

Handbook of procedures relating to international labour Conventions and Recommendations

International Labour Standards Department



International Labour Office Geneva Rev. 2006

Contents

	<i>Page</i>
Introduction	1
I. Adoption of international labour standards.....	2
Nature and constitutional basis of Conventions and Recommendations	2
Placing an item on the Conference agenda	2
Double discussion procedure	2
Single discussion procedure.....	4
Revision of Conventions and Recommendations.....	4
Abrogation or withdrawal of Conventions and Recommendations	5
Languages	5
Special circumstances taken into account.....	5
Flexibility devices.....	6
Conventions and Recommendations as minimum standards	7
Consultation of employers' and workers' organizations.....	7
II. Submission to the competent authorities.....	8
Constitutional obligations	8
Governing Body Memorandum	9
Office procedures.....	11
Consultation of employers' and workers' organizations.....	12
Communication to representative organizations and observations received from them.....	12
Summary	12
Office assistance	12
III. Ratification of Conventions and acceptance of obligations	13
Procedure	13
Form of communication of ratifications	13
Compulsory declarations to be included in or accompany the instrument of ratification.....	13
Optional declarations to be included in or to accompany ratifications	15
Optional declarations concerning the scope of a Convention	16
Ratification of Protocols	17
Inadmissibility of reservations	17
Registration of ratifications and acceptances of obligations	17
Entry into force	17
Obligations arising out of ratification	18
Incorporation in internal law.....	18
Consultation of employers' and workers' organizations.....	18

Non-metropolitan territories.....	19
Effect of withdrawal from the ILO	19
Information on ratifications.....	19
IV. Reports on ratified Conventions.....	20
Obligation to report.....	20
Reporting system.....	20
Detailed reports	24
Simplified reports.....	25
Consultation of employers' and workers' organizations.....	25
Communication of reports to employers' and workers' organizations	25
Observations of employers' and workers' organizations	26
ILO procedures for requesting reports	26
Summary	27
V. Reports on unratified Conventions and on Recommendations – the 1998 Declaration.....	32
Obligation to report on unratified Conventions	32
Obligation to report on Recommendations	32
Federal States	32
Choice of instruments for reports	32
Follow-up of the 1998 Declaration	33
Report forms.....	33
ILO procedures for requesting reports	33
Consultation of employers' and workers' organizations.....	34
Communication of reports to employers' and workers' organizations	34
Summary	34
VI. Regular machinery for supervising the observance of obligations deriving from Conventions and Recommendations	35
Regular supervisory bodies	35
A. Committee of Experts.....	35
B. Conference Committee on the Application of Standards	38
VII. Role of employers' and workers' organizations	41
Communication of reports and information to employers' and workers' organizations.....	41
Consultation of representative organizations	41
Transmission of comments by employers' and workers' organizations	42
Participation in the Conference	42
VIII. Interpretation of Conventions and Recommendations	43
Interpretation by the International Court of Justice.....	43
Informal opinion of the International Labour Office	43

	Explanations by the supervisory bodies.....	43
IX.	Revision of Conventions and Recommendations	44
	Nature of revision of Conventions	44
	Method and effect of revision of Conventions.....	44
	Revision of Recommendations	45
X.	Denunciation of Conventions.....	46
	Conditions for denunciation.....	46
	Consultation of employers' and workers' organizations.....	46
	Form of communication of denunciation.....	46
	Office procedures.....	47
	Effect of denunciation.....	47
XI.	Special procedures	48
	A. Representations as to the observance of ratified Conventions.....	48
	Constitutional provisions	48
	Procedure for the examination of representations	48
	B. Complaints as to the observance of ratified Conventions.....	49
	Main constitutional provisions.....	49
	Other constitutional provisions.....	49
	Commission of Inquiry procedure	50
	C. Complaints as to the infringement of freedom of association	50
	1. Governing Body Committee on Freedom of Association	50
	2. Fact-Finding and Conciliation Commission on Freedom of Association.....	52
	D. Failure to submit Conventions and Recommendations to the competent authorities	53
	Constitutional provision.....	53
XII.	Assistance available from the International Labour Office in relation to international labour standards	54
	International labour standards and technical cooperation	54
	Informal advisory services.....	54
	Direct contacts.....	54

Appendices

I.	Calendar of action on international labour standards.....	57
II.	Basic documentation relating to ILO Conventions and Recommendations.....	59
III.	Official titles of the Conventions adopted by the International Labour Conference, 1919-2003	61

Introduction

This Handbook describes the procedures operating within the International Labour Organization in relation to the adoption and implementation of Conventions and Recommendations. The present edition takes account of the adjustments to the system for the supervision of international labour standards decided on by the Governing Body of the International Labour Office up to its March 2003 session.¹

The Handbook is designed in the first place to help officials of national administrations responsible within their governments for the discharge of obligations under the ILO Constitution relating to international labour standards, by setting out the provisions laying down the procedures to follow and the practice established within the Organization for giving effect to those provisions. It is also intended for use by organizations of workers and employers, which have their own distinct roles to play in the procedures.

The International Labour Office's functions include that of providing information and training for officials of governments and employers' and workers' organizations on all aspects of the procedures described in this Handbook. This is done in part through seminars held in the various regions, at ILO headquarters in Geneva, at the ILO's International Training Centre in Turin (Italy), and in members States, as well as through informal advisory missions carried out by officials of the International Labour Standards Department and the standards specialists in the field. The Office is in any event at the disposal of the governments and organizations for further explanations of any of the matters dealt with here. This Handbook is issued and further assistance and advice are given by the International Labour Office on the understanding that the Office has no special authority under the ILO Constitution to give interpretations of the Constitution or instruments adopted by the Conference.

Appendix I to this Handbook consists of a calendar of action called for on international labour standards. Appendix II lists available documentation on ILO Conventions and Recommendations. Appendix III gives the short titles of all Conventions on which reports may be requested as indicated in the table.

¹ See document GB.283/LILS/6.

I. Adoption of international labour standards

Nature and constitutional basis of Conventions and Recommendations

1. Conventions are instruments which on ratification create legal obligations. Recommendations are not open to ratification, but give guidance as to policy, legislation and practice. Both kinds of instrument are adopted by the International Labour Conference,¹ and article 19 of the Constitution provides:

1. When the Conference has decided on the adoption of proposals with regard to an item on the agenda, it will rest with the Conference to determine whether these proposals should take the form: (a) of an international Convention, or (b) of a Recommendation to meet circumstances where the subject, or aspect of it, dealt with is not considered suitable or appropriate at that time for a Convention.

2. In either case a majority of two-thirds of the votes cast by the delegates present shall be necessary on the final vote for the adoption of the Convention or Recommendation, as the case may be, by the Conference.

Placing an item on the Conference agenda

2. The agenda of the Conference is settled by the Governing Body (Constitution, article 14). In cases of special urgency or other special circumstances (this has been the case, for example, where a draft Protocol is being considered) the Governing Body may decide to refer a question to the Conference with a view to a single discussion; but otherwise there will be a double discussion (i.e. discussion at two sessions of the Conference) (Standing Orders (SO),² article 34(4), (6) and (7)). The Governing Body may also decide to refer a question to a preparatory technical conference (Constitution, article 14(2); SO, articles 34(5) and 36). The Conference itself may also, by two-thirds of the votes cast by the delegates present, decide to include a subject on the agenda of the following session (Constitution, article 16(3)).

Double discussion procedure

3. These are the stages in a *double discussion*:³
 - (a) The Office prepares a report on law and practice in the different countries, together with a questionnaire. The report and questionnaire request governments to consult the

¹ As, occasionally, are Protocols, which are partial and optional revisions or amendments of earlier Conventions.

² Standing Orders of the International Labour Conference, incorporating relevant Standing Orders of the Governing Body.

³ The normal time limits for the various stages in this procedure may be varied where a question has been included on the agenda less than 18 months before the opening of the session at which the first discussion is to take place or where less than 11 months separate the two sessions concerned (SO, article 39(5) and (8)).

most representative organizations of employers and workers before finalizing their replies and are communicated to governments at least 18 months before the relevant session of the Conference (SO, article 39(1)).

- (b) To be reflected in the report, governments' replies must reach the Office not less than 11 months before the relevant session (see SO, article 39(2)).
- (c) The Office prepares a further report on the basis of replies received, indicating the principal questions for consideration by the Conference. This report is communicated to governments normally not less than four months before the relevant session (SO, article 39(3)).
- (d) These reports are considered by the Conference – usually in committee – and if the Conference decides the matter is suitable for a Convention or Recommendation it adopts conclusions and either decides to include the question on the agenda of its following session or asks the Governing Body to include it on the agenda of a later session (SO, article 39(4)).
- (e) On the basis of both the replies and the first Conference discussion, the Office drafts Conventions or Recommendations and communicates them to governments within two months of the end of the Conference session (SO, article 39(6)).⁴
- (f) Governments are again asked to consult the organizations of employers and workers and have three months to suggest amendments and make comments (SO, article 39(6)).
- (g) On the basis of further government replies, a final report containing the (amended) text of Conventions or Recommendations is communicated to governments at least three months before the session of the Conference at which they are to be discussed (SO, article 39(7)).
- (h) The Conference decides whether to base its second discussion on the Conventions or Recommendations drafted by the Office and how to consider them – usually in committee in the first place. Each clause of a Convention or Recommendation is placed before the Conference for adoption, and the drafts thus adopted are referred to the Drafting Committee for preparation of final texts.⁵ Texts of instruments approved by the Drafting Committee are submitted to the Conference for final adoption in accordance with article 19 of the Constitution (see paragraph 1 above and SO, article 40).
- (i) The Conference may, if it rejects a Convention contained in the report of a committee, refer it again to the committee for transformation into a Recommendation (SO, article 40(6)).

⁴ If there is less than 11 months between the two sessions, a programme of reduced intervals may be approved by the Governing Body or its Officers (SO, article 39(8)). At the same time as it asks governments for their comments on proposed Conventions and Recommendations, the Office consults the United Nations and other specialized agencies as to any proposed provisions affecting their activities and brings any comments they make before the Conference together with the government replies (SO, article 39bis).

⁵ See SO, article 6.

-
- (j) If a Convention fails on a final vote to obtain the necessary two-thirds majority but does obtain a simple majority, the Conference decides whether to refer it to the Drafting Committee for redrafting as a Recommendation (SO, article 41).

Single discussion procedure

4. These are the stages in a *single discussion*:⁶

- (a) The Office prepares a summary report on law and practice in the different countries, together with a questionnaire with a view to the preparation of Conventions or Recommendations,⁷ for communication to governments at least 18 months before the relevant Conference session. Governments are requested to consult the most representative organizations of employers and workers (SO, article 38(1)).⁸
- (b) Governments' replies must reach the Office not less than 11 months before the relevant session (SO, article 38(1)).
- (c) On the basis of governments' replies, a final report containing the text of Conventions or Recommendations⁹ is communicated to governments at least four months before the opening of the Conference session (SO, article 38(2)).
- (d) If the question has been considered at a preparatory technical conference, the Office may either, according to Governing Body decision, communicate to governments a summary report and questionnaire (see (a) and (b) above); or, on the basis of the work of the preparatory technical conference, draft a final report (see (c) above – SO, article 38(4)).
- (e) The final consideration and adoption of Conventions and Recommendations under the double-discussion procedure follow paragraph 3(h) to (j) above.

Revision of Conventions and Recommendations

5. Separate procedures for the revision of Conventions and Recommendations are included in articles 43-45 of the Standing Orders. However, they are substantially the same as those described in paragraphs 3 and 4 above, and in practice reference is made to the same articles of the Standing Orders.

⁶ The normal time limits for the various stages in this procedure may be varied where a question has been included on the agenda less than 26 months before the opening of the session at which the discussion is to take place, and a programme of reduced intervals may be approved by the Governing Body or its Officers (SO, article 38(3)).

⁷ Or a Protocol.

⁸ At the same time as it asks governments for their comments on proposed Conventions and Recommendations, the Office consults the United Nations and other specialized agencies as to any proposed provisions affecting their activities and brings any comments they make before the Conference together with the government replies (SO, article 39bis).

⁹ Or Protocols.

Abrogation or withdrawal of Conventions and Recommendations

6. At its 85th Session (June 1997), the Conference adopted amendments to the Constitution of the Organization adding a ninth paragraph to article 19¹⁰ and to the Standing Orders of the Conference (a new article 11 and a new article 45bis of the Standing Orders). A Convention is considered as being obsolete “if it appears that the Convention has lost its purpose or that it no longer makes a useful contribution to attaining the objectives of the Organisation” (article 19, paragraph 9, of the Constitution – this provision has not yet come into force because of an insufficient number of ratifications or acceptations). At its 270th Session (November 1997), the Governing Body amended its Standing Orders by adopting a new article 12bis establishing the procedure for the placing of an item on the agenda of the Conference concerning the abrogation or withdrawal of instruments. The abrogation procedure applies to Conventions that are in force. Withdrawal applies to Conventions that are not in force and to Recommendations. Abrogation and withdrawal are covered by the same procedural guarantees, with the only difference being that the Conference can already proceed to the withdrawal of an instrument, based on the provisions of its Standing Orders, without having to wait for the coming into force of the constitutional amendment.¹¹

Languages

7. French and English authentic texts of Conventions and Recommendations¹² are adopted. Official translations may be drawn up by the Office and considered by governments concerned as authoritative (SO, article 42).¹³

Special circumstances taken into account

8. Article 19 of the Constitution also provides:

3. In framing any Convention or Recommendation of general application the Conference shall have due regard to those countries in which climatic conditions, the imperfect development of industrial organization, or other special circumstances make the industrial conditions substantially different and shall suggest the modifications, if any, which it considers may be required to meet the case of such countries.

For this reason the law and practice reports and questionnaires, prepared by the Office in accordance with paragraphs 3 and 4 above, request governments to indicate national particularities which might make practical application of instruments envisaged difficult; and to suggest ways of dealing with this. Employers’, workers’ and governments’

¹⁰ See the Constitution of the International Labour Organization Instrument of Amendment, 1997 (see also ILO web site <http://www.ilo.org/public/english/bureau/leg/amend/index.htm>).

¹¹ At its 88th Session (May-June 2000), the Conference decided to withdraw Conventions Nos. 31, 46, 51, 61 and 66. At its 90th Session (June 2002), the Conference decided to withdraw 20 Recommendations (Nos. 1, 5, 11, 15, 37, 38, 39, 42, 45, 50, 51, 54, 56, 59, 63, 64, 65, 66, 72 and 73) and at its 92nd Session (June 2004) to withdraw 16 other Recommendations (Nos. 2, 12, 16, 18, 21, 26, 32, 33, 34, 36, 43, 46, 58, 70, 74 and 96).

¹² And Protocols.

¹³ See also the final provisions of Conventions and Protocols.

delegates at the Conference are also able to draw attention to special national conditions which should be taken into account when new standards are drafted.

Flexibility devices

9. Various means have been used by the Conference to ensure the flexibility of international labour standards.¹⁴ For example:
- (a) clauses laying down modified standards for named countries. These have not been used recently by the Conference;
 - (b) adoption of a Convention laying down principles together with (or later supplemented by) a Recommendation giving guidance on technical and practical details of implementation;
 - (c) definition of standards in broad wording – for example, fixing aims of social policy – which leaves it to national conditions and practices, often after consultation of employers' and workers' organizations, to determine the methods of application (laws, regulations, collective agreements, etc.);
 - (d) division of Conventions into Parts or Articles, the obligations of only some of which need to be accepted at the time of ratification, thus allowing future cumulation of obligations as social legislation and ability to implement;
 - (e) division of Conventions into alternative Parts, the extent or level of obligation varying according to which Parts are accepted;
 - (f) clauses allowing (sometimes temporarily) acceptance of a specified lower standard by countries where, for example, no legislation on the subject in question existed prior to ratification or where the economy or administrative or medical facilities are insufficiently developed;
 - (g) clauses allowing exclusion of, for example, specified categories of occupations or enterprises or sparsely populated or undeveloped areas;
 - (h) clauses allowing separate acceptance of obligations in respect of persons employed in specified economic sectors;
 - (i) clauses designed to keep abreast of advances of medical science by referring to the most recent edition of a reference work, or keeping a matter under review in the light of current knowledge;
 - (j) adoption of an optional Protocol to a Convention, either enabling ratification of the Convention itself with increased flexibility or extending the obligations of the Convention;
 - (k) clauses in a Convention which partially revise an earlier Convention, by introducing alternative and more modern obligations, while leaving the Convention open to ratification still in its unrevised form.

¹⁴ See document GB.244/SC/3/3 (Nov. 1989) and the paragraphs on flexibility in the scope and application of obligations in the *Manual for drafting ILO instruments*, 2005.

Conventions and Recommendations as minimum standards

10. Article 19 of the Constitution further provides:

8. In no case shall the adoption of any Convention or Recommendation by the Conference, or the ratification of any Convention by any Member, be deemed to affect any law, award, custom or agreement which ensures more favourable conditions to the workers concerned than those provided for in the Convention or Recommendation.

Consultation of employers' and workers' organizations

11. In addition to the provisions of the Standing Orders referred to under paragraphs 3 and 4 above, Article 5(1)(a) of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and Paragraph 5(a) of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152), provide that consultations of employers' and workers' representatives should be held on government replies to questionnaires concerning items on the agenda of the Conference and government comments on proposed texts to be discussed.

II. Submission to the competent authorities

Constitutional obligations

12. Conventions come into force for any State only through an act of ratification duly registered by the Director-General of the ILO. However, all member States have an obligation to submit Conventions and Recommendations¹ to the competent national authorities. The relevant provisions of article 19 of the Constitution are as follows:

5. In the case of a Convention:

- (a) the Convention will be communicated to all Members for ratification;
- (b) each of the Members undertakes that it will, within the period of one year at most from the closing of the session of the Conference, or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months from the closing of the session of the Conference, bring the Convention before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action;
- (c) Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention before the said competent authority or authorities, with particulars of the authority or authorities regarded as competent, and of the action taken by them;

...

6. In the case of a Recommendation:

- (a) the Recommendation will be communicated to all Members for their consideration with a view to effect being given to it by national legislation or otherwise;
- (b) each of the Members undertakes that it will, within a period of one year at most from the closing of the session of the Conference or if it is impossible owing to exceptional circumstances to do so within the period of one year, then at the earliest practicable moment and in no case later than 18 months after the closing of the Conference, bring the Recommendation before the authority or authorities within whose competence the matter lies for the enactment of legislation or other action;
- (c) the Members shall inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Recommendation before the said competent authority or authorities with particulars of the authority or authorities regarded as competent, and of the action taken by 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 –
 - (i) make, in accordance with its Constitution and the Constitutions of the states, provinces or cantons concerned, effective arrangements for the reference of such

¹ And Protocols inasmuch as they constitute partial revisions of and can thus be assimilated to Conventions.

Conventions and Recommendations not later than 18 months from the closing of the session of the Conference to the appropriate federal, state provincial or cantonal authorities for the enactment of legislation or other action;

- (ii) arrange, subject to the concurrence of the state, provincial or cantonal governments concerned, for periodical consultations between the federal and the state, provincial or cantonal authorities with a view to promoting within the federal State coordinated action to give effect to the provisions of such Conventions and Recommendations;
- (iii) inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring such Conventions and Recommendations before the appropriate federal state, provincial or cantonal authorities with particulars of the authorities regarded as appropriate and of the action taken by them.²

...

Governing Body Memorandum

13. In order to facilitate the uniform presentation of information supplied by governments as to measures taken to comply with the provisions cited in paragraph 12 above, the Governing Body adopted a *Memorandum concerning the obligation to submit Conventions and Recommendations to the competent authorities*. A revised version of the Memorandum was adopted by the Governing Body in March 2005.³ The Memorandum recalls the relevant provisions of the Constitution and cites extracts from reports of the Committee of Experts on the Application of Conventions and Recommendations⁴ and the Conference Committee on the Application of Standards⁵ intended to clarify the aims and objectives of submission, the nature of the obligation and a series of requests for information. The tripartite consultations that should be held in relation to the obligation of the submission to national parliaments of the instruments adopted by the Conference are also recalled. The content of the Memorandum is as follows:⁶

I. AIMS AND OBJECTIVES OF SUBMISSION

- (a) The main aim of submission is to promote measures at the domestic level for the implementation of Conventions and Recommendations. Furthermore, in the case of Conventions, the procedure also aims to promote ratification.
- (b) Governments remain entirely free to propose any action which they may judge appropriate in respect of Conventions or Recommendations. The aim of submission is to encourage a rapid and responsible decision by each member State on instruments adopted by the Conference.

² In addition, article 35, para. 4, of the Constitution provides: "Where the subject-matter of the Convention is within the self-governing powers of any non-metropolitan territory the Member responsible for the international relations of that territory shall bring the Convention to the notice of the government of the territory as soon as possible with a view to the enactment of legislation or other action by such government ...".

³ GB.292/LILS/1(Rev.) and GB.292/10(Rev.), Appendix I.

⁴ In this respect, see paras. 55-57 below.

⁵ In this respect, see paras. 58-60 below.

⁶ The sources of citations are omitted.

-
- (c) The obligation of submission is a fundamental element of the standards system of the ILO. One purpose of this obligation was, and still is, that the instruments adopted by the Conference are brought to the knowledge of the public through their submission to a parliamentary body.
 - (d) The obligation of submission reinforces the relations between the Organization and the competent authorities and stimulates tripartite dialogue at the national level.

II. NATURE OF THE COMPETENT AUTHORITY

- (a) The competent authority is the authority which, under the Constitution of each State, has power to legislate or to take other action in order to implement Conventions and Recommendations.
- (b) The competent national authority should normally be the legislature.
- (c) Even in cases where, under the terms of the Constitution of the Member, legislative power is held by the executive, it is in conformity with the spirit of the provisions of article 19 of the Constitution of the ILO and of practice to arrange for the examination of the instruments adopted by the Conference by a deliberative body, where one exists. Discussion in a deliberative assembly, or at least information of the assembly, can constitute an important factor in the complete examination of a question and in a possible improvement of the measures taken at the domestic level to give effect to the instruments adopted by the Conference. With respect to Conventions, it could lead to a decision as to their ratification.
- (d) In the absence of a parliamentary body, informing a consultative body makes it possible to carry out a full examination of the issues addressed by the Conference. This process ensures that the instruments are widely disseminated among the public, which is one of the purposes of the obligation of submission.

III. EXTENT OF THE OBLIGATION TO SUBMIT

- (a) Article 19 of the Constitution lays down the obligation to place before the competent authorities *all* instruments adopted by the Conference without exception and without distinction between Conventions and Recommendations.
- (b) Governments have complete freedom as to the nature of the proposals to be made when submitting the instruments and on the effect that they consider it appropriate to give to the instruments adopted by the Conference. The obligation to submit the instruments does not imply any obligation to propose the ratification of Conventions or to accept the Recommendations.

IV. FORM OF SUBMISSION

- (a) Since article 19 of the Constitution is clearly aimed at obtaining a decision from the competent authorities, the submission of Conventions and Recommendations to these authorities should always be accompanied or followed by a statement or proposals setting out the Government's views as to the action to be taken on the instruments.
- (b) The essential points to bear in mind are: (a) that, at the time of or subsequent to the submission of Conventions and Recommendations to the legislative authorities, Governments should either indicate what measures might be taken to give effect to these instruments or propose that no action should be taken or that a decision should be postponed; and (b) that there should be an opportunity to take up the matter for debate within the legislature.

V. TIME LIMITS

- (a) In order that the competent national authorities may be kept up to date on the standards adopted at the international level which may require action by each State to give effect to them at the national level, submission should be made as early as possible and in any case within the time limits set by article 19 of the Constitution.
- (b) In virtue of the formal provisions of article 19 of the Constitution, the submission of texts adopted by the Conference to the competent authorities must be effected within one year or, in exceptional circumstances, not longer than 18 months from the close of the session of the Conference. This provision applies not only to non-federal but also to federal States; in the case of the latter, the period of 18 months is applicable only in

respect of Conventions and Recommendations which the federal Government considers to be appropriate for action by the constituent states, provinces or cantons. In order that it may be possible to ascertain that States Members have respected the prescribed time limits, the Committee considers that it would be advisable for the date on which the decisions of the Conference have been submitted to the competent authorities to be indicated in the communication to the Director-General.

VI. OBLIGATIONS OF FEDERAL STATES

As regards federal States, the Committee wishes to point out that under article 19 of the Constitution, paragraph 7(b)(i), whenever action by the constituent states, provinces or cantons is considered “appropriate”, the Government must make effective arrangements for the reference of Conventions and Recommendations adopted by the Conference to the “appropriate authorities” of the constituent states, provinces or cantons for the enactment of legislation or other action.

VII. TRIPARTITE CONSULTATIONS

- (a) For those States which have already ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144), effective consultations have to be held on the proposals made to the competent authorities when submitting the instruments adopted by the Conference (Article 5, paragraph 1(b), of Convention No. 144).
- (b) The representative organizations of employers and workers must be consulted beforehand. The effectiveness of consultations presupposes that the representatives of employers and of workers have at their disposal sufficiently in advance all the elements necessary for them to reach their opinions before the Government finalizes its definitive decision.
- (c) Members which have not ratified Convention No. 144 may refer to the relevant provisions of that Convention and to those of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).
- (d) The representative organizations of employers and workers will be requested to make known their point of view on the action to be taken with regard to new instruments independently. Fulfilment of the submission procedure is an important moment of dialogue among government authorities, the social partners and parliamentarians.

VIII. COMMUNICATION TO THE REPRESENTATIVE ORGANIZATIONS OF EMPLOYERS AND WORKERS

- (a) Under article 23, paragraph 2, of the Constitution, the information communicated to the Director-General on submission to the competent authorities must be sent also to the representative organizations of employers and workers.
- (b) This provision is designed to enable the representative organizations of employers and workers to formulate their own observations on the action that has been taken or is to be taken with regard to the instruments in question.

Office procedures

- 14. (a) Copies of Conventions and Recommendations are sent to governments, immediately after the Conference adopts them, by circular letter recalling the obligations as to submission under article 19 of the Constitution. The Governing Body Memorandum is attached to this circular letter. Copies of the same documents are sent to national organizations of employers and workers.
- (b) One year after the close of the session of the Conference at which the instruments were adopted, a letter of reminder – with a further copy of the Memorandum – is addressed to all governments which have not supplied the information requested.
- (c) When 18 months have elapsed since the close of the relevant session of the Conference and the information has still not been supplied, a further reminder is sent.

-
- (d) In response to the Committee of Experts' request, the Office, when it receives information as to submission of instruments to the competent authorities, checks to see whether the information and documents asked for in the Governing Body Memorandum – including replies to any observations or direct requests of the Committee of Experts itself or observations of the Conference Committee – have been supplied. If they have not, the Office will, as a routine administrative step, ask the government concerned to send what is missing. The substance of information supplied is examined by the responsible supervisory bodies.

Consultation of employers' and workers' organizations

15. Article 5, paragraph 1(b), of Convention No. 144 and Paragraph 5(b) of Recommendation No. 152 provide for consultation of representatives of employers' and workers' organizations on the proposals to be made to the competent authorities in connection with the submission of Conventions and Recommendations. Part V of the questionnaire at the end of the revised Memorandum asks the governments concerned to indicate whether prior consultations took place and, if applicable, the nature of those consultations.

Communication to representative organizations and observations received from them

16. Article 23, paragraph 2, of the Constitution provides that all governments must communicate to the organizations copies of the information supplied under article 19; and under Part VI of the questionnaire at the end of the Governing Body's Memorandum, they should indicate to the Office which organizations communication has been made to. The Memorandum also asks governments to indicate any observations received from employers' or workers' organizations as to the effect given or to be given to the instruments submitted.

Summary

17. Article 23, paragraph 1, of the Constitution provides for a summary of the information supplied under article 19 to be laid before the next meeting of the Conference. That summary appears as an appendix to *Report III (Part 1A)*.

Office assistance

18. Governments and representative organizations of employers and workers may, on request, obtain from the International Labour Office information and specimen documents showing the manner in which other countries fulfil the submission obligation.

III. Ratification of Conventions and acceptance of obligations

Procedure

19. Article 19 of the Constitution provides:

5.

...

- (d) if the Member obtains the consent of the authority or authorities within whose competence the matter lies, it will communicate the formal ratification of the Convention to the Director-General and will take such action as may be necessary to make effective the provisions of such Convention.

Form of communication of ratifications

20. No specific requirements as to form are laid down in the Constitution. Each State will have its own constitutional provisions and practice. In order to be registered, an instrument of ratification must nevertheless: ¹

- (a) clearly identify the Convention being ratified;
- (b) be an original document (on paper, not a facsimile or photocopy) signed by a person with authority to engage the State (such as the Head of State, Prime Minister, Minister responsible for Foreign Affairs or Labour);
- (c) clearly convey the Government's intention that the State should be bound by the Convention concerned and its undertaking to fulfil the Convention's provisions, preferably with a specific reference to article 19(5)(d) of the ILO Constitution.

Compulsory declarations to be included in or accompany the instrument of ratification

21. Several Conventions require *declarations* to be made either in the instrument of ratification itself or in an accompanying document. If no such *declaration* is received by the Office, the ratification cannot be registered. In some cases, a compulsory *declaration* will define the scope of the obligations accepted or give other essential specifications. In all these cases, the substance of the *declaration* has to be considered before the instrument of ratification is prepared and the necessary indications either included in or attached to the

¹ An instrument of ratification in these terms must always be communicated to the Director-General of the ILO, in order for the ratification to become effective in *international* law. If this is not done, it may be that a Convention is regarded by a State as "ratified" in its *internal* legal system, but this will be of no effect in the *international* legal system. An instrument of ratification might thus contain the following statement: "The Government of ... hereby ratifies the ... Convention and undertakes, in accordance with article 19, para. 5(d), of the Constitution of the ILO, to fulfil its obligations in this respect" and be signed by a person authorized to engage the State.

instrument of ratification. The Conventions in question adopted up to the 91st Session of the Conference (2003) that are open for ratification are as follows:²

- (i) Convention No. 102: Social Security (Minimum Standards), 1952 – Article 2(b);
- (ii) Convention No. 115: Radiation Protection, 1960 – Article 3, paragraph 3(c);
- (iii) Convention No. 118: Equality of Treatment (Social Security), 1962 – Article 2, paragraph 3; 3
- (iv) Convention No. 123: Minimum Age (Underground Work), 1964 – Article 2, paragraph 2;
- (v) Convention No. 128: Invalidity, Old-Age and Survivors' Benefit, 1967 – Article 2, paragraph 2;
- (vi) Convention No. 132: Holidays with Pay (Revised), 1970 – Article 3, paragraphs 2 and 3, and Article 15, paragraph 2;
- (vii) Convention No. 138: Minimum Age, 1973 – Article 2;
- (viii) Convention No. 146: Seafarers' Annual Leave with Pay, 1976 – Article 3, paragraphs 2 and 3;
- (ix) Convention No. 160: Labour Statistics, 1985 – Article 16, paragraph 2;
- (x) Convention No. 165: Social Security (Seafarers) (Revised), 1987 – Article 4;
- (xi) Convention No. 173: Protection of Workers' Claims (Employer's Insolvency), 1992 – Article 3, paragraph 1;
- (xii) Convention No. 183: Maternity Protection, 2000 – Article 4, paragraph 2.

² It should also be noted that the Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), is not open to ratification by States which have not fulfilled the requirements to which ratification is made subject by Article 5, para. 1, unless they give the undertaking required under Article 5, para. 2.

³ (a) When a member State ratifies this Convention, it should also communicate to the Office a confirmation in terms of Article 2, para. 1, that it has "in effective operation legislation covering its own nationals within its own territory" in the branch or branches of social security in respect of which it is accepting the obligations of the Convention. A similar confirmation should be given in the case of a notification of acceptance of further obligations under Article 2, para. 4. (b) Each Member accepting the obligations of the Convention in respect of *any* branch of social security which has legislation providing for benefits of the type indicated in Article 2, para. 6(a) or (b), must at the time of ratification communicate to the Office a *statement* indicating such benefits. Under Article 2, para. 7, a similar statement should be made on any subsequent notification of acceptance of the Convention's obligations under Article 2, para. 4, or within three months of the adoption of relevant legislation. Though such *statements* are compulsory, they are for information purposes and failure to make them does not invalidate the ratification or notification.

Optional declarations to be included in or to accompany ratifications

22. In the case of some Conventions (and Protocols) a *declaration* is needed only where the ratifying State wishes to make use of permitted exclusions, exceptions or modifications. When this applies, the *declaration* must be included in or attached to the instrument of ratification: if the instrument of ratification is received by the Office without any qualifying *declaration*, the ratification will be duly registered as it stands and the exclusion, exception or modification will no longer be available. The Conventions in question adopted up to the 91st Session of the Conference (2003) which are still open for ratification⁴ are as follows:

- (i) Convention No. 77: Medical Examination of Young Persons (Industry), 1946 – Article 9, paragraph 1;
- (ii) Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946 – Article 9, paragraph 1;
- (iii) Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946 – Article 7, paragraph 1;
- (iv) Convention No. 81: Labour Inspection, 1947 – Article 25, paragraph 1; Protocol of 1995 – Article 2, paragraph 1;
- (v) Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948 – Article 7, paragraph 1;
- (vi) Convention No. 97: Migration for Employment (Revised), 1949 – Article 14, paragraph 1;
- (vii) Convention No. 102: Social Security (Minimum Standards), 1952 – Article 3, paragraph 1;
- (viii) Convention No. 106: Weekly Rest (Commerce and Offices), 1957 – Article 3, paragraph 1;
- (ix) (a) Convention No. 110: Plantations, 1958 – Article 3, paragraph 1(b);
(b) Protocol to Convention No. 110 – Article 1;
- (x) Convention No. 119: Guarding of Machinery, 1963 – Article 17, paragraph 1;
- (xi) Convention No. 121: Employment Injury Benefits, 1964 – Article 2, paragraph 1, and Article 3, paragraph 1;
- (xii) Convention No. 128: Invalidity, Old-Age and Survivors' Benefits, 1967 – Article 4, paragraph 1, Article 38 and Article 39;
- (xiii) Convention No. 130: Medical Care and Sickness Benefits, 1969 – Article 2, paragraph 1, Article 3, paragraph 1, and Article 4, paragraph 1;

⁴ The Sickness Insurance (Industry) Convention, 1927 (No. 24) and the Sickness Insurance (Agriculture) Convention, 1927 (No. 25) were revised by the Medical Care and Sickness Benefits Convention, 1969 (No. 130).

-
- (xiv) Convention No. 138: Minimum Age, 1973 – Article 5, paragraph 2;
 - (xv) Convention No. 143: Migrant Workers (Supplementary Provisions), 1975 – Article 16, paragraph 1;
 - (xvi) Convention No. 148: Working Environment (Air Pollution, Noise and Vibration), 1977 – Article 2;
 - (xvii) Convention No. 153: Hours of Work and Rest Periods (Road Transport), 1979 – Article 9, paragraph 2;
 - (xviii) Convention No. 168: Employment Promotion and Protection (Unemployment), 1988 – Article 4, paragraph 1, and Article 5, paragraphs 1 and 2;
 - (xix) Convention No. 173: Protection of Workers' Claims (Employer's Insolvency), 1992 – Article 3, paragraph 3;
 - (xx) Convention No. 185: Seafarers' Identity Documents (Revised), 2003 – Article 9.

Optional declarations concerning the scope of a Convention

23. For all the cases referred to in paragraphs 21 and 22 above, a Member which has made use of the option to limit the scope of the Convention's application to it may subsequently modify, cancel or withdraw such limitation: this is done by a further *declaration, notification or statement of renunciation in a report under article 22 of the Constitution*,⁵ as the case may be according to each Convention. In addition, the following provide for *declarations* to extend the scope of the Convention's application by the State concerned either at the time of ratification or at any subsequent time:⁶

- (i) Convention No. 129: Labour Inspection (Agriculture), 1969 – Article 5, paragraph 1;
- (ii) Convention No. 146: Seafarers' Annual Leave with Pay, 1976 – Article 2, paragraphs 4, 5 and 6;
- (iii) Convention No. 172: Working Conditions (Hotels and Restaurants), 1991 – Article 1, paragraphs 2 and 3;
- (iv) Protocol of 1996 to Convention No. 147: Merchant Shipping (Minimum Standards) Convention, 1976 – Article 3;
- (v) Convention No. 176: Safety and Health in Mines, 1995 – Article 2;
- (vi) Convention No. 181: Private Employment Agencies, 1997 – Article 2, paragraph 7;
- (vii) Convention No. 183: Maternity Protection, 2000 – Article 2, paragraph 7;

⁵ For these reports, see below, paras. 34 to 38.

⁶ This does not include cases where *determinations* by a member may have the effect of extending the obligations of a Convention, although there is no provision for a formal *declaration*, such as in the case of Convention No. 111, Article 1, para. 1(b).

(viii) Convention No. 184: Safety and Health in Agriculture, 2001 – Article 3.

Ratification of Protocols

24. A Protocol is an instrument which partially revises a Convention. It is open to ratification by a State already bound by or simultaneously ratifying and becoming bound by the Convention in question. Two Protocols so far adopted by the Conference effectively introduce greater flexibility into the two respective Conventions. They are:

- (i) Protocol of 1990 to Convention No. 89: Night Work (Women) Revised, 1948;
- (ii) Protocol of 1982 to Convention No. 110: Plantations, 1958.

Three other Protocols extend the obligations under the Conventions which they partially revise:

- (iii) Protocol of 1995 to the Labour Inspection Convention, 1947;
- (iv) Protocol of 1996 to the Merchant Shipping (Minimum Standards) Convention, 1976;
- (v) Protocol of 2002 to the Occupational Safety and Health Convention, 1981.

Inadmissibility of reservations

25. Conventions contain various provisions ensuring flexibility (see paragraphs 8 and 9 above), including some specifically enabling ratifying States to limit or qualify the obligations assumed on ratification (paragraphs 21-24). However, no limitations on the obligations of a Convention other than those specifically provided for (i.e. no *reservations*) are possible.⁷

Registration of ratifications and acceptances of obligations

26. The final provisions of all Conventions contain Articles on the registration of ratifications by the Director-General, their notification to member States and the communication of particulars to the Secretary-General of the United Nations for registration in accordance with article 102 of the United Nations Charter. All ratifications are reported to the Governing Body and are notified to member States through publication in the *Official Bulletin*. *Declarations* and other acts accepting or modifying obligations referred to in paragraphs 21-24 above are dealt with in the same way.

Entry into force

27. Each Convention contains a provision as to how it comes into force. Most often, since 1928, Conventions come into force 12 months after registration of the second ratification and afterwards for each State 12 months after its ratification. Several maritime and some

⁷ See memorandum submitted by the ILO to the International Court of Justice in the Genocide Case (ILO, *Official Bulletin*, Vol. XXXIV (1951), pp. 274-312).

other Conventions contain different provisions. Until a Convention comes into force, it can have no effect in international law.

Obligations arising out of ratification

28. The obligation under article 19, paragraph 5(d), of the Constitution is to “take such action as may be necessary to make effective the provisions” of a ratified Convention.⁸ This means ensuring their implementation in practice, as well as giving them effect in law or other means that are in accordance with national practice (such as court decisions, arbitration awards or collective agreements).

Incorporation in internal law

29. In some countries, the Constitution gives the force of internal law to ratified Conventions. In those cases, it will still be necessary to take specific measures:

- (a) to eliminate any conflict between the provisions of the Convention and earlier national law and practice;
- (b) to give effect to any provisions of the Convention which are not *self-executing* (e.g. provisions requiring given matters to be prescribed by national laws or regulations or determined by the competent authorities, or requiring special administrative arrangements);
- (c) to prescribe penalties, where appropriate;
- (d) to ensure that all interested persons and authorities (e.g. employers, workers, labour inspectors, courts, tribunals, other administrative bodies) are informed of the incorporation of the Convention into internal law and where necessary given guidance.

Consultation of employers’ and workers’ organizations

30. Paragraph 5(c) of Recommendation No. 152 provides for consultation of representatives of employers’ and workers’ organizations, subject to national practice, on the preparation and implementation of legislative or other measures to give effect to Conventions – especially when ratified – and Recommendations. This applies in particular as regards measures implementing provisions as to consultation and collaboration with employers’ and workers’ representatives.

⁸ With regard to the termination of obligations under a ratified Convention through *denunciation*, see paras. 71-75 below.

Non-metropolitan territories

31. Article 35 of the Constitution provides for declarations to be made by member States as to the application of Conventions to non-metropolitan territories for whose international relations they are responsible.⁹

Effect of withdrawal from the ILO

32. Article 1, paragraph 5 (last sentence), of the Constitution provides:

... When a Member has ratified any international labour Convention, ... withdrawal (from the Organization) shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

Information on ratifications

33. The Office publishes a report to the Conference¹⁰ listing ratifications by Convention and by State. Regularly updated information on ratifications and denunciations are also available on the Office's web site.

⁹ In 1964, the Conference adopted an instrument of amendment of the Constitution to replace article 35 with new provisions in respect of non-metropolitan territories to be inserted in article 19. The instrument of amendment has not come into force.

¹⁰ Report III (Part 2).

IV. Reports on ratified Conventions

Obligation to report

34. Article 22 of the Constitution provides: ¹

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.

Reporting system

35. In November 2001 and March 2002, the Governing Body approved a new reporting system, which entered into force in 2003 for a period of five years. ² Reports on ratified Conventions are either due every two years for fundamental and priority Conventions, or every five years for all the other Conventions, unless they are specifically requested at shorter intervals.

(a) *Detailed reports.* Detailed reports are to be drawn up in accordance with the report form approved by the Governing Body of the ILO for each Convention. ³ Member

¹ The obligation under article 22 to report on the application of ratified Conventions is distinct from various other obligations laid down by individual Conventions, requiring information (such as statistics or labour inspection reports) to be regularly supplied to the International Labour Office. The obligations under individual Conventions are independent and remain unaffected by changes in the article 22 reporting system described here.

² Documents GB.282/LILS/5 of Nov. 2001 and GB.283/LILS/6 of Mar. 2002.

With regard to the reporting system, the Governing Body decided in Nov. 2001 to:

- (a) maintain the two-year and five-year reporting cycles, with the Conventions presently in each group;
- (b) approve the grouping of fundamental and priority Conventions alphabetically by country for reporting purposes;
- (c) approve the arrangement of all other Conventions by subject groups for reporting purposes;
- (d) discontinue detailed reports on fundamental and priority Conventions unless there are changes, or they are requested by supervisory bodies;
- (e) discontinue the automatic requirement to send a detailed report if the government fails in its obligation to send a simplified report;
- (f) discontinue the automatic requirement for detailed second reports.

With a view to the implementation of its decisions, in Mar. 2002 the Governing Body approved for reporting purposes the grouping by subject matter of Conventions in the five-year cycle and the arrangement of the groups of Conventions in two-year and five-year cycles for reporting purposes.

³ For the content of a *detailed* report, see para. 36 below.

States are requested to provide a *detailed* report at their own initiative if there have been significant changes in the application of a ratified Convention (for example, the adoption of substantial new legislation or other changes affecting the application of a Convention). *Detailed* reports are also required in the following cases:

- (i) where they are explicitly requested by the Committee of Experts or the Conference Committee (the Committee of Experts requests detailed reports by means of a footnote in an observation or direct request and the Conference Committee when adopting its conclusions);
 - (ii) a *detailed* first report is requested the year following the entry into force of a Convention for a particular country.
- (b) *Simplified reports*. Subsequent reports are requested periodically on one of the following bases, on the understanding that the Committee of Experts may request *detailed* reports outside the usual reporting cycle.
- (i) *Two-year cycle*. Reports are automatically requested every two years for the following 12 Conventions, which are considered to be *fundamental or priority Conventions*.⁴ Requests for reports are divided into two groups. States with names beginning with the letters A to K (in English alphabetical order) provide reports on fundamental and priority Conventions in even-numbered years and those in the second half of the alphabet supply their reports in odd-numbered years.

Fundamental Conventions:

- *freedom of association and collective bargaining*: Conventions Nos. 87 and 98;
- *abolition of forced labour*: Conventions Nos. 29 and 105;
- *equality of opportunity and treatment*: Conventions Nos. 100 and 111;
- *child labour*: Conventions Nos. 138 and 182.

Priority Conventions:

- *employment policy*: Convention No. 122;
- *labour inspection*: Conventions Nos. 81 and 129;
- *tripartite consultations*: Convention No. 144.

- (ii) *Five-year cycle*. *Simplified*⁵ reports are requested every five years for the other Conventions, in accordance with their arrangement by subject matter. For certain groups of Conventions with a large number of instruments, States are requested to provide their *simplified* reports according to the same distribution by alphabetical order as for the fundamental and priority Conventions:

⁴ The Governing Body may periodically review the Conventions for which reports are required every two years.

⁵ For the content of a *simplified* report, see para. 37 below.

-
- *freedom of association (agriculture, non-metropolitan territories)*: Conventions Nos. 11, 84 and 141;
 - *industrial relations*: Conventions Nos. 135, 151 and 154;
 - *protection of children and young persons*: Conventions Nos. 5, 6, 10, 33, 59, 77, 78, 79, 90, 123 and 124;
 - *employment promotion*: Conventions Nos. 2, 88, 96, 159 and 181;
 - *vocational guidance and training*: Conventions Nos. 140 and 142;
 - *security of employment*: Convention No. 158;
 - *social policy*: Conventions Nos. 82 and 117;
 - *wages*: Conventions Nos. 26, 94, 95, 99, 131 and 173;
 - *working time*: Conventions Nos. 1, 14, 30, 47, 52, 89, 101, 106, 132, 153, 171 and 175;
 - *workers with family responsibilities*: Convention No. 156;
 - *migrant workers*: Conventions Nos. 97 and 143;
 - *occupational safety and health*: Conventions Nos. 13, 45, 62, 115, 119, 120, 127, 136, 139, 148, 155, 161, 162, 167, 170, 174, 176 and 184;
 - *social security*: Conventions Nos. 12, 17, 18, 19, 24, 25, 42, 44, 102, 118, 121, 128, 130, 157 and 168;
 - *maternity protection*: Conventions Nos. 3, 103 and 183;
 - *labour administration*: Conventions Nos. 63, 85, 150 and 160;
 - *seafarers*: Conventions Nos. 7, 8, 9, 16, 22, 23, 53, 55, 56, 58, 68, 69, 71, 73, 74, 92, 108, 133, 134, 145, 146, 147, 163, 164, 165, 166, 178, 179, 180 and 185;
 - *fishermen*: Conventions Nos. 112, 113, 114, 125 and 126;
 - *dockworkers*: Conventions Nos. 27, 32, 137 and 152;
 - *indigenous and tribal peoples*: Conventions Nos. 107 and 169;
 - *specific categories of workers*: Conventions Nos. 110, 149, 172 and 177.
- (c) *Non-periodic reports*. Non-periodic reports on the application of a ratified Convention are requested in the following cases:
- (i) when the Committee of Experts, of its own initiative or that of the Conference Committee on the Application of Standards, so requests;

-
- (ii) when the Committee of Experts is called on to consider the follow-up to proceedings instituted under articles 24 or 26 of the Constitution or before the Committee on Freedom of Association;⁶
 - (iii) when comments have been received from national or international employers' or workers' organizations and the Committee of Experts considers that a detailed report is warranted in the light of the government's replies or the fact that the government has not replied;
 - (iv) when no report is supplied or no reply provided to comments made by the supervisory bodies (given that, where there is repeated failure to reply or the reply is manifestly inadequate, the Committee of Experts may examine the matter on the basis of the available information).
- (d) *Exemption from reporting.* Subject to the conditions and safeguards laid down by the Governing Body,⁷ no reports are requested on certain Conventions, particularly those which have been shelved.⁸

⁶ In this respect, see paras. 76-84 below.

⁷ In Mar. 1996, the Governing Body confirmed the suspension of requests for reports on certain Conventions which no longer appear to be up-to-date, subject to the conditions and safeguards established at its 229th Session (February-March 1985). Para. 4 of document GB.229/10/9 reads as follows:

- (a) Should circumstances change so as to give renewed importance to any of the Conventions concerned, the Governing Body could again require detailed reports to be presented on their application.
- (b) Employers' and workers' organizations would remain free to present comments on problems encountered in the fields covered by the Conventions concerned. In accordance with established procedures, these comments would be considered by the Committee of Experts on the Application of Conventions and Recommendations, which could request such information (including a detailed report) as it might deem appropriate.
- (c) On the basis of information given in the general reports or otherwise at its disposal (for example, legislative texts), the Committee of Experts would be free at any time to make comments and to request information concerning the application of the Conventions concerned, including the possibility to ask for a detailed report.
- (d) The right to invoke the constitutional provisions relating to representations and complaints (articles 24 and 26) in respect of the Conventions concerned would remain unaffected.

⁸ The following 24 Conventions have been shelved and reports are no longer requested on them on a regular basis: Conventions Nos. 4, 15, 20, 21, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 48, 49, 50, 60, 64, 65, 67, 86, 91 and 104. The shelving of Conventions is without incidence as to their effects on the legal systems of the member States which have ratified them.

The following Conventions are not subject to reporting under article 22 of the Constitution – Conventions which have been withdrawn: Conventions Nos. 31, 46, 51, 61 and 66; Conventions which have not entered into force: Conventions Nos. 54, 57, 70, 72, 75, 76, 93 and 109; and Conventions on the final Articles: Conventions Nos. 80 and 116.

Furthermore, the supervision of Convention No. 83 is carried out in the context of the examination of the Conventions listed in the Schedule to that instrument.

Detailed reports

36. A *detailed* report should be in the form approved by the Governing Body for each Convention. The form sets out the substantive provisions of the Convention, information on which has to be supplied. It includes specific questions as to some of the substantive provisions, designed to aid in the preparation of information which will enable the supervisory bodies to appreciate the manner in which the Convention is applied. A typical report form also contains questions on the following matters:
- (a) *Laws, regulations, etc.* All relevant legislation or similar provisions should be listed and – unless this has already been done – copies supplied.
 - (b) *Permitted exclusions, exceptions or other limitations.* Several Conventions allow given categories of people, economic activities or geographical areas to be exempted from application, but require a ratifying State which intends to make use of such limitations to indicate *in its first article 22 report* the extent to which it has recourse to them. It is therefore essential for the first report to include indications in this respect, since, if it does not, the limitations will no longer be possible. The same Conventions may call for information to be included in subsequent article 22 reports indicating the extent to which effect is nevertheless given to the Convention in respect of the excluded persons, activities or areas.
 - (c) *Implementation of the Convention.* Detailed information should be given *for each Article* on the provisions of legislation or other measures applying it. Some Conventions ask for particular information to be included in reports (as to the practical application of the Convention or certain Articles or as to application in cases of exclusion).
 - (d) *Effect of ratification.* Information is asked for as to any constitutional provisions giving the ratified Convention the force of national law and any additional measures taken to make the Convention effective.⁹
 - (e) *Comments by the supervisory bodies.* Where the Committee of Experts or the Conference Committee on the Application of Standards have made comments or asked for information, the report should indicate the action taken and supply the information wanted.
 - (f) *Enforcement.* Governments are asked to indicate the authorities responsible for administration and enforcement of the relevant laws, regulations, etc., and to supply information on their activities. Copies of the authorities' own reports may be appended or – if they have already been supplied – referred to.
 - (g) *Judicial or administrative decisions.* Governments are asked to supply either a copy or a summary of relevant decisions.
 - (h) *Technical cooperation.* Governments are asked to indicate the measures taken as a result of the assistance or advice provided in the context of ILO technical cooperation projects.
 - (i) *General appreciation.* Governments are asked to give a general assessment of how the Convention is applied, with extracts from any official reports, statistics of workers

⁹ See para. 29 above.

covered by the legislation or collective agreements, details of contraventions of the legislation, prosecutions, etc.

- (j) *Observations by employers' and workers' organizations.* Full information should be provided with any government response.¹⁰
- (k) *Communication of copies of reports to employers' and workers' organizations.* The names of the organizations to which copies are sent should be given.¹¹

Simplified reports

37. These will contain only:

- (a) *Replies to the comments of the supervisory bodies:* full particulars in reply to any questions raised in the comments (observations and direct requests) of the Committee of Experts concerning the application of the Convention.
- (b) *Laws, regulations, etc.:* information on whether any changes have occurred in legislation and practice affecting the application of the Convention and on the nature and effect of such changes (if the changes are significant, a *detailed* report should be provided).
- (c) *Implementation of the Convention:* statistical or other information and communications prescribed by the Convention in question (including required information on any permitted exclusions).
- (d) *Communication of copies of reports to employers' and workers' organizations:* an indication of the employers' and workers' organizations to which copies of the simplified report have been addressed.
- (e) *Observations of employers' and workers' organizations:* the text of any observations made by employers' and workers' organizations to which a copy of the simplified report has been addressed, where these observations have not already been forwarded to the Office, and any comments that the Government wishes to make on the observations received.

Consultation of employers' and workers' organizations

38. Article 5, paragraph 1(d), of Convention No. 144 and Paragraph 5(e) of Recommendation No. 152 provide for consultation of representatives of employers' and workers' organizations on questions arising out of reports to be made on ratified Conventions.

Communication of reports to employers' and workers' organizations

39. Under article 23, paragraph 2, of the Constitution, copies of all reports on the application of ratified Conventions should be communicated to representative organizations of

¹⁰ See para. 40 below.

¹¹ See para. 39 below.

employers and workers. This may be done either prior to finalization of the report, inviting comments which can yet be taken into account, or at the same time as the reports are sent to the ILO. In any event, when forwarding their reports to the ILO, governments should indicate the organizations to which communication has been made. Those organizations may make any observations they wish on the application of ratified Conventions.

Observations of employers' and workers' organizations

40. Observations may be received by a government directly from an organization, concerning the implementation of a ratified Convention or relevant legislation. They may or may not relate specifically to one of the government's reports. Full details – including, normally, a copy of the observations – should be sent in the government's report, together with the government's response, if any. Observations may alternatively be received by the Office straight from an organization: in this case, the Office acknowledges receipt and simultaneously forwards a copy to the government concerned, so that it might respond.

ILO procedures for requesting reports¹²

41. (a) Letters requesting reports on the application of ratified Conventions are sent to governments each February, together with a list of the Conventions on which respectively *detailed* and *simplified* reports are due; the report forms adopted by the Governing Body in the case of the *detailed* reports; shorter questionnaires in the case of *simplified* reports; copies of observations and direct requests of the Committee of Experts to which replies are due; copies of any discussion of an individual case on which a report is due in the Conference Committee on the Application of Standards; and guidance notes on matters to be taken into account in preparing the reports. Copies of the requests for reports and related comments of the Committee of Experts are also sent to national organizations of employers and workers.
- (b) In accordance with the Governing Body decision, reports are requested to reach the Office between 1 June and 1 September at the latest each year.¹³ Reminders are sent to governments which do not transmit their reports on time, and the matter may be raised with government delegates at the June session of the Conference. ILO field offices and standards specialists in the field may also be asked to assist by contacting governments concerned.
- (c) In response to the Committee of Experts' request, the Office, when it receives governments' reports, checks to see whether they contain information and documents in reply to any observations or direct requests of the Committee of Experts itself or observations of the Conference Committee. If they do not, the Office will, without entering into the substance of the matter, draw the attention of the government concerned to the need for a reply. The Office is also requested to write to governments concerned when reports are not accompanied by copies of relevant legislation, statistics or other documentation at issue and these are not otherwise available, and to ask them to send such documentation. The substance of information supplied is examined by the responsible supervisory bodies.

¹² Procedures for the *examination* of reports are described in para. 56 below.

¹³ Governments may transmit their reports all together or in batches. The reports should cover the period up to the time when they are transmitted.

Summary

42. Under article 23, paragraph 1, of the Constitution, a summary of reports on the application of ratified Conventions has to be laid before the next meeting of the Conference. Such summary appears in an abbreviated, tabular form in *Report III (Part 1A)*. In addition, the Office (through the secretariat of the Committee on the Application of Standards) makes copies of reports on ratified Conventions available for consultation at the Conference, if required.

Arrangement of Conventions ¹ by group in the two-year and five-year reporting cycles for reporting purposes
(English alphabetical order)

1st year	2nd year	3rd year	4th year	5th year
2003	2004	2005	2006	2007
TWO-YEAR CYCLE				
<i>Freedom of association and collective bargaining (A-J)</i>	<i>Freedom of association and collective bargaining (K-Z)</i>	<i>Freedom of association and collective bargaining (A-J)</i>	<i>Freedom of association and collective bargaining (K-Z)</i>	<i>Freedom of association and collective bargaining (A-J)</i>
87	87	87	87	87
98	98	98	98	98
<i>Forced labour (K-Z)</i>	<i>Forced labour (A-J)</i>	<i>Forced labour (K-Z)</i>	<i>Forced labour (A-J)</i>	<i>Forced labour (K-Z)</i>
29	29	29	29	29
105	105	105	105	105
<i>Equality of opportunity and treatment (A-J)</i>	<i>Equality of opportunity and treatment (K-Z)</i>	<i>Equality of opportunity and treatment (A-J)</i>	<i>Equality of opportunity and treatment (K-Z)</i>	<i>Equality of opportunity and treatment (A-J)</i>
100	100	100	100	100
111	111	111	111	111
<i>Child labour (K-Z)</i>	<i>Child labour (A-J)</i>	<i>Child labour (K-Z)</i>	<i>Child labour (A-J)</i>	<i>Child labour (K-Z)</i>
138	138	138	138	138
182	182	182	182	182
<i>Employment policy (A-J)</i>	<i>Employment policy (K-Z)</i>	<i>Employment policy (A-J)</i>	<i>Employment policy (K-Z)</i>	<i>Employment policy (A-J)</i>
122	122	122	122	122

¹ The following Conventions are not included in the table because they are not subject to reporting under article 22 of the Constitution: withdrawn Conventions – Conventions Nos. 31, 46, 51, 61, 66; Conventions that have not entered into force – Conventions Nos. 54, 57, 70, 72, 75, 76, 93, 109; Conventions on final provisions – Conventions Nos. 80, 116. In addition, supervision of Convention No. 83 takes place as part of the supervisory process for the Conventions listed in the annex to that instrument. The following shelved Conventions are indicated between square brackets in the table: Conventions Nos. 4, 15, 20, 21, 28, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 48, 49, 50, 60, 64, 65, 67, 86, 91, 104. Reports on the application of shelved Conventions are not requested on a regular basis. However, detailed reports may become due on these Conventions following, among other things, observations submitted by employers' and workers' organizations.

1st year	2nd year	3rd year	4th year	5th year
2003	2004	2005	2006	2007
<i>Labour inspection (K-Z)</i>	<i>Labour inspection (A-J)</i>	<i>Labour inspection (K-Z)</i>	<i>Labour inspection (A-J)</i>	<i>Labour inspection (K-Z)</i>
81	81	81	81	81
129	129	129	129	129
<i>Tripartite consultations (A-J)</i>	<i>Tripartite consultations (K-Z)</i>	<i>Tripartite consultations (A-J)</i>	<i>Tripartite consultations (K-Z)</i>	<i>Tripartite consultations (A-J)</i>
144	144	144	144	144
FIVE-YEAR CYCLE				
<i>Working time</i>	<i>Occupational safety and health (K-Z)</i>	<i>Occupational safety and health (A-J)</i>	<i>Social security (K-Z) ²</i>	<i>Social security (A-J)</i>
1	13	13	12	12
[4]	45	45	17	17
14	62	62	18	18
[20]	115	115	19	19
30	119	119	24	24
[41]	120	120	25	25
[43]	127	127	[35]	[35]
47	136	136	[36]	[36]
[49]	139	139	[37]	[37]
52	148	148	[38]	[38]
[67]	155	155	[39]	[39]
89	161	161	[40]	[40]
101	162	162	42	42
106	167	167	[44]	[44]
132	170	170	[48]	[48]
153	174	174	102	102
171	176	176	118	118
175	184	184	121	121
<i>Social policy</i>	<i>Seafarers (A-J)</i>	<i>Seafarers (K-Z)</i>	128	128
82	7	7	130	130
117	8	8	157	157
<i>Maternity protection</i>	9	9	168	168

² Countries which belong to the group A-J (English alphabetical order) and have ratified the European Code of Social Security, will be requested to submit their report at the same time as the group K-Z.

1st year	2nd year	3rd year	4th year	5th year
2003	2004	2005	2006	2007
3	[15]	[15]	<i>Protection of children and young persons (A-J)</i>	<i>Protection of children and young persons (K-Z)</i>
103	16	16	5	5
183	22	22	6	6
<i>Specific categories of workers</i>	23	23	10	10
110	53	53	33	33
149	55	55	59	59
172	56	56	[60]	[60]
177	58	58	77	77
<i>Indigenous and tribal peoples</i>	68	68	78	78
[50]	69	69	79	79
[64]	71	71	90	90
[65]	73	73	123	123
[86]	74	74	124	124
[104]	[91]	[91]		
107	92	92	<i>Wages (A-J)</i>	<i>Wages (K-Z)</i>
169	108	108	26	26
<i>Vocational guidance and training</i>	133	133	94	94
140	134	134	95	95
142	145	145	99	99
	146	146	131	131
	147	147	173	173
	163	163	<i>Fishermen</i>	<i>Dockworkers</i>
	164	164	112	27
	165	165	113	[28]
	166	166	114	32
	178	178	125	137
	179	179	126	152
	180	180	<i>Workers with family responsibilities</i>	<i>Migrant workers</i>
	<i>Employment promotion (K-Z)</i>	<i>Employment promotion (A-J)</i>	156	[21]
	2	2	<i>Security of employment</i>	97
	[34]	[34]	158	143
	88	88	<i>Freedom of association (agriculture, NMTs)</i>	
	96	96	11	

1st year	2nd year	3rd year	4th year	5th year
2003	2004	2005	2006	2007
	159	159	84	
	181	181	141	
	<i>Labour administration (A-J)</i>	<i>Labour administration (K-Z)</i>		
	63	63		
	85	85		
	150	150		
	160	160		
	<i>Industrial relations</i>			
	135			
	151			
	154			

V. Reports on unratified Conventions and on Recommendations – the 1998 Declaration

Obligation to report on unratified Conventions

43. Under article 19, paragraph 5(e), of the Constitution, a member State undertakes, in respect of any Convention which it has not ratified, to:

... 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.

Obligation to report on Recommendations

44. Under article 19, paragraph 6(d), of the Constitution, member States undertake to:

... 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.

Federal States

45. Special provisions in respect of federal States as to the obligation to report on unratified Conventions and on Recommendations are laid down in article 19, paragraph 7(b)(iv) and (v), of the Constitution.

Choice of instruments for reports ¹

46. Reports and their subsequent examination by the supervisory bodies are helpful when drawing up the Organization's programme of work, particularly in relation to the adoption of any new or revised standards, in assessing the impact and continuing usefulness of the instruments to be reviewed and in providing governments and the social partners with the opportunity to review their policies and implement other measures in areas of major interest, as well as deciding on new ratifications, where appropriate. The Governing Body selects the instruments on which reports are to be requested each year on the following basis:

¹ In practice, the article 19 reporting procedure described here has been used by the Governing Body rather than the separate clause included in the final provisions of all Conventions, whereby the Governing Body may at any time present to the Conference a report on the working of the Convention and examine the desirability of placing on the Conference agenda the question of its revision in whole or in part.

-
- (a) the Conventions and Recommendations selected are grouped by subject matter;
 - (b) in order not to overburden national administrations which have to prepare the reports or the ILO's supervisory procedures, only a small number of instruments are selected;
 - (c) the subjects chosen are of current interest.

Follow-up of the 1998 Declaration

47. The follow-up of the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labour Conference on 19 June 1998, is based on reports requested from member States under article 19, paragraph 5(e), of the Constitution. The forms for these reports are designed to obtain information on any changes in their law and practice from governments which have not ratified one or more of the fundamental Conventions.² The organizations of employers and workers may voice their opinion on the reports. These reports, compiled by the Office, are examined by the Governing Body. With a view to submitting an introduction to the reports that are compiled, the Office calls on the services of a Group of Experts appointed for this purpose by the Governing Body.
48. In addition, a *Global Report* is drawn up under the responsibility of the Director-General and is submitted to the Conference, based on official information or information compiled and verified according to established procedures. In the case of member States which have not ratified the fundamental Conventions, the Global Report is based in particular on the findings of the annual follow-up. In the case of member States which have ratified the corresponding Conventions, it is based mainly on the reports examined under article 22 of the Constitution.

Report forms

49. The Governing Body has adopted a standard form of questionnaire for reports on unratified Conventions and on Recommendations. In recent years, more specific forms have been adopted by the Governing Body asking precise questions relating to the instruments in question.

ILO procedures for requesting reports³

50. Letters requesting reports on unratified Conventions and on Recommendations are sent to governments in September each year, together with the report forms and copies of the instruments concerned. Copies of the requests are sent to national organizations of employers and workers. By decision of the Governing Body, reports are requested for 30 April at the latest. Reminders are sent to governments which do not transmit their reports by the due date.

² The eight fundamental Conventions concern freedom of association (Conventions Nos. 87 and 98), the abolition of forced labour (Conventions Nos. 29 and 105), equality of opportunity and treatment (Conventions Nos. 100 and 111) and child labour (Conventions Nos. 138 and 182). Member States which have ratified fundamental Conventions have to provide reports on their application every two years under article 22 of the Constitution (see para. 35 above).

³ The procedures for the *examination* of reports and the *preparation* of General Surveys are described in paras. 56 and 60 below.

Consultation of employers' and workers' organizations

51. Paragraph 5(e) of Recommendation No. 152 calls for consultation of representatives of employers' and workers' organizations on questions arising out of reports to be made on unratified Conventions and on Recommendations. In addition, Article 5, paragraph 1(c), of Convention No. 144 and Paragraph 5(d) of Recommendation No. 152 provide for tripartite consultations at appropriate intervals to consider what measures might be taken to promote implementation and ratification as appropriate of Conventions which have not been ratified and Recommendations to which effect has not been given.

Communication of reports to employers' and workers' organizations

52. Under article 23, paragraph 2, of the Constitution, governments have to communicate copies of all reports on unratified Conventions and on Recommendations to representative organizations of employers and workers and indicate, when forwarding their reports to the ILO, the organizations to which communication has been made. Those or any other employers' or workers' organizations may make any observations they wish on the subjects in question.

Summary

53. Under article 23, paragraph 1, of the Constitution, a summary of reports on unratified Conventions and on Recommendations has to be laid before the next meeting of the Conference. Such summary appears in an abbreviated form in Report III (Part 1A), as a list of reports received. In addition, the Office (through the secretariat of the Committee on the Application of Standards) makes copies of the reports available for consultation at the Conference, if required.

VI. Regular machinery for supervising the observance of obligations deriving from Conventions and Recommendations

Regular supervisory bodies

54. On the basis of a resolution adopted by the Eighth Session of the International Labour Conference in 1926, the Committee of Experts on the Application of Conventions and Recommendations and the Conference Committee on the Application of Standards were given responsibility for regular supervision of the observance by member States of their standards-related obligations.

A. Committee of Experts

Composition, terms of reference and working methods ¹

55. Members of the Committee are appointed by the Governing Body on the proposal of the Director-General for renewable periods of three years. Appointments are made in a personal capacity among completely impartial persons of technical competence and independent standing. They are drawn from all parts of the world, in order that the Committee may enjoy first-hand experience of different legal, economic and social systems. The Committee's fundamental principles are those of independence, impartiality and objectivity in noting the extent to which the position in each State appears to conform to the terms of the Conventions and the obligations accepted under the ILO Constitution. In this spirit, the Committee is called on to examine: ²

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

¹ The fundamental principles, terms of reference and working methods of the Committee of Experts are restated in the Committee's report to the 73rd Session of the Conference (1987), Report III (*Part 4A*), paras. 37-49. Since 1999, the Committee of Experts has undertaken a thorough examination of its working methods. It has paid particular attention to drafting its report in a manner to make it more accessible and draw the attention of a broader readership to the importance of the provisions of Conventions and their practical application. In 2002, the Committee of Experts decided to create a subcommittee with the mandate of examining not only the working methods of the Committee as strictly defined, but also any related subjects. Since 2003, information on the work of the subcommittee have been included in the first part of the General Report of the Committee of Experts (ILC, 91st Session (2003), *Report III (Part 1A)*, General Report, paras. 7-10).

² These terms of reference are as revised by the Governing Body at its 103rd Session (1947).

Organization of the Committee's work

56. (a) The Committee meets on dates determined by the Governing Body.³
- (b) At each session's opening sitting, the Committee holds elections to the Chairperson and the office of the Reporter.
- (c) The Committee meets in private. Its documents and deliberations are confidential.
- (d) The United Nations is invited to be represented at appropriate Committee sessions. When the Committee deals with instruments or matters related to the competence of other specialized agencies of the United Nations system, representatives of those agencies may be invited to attend the sitting.
- (e) The Committee assigns to each of its members initial responsibility for groups of Conventions or subjects. Reports and information received early enough by the Office are forwarded to the member concerned before the session. The member responsible for each group of Conventions or subject may take the initiative of consulting other members, and any other member may ask to be consulted, before the preliminary findings are submitted to the Committee as a whole in the form of draft observations and direct requests. The wording is at this stage at the sole discretion of the member responsible. All the preliminary findings are then considered, for approval, by the Committee as a whole.
- (f) The Committee appoints working parties to deal with general or especially complex questions, such as General Surveys of reports under articles 19 and 22 of the Constitution.⁴ Working parties include members with knowledge of different legal, economic and social systems. Their preliminary findings are submitted to the Committee as a whole.
- (g) Documentation available to the Committee includes the information supplied by governments in their reports⁵ or in the Conference Committee on the Application of Standards; relevant legislation, collective agreements and court decisions; information supplied by States on the results of inspections; comments of employers' and workers' organizations; reports of other ILO bodies (such as commissions of inquiry or the Governing Body Committee on Freedom of Association) and reports of technical cooperation activities.
- (h) The Committee has asked the Office, where necessary, to prepare a comparative analysis of the ratifying State's national law and practice vis-à-vis each Convention, which is considered by the member responsible. It has also asked the Office to prepare for the member responsible notes on legal questions necessary for the examination of the information provided.
- (i) Although the conclusions of the Committee have traditionally represented unanimous agreement among its members, decisions can be taken by a majority. Where that happens, it is the established practice of the Committee to include in its report

³ The meetings are held at the end of Nov.-beginning of Dec. each year.

⁴ See also paras. 43-52 above.

⁵ See also para. 46(c) above.

opinions of dissenting members if they so wish, together with any response of the Committee as a whole.

- (j) The qualified secretariat which is necessary to the work of the Committee is placed at its disposal by the Director-General of the ILO.
- (k) The report of the Committee is in the first place submitted to the Governing Body (at its session in March-April) for transmission to the Conference (which usually meets in June each year).⁶ The final findings take the form of:

*Part I:*⁷ a general report (giving an overview of the Committee's work and drawing the attention of the Governing Body, the Conference and member States to matters of general interest or special concern);

Part II: individual *observations* on:⁸ (i) the application of ratified Conventions in member States; (ii) the application of Conventions in non-metropolitan territories for whose international relations member States are responsible; and (iii) the submission of Conventions and Recommendations to the competent national authorities;

- a series of *direct requests*:⁹ further individual comments addressed to governments by the Director-General of the ILO on behalf of the Committee;
- a series of *acknowledgements*:¹⁰ when a government has given a full reply to a direct request asking for further information and there is no need for further comment;

⁶ The Office posts on the ILO web site the General Report of the Committee of Experts and its observations on the application of Conventions. The entire findings of the Committee of Experts, including *direct requests*, are accessible via the Internet once they have been sent to the governments. See Appendix II below for basic documentation on Conventions and Recommendations.

⁷ Parts I and II appear in a single volume, Report III (Part 1A) to the subsequent session of the International Labour Conference.

⁸ (i) *Observations* are generally used in more serious or long-standing cases of failure to fulfil obligations. In particularly important cases, the Committee may add a *footnote* requesting the government to send a *detailed* report in advance of the date when a report would otherwise be due under the reporting system described in para. 36 above. It may also add a *footnote* asking the government to supply full particulars to the Conference. (ii) *Observations expressing satisfaction* are used in cases of progress, where a government has taken the measures called for by earlier comments of the Committee. A list of cases in which the Committee of Experts has been able to *express satisfaction or interest* is drawn up each year and included in its General Report.

⁹ The full texts of direct requests do not appear in the report of the Committee of Experts to the Conference. Direct requests are listed after the individual observations for each group of Conventions. They may relate to matters of secondary importance or technical questions, or seek clarification to enable a more full assessment to be made of the effect given to obligations. They may, like *observations*, include *footnotes* asking for a *detailed* report in advance of the date on which it would otherwise be due.

¹⁰ Acknowledgements are also listed after the observations for each group of Conventions.

Part III: ¹¹ a *General Survey* of national law and practice in regard to the instruments on which reports have been supplied on unratified Conventions and on Recommendations under article 19 of the Constitution.

Communication of the comments of the Committee of Experts to governments

57. (a) Each year, the requests for reports on ratified Conventions sent to governments in February are accompanied by copies of any relevant comments of the Committee of Experts, including those adopted by the Committee at its session the previous December.
- (b) The Committee of Experts' report is published in March and immediately sent to governments.
- (c) Direct requests concerning submission to the competent authorities (as well as observations, which are already published in the report of the Committee) are transmitted together with the Memorandum on submission approved by the Governing Body.¹²

B. Conference Committee on the Application of Standards

Composition and officers

58. The Committee is set up under article 7 of the Standing Orders. It is tripartite, consisting of representatives of governments, employers and workers.¹³ The Committee holds elections from among each of the three groups to the Chairperson and two Vice-Chairpersons and to the office of the Reporter.¹⁴

Terms of reference¹⁵

59. (i) The Committee has to consider:
- (a) the measures taken by Members to give effect to the provisions of Conventions to which they are parties and the information furnished by Members concerning the results of inspections;

¹¹ This forms a separate volume, Report III (Part 1B). The *General Survey* also covers information received under article 22 from countries which have ratified the Conventions in question. *General Surveys* allow the Committee, in addition to reviewing national law and practice in member States, to examine difficulties raised by governments as standing in the way of the application of instruments, clarify their scope and indicate possible means of overcoming obstacles to their implementation.

¹² In this respect, see para. 13 above.

¹³ Any voting is weighted so as to yield equal strength for each group (SO, article 65, and the standing practice of the Conference).

¹⁴ SO, article 57.

¹⁵ SO, article 7.

-
- (b) the information and reports concerning Conventions and Recommendations communicated by Members in accordance with article 19 of the Constitution;
 - (c) the measures taken by Members in accordance with article 35 of the Constitution.
- (ii) The Committee has to submit a report to the Conference.

Organization of the Committee's work

60. Following the independent, technical examination of documentation carried out by the Committee of Experts, the proceedings of the Conference Committee present an opportunity for representatives of governments, employers and workers to meet and review the manner in which States are discharging their obligations under and relating to Conventions and Recommendations. Governments are able to amplify information previously supplied; indicate further measures proposed; draw attention to difficulties met with in the discharge of obligations; and seek guidance as to how to overcome such difficulties.

- (a) *Documents before the Committee.* The Committee has to consider Report III (Parts 1A and 1B), which is the report of the Committee of Experts.¹⁶ It also takes notice of documents containing the substance of written replies to observations of the Committee of Experts and supplementary information received by the Office since the meeting of the Committee of Experts.¹⁷
- (b) *General discussion.* In an opening general discussion, the Committee may review the matters covered by the general part of Report III (Part 1A), of the Committee of Experts' report. It may then discuss the *General Survey* in Report III (Part 1B).¹⁸
- (c) *Consideration of individual cases*
 - (i) The Officers of the Committee prepare a list of observations contained in the Committee of Experts' report, in respect of which they consider it desirable to invite governments to supply information to the Committee. The list is submitted to the Committee for approval.
 - (ii) Governments addressed by the observations in the approved list have a further opportunity to submit written replies, the substance of which will appear in a document for the information of the Committee. The Committee may then decide whether or not it wishes to receive supplementary oral information from a representative of the government concerned.
 - (iii) The Committee invites representatives of the governments concerned to attend one of its sittings to discuss the observations in question. Governments which are not members of the Committee are kept informed of its agenda and the date on which it wishes to hear statements from their representatives through the Conference *Daily Bulletin*.

¹⁶ See para. 56(k) above.

¹⁷ In addition, subject to the decision of the Governing Body and the Conference, the Committee has before it a report of the Joint ILO-UNESCO Committee of Experts on the Application of the Recommendation concerning the Status of Teachers.

¹⁸ And, as the case may be, the report of the Joint ILO-UNESCO Committee.

-
- (iv) Following statements of government representatives, members of the Committee may put questions or make comments, and the Committee may reach conclusions on the case.
 - (v) A summary of governments' statements and the ensuing discussion is reproduced in an appendix to the Committee's report to the Conference. In addition, the Committee includes in the body of its report information on its discussions as to various States' compliance with specific obligations: submission to the competent authorities; failure to comply with reporting obligations; mention of cases of progress, in which the Committee notes changes in law and practice which overcome difficulties previously discussed by it; paragraphs drawing the Conference's attention to discussions of certain special cases; other paragraphs drawing attention to cases discussed previously by the Committee where there has been continued failure over several years to eliminate serious deficiencies in the application of ratified Conventions; communication of copies of reports to employers' and workers' organizations; and participation in the work of the Committee.
 - (d) The report of the Conference Committee is submitted to the Conference and discussed in plenary, which gives delegates a further opportunity to draw attention to particular aspects of the Committee's work. The report is published in the *Record of Proceedings* of the Conference and separately for circulation to governments. The attention of governments is drawn to any particular points raised by the Committee for their consideration, as well as to the discussions of individual cases, so that due account may be taken in the preparation of subsequent reports.

VII. Role of employers' and workers' organizations¹

Communication of reports and information to employers' and workers' organizations

61. By virtue of the constitutional obligations on all member States,² representative organizations of employers and workers have to receive copies of:

- (a) information communicated to the Office concerning measures taken to submit Conventions and Recommendations to the competent national authorities;
- (b) reports on the application of ratified Conventions;
- (c) reports on unratified Conventions and on Recommendations.

In addition, the Office procedures in relation to these obligations³ endeavour to ensure that national organizations receive copies of relevant comments of the supervisory bodies and the requests for reports.

Consultation of representative organizations

62. Convention No. 144 and Recommendation No. 152 provide for tripartite consultations on:

- (a) government replies to questionnaires and comments on proposed new instruments to be discussed at the Conference;
- (b) proposals to be made to the competent authorities when Conventions and Recommendations are submitted to them;
- (c) questions arising out of reports on ratified Conventions;⁴
- (d) measures relating to unratified Conventions and Recommendations;⁵
- (e) denunciation of Conventions.

¹ See also the Office's *Note on the role of employers' and workers' organizations in the implementation of ILO Conventions and Recommendations* (paper D.40.1987). As to the role of employers' and workers' organizations in relation to special procedures, see paras. 76-84 below.

² See paras. 16, 39 and 52 above.

³ See paras. 14, 41 and 50 above.

⁴ Under Recommendation No. 152, consultations should also take place on questions arising out of article 19 reports (on submission to the competent authorities and on unratified Conventions and Recommendations); and, subject to national practice, on questions of legislation to give effect to Conventions (particularly when ratified) and Recommendations.

⁵ This question should be re-examined "at appropriate intervals".

Transmission of comments by employers' and workers' organizations

63. Any employers' or workers' organization, whether or not it has received copies of government reports, may at any time transmit its comments on any of the matters arising in connection with paragraphs 61 and 62 above. The Committee of Experts and the Conference Committee have emphasized the value of such comments as a means of assisting them, in particular, in assessing the effective application of ratified Conventions.

Participation in the Conference

64. Through their presence at the International Labour Conference, and particularly in the Committee on the Application of Standards, representatives of employers' and workers' organizations may raise matters concerning the discharge of standards-related obligations.

VIII. Interpretation of Conventions and Recommendations

Interpretation by the International Court of Justice

65. The International Court is, by virtue of article 37, paragraph 1, of the Constitution, which reads as follows, considered the only body competent to give authoritative interpretations of ILO Conventions and Recommendations:¹

Any question or dispute relating to the interpretation of this Constitution or of any subsequent Convention concluded by the Members in pursuance of the provisions of this Constitution shall be referred for decision to the International Court of Justice.

Informal opinion of the International Labour Office

66. Governments which are in doubt as to the meaning of particular provisions of an ILO Convention or Recommendation may request the Office to express its opinion. The Office, always with the reservation that it has no special authority under the Constitution to interpret Conventions and Recommendations, has assisted governments when asked for its opinion.² Where the request is for a formal or official opinion or the issue raised is likely to be of general interest, a *Memorandum by the International Labour Office* will be published in the *Official Bulletin*, containing the Office's opinion. A simple letter of reply will normally be sent by the Office in cases where a formal or official opinion is not specifically requested.

Explanations by the supervisory bodies

67. Explanations as to the scope and meaning of provisions of Conventions may be found in the reports of the Committee of Experts and the Conference Committee on the Application of Standards, Commissions of Inquiry appointed under article 26 of the Constitution, the Governing Body Committee on Freedom of Association and the Fact-Finding and Conciliation Commission on Freedom of Association.³

¹ Only one formal interpretation has at the time of printing been given: see *Official Bulletin*, Vol. XVII (1932), p. 179.

² In practice, the Office endeavours to assist employers' and workers' organizations similarly.

³ Given that there are special procedures for complaints alleging infringement of freedom of association, the Office has generally considered it inappropriate to express an opinion on the interpretation of standards in that field (*Minutes of the Governing Body*, 122nd Session (1953), p. 110).

IX. Revision of Conventions and Recommendations ¹

Nature of revision of Conventions

68. The formal revision (including the “*partial*” revision) of one, or sometimes several Conventions, results in most cases in the adoption of an entirely new Convention. The Conference may also undertake the *partial* revision of a Convention through the adoption of a Protocol or of provisions in a new Convention, the acceptance of which brings to an end the obligations under the corresponding provisions of an earlier Convention.² Certain Conventions also provide for specific procedures for the amendment of annexes.³ Finally, without formally constituting a revision, the updating of certain technical or scientific data is envisaged in certain Conventions through a technique of reference to the most recent data published on the subject.⁴

Method and effect of revision of Conventions

69. A Convention is not regarded as revising an earlier instrument unless the intention to revise is explicitly or implicitly stated in the title, preamble or operative provisions of the later Convention.

- (a) *Conventions Nos. 1-26.* These contain no provisions as to the consequences of the adoption or ratification of a revising Convention. The adoption of a revising Convention by the Conference in itself therefore neither closes the earlier one to further ratifications nor involves automatic denunciation of it.⁵
- (b) *Conventions Nos. 27 and after.* These contain a final Article specifying that, *unless the new revising Convention provides otherwise*, the following are the consequences of the ratification and coming into force of a later revising Convention:

¹ For the revision procedure, see para. 5 above.

² See Convention No. 173, which *partially* revises Convention No. 95. Similarly, following the ratification of Conventions Nos. 121, 128 and 130, and where appropriate the acceptance of certain parts of those Conventions, the corresponding provisions of Convention No. 102 cease to apply; however, the term “revision” is not explicitly used in this context. The Final Articles Revision Conventions (Nos. 80 and 116) are other specific examples of *partial* revisions.

³ See Conventions Nos. 83, 97, 121 and 185. The procedure provided for in Convention No. 185 differs from that of the other Conventions.

⁴ See, for example, Conventions Nos. 102, 121, 128 and 130, which refer to the International Standard Industrial Classification of All Economic Activities, adopted by the Economic and Social Council of the United Nations, “as at any time further amended”, and Convention No. 139, which refers to “the latest information contained in the codes of practice or guides which may be established by the International Labour Office”.

⁵ A revising Convention may provide that ratification, under given conditions, constitutes an act of denunciation of the earlier Convention (e.g. Convention No. 138 (Article 10, para. 5), as regards Conventions Nos. 5, 7, 10 and 15, and Convention No. 179 (Article 9) in relation to Convention No. 9). With regard to denunciation, see paras. 71-75 below.

-
- (1) ratification by a Member of the revising Convention will involve the automatic denunciation by it of the earlier Convention from the date on which the revising Convention comes into force;
 - (2) from the date when the new revising Convention comes into force, the earlier Convention will be closed to further ratification;
 - (3) the earlier Convention, once it has come into force, will remain in force as it stands for Members which have ratified it but not the later revising Convention.
- (c) *Alternative provisions.* The final Articles of each Convention have to be referred to in order to determine whether the above provisions apply.

Revision of Recommendations

- 70.** The revision or replacement (the two terms have been used synonymously) of a Recommendation, or sometimes several Recommendations, has given rise in almost all cases to the adoption of a new Recommendation. Moreover, certain Recommendations envisage specific procedures for the amendment of annexes. As Recommendations do not have the binding force of Conventions, their revision or replacement has lesser consequences. Nevertheless, a Recommendation which revises or replaces one or more earlier Recommendations replaces the earlier instrument(s). In such cases, reference should only be made to the new Recommendation.

X. Denunciation of Conventions

Conditions for denunciation

71. Every Convention¹ contains an Article determining the conditions in which States which have ratified it may denounce it (i.e. terminate their obligations).² Each Convention's precise terms have to be referred to, but in general:
- (a) *Conventions Nos. 1-25.* Denunciation is possible *at any time* after an initial period of five or ten years (as indicated) of the Convention first coming into force;
 - (b) *Conventions Nos. 26 and after.* Denunciation is possible after an initial period of five or (more often) ten years (as indicated) of the Convention first coming into force, but only *during an interval of one year*. Denunciation similarly becomes possible again after subsequent periods of five or ten years, as indicated.

Consultation of employers' and workers' organizations

72. (a) The Governing Body has stated as a general principle that, in any case in which the denunciation of a ratified Convention may be contemplated, it is desirable for the government, before taking a decision, fully to consult the representative organizations of employers and workers on the problems encountered and the measures to be taken to resolve them.³
- (b) Article 5, paragraph 1(e), of Convention No. 144 requires the consultation of representatives of employers' and workers' organizations on any proposals for the denunciation of ratified Conventions.⁴

Form of communication of denunciation

73. Denunciation, according to the relevant Article in each Convention, is effected by an act communicated to the Director-General of the International Labour Office for registration. The instrument of denunciation must:⁵
- (a) clearly identify the Convention being denounced;

¹ Except the Final Articles Revision Conventions Nos. 80 and 116.

² Such an Article is additional to one providing for automatic denunciation by virtue of the ratification of a revising Convention – see para. ... above. In three cases (Conventions Nos. 102, 128 and 148), denunciation is possible also in respect of separate Parts only.

³ *Minutes of the Governing Body*, 184th Session (November 1971), pp. 95 and 210.

⁴ For States which have not ratified Convention No. 144, see Paragraph 5 of the Tripartite Consultation (Activities of the International Labour Organisation) Recommendation, 1976 (No. 152).

⁵ For the requirements relating to instruments of ratification, see para. 20 above.

-
- (b) be an original document (on paper, not a facsimile or photocopy) signed by a person with authority to engage the State (such as the Head of State, Prime Minister, Minister responsible for Foreign Affairs or Labour);
 - (c) clearly indicate that it constitutes a formal denunciation of the Convention concerned.

Office procedures

74. (a) On becoming aware of any case in which the denunciation of a Convention is contemplated, the Office will draw the attention of the government concerned to the general principle as to consultation referred to in paragraph 70(a) above.
- (b) In any case in which a government communicates the denunciation of a Convention without any indication of the reasons which have led to its decision, the Office will request the government concerned to provide such indications for the information of the Governing Body. States which have ratified Convention No. 144 are under the obligation to include information on the tripartite consultations held prior to a denunciation in the reports provided under article 22 of the Constitution.
- (c) *Registration of denunciations.* Every denunciation registered by the Director-General is notified to the Secretary-General of the United Nations, reported to the Governing Body and published in the *Official Bulletin*.

Effect of denunciation

75. Denunciations take effect in accordance with the final Articles of each Convention (usually one year after they are registered by the Director-General).

XI. Special procedures

A. Representations as to the observance of ratified Conventions

Constitutional provisions

76. Articles 24 and 25 of the Constitution read as follows:

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite that government to make such statement on the subject as it may think fit.

Article 25

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the latter shall have the right to publish the representation and the statement, if any, made in reply to it.

Procedure for the examination of representations

77. When adopting the new amendments in November 2004, the Governing Body decided that the special Standing Orders should be preceded by an Introductory note summarizing the various stages of the procedure and indicating the options available to the Governing Body at each stage: ¹

- (a) the Office acknowledges receipt and informs the government concerned;
- (b) the matter is brought before the Officers of the Governing Body;
- (c) the Officers report to the Governing Body on the receivability of the representation, for which purpose it must:
 - (i) be communicated to the ILO in writing;
 - (ii) come from an industrial association of employers or workers;
 - (iii) make specific reference to article 24 of the Constitution;
 - (iv) concern a Member of the ILO; ²

¹ Document GB.291/9(Rev.) contains the text of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the Constitution of the International Labour Organization and the Introductory note referred to above. The Standing Orders and the Introductory note are available on the ILO web site. Offprints are also available.

² Or a former Member which remains bound by the Convention in question.

-
- (v) refer to a Convention to which the Member in question is a party;
 - (vi) indicate in what respect it is alleged that that Member has failed to secure the effective observance within its jurisdiction of that Convention;
 - (d) the Governing Body reaches a decision on the receivability without discussing the substance of the matter;
 - (e) if the representation is receivable, the Governing Body either sets up a tripartite committee to examine the matter according to rules laid down in the Standing Orders; or, if the matter relates to a Convention dealing with trade union rights, it may refer it to the Committee on Freedom of Association;
 - (f) the Committee reports to the Governing Body, describing the steps taken to examine the representation and giving its conclusions and recommendations for decisions to be taken by the Governing Body;
 - (g) the government concerned is invited to be represented in the Governing Body consideration of the matter;
 - (h) the Governing Body decides whether to publish the representation and any government statement in reply and notifies the association and government concerned.

B. Complaints as to the observance of ratified Conventions

Main constitutional provisions

78. Article 26 of the Constitution reads as follows:

1. Any of the Members shall have the right to file a complaint with the International Labour Office if it is not satisfied that any other Member is securing the effective observance of any Convention which both have ratified in accordance with the foregoing articles.

2. The Governing Body may, if it thinks fit, before referring such a complaint to a Commission of Inquiry, as hereinafter provided for, communicate with the government in question in the manner described in article 24.

3. If the Governing Body does not think it necessary to communicate the complaint to the government in question, or if, when it has made such communication, no statement in reply has been received within a reasonable time which the Governing Body considers to be satisfactory, the Governing Body may appoint a Commission of Inquiry to consider the complaint and to report thereon.

4. The Governing Body may adopt the same procedure either of its own motion or on receipt of a complaint from a delegate to the Conference.

5. When any matter arising out of article 25 or 26 is being considered by the Governing Body, the government in question shall, if not already represented thereon, be entitled to send a representative to take part in the proceedings of the Governing Body while the matter is under consideration. Adequate notice of the date on which the matter will be considered shall be given to the government in question.

Other constitutional provisions

79. The following articles of the Constitution deal with other aspects of the complaints procedure:

article 27: Members' cooperation with a Commission of Inquiry;

article 28: report of the Commission of Inquiry, embodying its findings and recommendations;

article 29: communication and publication of the report of a Commission of Inquiry, indication of governments concerned whether they accept its recommendations, and possible reference to the International Court of Justice (ICJ);

article 31: decision of the ICJ to be final;

article 32: power of the ICJ over the findings or recommendations of a Commission of Inquiry;

article 33: Governing Body recommendation as to action by the Conference in the event of failure to carry out recommendations of the Commission of Inquiry or the ICJ;

article 34: verification of compliance with recommendations of the Commission of Inquiry or the ICJ and subsequent Governing Body recommendation as to discontinuance of action by the Conference.

Commission of Inquiry procedure

80. There are no standing orders for the procedure of Commissions of Inquiry: the Governing Body has in each case left the matter to the Commission of Inquiry itself, subject only to the Constitution's and its own general guidance. The reports of the respective Commissions of Inquiry describe the procedure followed for the examination of complaints, including the procedure for receiving communications from the parties and other interested persons or organizations, and holding hearings.³

C. Complaints as to the infringement of freedom of association

1. Governing Body Committee on Freedom of Association⁴

Composition and terms of reference

81. The Committee is a tripartite organ of the Governing Body, comprising nine of its members and nine substitute members sitting in a personal capacity, plus an independent Chairperson. Its sittings are private, its working documents confidential and, in practice, its decisions are taken by consensus. The Committee examines complaints of infringement of freedom of association and submits its conclusions and recommendations to the Governing

³ See, for example, *Official Bulletin*, Vol. LXXIV (1991), Series B, Supplements 2 and 3.

⁴ The procedures of the Committee on Freedom of Association are described in Governing Body decisions taken between its 117th (November 1951) and 209th (May-June 1979) Sessions, and in separate ILO brochures and publications. During its March 2002 session, the Committee adopted certain decisions relating to its procedure (see 327th Report, paras. 17-26).

Body. Complaints may be entertained regardless of whether the country concerned has ratified any of the Conventions in the field of freedom of association.⁵

Receivability of complaints

- 82.** (a) Complaints must be in writing, signed and supported by proof of allegations relating to specific infringements of freedom of association.
- (b) Complaints must come from organizations of employers or workers⁶ or from governments. An organization may be:
- (i) a national organization directly interested in the matter;
 - (ii) an international organization of employers or workers which has consultative status with the ILO;⁷
 - (iii) another international organization of employers or workers, where the allegations relate to matters directly affecting affiliated organizations.

Organization of the Committee's work

- 83.** (a) The Committee meets three times a year.
- (b) The Office may at any time ask a complainant to specify what infringements are complained of, where a complaint is not sufficiently detailed.
- (c) The Office informs complainants that they should supply any supplementary information intended to substantiate their complaints within one month.⁸
- (d) The allegations are transmitted by the Office to the government concerned for reply within a given period.
- (e) The Committee decides whether to reach a conclusion or ask the government concerned for additional information.
- (f) The Committee may recommend the Governing Body to communicate them to the government concerned, drawing attention to anomalies, and inviting measures to

⁵ This is because of the obligation on all member States, by virtue of their adherence to the ILO Constitution, to recognize the principle of freedom of association.

⁶ The Committee itself decides whether a complainant may be deemed an organization for this purpose. The Office is authorized to request further information from a complainant organization in order to ascertain its precise nature.

⁷ At the time of printing, the International Organisation of Employers; the International Confederation of Free Trade Unions; the Organization of African Trade Union Unity; the World Confederation of Labour; and the World Federation of Trade Unions.

⁸ Only new evidence which could not have been adduced within that month will subsequently be receivable.

remedy them as well as the transmission of further information on such measures. It may also recommend referral to the Fact-Finding and Conciliation Commission.⁹

- (g) The Committee's Report is published in the *Official Bulletin*.
- (h) The Committee agreed to adopt on a trial basis a procedure which would allow seeking, as the case may be, the comments of all the parties affected, so that the government may transmit to the Committee the most exhaustive reply possible. The practical application of this new rule of procedure should not result in a delay concerning the recourse to urgent appeals made to governments nor in the examination of cases.¹⁰
- (i) The Office systematically requests governments to ensure that they obtain information from all parties concerned by the allegations.
- (j) The Committee may invite its Chairperson to hold consultations with a governmental delegation during the International Labour Conference, to draw their attention to the seriousness of some problems and to discuss the various means that would allow their resolution.
- (k) If a country has ratified the relevant Conventions on freedom of association, the Committee can draw the legislative aspects of the case to the attention of the Committee of Experts on the Application of Conventions and Recommendations.
- (l) In the course of the procedure, it is possible to undertake various missions (direct contacts, technical assistance, etc.) with the government's consent.

2. Fact-Finding and Conciliation Commission on Freedom of Association

Composition, terms of reference and procedure

84. The Commission is composed of nine independent persons appointed by the Governing Body, who normally work in panels of three. It examines complaints of infringements of freedom of association referred to it by the Governing Body, including on the request of a government against which allegations are made.¹¹ The Commission's procedure is comparable to that of a Commission of Inquiry,¹² and its reports are published.

⁹ See para. 84 below.

¹⁰ See 327th Report, paras. 17-26.

¹¹ These may relate to: (i) Members which have ratified the Conventions on freedom of association; (ii) Members which have not ratified the relevant Conventions and which consent to the referral; (iii) non-members of the ILO which are member States of the United Nations, where the Economic and Social Council of the UN has transmitted the matter to the ILO and the State has consented to the referral.

¹² See para. 80 below.

D. Failure to submit Conventions and Recommendations to the competent authorities

Constitutional provision

85. Article 30 of the Constitution provides:

In the event of any Member failing to take the action required by paragraphs 5(b), 6(b) or 7(b)(i) of article 19 with regard to a Convention or Recommendation, any other Member shall be entitled to refer the matter to the Governing Body. In the event of the Governing Body finding that there has been such a failure, it shall report the matter to the Conference.

XII. Assistance available from the International Labour Office in relation to international labour standards

International labour standards and technical cooperation

86. The International Labour Office undertakes various kinds of activities designed to assist governments and employers' and workers' organizations fulfil their functions and roles in the standard-setting and supervisory system. These should be seen in the context of the Organization's basic aims and principles as enshrined in its Constitution and international labour standards, and its overall policy, which involves working closely with all three constituents and other relevant institutions in each country in order to ensure that country objectives are identified and served in terms of both labour standards and technical cooperation.

Informal advisory services

87. The International Labour Standards Department of the International Labour Office in Geneva works together with the regional and subregional offices, and especially the specialists in international labour standards in those offices, in the field, to give all kinds of training, explanations, advice and assistance on the matters dealt with in this Handbook. These services are offered both in response to specific requests received from governments or employers' or workers' organizations and through routine advisory missions and informal discussions initiated by the Office. Matters which may be dealt with include questionnaires on items on the agenda of the Conference for possible new standards; comments of the supervisory bodies and measures they might call for; new legislation; government reports to be drafted; documents prepared for submission to the competent authorities; arrangements for consultations between governments and employers' and workers' organizations in relation to labour standards and ILO activities; ways in which employers' and workers' organizations might fully participate in standard-setting and supervisory procedures.

Direct contacts

88. The *direct contacts* procedure enables the examination by a representative of the Director-General of the ILO with representatives of the country concerned of problems affecting the ratification or implementation of Conventions or the discharge of obligations relating to Conventions and Recommendations or a case before the Committee on Freedom of Association. According to the principles elaborated by the responsible supervisory bodies, the practical or legal difficulties met with should be sufficiently important to warrant *direct contacts*. The *procedure* is as follows:
- (a) *Direct contacts* may be suggested by the Committee of Experts on the Application of Conventions and Recommendations, the Conference Committee on the Application of Standards or the Governing Body Committee on Freedom of Association, or requested by the government concerned.
 - (b) The Director-General explores the matter with the government concerned, whose full consent must be given.

-
- (c) The points to be dealt with should be clearly specified in advance.
 - (d) While *direct contacts* are taking place, the supervisory bodies may suspend their examination of the matters in question for a period not normally exceeding one year, so as to be able to take account of the outcome.
 - (e) *Direct contacts* should take a form appropriate to their purpose, which is to enable the government concerned to explain all the elements of the case, in order that the supervisory bodies may in turn be enabled to assess all relevant facts.
 - (f) *Direct contacts* should bring together those thoroughly acquainted with all aspects of the matter, including government representatives with sufficient responsibility and experience to speak with authority as to the national situation and their government's attitudes and intentions in the matter.
 - (g) The Director-General of the ILO will designate a representative who is either an independent person or an ILO official fully conversant with the matter.
 - (h) The representative of the Director-General may, in agreement with the government concerned, visit the country to hold discussions with government representatives, explain the comments of the supervisory bodies, obtain a detailed acquaintance with the government's position and the exact nature of the difficulties met with, and make available to the supervisory bodies all relevant information supplied by the government.
 - (i) The representative of the Director-General will, in the course of the assignment, contact employers' and workers' organizations so as to keep them informed of the topics discussed and elicit their opinions.
 - (j) The establishment of the *direct contacts* and the terms of reference of the representative of the Director-General may not in any way be construed as limiting the functions and responsibilities of the supervisory bodies.

Appendix I

Calendar of action on international labour standards

Period	ILO action	Action by national administrations
Adoption of Conventions and Recommendations ¹		
November (year 1) and March (year 2)	ILO Governing Body considers and decides agenda of ILO Conference in year 4	
November-December (year 2)	ILO circulates report on law and practice, with questionnaire	Consult employers' and workers' organizations on replies (articles 38 and 39 of Conference Standing Orders and – for States parties to it – C.144). Prepare replies to questionnaire and send to ILO by 30 June (year 3), at the latest
January-February (year 4)	ILO circulates report analysing replies, with proposed conclusions	Prepare position for Conference discussion
June (year 4)	International Labour Conference – <i>first discussion</i> of item	Participate in work of technical committee, as appropriate
August-September (year 4)	ILO circulates draft texts on basis of first discussion	Consult employers' and workers' organizations on comments (articles 38 and 39 of the Conference Standing Orders and – for States parties to it – C.144). Study and, if necessary, send comments to ILO by 30 November (year 4), at the latest
February-March (year 5)	ILO circulates revised texts, in light of comments received	Prepare position for Conference discussion
June (year 5)	International Labour Conference – <i>second discussion</i> and adoption	Participate in work of technical committee, as appropriate
Submission of Conventions ² and Recommendations to the competent authorities		
August ³	ILO circulates newly adopted Conventions and Recommendations, with Governing Body Memorandum on submission to the competent authorities	Study instruments and compare national legislation and practice. States parties to C.144: consult employers' and workers' organizations on the proposals to be made. Prepare document summarizing the position and proposals for further national action (if appropriate) and on possible ratification of Conventions. Submit to the competent legislative authorities by June (or, exceptionally, December) of following year. Report to the ILO, in accordance with questionnaire in Governing Body Memorandum, on measures taken to submit the instruments to the competent authorities. Send copies to employers' and workers' organizations
Reports on ratified Conventions		
February	ILO sends request for (<i>detailed/simplified</i>) reports due that year, with individual report forms and any comments by ILO supervisory bodies	States parties to C.144: consult employers' and workers' organizations on questions arising out of reports to be made. Prepare reports and send (if necessary, in batches) to reach the ILO between 1 June and 1 September at the latest. Send copies of reports to employers' and workers' organizations

Period	ILO action	Action by national administrations
March	ILO sends copies of request for reports due that year with any comments by ILO supervisory bodies to the national organizations of employers and workers	Study comments with a view to initiating any measures needed to ensure compliance. States parties to C.144: consult organizations, as above
April	ILO sends copies of comments by supervisory bodies concerning Conventions on which reports are due only in subsequent years	
July	ILO circulates report of Committee on the Application of Standards at June Conference session	Examine, with a view to considering any action called for and, where necessary, taking the Committee's comments into account in the finalization of reports
June-August		Send to ILO reports due (if necessary, in batches)
November-December	Committee of Experts on the Application of Conventions and Recommendations meets	
March of the following year	Publication of report of Committee of Experts	Study in preparation for general discussion in Conference Committee. Prepare information (as appropriate) for Conference Committee, in writing or to be given orally
June	Conference Committee on the Application of Standards meets	Participate in proceedings and, as appropriate, in discussion of any cases concerning own country selected for consideration

Reports on unratified Conventions and Recommendations

September	ILO sends request for reports, with report forms	Prepare reports and send to ILO by 30 April of the following year, at the latest. ⁴ Send copies to employers' and workers' organizations
November-December (in year following request for reports)	Committee of Experts on the Application of Conventions and Recommendations makes General Survey	
March of the following year	Publication of Committee of Experts' General Survey	Study, in preparation for discussions in Conference Committee and consideration of general issues and comments
June	Conference Committee on the Application of Standards discusses the General Survey	Participate in proceedings

¹ This describes the *double-discussion* procedure and will be simplified in cases of *single-discussion*. ² The term "Convention" also refers to any Protocol adopted by the Conference in accordance with article 19 of the Constitution of the ILO. ³ When Conventions and Recommendations are adopted by a Maritime Session of the Conference taking place in a different month than June, the Office will circulate them similarly the month following their adoption; the action by national administrations is the same, the submission being due 12 (or, exceptionally, 18) months following the session of the Conference at which the instruments were adopted. ⁴ Recommendation No. 152 (accompanying Convention No. 144) calls for consultation of employers' and workers' organizations on questions arising out of reports to be made.

Note: Reference to sending copies of reports and information to employers' and workers' organizations refers to the obligation laid down in article 23(2) of the ILO Constitution. The indications concerning "States parties to C.144" refer to obligations of States which have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). Similar provisions appear in the Tripartite Consultation (Activities of the International Labour Organization) Recommendation, 1976 (No. 152).

Appendix II

Information resources

Basic documents on ILO Conventions and Recommendations

Constitution of the International Labour Organization and Standing Orders of the International Labour Conference (ILO, 2004).

International labour Conventions and Recommendations (ILO, 1996). Three bound volumes cover instruments from 1919-95; subsequent instruments are published as offprints.

Report of the Committee of Experts on the Application of Conventions and Recommendations. The annual report of the Committee is composed of:

General Report (Report III (Part 1A));

Observations (Report III (Part 1A));

General Survey (Report III (Part 1B)).

Information document on ratifications and standards-related activities (Report III (Part 2)).

Report of the Committee on the Application of Standards. Available in the *Provisional Record* and *Record of Proceedings* of the annual International Labour Conference.

Report of the Committee on Freedom of Association. Published three times a year as a Governing Body document and in the ILO's *Official Bulletin* (Series B).

Official Bulletin of the International Labour Office (1919-). Series A contains texts of adopted instruments, information on ratifications and denunciations of Conventions, summaries of the decisions of the Governing Body, resolutions and decisions of the International Labour Conference and regional meetings, interpretations of Conventions adopted by the Conference, and conclusions of tripartite and experts' meetings. Series B contains the reports of the Committee on Freedom of Association.

Selected ILO publications

Guide to international labour standards (ILO, first edition, 2003, forthcoming edition 2006).

Fundamental rights at work and international labour standards (ILO, 2003).

International labour standards: A global approach (ILO, first edition, 2001).

Freedom of association: *Digest of decisions and principles of the Freedom of Association Committee* of the Governing Body of the ILO (ILO, fourth edition, 1996). Annex I contains the Procedures of the Fact-Finding and Conciliation Commission and the Committee on Freedom of Association for the examination of complaints alleging violations of freedom of association.

ILO law on freedom of association: Standards and procedures (ILO, 1995).

Principles, standards and procedures concerning freedom of association (ILO, 1989).

CD-ROMs

International Labour Standards Electronic Library (ILSE CD-ROM). Contains Conventions, Recommendations and other basic documents in English, French and Spanish, and a selection of documents in other languages. Published annually.

Application of International Labour Standards (ANITA CD-ROM). Contains the general report and comments of the Committee of Experts of its latest report, pending comments, and discussions of observations that were selected for examination by the Conference Committee on the Application of Standards at the International Labour Conference. Published annually.

Freedom of Association and Collective Bargaining Electronic Library. Published annually.

Internet resources

APPLIS: database containing information on ratifications, comments of the Committee of Experts and reporting obligations.

ILOLEX: full-text database of ILO Conventions and Recommendations, ratification information, comments of the Committee of Experts and the Committee on Freedom of Association, discussions of the Conference Committee, representations, complaints, General Surveys, and numerous related documents.

LIBSYND: database of freedom of association cases.

NATLEX: bibliographic database of national laws on labour, social security, and related human rights. Includes numerous laws in full text.

The above databases are available at the International Labour Standards website at:

www.ilo.org/normes

Appendix III

Official titles of the Conventions adopted by the International Labour Conference, 1919-2003

- Convention no longer open to ratification as a result of the entry into force of a revising Convention.
- ◆ Convention not in force.
- Convention withdrawn.
- * Convention revised in whole or in part by a subsequent Convention or Protocol.

ILC, 1st Session, 1919

- C. 1 Hours of Work (Industry) Convention, 1919 (No. 1)
- C. 2 Unemployment Convention, 1919 (No. 2)
- * C. 3 Maternity Protection Convention, 1919 (No. 3)
- * C. 4 Night Work (Women) Convention, 1919 (No. 4)
- * C. 5 Minimum Age (Industry) Convention, 1919 (No. 5)
- * C. 6 Night Work of Young Persons (Industry) Convention, 1919 (No. 6)

ILC, 2nd Session, 1920

- * C. 7 Minimum Age (Sea) Convention, 1920 (No. 7)
- C. 8 Unemployment Indemnity (Shipwreck) Convention, 1920 (No. 8)
- * C. 9 Placing of Seamen Convention, 1920 (No. 9)

ILC, 3rd Session, 1921

- * C. 10 Minimum Age (Agriculture) Convention, 1921 (No. 10)
- C. 11 Right of Association (Agriculture) Convention, 1921 (No. 11)
- * C. 12 Workmen's Compensation (Agriculture) Convention, 1921 (No. 12)
- C. 13 White Lead (Painting) Convention, 1921 (No. 13)
- C. 14 Weekly Rest (Industry) Convention, 1921 (No. 14)
- * C. 15 Minimum Age (Trimmers and Stokers) Convention, 1921 (No. 15)
- C. 16 Medical Examination of Young Persons (Sea) Convention, 1921 (No. 16)

ILC, 7th Session, 1925

- * C. 17 Workmen's Compensation (Accidents) Convention, 1925 (No. 17)
- * C. 18 Workmen's Compensation (Occupational Diseases) Convention, 1925 (No. 18)
- C. 19 Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19)
- C. 20 Night Work (Bakeries) Convention, 1925 (No. 20)

ILC, 8th Session, 1926

- C. 21 Inspection of Emigrants Convention, 1926 (No. 21)

ILC, 9th Session, 1926

- C. 22 Seamen's Articles of Agreement Convention, 1926 (No. 22)
- * C. 23 Repatriation of Seamen Convention, 1926 (No. 23)

ILC, 10th Session, 1927

- * C. 24 Sickness Insurance (Industry) Convention, 1927 (No. 24)
- * C. 25 Sickness Insurance (Agriculture) Convention, 1927 (No. 25)

ILC, 11th Session, 1928

- C. 26 Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)

ILC, 12th Session, 1929

- C. 27 Marking of Weight (Packages Transported by Vessels) Convention, 1929 (No. 27)
- C. 28 Protection against Accidents (Dockers) Convention, 1929 (No. 28)

ILC, 14th Session, 1930

- C. 29 Forced Labour Convention, 1930 (No. 29)
- C. 30 Hours of Work (Commerce and Offices) Convention, 1930 (No. 30)

ILC, 15th Session, 1931

- C. 31 Hours of Work (Coal Mines) Convention, 1931 (No. 31)

ILC, 16th Session, 1932

- C. 32 Protection against Accidents (Dockers) Convention (Revised), 1932 (No. 32)
- C. 33 Minimum Age (Non-Industrial Employment) Convention, 1932 (No. 33)

ILC, 17th Session, 1933

- C. 34 Fee-Charging Employment Agencies Convention, 1933 (No. 34)
- C. 35 Old-Age Insurance (Industry, etc.) Convention, 1933 (No. 35)
- C. 36 Old-Age Insurance (Agriculture) Convention, 1933 (No. 36)
- C. 37 Invalidity Insurance (Industry, etc.) Convention, 1933 (No. 37)
- C. 38 Invalidity Insurance (Agriculture) Convention, 1933 (No. 38)
- C. 39 Survivors' Insurance (Industry, etc.) Convention, 1933 (No. 39)
- C. 40 Survivors' Insurance (Agriculture) Convention, 1933 (No. 40)

ILC, 18th Session, 1934

- C. 41 Night Work (Women) Convention (Revised), 1934 (No. 41)
- * C. 42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934 (No. 42)

-
- C. 43 Sheet-Glass Works Convention, 1934 (No. 43)
 - C. 44 Unemployment Provision Convention, 1934 (No. 44)

ILC, 19th Session, 1935

- C. 45 Underground Work (Women) Convention, 1935 (No. 45)
- C. 46 Hours of Work (Coal Mines) Convention (Revised), 1935 (No. 46)
- C. 47 Forty-Hour Week Convention, 1935 (No. 47)
- C. 48 Maintenance of Migrants' Pension Rights Convention, 1935 (No. 48)
- C. 49 Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935 (No. 49)

ILC, 20th Session, 1936

- C. 50 Recruiting of Indigenous Workers Convention, 1936 (No. 50)
- C. 51 Reduction of Hours of Work (Public Works) Convention, 1936 (No. 51)
- C. 52 Holidays with Pay Convention, 1936 (No. 52)

ILC, 21st Session, 1936

- C. 53 Officers' Competency Certificates Convention, 1936 (No. 53)
- ◆• C. 54 Holidays with Pay (Sea) Convention, 1936 (No. 54)
- C. 55 Shipowners' Liability (Sick and Injured Seamen) Convention, 1936 (No. 55)
- C. 56 Sickness Insurance (Sea) Convention, 1936 (No. 56)
- ◆• C. 57 Hours of Work and Manning (Sea) Convention, 1936 (No. 57)

ILC, 22nd Session, 1936

- * C. 58 Minimum Age (Sea) Convention (Revised), 1936 (No. 58)

ILC, 23rd Session, 1937

- * C. 59 Minimum Age (Industry) Convention (Revised), 1937 (No. 59)
- * C. 60 Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 (No. 60)
- C. 61 Reduction of Hours of Work (Textiles) Convention, 1937 (No. 61)
- C. 62 Safety Provisions (Building) Convention, 1937 (No. 62)

ILC, 24th Session, 1938

- C. 63 Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63)

ILC, 25th Session, 1939

- C. 64 Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64)
- C. 65 Penal Sanctions (Indigenous Workers) Convention, 1939 (No. 65)
- C. 66 Migration for Employment Convention, 1939 (No. 66)
- C. 67 Hours of Work and Rest Periods (Road Transport) Convention, 1939 (No. 67)

ILC, 28th Session, 1946

- C. 68 Food and Catering (Ships' Crews) Convention, 1946 (No. 68)
- C. 69 Certification of Ships' Cooks Convention, 1946 (No. 69)
- ◆● C. 70 Social Security (Seafarers) Convention, 1946 (No. 70)
- C. 71 Seafarers' Pensions Convention, 1946 (No. 71)
- ◆● C. 72 Paid Vacations (Seafarers) Convention, 1946 (No. 72)
- C. 73 Medical Examination (Seafarers) Convention, 1946 (No. 73)
- C. 74 Certification of Able Seamen Convention, 1946 (No. 74)
- ◆● C. 75 Accommodation of Crews Convention, 1946 (No. 75)
- ◆● C. 76 Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76)

ILC, 29th Session, 1946

- C. 77 Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)
- C. 78 Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)
- C. 79 Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 79)
- C. 80 Final Articles Revision Convention, 1946 (No. 80)

ILC, 30th Session, 1947

- * C. 81 Labour Inspection Convention, 1947 (No. 81)
- * C. 82 Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82)
- C. 83 Labour Standards (Non-Metropolitan Territories) Convention, 1947 (No. 83)
- C. 84 Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84)
- C. 85 Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85)
- C. 86 Contracts of Employment (Indigenous Workers) Convention, 1947 (No. 86)

ILC, 31st Session, 1948

- C. 87 Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- C. 88 Employment Service Convention, 1948 (No. 88)
- * C. 89 Night Work (Women) Convention (Revised), 1948 (No. 89)
- C. 90 Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90)

ILC, 32nd Session, 1949

- C. 91 Paid Vacations (Seafarers) Convention (Revised), 1949 (No. 91)
- C. 92 Accommodation of Crews Convention (Revised), 1949 (No. 92)
- ◆● C. 93 Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949 (No. 93)
- C. 94 Labour Clauses (Public Contracts) Convention, 1949 (No. 94)
- * C. 95 Protection of Wages Convention, 1949 (No. 95)
- C. 96 Fee-Charging Employment Agencies Convention (Revised), 1949 (No. 96)

-
- C. 97 Migration for Employment Convention (Revised), 1949 (No. 97)
 - C. 98 Right to Organise and Collective Bargaining Convention, 1949 (No. 98)

ILC, 34th Session, 1951

- C. 99 Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)
- C. 100 Equal Remuneration Convention, 1951 (No. 100)

ILC, 35th Session, 1952

- * C. 101 Holidays with Pay (Agriculture) Convention, 1952 (No. 101)
- * C. 102 Social Security (Minimum Standards) Convention, 1952 (No. 102)
- C. 103 Maternity Protection Convention (Revised), 1952 (No. 103)

ILC, 38th Session, 1955

- C. 104 Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104)

ILC, 40th Session, 1957

- C. 105 Abolition of Forced Labour Convention, 1957 (No. 105)
- C. 106 Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106)
- C. 107 Indigenous and Tribal Populations Convention, 1957 (No. 107)

ILC, 41st Session, 1958

- C. 108 Seafarers' Identity Documents Convention, 1958 (No. 108)
- ◆ C. 109 Wages, Hours of Work and Manning (Sea) Convention (Revised), 1958 (No. 109)

ILC, 42nd Session, 1958

- * C. 110 Plantations Convention, 1958 (No. 110)
- C. 111 Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

ILC, 43rd Session, 1959

- * C. 112 Minimum Age (Fishermen) Convention, 1959 (No. 112)
- C. 113 Medical Examination (Fishermen) Convention, 1959 (No. 113)
- C. 114 Fishermen's Articles of Agreement Convention, 1959 (No. 114)

ILC, 44th Session, 1960

- C. 115 Radiation Protection Convention, 1960 (No. 115)

ILC, 45th Session, 1961

- C. 116 Final Articles Revision Convention, 1961 (No. 116)

ILC, 46th Session, 1962

- C. 117 Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117)
- C. 118 Equality of Treatment (Social Security) Convention, 1962 (No. 118)

ILC, 47th Session, 1963

- C. 119 Guarding of Machinery Convention, 1963 (No. 119)

ILC, 48th Session, 1964

- C. 120 Hygiene (Commerce and Offices) Convention, 1964 (No. 120)
- C. 121 Employment Injury Benefits Convention, 1964 [Schedule I amended in 1980] (No. 121)
- C. 122 Employment Policy Convention, 1964 (No. 122)

ILC, 49th Session, 1965

- * C. 123 Minimum Age (Underground Work) Convention, 1965 (No. 123)
- C. 124 Medical Examination of Young Persons (Underground Work) Convention, 1965 (No. 124)

ILC, 50th Session, 1966

- C. 125 Fishermen's Competency Certificates Convention, 1966 (No. 125)
- C. 126 Accommodation of Crews (Fishermen) Convention, 1966 (No. 126)

ILC, 51st Session, 1967

- C. 127 Maximum Weight Convention, 1967 (No. 127)
- C. 128 Invalidity, Old-Age and Survivors' Benefits Convention, 1967 (No. 128)

ILC, 53rd Session, 1969

- C. 129 Labour Inspection (Agriculture) Convention, 1969 (No. 129)
- C. 130 Medical Care and Sickness Benefits Convention, 1969 (No. 130)

ILC, 54th Session, 1970

- C. 131 Minimum Wage Fixing Convention, 1970 (No. 131)
- C. 132 Holidays with Pay Convention (Revised), 1970 (No. 132)

ILC, 55th Session, 1970

- C. 133 Accommodation of Crews (Supplementary Provisions) Convention, 1970 (No. 133)
- C. 134 Prevention of Accidents (Seafarers) Convention, 1970 (No. 134)

ILC, 56th Session, 1971

- C. 135 Workers' Representatives Convention, 1971 (No. 135)
- C. 136 Benzene Convention, 1971 (No. 136)

ILC, 58th Session, 1973

- C. 137 Dock Work Convention, 1973 (No. 137)
- C. 138 Minimum Age Convention, 1973 (No. 138)

ILC, 59th Session, 1974

- C. 139 Occupational Cancer Convention, 1974 (No. 139)
- C. 140 Paid Educational Leave Convention, 1974 (No. 140)

ILC, 60th Session, 1975

- C. 141 Rural Workers' Organisations Convention, 1975 (No. 141)
- C. 142 Human Resources Development Convention, 1975 (No. 142)
- C. 143 Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)

ILC, 61st Session, 1976

- C. 144 Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144)

ILC, 62nd Session, 1976

- C. 145 Continuity of Employment (Seafarers) Convention, 1976 (No. 145)
- C. 146 Seafarers' Annual Leave with Pay Convention, 1976 (No. 146)
- * C. 147 Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147)

ILC, 63rd Session, 1977

- C. 148 Working Environment (Air Pollution, Noise and Vibration) Convention, 1977 (No. 148)
- C. 149 Nursing Personnel Convention, 1977 (No. 149)

ILC, 64th Session, 1978

- C. 150 Labour Administration Convention, 1978 (No. 150)
- C. 151 Labour Relations (Public Service) Convention, 1978 (No. 151)

ILC, 65th Session, 1979

- C. 152 Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152)
- C. 153 Hours of Work and Rest Periods (Road Transport) Convention, 1979 (No. 153)

ILC, 67th Session, 1981

- C. 154 Collective Bargaining Convention, 1981 (No. 154)
- * C. 155 Occupational Safety and Health Convention, 1981 (No. 155)
- C. 156 Workers with Family Responsibilities Convention, 1981 (No. 156)

ILC, 68th Session, 1982

- C. 157 Maintenance of Social Security Rights Convention, 1982 (No. 157)
- C. 158 Termination of Employment Convention, 1982 (No. 158)

ILC, 69th Session, 1983

- C. 159 Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159)

ILC, 71st Session, 1985

- C. 160 Labour Statistics Convention, 1985 (No. 160)
- C. 161 Occupational Health Services Convention, 1985 (No. 161)

ILC, 72nd Session, 1986

- C. 162 Asbestos Convention, 1986 (No. 162)

ILC, 74th Session, 1987

- C. 163 Seafarers' Welfare Convention, 1987 (No. 163)
- C. 164 Health Protection and Medical Care (Seafarers) Convention, 1987 (No. 164)
- C. 165 Social Security (Seafarers) Convention (Revised), 1987 (No. 165)
- C. 166 Repatriation of Seafarers Convention (Revised), 1987 (No. 166)

ILC, 75th Session, 1988

- C. 167 Safety and Health in Construction Convention, 1988 (No. 167)
- C. 168 Employment Promotion and Protection against Unemployment Convention, 1988 (No. 168)

ILC, 76th Session, 1989

- C. 169 Indigenous and Tribal Peoples Convention, 1989 (No. 169)

ILC, 77th Session, 1990

- C. 170 Chemicals Convention, 1990 (No. 170)
- C. 171 Night Work Convention, 1990 (No. 171)

ILC, 78th Session, 1991

C. 172 Working Conditions (Hotels and Restaurants) Convention, 1991 (No. 172)

ILC, 79th Session, 1992

C. 173 Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173)

ILC, 80th Session, 1993

C. 174 Prevention of Major Industrial Accidents Convention, 1993 (No. 174)

ILC, 81st Session, 1994

C. 175 Part-Time Work Convention, 1994 (No. 175)

ILC, 82nd Session, 1995

C. 176 Safety and Health in Mines Convention, 1995 (No. 176)

ILC, 83rd Session, 1996

C. 177 Home Work Convention, 1996 (No. 177)

ILC, 84th Session, 1996

C. 178 Labour Inspection (Seafarers) Convention, 1996 (No. 178)

C. 179 Recruitment and Placement of Seafarers Convention, 1996 (No. 179)

C. 180 Seafarers' Hours of Work and the Manning of Ships Convention, 1996 (No. 180)

ILC, 85th Session, 1997

C. 181 Private Employment Agencies Convention, 1997 (No. 181)

ILC, 87th Session, 1999

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

ILC, 88th Session, 2000

C. 183 Maternity Protection Convention, 2000 (No. 183)

ILC, 89th Session, 2001

C. 184 Safety and Health in Agriculture Convention, 2001 (No. 184)

ILC, 91st Session, 2003

C. 185 Seafarers' Identity Documents Convention (Revised), 2003 (No. 185)