024;**
- (e) request the Office to submit to the Governing Body at its 347th Session (March 2023) proposals to adapt the current reporting arrangements under article 22 of the Constitution for Members that have ratified the new fundamental Conventions Nos 155 and 187 and a proposed report form for Members that have not ratified one or both Conventions under the follow-up to the 1998 Declaration;**
- (f) request the Office to prepare a document for its 347th Session (March 2023) containing proposals and a roadmap for the review of the Global Strategy on Occupational Safety and Health adopted at the 91st Session of the International Labour Conference and the promotion of a safe and healthy working environment as a new fundamental principle and right at work.**

► Appendix I

Draft Convention and draft Recommendation on amendments consequential on the adoption by the Conference of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work

Draft Convention

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its ... Session on ... 20..., and

Having decided to adopt certain proposals with regard to the partial revision of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Maritime Labour Convention, 2006, as amended, the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), the Violence and Harassment Convention, 2019 (No. 190), and the Protocol of 2014 to the Forced Labour Convention, 1930, for the purpose of introducing therein certain amendments consequential on the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, and

Considering that these proposals must take the form of an international Convention, adopts this ... day of ... of the year two thousand and twenty- ... the following Convention, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Convention, 20...:

Article 1

1. The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998" or any variant contained in the Preamble of the Worst Forms of Child Labour Convention, 1999 (No. 182), the Maternity Protection Convention, 2000 (No. 183), the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187), the Maritime Labour Convention, 2006, as amended, the Work in Fishing Convention, 2007 (No. 188), the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.

2. The words "the Occupational Safety and Health Convention, 1981 (No. 155)" and "the Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)" shall be added in the third preambular paragraph of the Maritime Labour Convention, 2006, as amended, the fifth preambular paragraph of the Work in Fishing Convention, 2007 (No. 188), and the twelfth preambular paragraph of the Protocol of 2014 to the Forced Labour Convention, 1930.

3. The words "a safe and healthy working environment" shall be added as a new subparagraph (e) of Article III of the Maritime Labour Convention, 2006, as amended; as a new subparagraph (e) of Article 3(2) of the Domestic Workers Convention, 2011 (No. 189); and in

Article 5 of the Violence and Harassment Convention, 2019 (No. 190), after the words “employment and occupation”.

4. The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022,” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization” in the Preamble of the Domestic Workers Convention, 2011 (No. 189), and the Protocol of 2014 to the Forced Labour Convention, 1930.

Article 2

1. Any Member of the Organization which, after the date of entry into force of this Convention, communicates to the Director-General of the International Labour Office its formal ratification of any of the Conventions, or of the Protocol, referred to in Article 1 shall be considered to have ratified that Convention, or the Protocol, as amended by this Convention.

2. Upon ratifying this Convention, each Member of the Organization which has previously ratified any of the Conventions, or the Protocol, referred to in Article 1 recognizes that it shall continue to be bound by its provisions as amended by this Convention.

Article 3

Two copies of this Convention shall be authenticated by the signature of the President of the Conference and of the Director-General of the International Labour Office. Of these copies, one shall be deposited in the archives of the International Labour Office and the other shall be communicated to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. The Director-General shall communicate a certified copy of this Convention to each of the Members of the International Labour Organization.

Article 4

1. The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

2. Subject to paragraph 3 of this Article, this Convention shall come into force on the date on which the ratifications of two Members have been registered with the Director-General. Thereafter, this Convention shall come into force for any Member on the date on which its ratification is registered.

3. This Convention shall come into force for the Maritime Labour Convention, 2006, as amended, in accordance with Article XIV, paragraphs 4 and 6, of the latter.

Article 5

Notwithstanding any provisions of any of the Conventions or the Protocol referred to in Article 1, the ratification of this Convention by a Member shall not *ipso jure* involve the denunciation of any such Convention or the Protocol, nor shall the entry into force of this Convention close any such Convention or the Protocol to further ratification.

Article 6

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention provides otherwise:

- (a) the ratification by a Member of the new revising Convention shall *ipso jure* involve the immediate denunciation of this Convention when the new revising Convention comes into force;
- (b) as from the date on which the new revising Convention comes into force, this Convention shall cease to be open to ratification by Members.

2. This Convention shall in any case remain in force in its current form and with its current content for those Members that have ratified it but have not ratified the new revising Convention.

Article 7

The English, French and Spanish versions of the text of this Convention are equally authoritative.

Draft Recommendation

The General Conference of the International Labour Organization,

Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its ... Session on ... 20..., and

Having decided upon the adoption of certain proposals with regard to the partial revision of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), for the purpose of introducing therein certain amendments consequential on the adoption of the resolution on the inclusion of a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work, and

Considering that these proposals must take the form of an international Recommendation,

adopts this ... day of ... of the year two thousand and twenty-... the following Recommendation, which may be cited as the Safe and Healthy Working Environment (Consequential Amendments) Recommendation, 20...:

1. (1) The words "the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022" shall be substituted for the words "the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, 1998," or any variant contained in the Preamble of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), and in Paragraph 8(1)(a) of the Promotion of Cooperatives Recommendation, 2002 (No. 193), Paragraph 35 of the HIV and AIDS Recommendation, 2010 (No. 200), and Paragraphs 23(a) and 41(c) of the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

(2) In the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204):

- (a) the word “eight” shall be replaced by “ten” in the eighth preambular paragraph;
- (b) the words “a safe and healthy working environment” shall be added as a new clause (e) of Paragraph 16; and
- (c) in the annex, the words “Occupational Safety and Health Convention, 1981 (No. 155)” and “Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)” shall be deleted from the list of instruments under the subheading “Other instruments” and shall be added under the subheading “Fundamental Conventions”.

(3) The words “the ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022,” shall be substituted for the words “the ILO Declaration on Social Justice for a Fair Globalization, 2008,” or any variant contained in the Preamble of the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205).

2. The Director-General of the International Labour Office shall have official texts prepared of the Promotion of Cooperatives Recommendation, 2002 (No. 193), the Human Resources Development Recommendation, 2004 (No. 195), the Employment Relationship Recommendation, 2006 (No. 198), the HIV and AIDS Recommendation, 2010 (No. 200), the Social Protection Floors Recommendation, 2012 (No. 202), the Transition from the Informal to the Formal Economy Recommendation, 2015 (No. 204), and the Employment and Decent Work for Peace and Resilience Recommendation, 2017 (No. 205), as modified by the amendments set forth in Paragraph 1 of this Recommendation, and shall communicate certified copies of these texts to each of the Members of the Organization.

▶ Appendix II

Draft resolution concerning the prompt ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention

The General Conference of the International Labour Organization, meeting at its 11...th Session, 20..,

Recalling the decision to amend paragraph 2 of the ILO Declaration on Fundamental Principles and Rights at Work (1998) so as to include a safe and healthy working environment in the ILO's framework of fundamental principles and rights at work;

Recalling the adoption of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 20..., at its 11... Session, 20...;

Considering that the prompt ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 20..., is desirable in order to ensure greater coherence in the body of international labour standards by aligning references within them to fundamental principles and rights at work with the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022,

1. Calls for the prompt and widespread ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 20..., in particular from States parties to the Maritime Labour Convention, 2006, as amended, having regard to Article XIV, paragraphs 4 and 6, of the latter;
2. Invites the Governing Body to request the Director-General to report on the state of ratification of the Safe and Healthy Working Environment (Consequential Amendments) Convention, 20..., at appropriate intervals.

▶ Appendix III

Consequential amendments to the MNE Declaration

Introduction

...

The ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022, and its Follow-up, which is universally recognized as essential for realizing the objective of decent work for all, also underpins the guidance offered.

...

The Governing Body decided at its 329th Session (March 2017) to further amend the Declaration taking account of developments since the previous update in 2006 within the ILO such as the ILO Declaration on Social Justice for a Fair Globalization, adopted by the International Labour Conference (ILC) in 2008, new international labour standards, the ILC Conclusions concerning the promotion of sustainable enterprises (2007) and the ILC Conclusions concerning decent work in global supply chains (2016); as well as the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (2011) and the goals and targets of the 2030 Agenda for Sustainable Development (2015) that are particularly relevant to the Declaration; and noting the Addis Ababa Action Agenda (2015) on financing for development, the Paris Agreement (2015) concerning climate change, and the OECD Guidelines for Multinational Enterprises (as revised in 2011). The Governing Body adopted additional amendments at its 346th Session (October–November 2022) following the adoption of the ILC resolution on the inclusion of a safe and healthy working environment in the ILO’s framework of fundamental principles and rights at work.

Paragraph 9

General policies

...

9. All parties should contribute to the realization of the ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 and its Follow-up, adopted in 1998. All Members, even if they have not ratified the fundamental Conventions in question, have an obligation, arising from the very fact of membership in the Organization, to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions, namely: (a) freedom of association and the effective recognition of the right to collective bargaining; (b) the elimination of all forms of forced or compulsory labour; (c) the effective abolition of child labour; ~~and~~ (d) the elimination of discrimination in respect of employment and occupation; and (e) a safe and healthy working environment. ...

Paragraph 14

Employment

....

14. This is particularly important in the case of host country governments where the problems of unemployment and underemployment are most serious, and in particular in developing areas of the world. In this connection, the Global Employment Agenda (2003), the ILC Conclusions concerning the promotion of sustainable enterprises (2007), the Global Jobs Pact (2009), as amended in 2022, and Goal 8 of the Sustainable Development Goals should be kept in mind.

Paragraph 66

66. This is particularly important whenever the multinational enterprises operate in countries which do not abide by the principles of ILO Conventions pertaining to freedom of association, to the right to organize and bargain collectively, to discrimination, to child labour, ~~and to forced labour~~, and to a safe and healthy working environment.

Annex I

List of ILO Declarations, international labour Conventions and Recommendations, codes of practice, guidelines and other guidance documents relevant to the Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy

A. ILO Declarations

- ILO Declaration on Fundamental Principles and Rights at Work (1998), as amended in 2022 and its Follow-up
- ILO Declaration on Social Justice for a Fair Globalization (2008), as amended in 2022

B. International labour Conventions and Recommendations

Create a separate box containing the standards on occupational safety and health and place it after the box concerning freedom of association and collective bargaining.